

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
SEPTEMBER 5, 2000**

000287

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. August 15, 2000 city council workshop 2. August 28, 2000 city council regular meeting	Approved as presented. Approved as corrected.
AUDIENCE PARTICIPATION 1. Steve Edin, Historical Society, regarding water tower	
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Paul Rochon, graffiti program update	
<b>CONSENT AGENDA</b> 1. Approve September 5, 2000 Claims in the amount of \$127,197.88; Paid by Check Nos. 54048 through 54178. 2. Approve August, 2000 Payroll in the amount of \$866,319.51; Paid by Check Nos. 38959 through 39136 with Check No. 39136 void. 3. Approve Supplemental Agreement No. 4 with Skillings Connelly for State Avenue Road Improvements (116 <sup>th</sup> Street - 136 <sup>th</sup> Street). 4. Affirm the 116 <sup>th</sup> Street Access Plan to be presented to WSDOT. 5. Authorization of Ken Baxter Senior Community Center Appreciation Fund for computer and lighting purchase.	Approved. Approved. Approved. Approved. Approved.
<b>ACTION ITEMS</b>	
<b>REVIEW BIDS</b> 1. Purchase of Trommel debris screener.	Bids rejected; item to be re-bid.
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. Interlocal agreement with Snohomish County to implement the Common Siting Process for Essential Public Facilities 2. Growth monitoring update for Marysville UGA Presentation by Steve Toy, Snohomish County Planning.	Approved.
<b>NEW BUSINESS</b> 1. Emergency communication center equipment room expansion/remodel.	Approved.
<b>LEGAL MATTERS</b> None.	
<b>ORDINANCES AND RESOLUTIONS</b>	
1. A Resolution of the City of Marysville relating to facility use.	Action postponed pending further review and information.
<b>INFORMATION ITEMS</b>	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
<b>EXECUTIVE SESSION</b> 1. To discuss a personnel matter.	
ADJOURN	11:03 p.m.

**MINUTES**  
**MARYSVILLE CITY COUNCIL - REGULAR MEETING**  
**September 5, 2000**

**CALL TO ORDER/FLAG SALUTE**

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Police Chief (late arrival)
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Bruce Keithly, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Mike Leighan	Roger Kennedy, Fleet & Facility Manager
Donna Pedersen	
Suzanne Smith	
John Soriano	

**MINUTES OF PREVIOUS MEETING**

1. City Council Workshop, August 15, 2000

**MOTION** by Dierck, second by Leighan, to approve the minutes of the August 16 workshop as presented. Motion carried unanimously (7-0).

2. City Council Meeting, August 28, 2000.

Councilmembers noted the following corrections:

- Page 5, in paragraph beginning "Councilmember Smith stated" change 6<sup>th</sup> sentence to read "...paying at the city level."
- Page 7, third paragraph, change to read "questioned the 150' buffer; Ms. Hirashima stated it allowed limited impervious surface so a road or a structure would be allowed."
- Page 10, Councilmember Leighan's comment was that it was confusing to have Grove Street listed with two different names.

**MOTION** by Bartholomew, second by Brennick, to approve the minutes of the August 28 council meeting as corrected. Motion carried unanimously (7-0).

**AUDIENCE PARTICIPATION**

Steve Edin, 9815 84<sup>th</sup> Street NE, representing the Marysville Historical Society, gave a status report on their efforts to raise the \$50,000 matching money to preserve the water tank. Buttons, pictures and posters were being sold; there had been extensive media coverage; there was a banner over 4<sup>th</sup> Street; letters had been sent to local business people; and the model tower in the Strawberry Festival parade had been well received. He thanked councilmembers Leighan and Pedersen for their help with the business letter campaign. The next event would be a rally in Comford Park on September 30 and he encouraged councilmembers to attend. They had raised \$12,500 to date including \$1,000 from Wal Mart and \$500 from the Kiwanis and felt they could reach their goal.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

1. Graffiti program update

Paul Rochon, Code Enforcement Officer, gave a history of the program and described how it worked, mentioning the procedure checklist, the red

notification card, and the hot line, which was regularly advertised, on Channel 29. When the city was alerted about a graffiti location, pictures were taken in case the culprits were later apprehended. Then the site was notified and owners given options of removing it themselves, utilizing volunteers, or having the city do it at \$22.50 per hour. Since the program's inception, there had been 10 complaints, 9 initiated by staff and 1 by a citizen; 9 had opted to take care of the problem themselves and the last one opted to have the AMSAC volunteers paint over it using donated materials. In all cases, the site owners had been very responsive and amenable to clean up. He concluded that most of the big sites had been dealt with and there was actually less of a problem than originally thought.

### **CONSENT AGENDA**

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2. Approve August, 2000 Payroll in the amount of \$866,319.51; Paid by Check Nos. 38959 through 39136 with Check No. 39136 void.
3. Approve Supplemental Agreement No. 4 with Skillings Connelly for State Avenue Road Improvements (116<sup>th</sup> Street - 136<sup>th</sup> Street).
4. Affirm the 116<sup>th</sup> Street Access Plan to be presented to WSDOT.
5. Authorization of Ken Baxter Senior Community Center Appreciation Fund for computer and lighting purchase.

**MOTION** by Bartholomew, second by Pedersen, to approve items 1, 2 and 5. Motion carried (7-0).

Regarding item 3, Councilmember Dierck asked if a bike lane was planned; Mr. Winckler said it was not.

**MOTION** by Bartholomew, second by Leighan, to approve item 3. Motion carried (7-0).

Council agreed to treat item 4 as New Business and take council questions and public comment at this point in the agenda.

Regarding item 4, Councilmember Leighan asked if the plan in the agenda was conceptual, only, as it did not follow the discussions regarding the Koutlas alignment. Ms. Hirashima responded that the map was conceptual and not to scale. The intent was to have the alignment pursuant to what the property owners had discussed, which was at the east end of the Barkley property, not through it. He asked if the bracketed area on the map, "limited access," extended east of 36<sup>th</sup>. Ms. Hirashima said that it did and that this was WSDOT's area of review. It would be covered during the meeting with WSDOT on September 12. The Mayor added that Councilmembers Dierck, Pedersen and Brennick, two citizens, staff members and consultant Greg Dohrn would be attending.

Richard Kalma, 13314 55<sup>th</sup> Dr. NE, reported on his conversation with Doug Thompson of WSDOT. It was Mr. Thompson's view that the Kalmas had complete access to their eight acres and would receive WSDOT approval for a right turn lane and full access north or south. He recounted details of his conversation regarding traffic signals, emphasizing that DOT had jurisdiction over the intersection.

**MOTION** by Leighan, second by Dierck, to approve item 4, requesting Mr. Kalma bring a copy of his notes to the meeting with WSDOT. Motion carried (7-0).

### **ACTION ITEMS**

#### **Review Bids**

1. Purchase of Trommel debris screener (continued from August 28, 2000).

Mr. Kennedy noted that in reviewing the bids inconsistencies had been found. In addition, no vendors were able to meet the city's specifications. He recommended rejecting all bids. Staff would then review the specifications and re-send the proposal out for bid.

**MOTION** by Pedersen, second by Dierck, to reject all bids and re-bid the item. Motion carried (7-0).

### Public Hearing

None.

### Current Business

1. Interlocal agreement with Snohomish County to implement the common siting process for essential public facilities (continued from August 28, 2000).

Ms. Hirashima gave the background presentation, noting this agreement was required by the Growth Management Act and had been in the works since 1994. During the 1996 comp plan revisions, the city adopted the siting policy as approved by the Snohomish County Tomorrow Steering Committee. Adopting the proposed interlocal would require the city to make some minor amendments to its comp plan and development regulations. Mayor Weiser clarified that the siting process was one of mediation and while the process itself was mandatory, nothing took over any jurisdiction's land use authority. Ms. Hirashima added that the GMA required jurisdictions to give a fair hearing to the siting of those facilities, which were difficult but were essential public needs, such as jails and solid waste collection sites. That did not mean that the city would be forced to receive such a facility, only that the city would give it a fair review based on this process. If the city denied siting a facility, its sponsor (for example, Snohomish County) could appeal that denial to a three-person advisory review board. That board could not revoke or change the city's denial; their role was to review the record and issue an opinion as to whether or not the city followed its rules and issued a fair decision based on them. The next appeal step would be to the Growth Management Hearings Board. A mediation process between the sponsor and the city was also encouraged.

Councilmember Dierck asked for clarification of 2.a.i. of the SCT attachment "the broadest view of what constitutes a public facility." Ms. Hirashima responded that public facilities could include a dog pound or an airport. Mayor Weiser added that the state had discussed siting of jail facilities and the county had discussed a solid waste transfer station. He was unaware of discussions about any other facilities. Ms. Hirashima added that the sponsor of a facility would first have to go through a SCT process to determine if the facility was an essential public facility. Councilmember Bartholomew noted that group home facilities for sexual offenders were an example of a facility the city could be asked to site; the Supreme Court had ruled that cities could not refuse such facilities. Mr. Zabell added that not all facilities were negative; a Sheriff's Department shooting range would be an example.

Ms. Hirashima explained that this process had been a collaborative one among all cities and the county; the goal was to adopt it in every city. The county had requested all cities to respond to the interlocal agreement by the end of this year. The actual deadline for implementing what the interlocal agreement contained was 2002, but that was to allow time for cities to make the changes to their comp plans and development regulations. Councilmember Pedersen suggested there was ample time and the city could delay its process in order to ascertain how other jurisdictions were responding to the proposed agreement.

Councilmember Soriano asked about incentives or mitigation that could be offered by a facility's sponsor. Ms. Hirashima agreed that with a regional justice center, for example, a city could receive many benefits - increased bus

service, increased use of local restaurants, funds for public art projects and road improvements. Councilmember Pedersen said in the past the council had gone through the process of siting a fictitious jail and had agreed to be the host if the sponsor upgraded the treatment plant, added an off-ramp, widened State Avenue, and sited a 4-year college in the city. She suggested copies of that exercise be made available to new councilmembers.

Councilmember Brennick asked if other communities had expressed concerns about the agreement. Ms. Hirashima reiterated that crafting the agreement had been a collaborative effort among all the cities and the county; all cities had been represented during the process and were also represented at Snohomish County Tomorrow. Mayor Weiser emphasized two points: the first step was to define what was an essential public facility, and the advisory review board was truly advisory and could not force a community to take a facility. The board would be convened anew each time a proposal had been submitted.

The Mayor called for public comments.

Jeff Seibert, 5004 80<sup>th</sup> Street, suggested any review go before the Planning Commission and include a public hearing.

The Mayor closed the public comment portion of this topic.

**MOTION** by Dierck, second by Leighan, to approve the interlocal agreement with Snohomish County to implement the Common Siting Process for Essential Public Facilities. Pedersen voted nay, all others voted aye, motion carried (6-1).

## 2. Growth monitoring update for Marysville UGA

Councilmember Dierck apologized to council and staff, noting the calculations she had done on this topic had been incorrect.

Ms. Hirashima introduced Steve Toy from Snohomish County Planning staff. She noted the statistics for the Marysville area had been reviewed by the Planning Commission at its last meeting. Mr. Toy said the 223-page 1999 Growth Monitoring Report contained information regarding residential growth, employment growth and housing trends for the county and its Urban Growth Areas. He recounted the history of the discussions on where growth would be sited, noting there was an annual process for checking the accuracy of those base assumptions. If they were found inaccurate, they were corrected through a public process at Snohomish County Tomorrow.

Mr. Toy then gave a detailed presentation of the report's highlights, utilizing many charts and graphs. He stated the population estimates were based on forecasts from the State Office of Financial Management and there had been less than a 1% deviation since 1992. These would be updated based on actual census figures when they became available.

Councilmember questions and comments included:

- *Were the densities in the county a result of liberal density bonuses?* Ms. Hirashima thought that was the case.
- *The graph on jobs vs. population indicated Snohomish County did not have the job growth that King County did. Even though Snohomish County had the population growth, it could not support King County's higher housing costs and mitigation fees.*
- *When would the city exceed its urban growth boundary?* Mr. Toy said that in 2002 the county would re-evaluate the adequacy of industrial, commercial and residential land. It was required to have adequate land identified to 2012. GMA provided a series of reasonable measures, which must be taken before there could be the adjustment or expansion of a boundary. In 2005 the county would update its comprehensive plan and review how growth would be accommodated for the next ten years.
- *Would the 2002 report change the way the city developed?* Ms. Hirashima said the city would be doing a review in 2001 because it had been 5 years

since the plan was adopted. Comp plan changes regarding land use designations over the next couple years could cause major changes to development in the city.

- *Had the city annexed 26% of its UGA?* Ms. Hirashima said the current city limits represented about 54% of the total UGA, taking the city's acreage and dividing it by all the acreage in the UGA. The 26% figure was from 1993.
- *Had the city's growth exceeded projections?* It was slightly above the projection.
- *If growth continued at this rate, the city would far surpass its projected population estimates?* Ms. Hirashima responded that growth was not expected to be linear, but have ups and downs. That was why the state required monitoring and why the report was issued.
- *Was there any allowance or compensation in the GMA for cities that exceeded their share of growth?* Mr. Toy responded that growth allocations were debated and decided at the Snohomish County Tomorrow level, based on population figures from the state. The next round of decisions would be difficult as cities recognized their limitations in the face of another wave of growth.
- *Was it possible to refute the state's allocation?* The allocation was to the county level and there were avenues for appeal. To date, no county had been successful in challenging the state's population "assignments." Within the county, appeal was to the Growth Management Hearings Board.
- *Mountlake Terrace and Lynnwood did not have available land mass to accommodate projected growth. That was why all cities reviewed their zoning - how many could be accommodated in single family and multi-family. The city's current land use designations were based on the need to accommodate expected growth in the area.*
- *If a city chose not to accommodate their share of growth, what would happen?* The city would be vulnerable to appeal to the Growth Management Hearings Board.
- *How did fluctuations in economic growth get factored in?* This modeling was done using a demographic model; there was a mitigation component and state economists factored in employment and long-term thinking about the state's economy. If the county disagreed there were avenues for challenge.
- *The city had seen a slow-down of annexations, but the information pointed out that growth was still occurring and would continue in the unincorporated areas if not in the city.* Ms. Hirashima said the most helpful figures were for the county's urban growth areas.

The Mayor called for public comments; there were none. He thanked Mr. Toy for the presentation and called a five-minute recess. The meeting was then reconvened.

### **New Business**

1. Emergency communication center equipment room expansion/remodel

Commander Winter introduced the topic, noting the equipment room had far surpassed its capacity and was in need of expansion. Mr. Kennedy gave a detailed slide presentation showing the current situation. The lockers would be relocated into the dorms, which were large enough to accommodate them. The furnishings would be paid for by SERS funds. Mayor Weiser added that SERS money came from the individual jurisdictions that were participating in Phase I of the 800 MHz system, but no furniture would be needed at this stage.

Chief Carden arrived at this point in the meeting (9:18 p.m.).

Jeff Seibert commented on the conduit, suggesting it be upgraded.

**MOTION** by Bartholomew, second by Pedersen, to accept the proposal as presented and authorize actions to remodel the locker room area into an equipment room.

Councilmember Dierck stated she had supported utilizing SnoPac instead of the 800MHz option because of the expense to the

taxpayers.

Dierck voted nay; all others voted aye; motion carried (6-1).

### Ordinances & Resolutions

1. A Resolution of the City of Marysville relating to facility use.

Mayor Weiser introduced the topic, noting candidates had asked to use public facilities for various events. This draft resolution attempted to relieve the city of the necessity of making individual determinations on what was appropriate and simply made city-owned buildings available on a first-come, first-served basis for a fee. The fees would be set by the Parks Board.

Councilmember questions and comments were:

- *What were the state regulations referred to?* Mr. Keithly responded that referred to occupancy codes and regulations of that nature.
- *Would the rental agreement have to be approved by the Director of Parks and Recreation and the city attorney each time a rental occurred?* No. The form needed to be approved for use before rentals began.
- *Were the rental fees in place?* Mr. Zabell said the Park Board reviewed the fees last year; they would probably not be reviewed again for another two or three years. There would not be different fees depending on the type of use. The fees were set to cover costs.
- *The facilities covered by the resolution should be named.*
- *Could organizations rent a facility when the function was a fundraiser?* Mayor Weiser thought that would be a permitted use.
- *How far in advance could a reservation be made and would it be firm or could the city "bump" an organization's use?*
- *When had council discussed this?* Mayor Weiser said the question had arisen during audience participation and also at a town meeting; this was the first time the council had reviewed the proposal.
- *Who set the rental fees?* They were set by the Parks Board and approved by council.
- *Was there a separation of church and state?* Mr. Keithly repeated that the concept was to make facilities available on a first-come, first-served basis, including church organizations. The idea that public facilities were available to any group, including church groups, had been approved by the Supreme Court.
- *Did the rental agreement cover the serving of alcohol? Insurance? Liability insurance?*

Councilmembers requested more detail, including a review of the standard rental form. Mr. Zabell noted that the rental schedule listed all available buildings. He emphasized that all the details should not be in the Resolution, as that was the policy portion. The details were managed at the department level, which would anticipate the city's needs and ensure that the fees charged covered the city's costs for such things as opening/closing the building, garbage and cleanup. Interested parties would pick up a rental agreement from Parks Department staff; Bonnie handled rental of the senior center, and the librarian managed rental of the library's conference room. The Parks Department maintained an overall calendar for all facilities.

Councilmember Leighan noted councilmembers were involving themselves at the administrative level when this was clearly a legislative matter. He suggested the item should have been reviewed by an appropriate existing committee or by a Governmental Affairs Committee, which had not yet been created, before coming to council.

Councilmember Dierck expressed support for free use of city facilities for city residents or residents of the city's UGA. Councilmember Bartholomew thought the city had to charge a fee, otherwise it would be making a gift of public funds.

Councilmember Soriano asked if the city would be indemnified if it provided the facilities free. Mr. Keithly responded that only applied to recreational facilities and would not be true for renting a meeting hall.

**MOTION** by Brennick, second by Dierck, to postpone action on this Resolution until a committee or staff revised it and brought it back with background documentation; public comments may be taken.

Councilmember Dierck suggested an amendment that no fees be charged except as were currently charged for receptions, etc. Brennick agreed.

Councilmember Bartholomew suggested an amendment that it be referred to the Parks and Recreation Committee for review and input. Brennick and Dierck agreed.

Leighan voted nay; all others voted aye; motion carried (6-1).

**MOTION** by Pedersen, second by Dierck, that the Parks Department be notified of council's desire to allow facilities to be made available to political and church organizations so if those organizations applied and the facility was available they should be allowed to use the facility during this review. Motion carried (7-0).

#### **LEGAL MATTERS**

None.

#### **DISCUSSION ITEMS**

None.

#### **INFORMATION ITEMS**

1. Mayor's business
  - Cities and Towns meeting in Everett. Councilmember Soriano stated he would attend.

2. Staff's business

Chief Carden

- The Police Department was gathering data on the number and cost of prisoners in the county jail, much like Granite Falls did.

Mr. Winckler

- The RV dump was opened prior to Labor Day weekend and was highly utilized.
- The neighborhood meeting regarding Grove Street traffic calming was set for September 14 at 6:00 p.m. at Allen Creek. 400 notices were being mailed, it would be advertised in the *Globe* two times, and was on the access channel.
- Asked councilmembers to contact Mary Swenson if they wished a tour of the Stilly filtration project.

3. Call on councilmembers

Councilmember Brennick

- Thanked the Assistant City Clerk for Grove Street information.

Councilmember Bartholomew

- Because there had been a serious earthquake in Northern California and the PUD had said there could be brownouts, she felt it was important that council receive an update on the city's emergency response plan.



- The next speaker at the North County meeting would be Deborah Knutson, President of the Economic Development Council.

Councilmember Dierck

- The gravel problem at 75<sup>th</sup> at 49<sup>th</sup> had not been solved.
- She had submitted an agenda topic request that no further sewer or water hookups be allowed before annexation. That was scheduled for the September 25<sup>th</sup> agenda.

CORRECTED: SEE 9-11-00  
MINUTES

#### **ADJOURN TO EXECUTIVE SESSION**

Council adjourned into Executive Session at 10:22 p.m. to discuss a personnel matter. It reconvened into regular session at 10:54 pm.

**MOTION** by Bartholomew, second by Smith, to continue the Executive Session until 11:05 pm. Leighan and Pedersen voted nay; all others voted aye; motion carried (5-2).

#### **RECONVENE AND ADJOURN**

Council reconvened into regular session, took no further action, and adjourned at 11:03 p.m.

Accepted this 11<sup>th</sup> day of September, 2000.

David W. Weller  
Mayor

Mary Pedersen  
City Clerk

Alma M. M. M. M.  
Recording Secretary

**MINUTES**  
**MARYSVILLE CITY COUNCIL - REGULAR MEETING**  
**August 28, 2000**

**CALL TO ORDER/FLAG SALUTE**

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Police Chief
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
Mike Leighan	Ken Winckler, Public Works Director
Donna Pedersen	
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Dierck was home ill and would not be attending.

**MINUTES OF PREVIOUS MEETING**

1. City Council regular meeting, August 14, 2000.  
 Councilmembers requested the following corrections:
  - Page 1, staff present: delete "Assistant" from Mr. Graafstra's title.
  - Page 7 regarding Grove Street. Councilmember Brennick requested that the tapes be reviewed and the points he brought up be specifically included in the minutes.

**MOTION** by Bartholomew, second by Brennick, to approve the minutes of the August 14, 2000 meeting as corrected. Motion carried unanimously (6-0).

*Recorder's Note: Upon review of audio tapes, it is noted that Councilmember Brennick made the following comments: 1) There is more traffic but speeds have remained the same as before SR528 including public vehicles going through at excessive speeds. 2) Referred to a traffic study by Gibson Traffic Consultants that resulted in removal of the three way stop signs at 71<sup>st</sup>, and this has not slowed down traffic. 3) He built his fence back about 10 feet because of concern for site issues. 4) Neighbors have called Councilmember Brennick, and expressed their frustration with inaction by Council. 5) It is not teenagers speeding. They are adults. 6) Councilmember Brennick referred to minutes from October 14, 1996 and the recommendations from Gibson's traffic study, discussion was to revisit issue and look at this again. He felt this was appropriate. 7) Expressed shock over speeds recorded in recent study, and asked about the middle of the report referring to percent factors and asked for clarification. City Engineer Carter confirmed that it meant that 85% of the people are going 42.7 miles per hour or less. He suggested that something should be done, but did not feel that narrowing the street with that type of flow boulevard will help. He thought people would drive however they want to drive through there. He thought that putting stop signs in there would take care of the problem, and replace what was there four years ago. Further in the discussion he noted the following: 1) People will stop at the stop signs and then, like with a speed bump, speed up again as soon as they are past it. 2) He felt the speed trailer was about a 15 minute temporary fix. As soon as the speed trailer is out of there, they are back speeding again. 3) Large trucks, i.e. lumber, gravel, concrete, etc. need to make the hill and are moving at increased speeds, loaded, and there are a number of kids that play on the sidewalk as well as two deaf kids in the neighborhood.*

**AUDIENCE PARTICIPATION**

Phyllis McKenzie, 1528 172<sup>nd</sup> Street NE, Arlington, asked if 152<sup>nd</sup> had been designated as a truck route. A sign was posted there indicating it was a truck route, but someone who had parked a truck there had been cited. Mayor Weiser agreed to review the matter and contact Ms. McKenzie.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

1. Edward Springs/Stillaguamish water supply improvements design report update; Montgomery Watson.

Mr. Winckler introduced the topic and the presenters from the consultant, Montgomery Watson, Greg Harris, PE, Principal Engineer and Carolyn Vest, Associate Engineer. Mr. Harris gave a detailed slide presentation, noting this matter had three components: the Edward Springs Collector, the Stillaguamish Water Treatment Plant, and the Stillaguamish Ranney collector redesign. He noted the ground water was under the direct influence of the surface water, which brought the area under the Surface Water Treatment Rule and required city compliance. He reviewed the history of coordination with the Department of Health.

The approach on the Edward Springs portion was filtration avoidance. Eleven criteria must be met in order to pursue that path, and after review the consultants were confident the criteria could be met and had a preliminary agreement from D.O.H. to that effect. The key criteria were turbidity and fecal coliform limits. He showed a graph, which clearly indicated the city's counts were well below the limits. By instituting disinfection and redundancy, much of which was already in place, the city would meet the requirements. In addition, the city must control the watershed. Since the Edward Springs Watershed was already city owned property and the city could control the activities in the area under study, they felt filtration avoidance would be successful. Water quality monitoring would continue for 6-12 months to provide sufficient background to ensure the city could comply with the water quality requirements. A Filtration Avoidance Decision Report would be prepared and submitted, a watershed protection plan needed to be submitted to the Department of Health, and the Edward Springs pre-design report would be prepared.

The approach for Stillaguamish is to install filtration. It could not be avoided for this source, as the criteria could not be met. The added benefit of adding filtration is that it would provide a year round supply of water. Ms. Vest reviewed the current Ranney collector. She reported that a number of filtration solutions had been reviewed and the one chosen for further study was a membrane approach. A pilot study would be performed and she showed pictures of the test equipment that would be used. She showed councilmembers a sample of the membrane module and explained how it worked. She noted the pilot study would be done during September and October, 2000 and again in January and February of 2001.

Mr. Harris explained the third aspect of the project was the Ranney collector itself. He reviewed its current condition, noting its lateral pipelines were clogged with sediment and grout material. These needed to be cleaned and certain parts replaced in the base of the well that the radials fed into. He reviewed the steps they would follow, including interim monitoring and treatment, pilot study, citing evaluation and acquisition, SEPA-permitting, the Stillaguamish Water Treatment Plant pre-design and the Ranney collector pre-design. He reviewed the schedule of how this would progress, showing the pre-design phase complete in 2001. The Stillaguamish portion had a longer process because of permitting and went into 2003 before implementation was complete.

Councilmember questions and comments were as follows:

- *What would the cost of the filtration system be?* Mr. Harris responded that they had not developed costs. Mr. Winckler added the city had estimated \$2.2 Million as an estimated cost of adding filtration.
- *What was the lifespan of the system?* Mr. Harris stated the membrane modules had a lifespan of 7-10 years and were replaceable.
- *After the pilot study, when would construction begin on any filtration facility?* It would depend on the permitting, but was scheduled for Fall of 2002.
- *Regarding cleaning of the pipes under the gravel bar at the Ranney collector, would this be done early on?* It could be done any time prior to construction and they intended to do it next spring so a complete inspection could be done to determine the mechanical and electrical replacements that would be needed. He noted that the plant could continue to operate during that phase, or the inspection could be done during a low demand period. It would not normally generate muddy water.
- *Were there differences in maintenance and operation among the options considered?* That would be studied during the pilot program.
- *Was the water treatment mandated by the State?* Mr. Winckler responded that it was.
- *How many filters or membranes would there be?* Mr. Harris said that each "skid" had 90 modules of membrane and there would be 2 or 3 skids at the site. He added the concept had been in use for over 25 years with many applications in industrial water sources, but as the cost of the membrane material was coming down it was being used more often in municipal setups.
- *How long would the pilot study be?* Mr. Harris noted there would be two 4-week periods of study.

Ralph Krutsinger, 409 148<sup>th</sup> Street N.E., Arlington, asked if anything was planned to address capacity as opposed to water quality. Mr. Winckler responded that the city appeared to have sufficient water rights to serve its entire Urban Growth Area.

### **CONSENT AGENDA**

1. Approve August 28, 2000 claims in the amount of \$987,173.29 paid by check Nos. 53834 through 54047.
2. Approve liquor license renewals for Big Kmart #7253, Mai's Restaurant, Marysville Oriental Store, Don's Restaurant, Safeway Store #1485, The Village, J.R. Phinickey's, and Marysville Shell and Food Court.
3. Approve utility variance, Emerald Land Development, UV 98-018.

**MOTION** by Bartholomew, second by Leighan, to approve items 1 and 3. Motion carried (6-0).

Councilmember Leighan questioned Chief Carden about calls to one of the restaurants, Phinickey's. Chief Carden responded that the nature or number of calls would not preclude approval of their liquor license renewal.

**MOTION** by Leighan, second by Bartholomew, to approve item 2. Motion carried (6-0).

### **ACTION ITEMS**

#### **Review Bids**

1. Purchase of Trommel debris screener.

Councilmember Pedersen noted the memo from Mary Swenson, City Clerk, requesting this item be continued to a future meeting.

**MOTION** by Pedersen, second by Bartholomew, to continue the review of bids for the Trommel debris screener to the September 6 council meeting. Motion carried (6-0).

## Public Hearing

None.

## Current Business

1. I-5 West annexation, reconsideration of annexation boundary; PA 9909043.

Ms. Hirashima gave the background presentation, noting that staff had originally recommended an extended boundary; after further study, it was discovered that the boundary would completely surround Twin Lakes Park, creating an island or an irregular boundary. Staff now recommended adjusting the boundary to exclude the northern most parcels and Twin Lakes State Park.

Regarding annexing the park, Councilmember Pedersen stated that as a member of the Snohomish Health District Board, she was aware that the Board highly recommended any recreation facilities at lakes have hand washing facilities, restrooms and special signage. Since those did not exist now they would become the obligation of the city. Mr. Weed noted that the ownership of the park would remain with the county, even if the park were inside the city limits. There might need to be a common understanding between the city and the county as to maintenance and operation. Councilmember Pedersen noted that the five county councilmembers had attended the Health District meeting and had been eager for the city to take over the park because of the increased requirements that were being proposed.

Chief Carden noted that his department would need to do a full impact study on this annexation. He was generally concerned by the distances in annexations and staffing levels. He would be doing a workload analysis in the near future, but could state with certainty that taking over the park would be a significant issue for the department.

Councilmember Brennick asked about sewer for the proposed area and questioned who would be paying for a pump station if one were needed. Mr. Winckler noted that he would have to review the comp plan to see how the area was planned to be served, but generally when a pump station was required, if the City installed it, there was recovery from development in the area. If development installed a pump station, they were allowed recovery against latecomers. Ms. Hirashima added that this analysis was done when the 60% petition was received.

Councilmember Smith asked what the land use designation was for the area; Ms. Hirashima responded that it was single family medium density, 4.5 dwelling units per acre. The applicant had requested higher density. The City had been working with the county on planning for this area and the density had been left at the minimum urban level until it could be studied further; if higher densities were appropriate it could be dealt with at a later time.

The Mayor called for public comments.

Ralph Krutsinger, 409 148<sup>th</sup> Street N.E., Arlington, stated the original petition came to council in November of 1999. Petitioners agreed to remove the area west of the freeway because it did not have a land use designation at that time. The council accepted the petition and directed staff to proceed to determine land uses for that area. Now staff had expressed concern because of the park, but the park was in Marysville's UGA, so ultimately would be within the city. He noted this was a 100-acre park and there was 100% support for the annexation from the landowners. The petition was prepared and ready to submit, but at the request of staff it had not been submitted because of the concern about including the park. He stated the sewer would be via pump station on 156<sup>th</sup> Street on the south border of the annexation. It would run under the freeway on a temporary basis and connect into Smokey Point. Ultimately it would be a gravity line under the tracks to 19<sup>th</sup>, thence south to 23<sup>rd</sup> Avenue and then west. The water system would include a 12" line under the freeway. The line was proposed to go north and extend to the easterly 10-

acre parcel, thus creating a loop system for adequate fire flow. Without the northerly parcels, applicants would not have the capability for creating the loop system and adequate fire flows. Without the loop system; they would have to get easements from other property owners.

No one else wished to address council; the Mayor closed the public comment portion of this topic.

Mayor Weiser reviewed the process, noting this was a motion for reconsideration, and that motion could be made only by someone who was present at the October 25 meeting where this was originally considered. Councilmembers Bartholomew, Dierck, Leighan and Pedersen were qualified to make such a motion. If the council voted to reconsider, then a second motion would be in order approving a modified boundary. Mr. Weed noted that until the 60% petition was in house, the council could change the boundaries and recirculate a petition. Council typically set the boundaries for the petition area at the 10% point in the process.

**MOTION** by Bartholomew, second by Leighan, to reconsider the boundary of this Petition. Bartholomew, Leighan and Soriano voted aye; Smith, Pedersen and Brennick voted nay; Mayor Weiser voted against reconsideration. Motion failed (3-4).

## 2. Ray annexation, revised Notice Of Intention 10%; PA 0005017

Ms. Hirashima gave the staff background noting applicant desired to add a parcel, which created a panhandle coming down 58<sup>th</sup> Avenue. Staff then requested inclusion of three parcels, which would make a more regular boundary.

The Mayor called for public comments; there were none.

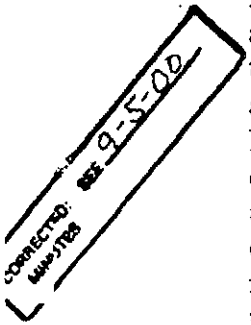
Councilmember Smith stated she had voted no on this annexation before because of her concerns regarding the Sensitive Area Ordinance, school impact fees, and the interlocal with the county to raise impact fees in the surrounding area. Councilmember Leighan noted that if the area were left in the county, they would be paying school impact fees at the county level, whereas if it were annexed they would be paying at the higher city level. Councilmember Pedersen suggested that the SAO and mitigation fees were not part of the criteria in the annexation policy which council followed in reviewing potential annexations. Councilmember Smith agreed that the Sensitive Area Ordinance did not apply because it was very sandy in the area, but felt a stand was needed regarding the school impact fees until an agreement was in place with the county. Councilmember Brennick asked about water and sewer to the areas; Mr. Zabell responded that the water line came down 48<sup>th</sup>, and there was no sewer service. Most of these sites were dry and sandy and existing homes had on-site septic service.

**MOTION** by Bartholomew, second by Soriano to reconsider the annexation boundary. Smith voted nay; all others voted aye. Motion carried (5-1).

**MOTION** by Bartholomew, second by Leighan to add the three parcels as recommended by staff and establish a revised annexation boundary, accept the 10% notice of intent, revise the annexation boundary by including the parcels recommended by staff and establish that boundary for circulation of the 60% petition; said annexation to be subject to the city's bonded indebtedness, comprehensive plan and zoning. Smith voted nay; all others voted aye. Motion carried (5-1).

## New Business

1. Approval of Utility Variance, Lakewood School District; UV 2000-16



Mr. Winckler gave the staff presentation noting this was in the comprehensive water plan but outside the Urban Growth Area. The system would be temporary but the city desired to have the school district participate in any future LID if there were developments there.

Councilmember Brennick asked where the pump station would go; Mr. Winckler responded it would be close to the Edward Springs reservoir site. Councilmember Brennick asked about the sewer; Mr. Winckler stated there was a temporary pump station in place now, which would be replaced with a gravity system when the area was developed.

Councilmember Pedersen questioned the inclusion of the phrase "meet all City of Marysville municipal codes" questioning whether the city actually intended to annex the Lakewood School. Mayor Weiser responded that the city could not do that at this time because it was outside the Urban Growth Boundary but someday that might change.

Mr. Weed explained that an annexation covenant was required which the city could utilize at some future time unless circumstances warranted waiving it. In only one other situation had the city waived this requirement, and that was for property involving the Tulalip Tribe. The city had an inter-local agreement with Arlington for service of utilities into a portion of their area. He suggested revising the language to read, "Meet all applicable city codes" as some portions were not applicable or enforceable.

Mayor Weiser called for public comments.

Fred Owen, 17110 16<sup>th</sup> Drive N.E., Lakewood, spoke in support of the variance, noting it was very important to the school district to get water and sewer service underway. He acknowledged that the city and the school district were having difficulty with growth issues. He stated the school district had no objection to an annexation agreement; they had signed a similar agreement for an elementary school, which was completed in 1997.

There being no other public comments, the Mayor closed the public comment portion.

**MOTION** by Brennick, second by Smith, to approve utility variance for one water and one sewer connection only, pending Snohomish County Planning and Development approval of the proposed land use by the applicant, and based upon Snohomish County not objecting to the city's service of utilities in this instance outside of the Urban Growth Boundary. No connection to the city's utility system shall be made until the above-referenced conditions are met to the satisfaction of the city. Applicant to pay all applicable fees, meet all appropriate City of Marysville municipal codes, install booster pump to provide pressure/fire flow and interim sanitary lift station and force main as referenced above, and agree to participate in future ULIDs or other projects that would provide ultimate improvements to utilities serving the property on a proportionate basis. Motion carried (6-0).

## 2. Darling Investments, 71<sup>st</sup> Avenue NE-Soper Hill Road; UV 2000-15

Mr. Weed noted his firm had received a letter from the Anderson Hunter Law Firm requesting that councilmember Smith step down from considering this action. He noted that the city had not viewed utility variance applications as quasi-judicial proceedings, but had provided in the code a process for appealing utility variance actions to Superior Court. If the appearance of fairness doctrine did apply, the question was whether councilmember Smith's activities prior to her term as councilmember created a conflict in this case. He could recall no case in the state, which held that activities such as hers had been upheld as constituting a conflict. Councilmember Smith responded that she felt strongly there was no conflict of interest. Any decision she would make at this time would be based on the information before her and would be in the best interest of the city and not directed toward any individual. She felt she

had no grievance with the applicant and asserted there was no conflict or appearance of fairness issue.

Councilmember Brennick noted that he had had a telephone call from the applicant and discussed the matter for approximately 20 minutes. He felt he could make a fair and impartial decision on the matter. He added that he had not received any campaign contributions from the application.

Mayor Weiser noted he had talked with the applicant, Mr. Darling, for the purpose of clarifying the exact location of the property.

Mr. Winckler then gave the background information from the agenda packet. Councilmember Leighan questioned the buffer and 130-foot no build zone. Ms. Hirashima stated that the 150-foot buffer allowed limited impervious surface.

Councilmember Brennick asked about an approval to the adjoining piece and if that required the city to give approval to this application in order to achieve fairness. Mr. Weed noted there was provision in the code that approval of one utility variance did not set a precedent and each application had to stand on its own merits.

Councilmember Brennick asked about other proposals for the area. Mr. Winckler distributed a map showing other parcels, which were pending; he noted that the Centex Homes request was on hold.

Councilmember Pedersen noted it was not unusual to receive requests for sewer service in areas where PUD was the water purveyor.

Councilmember Smith asked about "leap frogging" and expressed concern about annexing large areas of land when the city was facing capacity issues with its sewer lagoon. She noted this was not within the city limits and was not within many of the city's boundaries. She asserted the city needed to take care of what it had before adding further customers.

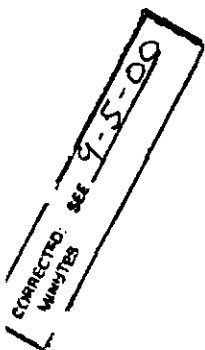
Mr. Zabell added that all of the UGA area was contemplated in the city's comprehensive sewer plan update. This area and the Lakewood property were not something new, but had been planned for. At the council's briefing regarding the treatment plant upgrade, staff noted that the city's capacity was sufficient to serve projected customers until the next scheduled upgrade (2004) based on growth in the entire UGA. What was driving an update prior to that time was the state's new requirements regarding discharge, not lack of capacity.

Councilmember Leighan added that the city contemplated serving sewers in this area and this application offered an opportunity to get a large part of that sewer service paid for. This area was well suited for residential development and it should be encouraged, but could not happen without sewer service. The city had already made commitments to other parcels in the area as shown on the colored map, and there were existing developments left of Soper Hill. Allowing continued septic service was not good environmental policy as development would occur anyway, and offering sewer service was the best way to protect the area.

Councilmember Pedersen added that in order for development to happen without leap frogging, properties would have to be for sale at just the right time, which was unlikely to happen. The area had been planned for sewer service for many years, and she supported that plan.

Councilmember Soriano asked about condition "g" suggesting it was open-ended. Mr. Winckler responded that it was a "catch all" phrase to cover issues that might come to light.

Councilmember Brennick suggested the city attorney add language that would protect the applicant so the city did not place expensive or unnecessary demands on him and also protected the city. He understood that there were insufficient parcels to make an annexation feasible. He asked about the sewer extension from the Roberts property noting there was funding only for





engineering and no construction. Councilmember Brennick asked what the city was committed to for growth in that area, were there contracts to extend the sewer? He asked how the city had secured easements for the sewer line when the engineering had not yet been done. Mr. Zabell responded that the plans and specifications were not completed but the engineering was sufficiently along to allow determination of alignment. The alignment was based mostly on topography and that route had been established.

Mr. Winckler said the sewer lift station was out of the RUSA area. It was located on right-of-way property that had been abandoned and the county would deed it to the city.

Mr. Weed noted that a prototype agreement had already been drafted which would follow passage of any resolution granting a utility variance. A sample of that had been provided to the applicants. It served as a contract that added depth to the resolution requirements. The applicants knew in advance what the language of that contract would be. Mr. Winckler distributed copies of the proposed contract to councilmembers.

The Mayor called for a 5 minute break at this point. He called the meeting back into session and opened the topic for public comment.

Bud Darling, 1916 Grove Street, stated he had called councilmember Brennick as a realtor, not as a councilperson. This was done because councilmember Brennick had had a conversation with a neighbor in the area in question. Mr. Darling noted that the following parcels had been approved: McDonald Barn for 62 lots, parcel 99-15 for 6 lots, and R&D Partnership for 83 lots. Centex had begun the process but had not completed it. In resolution 1931 the city had committed to 11 property owners that they would have sewer connections and those easements had been obtained. Mr. Brennick responded that he had held a conversation with someone in the area who was adamant that sewers were coming there soon and he had told that person it would be discussed and decided by the city council.

Jeff Seibert, 5004 80<sup>th</sup> Street, suggested the Growth Management Act had been enacted to prevent development in rural areas. Part of the comp plan discouraged leap frogging and high-density urban development without services. He voiced support for a policy change for no utility services outside the city limits. One problem was traffic. Councilmember Leighan asked Mr. Seibert if he now supported development within the city, such as in the area along 51<sup>st</sup> and 80<sup>th</sup>; Mr. Seibert said he did.

There being no one further wishing to testify, the public comment portion was closed.

Councilmember Bartholomew complimented staff for the instructive colored map.

**MOTION** by Leighan, second by Bartholomew, to approve 53 sewer connections and no water connections for Darling Investment, UV 2000-15, subject to the following: That applicant meet all appropriate City of Marysville Municipal codes and pay all applicable fees. Applicant shall also execute an agreement with the city, which would address the following issues:

- a. Mitigation of development impacts.
- b. Development standards and local land use consistent with the city plans and standards.
- c. Consistency with City Comp. Plan and land use designations.
- d. Provisions under which the property would be annexed to the City.
- e. Participation in Trunk "D" development including, but not limited to payment of fair pro rata share per lot to be applied towards the existing Sunnyside and future Soper Hill regional lift stations that serve the subject property.
- f. Development of a collection system consistent with the City's Comp. Sanitary Sewer Plan.

- g. Such other matters as deemed necessary and approved by the City  
Smith and Brennick voted nay, all others voted aye, motion passed (4-2).

3. Utility Variance, Michael Mulligan; UV 2000-13

Mr. Winckler gave the staff presentation noting staff and the utility committee recommended denial of applicant's proposal but offered an alternate solution which would provided utility service and the opportunity for recovery from adjacent properties.

The Mayor opened the topic to public comment.

Mike Mulligan, 6713 45<sup>th</sup> Place N.E., stated he had been advised of the alternative by staff and he was willing to proceed in that manner.

There being no one further wishing to speak, the Mayor closed the public comment portion.

**MOTION** by Brennick, second by Pedersen, to approve the staff recommendation of denial, and grant utility service per the proposed alternative: the city will provide a manhole with 8-inch stubs to right-of-way located with ingress/egress to Lot 2. The applicant shall be required to extent 8-inch main to satisfy frontage requirement along the west property line. A portion of this right of way will be eligible for recovery per MMC 14.07.90, provided that side sewer stubs are installed to property line in a 10 foot permanent easement to City of Marysville is provided by the applicant. The applicant shall pay all applicable fees and meet all appropriate City of Marysville Municipal codes. Motion carried (6-0).

4. Amendment to ordinance 1626 relating to the street name of State Avenue.

Ms. Hirashima presented the background information, detailing the difficulties of issuing new addresses on that portion of Smokey Point Boulevard, which is now in Marysville's city limits. The businesses in the area had voiced support for leaving the addressing as it currently was due to the high cost of reprinting stationery, changing signs, changing ads, and in contacting all their customers regarding the new address.

A lengthy discussion ensued regarding the wisdom of making any change now while there were only 30 businesses and 16 residences as opposed to some future date when the area was completely built out and any change would have a much greater impact.

**MOTION** by Pedersen, second by Bartholomew, to revise ordinance 1626 to reflect that SR 529, also known as Old Highway 99 or Smokey Point Boulevard, shall be designated as State Avenue from the southern city limits to the northern city limits, with the provision that streets signs would be changed immediately but businesses and residents in the area shall have up to one year in which to phase in this change. Any new addresses would be assigned as State Avenue. Motion carried (6-0).

5. Interlocal agreement with Snohomish County to implement the common siting process or essential public facilities

Councilmembers noted that their packets had contained only part of the attachments.

**MOTION** by Soriano, second by Bartholomew, to bring the matter back at a future meeting. Motion carried (6-0).

**Legal Matters**

None.

**Ordinances & Resolutions**

1. A Resolution of the City of Marysville amending Resolution No. 1957 authorizing a one-year \$150,000 interfund loan from the Current Expense Fund to the Golf Fund and providing a formula for payment of interest.

Councilmember Pedersen stated she was dissatisfied about loaning the golf course further funds when no business plan had been prepared. Mayor Weiser responded that the golf committee was scheduled to meet September 6 and would be reporting thereafter.

Mr. Weed added that this action was to correct the clerical error of not including an interest rate and had been requested by the Interim Finance Director.

**MOTION** by Bartholomew, second by Smith, to approve Resolution 1996. Motion carried (6-0).

**DISCUSSION ITEMS**

None.

**INFORMATION ITEMS**

1. Mayor's business
  - Don Laufenberg had passed away unexpectedly on August 27.
2. Staff's business
  - Mr. Zabell advised of a seminar on November 2 regarding the Safe Water Drinking Act and stated he would provide councilmembers with further information.
  - Mr. Winckler. The RV dump was nearly completed and scheduled to be open by Labor Day Weekend.
3. Call on councilmembers

Councilmember Leighan

- Inquired if various positions in the city had been filled; Mr. Zabell responded that they had not.
- Asked if the city could identify Grove and Anderson Streets with their historic names.
- Reported he had attended the tour of skateboard parks and found it very informative.

Councilmember Soriano

- Reported on a meeting regarding the natural gas pipeline and offered handouts to councilmembers. The pipeline company had offered to make a presentation to council at one of its regular meetings if council desired.

Councilmember Pedersen

- Stated she would not be attending the AWC dinner in October or the Cities & Towns meeting
- Noted an item in the paper that Granite Falls had spent its annual allotment to house prisoners; Chief Carden responded that Marysville was in the same situation.
- Suggested adding something to the "Welcome to Marysville" sign or in the Marysville brochure which identified the green street signs as the current street names with the brown as the historical name.

Councilmember Brennick

- Stated he had provided the Mayor with a list of several items that he had requested a status report on.

Councilmember Bartholomew

- Commented on the new chartreuse School Crossing signs. Mr. Winckler noted the city had obtained a grant that paid for half of the cost and that every school crossing had been signed.


#### **ADJOURN TO EXECUTIVE SESSION**


The Council adjourned into executive session at 10:30 p.m. to discuss a real estate matter.

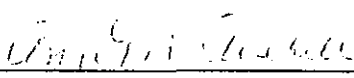
#### **RECONVENE AND ADJOURN**

Council reconvened into regular session, took no further action, and adjourned at 10:53 p.m.

Accepted this 5<sup>th</sup> day of September, 2000

  
Mayor

  
City Clerk

  
Recording Secretary