

MARYSVILLE CITY COUNCIL MINUTES

May 1, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor ProTem
 Mel Schank
 Dave Weiser
 Bill Roberts
 Larry Hots
 Bob Lashua
 Lee Cundiff
Administrative Staff:
 John Garner, City Administrator
 Mike Corcoran, City Planner
 Jim Ballew, Parks & Recreation Supt.
 Jim Allendoerfer, City Attorney
 Gloria Hirashima, Associate Planner
 Dave Zabell, Public Works Director
 Larry Wade, Consulting Engineer
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Recording Secretary Iverson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank noted in the minutes of the 4/24/89 meeting, on page 2, under Current Business, second paragraph, that an extra "the" should be removed from the second line. On page 11, fifth paragraph from bottom, he questioned whether it should be a 30" pipeline or 36" in the minutes and after discussion, it was agreed that the minutes should reflect that 30" was proposed (as written). Councilor Schank moved and Councilor Lashua seconded that the minutes be approved as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON AGENDA ITEMS:

Former Police Chief John Turner, 6722 73rd NE, Marysville addressed the Council and stated he had some unfinished business to take care of. He noted it was very nice to have had an official City resolution bestowed upon him and he proceeded to bestow a mounted and framed "citation" on City Attorney Allendoerfer. City Attorney Allendoerfer was "cited" for making numerous California stops, among other things and "bail" was set at \$100,000,000. Everyone enjoyed Mr. Turner's remarks and sense of humor.

Leroy Berry, 4329 94th St. NE, Marysville, addressed the Council regarding the terrible traffic problem that is getting worse at State and 94th and asked when a signal light was to be put in. He said he doubted if surrounding businesses would contribute to it.

Councilor Roberts said there have been discussions regarding a signal for either 94th or 92nd and it is possible that Pay N Pak will contribute toward the signalization because it will help their ingress and egress. He noted there is another project coming up for 94th & State and funding has been discussed with regard to that, also, at the Traffic Advisory Committee meetings. He added that he thought Pay N Pak is working on putting in a left hand turn lane at 94th & State.

City Planner Corcoran noted that the Pay N Pak building permit has as a condition that they participate in a light on a per trip basis in order to rezone and he said he expects the bank at 94th will have to do the same. He said they are trying to get the newer business to participate, but ~~not~~ amount has been set as yet for the participation.

CORRECTED: SEE 5-8-89
MINUTES

Bob Neubauer, lessee of Cedarcrest Restaurant, addressed the Council and presented plans for renovation. He explained that he proposed to enlarge the men's restroom, do some plumbing work and changes, build a new hallway, put in a new door and one new wall. He added that the service bar needs hot and cold running water and he proposed to do that work as well as take care of other minor problems such as dry rot in the sills. He said he was wondering if the City could participate in the cost of the fixtures.

City Attorney Allendoerfer stated that he didn't think plumbing fixtures were included as the lessor's responsibility and City Administrator Garner explained that the proposal has to meet the requirements of the Building/Planning Dept. before he could proceed and once he has a building permit and some cost figures in mind, he could present the notion to City Council again.

Councilors Baxter and Lashua both agreed the proposal was a good plan and that the restaurant definitely needs the improvements.

PRESENTATIONS: None

PETITIONS & COMMUNICATIONS:

1. National Employee Health & Fitness Day Proclamation 5/19/89.
2. Article on Affordable Housing; Nation's Building News.

PUBLIC HEARING:

1. ULID #14.

Consulting Engineer Larry Wade explained that this is a straight forward ULID for an 8" to 10" sanitary sewer along 35th NE from 174th Place to 180th (Arlington), which is in the current RUSA boundary, with a segment extending east for the church. He noted that the total assessments amount to \$107,000; that notices were sent to property owners 4/13/89; that the Resolution regarding ULID #14 being formed was published in the newspaper twice; that the sewer line will be paid for completely by the assessments and that as far as he knew, there have been no protests received.

Wendell Johnson of Entranco Engineering and representing the Smokey Point Community Church, stated the church is expanding and will be receiving a Conditional Use Permit soon. He said they were totally in favor of the LID.

Councilor Roberts asked how the church's building plans fit into the RUSA land use and Mr. Johnson stated that everything was in order; that he has a utility commitment letter for this.

THE PUBLIC HEARING WAS CLOSED as there was no further comment from the audience.

City Attorney Allendoerfer explained there have been no protests received but if 60% of the property owners were to protest, it would kill the ULID.

Councilor Lashua moved and Councilor Cundiff seconded to proceed with ULID #14. Passed unanimously.

CONSENT AGENDA: None.

REVIEW BIDS None.

CURRENT BUSINESS:

1. Everett Pipeline Status Briefing.

Tom Hughes of Montgomery Engineers gave a status report, stating four phases have been completed: the ground water evaluation, planning analysis, geological reconnaissance and the preliminary route analysis. He then went on to explain each of the four phases, using visual maps and charts. There was discussion regarding the advantages and disadvantages of a 24", 30" and 36" pipeline. He stated that three more reports will be submitted this week: regarding safe drinking water, more routing analysis and a hydraulic surge analysis. He said by June they hope to have the SEPA check list filed and a draft done of their comprehensive plan. He noted the SEPA check list must be adequate for DSHS, the County Planning Dept. and any utilities involved.

City Attorney Allendoerfer asked about capacity/excess of water to be received via the new pipeline and Mr. Hughes said that in the short term there may be an excess, however Marysville's demand will soon consume any excess and he recommended that the City not contract on a long term basis for selling water.

The question of going to a 36" pipeline was brought up and Mr. Hughes said that would probably not be economically feasible. There was discussion regarding storing excess water in reservoirs and Councilor Baxter noted that a lot of these plans have been in place for many years; that the Water Dept. has been planning for additional water supply for quite some time now.

There was further discussion regarding coordination with surrounding cities, routing, future development of the area, liability issues regarding two water lines together, easements (30' of right of way needed), corrosion of pipe, breach flows and Mr. Hughes recommended that any second line be placed on a different route in the event of a catastrophe that would impact the water line and both water lines if they are installed side by side.

There was more discussion regarding projections for water consumption as well as the fact that the Stillaguamish River is presently over-allocated and going through an adjudication process now. He said that a recent case of adjudication on the Yakima River has put some cities in a dilemma because they can no longer receive any more allocation of water and that may be what is going to happen with the Stilly.

2. Planning Commission Actions: Bayview Crest, PA 8812066 - Approved.

City Planner Corcoran reported that the Planning Commission has recommended the Bayview Crest rezone for approval by City Council. It is a rezone from RR 12,500 to PRD 12,500 with concomitant agreement. He noted that traffic mitigation was recommended in the second hearing by the Planning Commission with the applicant to contribute towards the Grove St. TIP as well as the inter-sections of 47th & 528 and 67th & 528. He mentioned the protest regarding the name of the plat from Bayview Ridge.

Councilor Lashua stated that the name issue should probably be resolved between the two owners and City Planner Corcoran also noted that there are a lot of plats similarly named, for example, Parkview Estates and Parkside Manor.

City Planner Corcoran noted the open spaces on the map as well as accesses and a park to be dedicated to the City.

Councilor Roberts said he had no problem with the higher density but according to the PRD code, the buildable and unbuildable lots should be designated as well as an evaluation done on the open space as being useable space.

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City Planner Corcoran stated that 75% of the slopes over 30% and the pipeline area were excluded in the calculations and as far as the open space, it would probably be left in its natural state to preserve the creek corridor.

Councilor Baxter expressed a concern regarding stumps being cleared off the land and moved to the open space area. Councilor Roberts added that the creek corridor is a sensitive area also and there is no recreational design--it can't be used for both.

City Planner Corcoran stated that the applicant is asking for less density than allowed and further, there are no specific definitions in the ordinance for recreational space or open space but that the creek corridor would be an ideal spot for a trail system.

Councilor Roberts said he would like to see some kind of specific plans for it, eg. a walking trail, in order to meet the PRD code requirements.

Parks & Recreation Supt. Ballew stated that acquisition of passive park area such as this is very difficult and it is planned that play areas/parks will be developed eventually but that also requires additional maintenance by the Parks Dept. He said the Parks Dept. is in no hurry to develop these areas without more personnel and that he agrees with City Planner Corcoran that there is a need to protect the creeks. He concluded that the Parks Dept. is definitely interested in the donation of this land.

Councilor Roberts asked about a trade off and Parks & Recreation Supt. Ballew suggested a fence system tied into the back side of the golf course.

There was further discussion regarding developing a 3' wide walking trail and whether it was a good idea to encourage kids to play in the creek. Councilor Roberts suggested designing crossings for the creek in order to protect the fish and to prevent the kids from making their own crossings. Councilor Schank suggested a trail system that ties into the adjacent property and Councilor Roberts said he thought tying in with the property to the south as a continuous trail system is very feasible but that the applicant should be expected to mitigate the future development and maintenance of the open space by the Parks Dept.

City Planner Corcoran stated that with creeks running through properties, it's difficult to protect, but in this PRD the creek has been kept isolated and an extensive trail system is a definite long range goal.

Councilor Roberts reiterated that the ordinance asks for a use of the open space and a dollar amount needs to be placed or a use, he said.

Parks & Recreation Supt. Ballew said he agreed and if the Parks Dept. can get assistance in developing the open space for a trail system as well as a fence from the developers, that would help.

City Attorney Allendoerfer asked if the applicant was willing to voluntarily offer that as mitigation.

Rick McArdle addressed the Council, representing the applicant, and stated that improvements of the open space were discussed; that they want to do something on the east side as far as a play area but as far as a trail system, it must be planned well and he noted that the purpose of a PRD is for clustering in order to isolate and protect the sensitive areas from the housing.

Councilor Roberts said that as far as going to smaller lots and clustering, the applicant is getting a bonus with a more cost efficient development so there should be a trade off. He asked if the applicant would be agreeable to the fencing and Mr. McArdle stated they would be.

Councilor Roberts asked if they would also help develop some kind of trail system in conjunction with the Parks Dept. and Mr. McArdle stated they would.

Councilor Roberts said he would then be in favor of the proposal.

There was discussion regarding the trail system and Councilor Lashua suggested a trail down to the creek and a crossing.

Parks & Recreation Supt. Ballew stated the Parks Dept. could access the perimeter, with the applicant providing a fence.

Councilor Baxter moved that the PRD and Preliminary Plat of Bayview Crest be approved with recommendations and with participation in TIP #1 (Grove St. improvements) and TIP #2 (528 improvements), as well as mitigation for the Munson Creek Detention Pond and to develop recommended improvements to the open space as per the Parks Dept. Councilor Lashua seconded the motion and it passed unanimously.

NEW BUSINESS:

1. Park and Recreation Aide.

Parks & Recreation Supt. Ballew stated that this request for a new position has not been budgeted for however due to delayed hirings, funds are available for the balance of 1989. He explained what the position would involve including secretarial functions, assisting in the development of the comprehensive plan (for IAC grant), would work with the recreation coordinator, develop brochures, reports, act as summer playground supervisor, visiting schools, etc. He explained how the baseball league has been consuming a lot of time lately but it has also brought in \$14,000; they need the additional staffing to help with clerical duties. He noted the position would only be full time through Sept. 1989.

There was discussion regarding the need for this position, their status as a temporary employee and how extra help in this area is critically needed at this time of year.

Councilor Baxter moved and Councilor Schank seconded that the hiring of a Park and Recreation Aide be approved. Passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Ordinance #1688 redefining a Second Hand Dealer.

Councilor Schank moved and Councilor Hots seconded adoption. Passed unanimously.

2. Ordinance regarding Private Maintenance of Drainage Swales.

Public Works Director Zabell explained that this ordinance is to provide for private maintenance of private property swales--swales that the property owner throws their lawn clippings and other garbage into and then expects the City to come in and clean them out. They are located in the backyards of these property owners and usually very difficult to get into and clean and the cleaning has become necessary because of the property owner in the first place.

Councilor Roberts said that he agreed that this issue needs to be addressed with stronger language in the ordinance, perhaps more easement is the answer, but for a property owner to be expected to clean siltation out of swales, that could run into thousands of dollars which is a large burden for the property owner or the City.

Public Works Director Zabell explained that the ordinance would only be addressing the smaller swales and not a regional ditch or stream.

Councilor Roberts said he understood, however the wording of the ordinance was somewhat ambiguous as to specific swales and once the administration changes, it is very possible that the intent of the ordinance would change and that is his concern, he said.

Councilor Cundiff said he concurred that the wording could be misconstrued and City Attorney Allendoerfer suggested adding, "This should not apply to major cleaning of regional ditches" or something to that effect.

Councilor Roberts said he felt the focus of the ordinance should be placed on disallowing obstruction of the swales and City Attorney Allendoerfer stated that the swales have to be properly maintained for them to function properly and that's the crux of the ordinance.

There was more discussion regarding easements and City obligation to maintain regional swales vs. private drainage swales and Councilor Lashua noted that if the private drainage swales are cleaned on a regular basis and mowed, they will maintain themselves and do the job they are meant to do.

Councilor Roberts stated that he would like to see the ordinance contain an appeal clause and City Attorney Allendoerfer said an exclusion regarding regional detention swales can be added. Councilor Baxter stated a simple reference to the appeal clause would be appropriate, he thought.

It was decided to table the approval of the ordinance until re-written, to be put on the 5/8/89 agenda.

3. Ordinance #1689 - Nelson/Little Rezone to Medium Density Multi Family.

Councilor Cundiff moved and Councilor Baxter seconded approval. Passed unanimously.

4. Resolution #1357 regarding City Shared Responsibility for Sidewalk Repair for Commercial Property (50/50 Participation).

Councilor Schank moved and Councilor Hots seconded to approve Resolution #1357. Passed unanimously.

5. Resolution #1358 Authorizing City Car for Fire Marshal - Amending Personnel Code.

Councilor Schank moved and Councilor Hots seconded to approve Resolution #1358. Passed unanimously.

6. Resolution #1359 - 75% Annexation Petition - Pearson, 8400 83rd Avenue NE.

Councilor Schank moved that the public hearing be set for 6/26/89 and Councilor Baxter seconded the motion. Passed unanimously.

7. Resolution #1360 - 75% Annexation Petition - Withers.

Councilor Schank moved that the public hearing be set for 6/26/89 and Councilor Cundiff seconded the motion. Passed. (Councilor Roberts didn't vote.)

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CALL ON COUNCILMEMBERS:

Councilor Lashua stated that he has heard some complaints regarding the angle parking in front of Erik's & Zoe's; that people are blocking the Craig's driveway often. After determining that angle parking is feasible and legal there, he recommended that striping be done on both sides of 9th.

After a brief discussion, Councilor Lashua moved and Councilor Hots seconded that angle parking be approved and striped on both sides of 9th Street in the 1500 block. The motion passed unanimously.

Councilor Baxter gave a brief RUSA meeting update, stated they are still trying to define boundaries; that they are looking at economic factors right now and this discussion will be continued at the next meeting, especially with regard to rebuilding/redirecting of sewer lines. The boundaries should be resolved at next meeting he said. He added that he appreciated the 1st St. striping and mentioned the Community Transit liability issue for a park and ride lot.

Public Works Director Zabell stated that he spoke with Bill Gerring regarding setting up a meeting regarding the Park and Ride lot and City Administrator Garner mentioned that Community Transit is checking on the liability insurance issue.

Councilor Baxter also noted that with the new motel going in next to the Village, parking is going to become very scarce in that vicinity. He also noted that area is becoming less and less residential; that the motel is a very needed thing but there is a parking problem.

Councilor Roberts asked where the patrons for the log house are going to park and Public Works Director Zabell stated that they (the log house owners) bought the lot next to Ed's Transmission to use for parking.

Councilor Baxter announced that the next RUSA meeting will be 6/5/89.

Councilor Weiser asked about the Chita's report and City Attorney Allendoerfer stated that there were 13 arrests Friday night and only 4 minors in possession on Saturday night. City Administrator Garner noted that Saturday was also prom night at the high schools and that may be why the decreased arrest activity at Chita's.

There was a brief discussion about the ongoing litter problem at Chita's.

Councilor Schank mentioned the recycling program coming and said he would probably be attending. Councilor Lashua said that he and Duke would probably be attending also.

City Administrator Garner stated that the Kiwanis will be painting fire hydrants for the City over the next few weeks. He also stated that a follow up workshop on annexation should be held, possibly a half day the last weekend in June. He mentioned that the City continues to receive smaller annexation requests and this is something that needs to be addressed.

Councilor Schank said he would be attending the meeting in Spokane the weekend of the 12th and he would appreciate any input to take over by 6/12/89.

City Administrator Garner reported that Marysville did not qualify in the All American City runners up but that he would like to see another application submitted next year. They will be sending an evaluation with reasons as to why Marysville was not accepted, he said.

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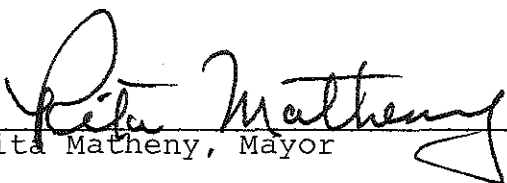
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Mayor Matheny reported that a meeting would be held to choose an architectural firm for the remodel of City Hall. The three firms who submitted proposals were Millenaar & Wicks of Marysville and Gary Parkinson and the Dave Dykeman firm of Everett.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting adjourned at 9:50 p.m.

Accepted this 8 day of May, 1989.


Rita Matheny, Mayor


Phillip E. Dexter, Finance Director