

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 26, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Bob Lashua  
 Lee Cundiff  
Administrative Staff:  
 Carolyn Sanden, City Administrator  
 Phil Dexter, Finance Director  
 Jim Allendoerfer, City Attorney  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 Jim Ballew, Parks & Rec. Supt.  
 Gloria Hirashima, Associate Planner  
 Bob Kissinger, Utilities Supt.  
 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:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua referred to page 3, the paragraph beginning "2.a. Budget Request" of the minutes of the February 12, 1990 meeting, noting that reference to the fire district in the fourth line should be specified as Fire District 12. Also, in the fourth line from the bottom of the same paragraph, "Phast" should be "Phase".

Councilor Wright referred to page 1, under Public Hearing 1 and asked that the words "and signed" be inserted after "bill has been passed into law" and before "by the Governor" to make it more correct.

Councilor Lashua then moved and Councilor Wright seconded that the minutes be accepted as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Two teenagers identifying themselves as Josh Mallory and Brian Haller addressed the Council and explained that they love to skateboard but are finding it more and more difficult to find a place that they can skateboard where it won't bother anyone. The Mayor commended the boys on their courage to address Council on this matter and said she would have staff check into it further for them to see if there is an acceptable place in Marysville.

PRESENTATIONS:

1. The Mayor announced that the Greater Marysville Chamber of Commerce had presented the City Council with an Upbeat Award (Annual) Plaque.

2. Everyone was then directed to the very striking wood carving mounted on the wall behind Council, carved by the City's own Duke Carrier in honor of the City's Centennial 1891-1991.

PETITIONS AND COMMUNICATIONS: None.

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CONSENT AGENDA:

1. 2/26/90 Claims in the amount of \$136,334.86.
2. Grove St. Improvement Project & Contract 89-05.
3. Acceptance Public Works Bldg. Paving Project - Phase 1; Contract 89-06.
4. Acquisition of City Administrator Vehicle.

Councilor Lashua questioned the use of Albertsons now instead of Hereth's Red Apple for purchase of prisoner food and his question was deferred until someone from the police dept. could respond.

After a couple more brief queries regarding vouchers, Councilor Cundiff moved and Councilor McGee seconded to approve the Consent Agenda in its entirety. Passed unanimously.

REVIEW BIDS:

1. **Two New Compact Pickups, Short Box & Two New Utility Service Bodies/Trucks (4 vehicles total) - Utility Department.**

Utilities Supt. Kissinger explained that Blade Chevrolet had submitted the low bid out of four responses and that it was staff recommendation to accept Blade's bid for \$10,882.18 per each short box and \$12,953.95 per each utility box including sales tax.

Councilor Baxter moved and Councilor Pedersen seconded to award the bid to Blade Chevrolet as per staff recommendation. Passed.

2. **Pickup - Engineering Department.**

Public Works Director Zabell explained Blade Chevrolet also submitted the low bid (out of five responses) for the pickup for the Engineering Dept. in the amount of \$11,226.16. Engineering staff recommends the City Council accept Blade Chevrolet's low bid, he said.

Councilor Pedersen moved and Councilor Baxter seconded to award the bid to Blade Chevrolet as per staff recommendation. Passed.

3. **Golf Course & Park Dept. Equipment Bid Review.**

Park & Recreation Supt. Ballew summarized all bids received as per the agenda bill and recommended that the 1 ton flatbed pickup be purchased from the low bidder, Blade Chevrolet for the Parks Dept. Their bid was for \$17,366.25.

The Golf Course equipment recommended to be purchased by staff totalled \$105,119.74 vs. \$107,740.00 budgeted, he noted. He said leasing was also considered and a lease format for the golf equipment could be presented at the next Council meeting.

Councilor Baxter moved that the flatbed pickup be purchased from Blade Chevrolet for the Parks Dept. with the remaining equipment for the golf course to be reviewed at the next meeting as far as a lease option or possible purchase of the equipment, depending on which is most cost effective. Also, a \$55,000 shortfall on the golf fund to be checked into as a revenue resource. The motion was seconded by Councilor Pedersen and passed unanimously.

PUBLIC HEARINGS:

1. **Proposed Ordinance Placing Restrictions and Limitations on New Sewer Connections, and on the Approval of Preliminary Plats, Short Plats, Building Permits, Utility Local Improvement Districts (ULIDs), and Rural Utility Service Area (RUSA) Expansions.**

City Attorney Allendoerfer presented a draft of an ordinance that would temporarily ban all sewer connections in and outside of City limits and in effect, stop any new development. He stated that this has been recommended by staff very reluctantly and the ordi-

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nance has been drafted in a manner so as to cause as little impact as possible. He noted that it has been made necessary because of water quality and quantity problems and until the situation can be corrected. He reviewed the findings of fact contained in the first pages of the draft ordinance and explained that it outlines the fact that an emergency now exists and that there would be a limited ban on sewer extensions, connections, reconnections or increases in meter size with some exceptions. The exceptions would be for projects, for example, that have progressed so far that it would be unfair to restrict them and if stubs are already in for the sewer. He noted that there could be modifications made to this section of the ordinance and he outlined the three alternatives at this point:

- allow no new connections (total ban)
- have no moratorium at all (the other extreme)
- adopt the ordinance which represents a middle ground compromise, allowing sewer connections to those with vested rights. Others would have to wait for development permits.

It was noted that the DOE has given the City until March 13, 1990 to come up with a sewer crisis plan of its own, or DOE will impose a plan (perhaps including a moratorium) itself. The ordinance under consideration is part of the City's plan to show DOE its good faith in developing a sewer crisis plan on a voluntary basis. Other City plans include installation of 18-20 aerators, storm water diversion, a temporary ban of new connections and slowdown of growth generally. City Attorney Allendoerfer referenced the requirement under the proposed ordinance to have an environmental review on any project that produces sewage but noted there are some exemptions such as hardship cases. He said the duration of the ordinance is recommended to be 180 days with the situation to be reviewed at that time.

It is estimated there were approx. 250 people in attendance at the meeting and sign-up sheets had been filled out for those wishing to address Council on the matter. City Administrator Sanden asked that a three minute time limit per speaker be adhered to. The public hearing was opened shortly after 8:00 p.m.

Dave Aldrich, 5928 97th St. NE, Marysville addressed Council and read a prepared statement. He referenced DOE's letters to the City, requesting compliance regarding the sewer lagoon on several occasions and he noted that over the years, never once has the City ever stopped issuing permits for new sewer connections. He noted that in the past several years there have been repeated requests from the DOE to comply with their requests and they finally issued a Notice of Violation to the City but that the City knew as early as 1983 it was in trouble and they have created their own emergency, he contended. He concluded that anything less than a total ban of any sewer connections could be construed as malfeasance on the part of the City and recommended rejection of the ordinance.

Linda Painter, 5214 126th Pl. NE, Marysville addressed Council and proceeded to outline capacities allowed the City of Marysville and noted that the capacities have been repeatedly exceeded and that the City has continuously allowed more new sewer connections. She stated she had been in touch with DOE and was told by them that the City of Marysville submitted the design plans and engineering reports in a piecemeal fashion and were unacceptable to DOE and had to be rewritten. She blamed the City for not being able to get the sewer lagoon upgraded in a timely manner in order to accommodate the new sewer connections.

Phyllis Willman of Stanwood addressed the Council and urged the City to adopt a complete ban on any new sewer connections in order to protect the Snohomish River.

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Anne Robison, 1631 Cedar St., Everett, addressed Council and stated she owns property in Marysville and is also very concerned about the water quality of the Snohomish River, which has become Marysville's sewer outlet. She recommended all grandfathering be denied so there would be no further pollution.

Gerald Wigren, 3728 98th St. SE, Everett, addressed Council and explained the Wigren family owns a large parcel at Smokey Point and they pay \$35,000 per year under a ULID and received City of Marysville approval on the sewer system on November 30, 1989. He said their family has a lot invested in this and that they would like to be included under vested rights of the ordinance; i.e., any project that the City has approved prior to 12/89.

Ralph Krutsinger, 16030 Juanita Way, Bothell, addressed Council and noted that he was also representing a development company that received approval for construction and they have spent about \$550,000 to date and would also request that they be included as having vested rights.

Doug Frizzell, 5207 47th Av. NE, Marysville, addressed Council and explained that last Saturday he had to leave his house because of the smell. He noted that when the old lagoon was overloaded, they did something about it and built the new lagoon however the new lagoon has very poor design, very poor engineering, very poor aeration and was at 85% capacity in 1986. He made several references to the "inept" City engineering that has been used and noted that something needs to be done--that the problem is not going to solve itself and the problem has been going on for several years. He concluded that the main problem is that the engineering plans have not met DOE requirements and that's what the holdup is as far as making any improvements to the lagoon. He said in his opinion, the City has shown negligence because they have demonstrated poor engineering, they have continued to issue permits for hookups knowing the system is overloaded and needs more aeration and/or secondary treatment and also he feels the City is breaking state law--the Clean Water Act.

Linda Lambert, 8124 83rd Av. NE, Marysville addressed Council and said she has a problem with "vested rights" under the proposed ordinance because it is not specific as to how many hookups this allows for. She noted that DOE has requested/required plans for several years and they still have not been submitted in an acceptable manner to DOE. She cited Marysville's unprecedented recent growth as part of the problem but also the fact that the City has made no attempt to curb issuance of sewer hookup permits and have, in fact, issued a much higher than normal number of permits over the last two months and are also continuing to allow in new annexations with 12,500 sq.ft. lot sizes. She concluded the fault is the City's and not DOE's and she suggested the City go along with their recommendation of a full moratorium in order to come up to safe health standards.

John Rowley, 6506 67th Pl. NE, Marysville, addressed Council and noted that city officials knew the sewer lagoon was at 170% capacity and they were still allowing new hookups. He quoted Dave Zabell as saying "the City will do anything to avoid a moratorium" and said he felt we are being pushed into this; that the new ordinance will only impose a slowdown and does not take care of the real problem, it is only a bandaid and we just can't put any more in the lagoon; that the City should have imposed a moratorium when the lagoon reached 100% of its capacity not 170%. He noted this situation is causing a severe environmental hazard and asked how the City can justify that.

Bud Darling, 1916 Grove St., Marysville, addressed the Council stating he has lived in Marysville for 60 years and does not notice any smell. Further, he noted the growth of Marysville has come because of the availability of sewer and water and he referenced a situation 9 years ago in LaJoy when a \$32,000 sewer ULID was completed. He commented on the importance of sewers and said the City Council should not get all the blame; that everyone needs

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to work together on this problem. He noted we are in a real estate boom right now and he has seen this situation before where the people who always complain about the growth are the ones who are nicely settled in and don't want anyone else to come into the community. He said he feels there should be a committee to work these things out--a committee made up of half for the moratorium and the other half against.

Otto Herman, 1298 Beach, Marysville, addressed Council and said he feels the proposed ordinance only emphasizes denial of the problem with the lagoon. He said the people of Marysville should expect more from the ordinance and that our relationship with the DOE is going to get worse not better as a result of this ordinance. He also stated actions of the City in this matter border on malfeasance.

Nancy Emory, 6323 88th St. NE, Marysville, addressed Council and noted there have been 501 sewer hookups permitted in the last year, compared to 186 in 1984 and 136 permits in 2/90 alone. She said City Council should look at the City as being their child and should not be treating it neglectfully as they are doing with the sewer lagoon issue.

Bernie Sigler, Everett, addressed Council and recommended vesting rights be allowed in order to prevent huge development losses in the community. He also recommended a better definition of or change in definition of "vested rights". He said he also checked with the DOE and they assured him the purpose of the notice of violation being issued to the City is to try and prevent continuous overloading of the lagoon. He said they further assured him that they wanted to prevent development losses. He noted that out of about 13 steps that go into construction of a project, his project is on about Step #11 and he outlined/summarized the steps so far, including investment of about \$1,700,000 in financing at a rate of \$5,000 per month in interest alone. He urged the City to consider his project as having vested rights.

Brent McKinley of Arlington addressed Council and referenced staff recommendations and engineering decisions that have been made with regard to the sewer lagoon. He said he felt the City has acted in a very appropriate manner in all respects.

Jeff Lynn, representing Havenwood Nursing Home on Grove St., Marysville, addressed Council and also requested vested rights for Havenwood in order to maintain their status for expansion. He noted that if they do not have vested rights, this will have a very negative impact on the nursing home in that they will lose their budget for expansion and also be unable to house additional Medicaid patients from the community who are on the waiting list now. He concluded that access by citizens of Marysville to health care facilities is very important to maintain.

Mike Papa, 9128 58th Dr. NE, Marysville, addressed Council and said he was in favor of a total ban in order to get the sewer lagoon fixed before any more hookups are allowed. He questioned how much has been spent on engineering studies.

Robert Canaan, 24120 Brier Rd., Brier, addressed the Council and stated he was told in April of 1989 by the City of Marysville that there was no problem with the sewer capacity and that he has made a very substantial investment based on that information. He said he would like to see a separate fund of \$250,000 to \$500,000 set up to offset losses because of misrepresentation such as his.

Lisa Bradley, 6523 65th Pl. NE, Marysville, addressed Council and said she understands the loss of money that will result from a moratorium but asked why we let it get to this point. She also asked how the City could justify adding more buildings and homes to a system that's more than full and why the City takes so long to upgrade the lagoon. She noted that this problem was common knowledge a long time ago and the homeowners have been paying \$4

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every 2 months towards the upgrade. She urged the City to get the developers to pay too!

Bob Fogarty, representing Centex Homes and the development of Cedarcrest South, addressed Council and noted they have sewers in place and that the developers have been participating in a ULID for 8 years on Hickok Rd. next to Parkview Estates. He noted the development has been approved by the City and said they are requesting vested rights status; that they have presented plans to the DOE and would like this whole problem solved as soon as possible.

Jim Egge, planning consultant from Everett, representing Tom Withers/Crystal Heights, Marysville, addressed Council and said he wasn't sure whether their project would have vested rights or not. However, he said he didn't see all the blame going to the City over this because DOE has been regularly involved in reviewing the sewer lagoon situation/capacity and everyone needs to work together on the problem. He said he felt the moratorium a good idea with vested rights because of the dramatic economic impacts, that the proposed ordinance is a good compromise and he congratulated the City staff on their efforts in putting the proposal together.

Venne Beauchamp, 4426 80th NE, Marysville, addressed Council and said he sees the same syndrome Bud Darling alluded to where people get settled in and then don't want anyone else to come in to the community. He also noted that dealing with DOE is a huge headache--they keep changing the rules and he suggested the committee get together and put some pressure on DOE to quit changing the rules on sewage treatment plants. He stated he felt the City has very competent engineers and that hopefully the moratorium will put some pressure on the DOE. He added that he is concerned about the river too, but urged people to quit pointing fingers and instead let's work together on the problem of getting increased capacity approved in the sewer lagoon.

Greg Wright, 5533 Parkside Dr., Marysville, addressed the Council and said he would like to encourage City Council to accept the proposed ordinance even though he is not in favor of a building moratorium, but that a sewer moratorium would be acceptable with vested rights, with preliminary approvals but no sewer hookups allowed. He stressed the need for everyone to work together and said he would be setting up a meeting with Mike Corcoran in this regard for the committee.

Anita Hill of Marysville addressed the Council and said she agrees Marysville is in a crisis and there is a need to protect the river. She said she is in favor of a ban/moratorium in order to stop polluting the river.

Dick Martin of Everett addressed the Council as a property owner in Marysville and urged City Council to look at this as a problem of sewage and the sewer system needing improvement and that there needs to be better communications with DOE, but it's not a growth or anti-growth issue.

Bill Binford, representing Prosperity Limited Partnership of Seattle, addressed the Council, noting they are buying a 120 acre parcel from a group of landowners including General Hospital of Everett and the YMCA. He noted the transaction involves several thousands of dollars in ULID payments toward a sewer facility fund and said they would like to specifically request vesting rights. He submitted copies of a two page letter of explanation.

THE PUBLIC HEARING WAS CLOSED TO PUBLIC INPUT AT 9:20 PM.

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Councilor Baxter said he would like to see some of the audience's questions answered, for example, whether the City has enough money available for the sewer lagoon upgrade--yes, we have the money from the 1988-89 budget but we have not been able to spend it, he explained. Why do we keep adding sewer hookups? He said he attended the meeting with DOE and the engineers and he specifically asked DOE if Marysville should set a moratorium last fall on sewer hookups and they said it was not necessary, that we should only keep a moratorium in mind. He said it looks like DOE has been leading the City somewhat astray and that he can understand people's confusion on the issue. He noted that it seems like everyone gets a different answer from the same people at DOE and it's creating a very big communications problem. Further, he pointed out that based on DOE's saying no moratorium is required, some construction has been approved by the City but certainly we do not pollute the Snohomish River; the effluent doesn't get anywhere near the river. He noted that there are other people dumping waste and waste water into Ebey Slough and as far as Mr. Frizzell having a bad smell on his property, a lot of that is caused by the neighbor who uses liquid manure to fertilize his land. He noted that the aeration program in the lagoon is progressing but there are other problems to overcome such as people dumping chemicals into the system and killing off cells. He concluded that every Marysville Councilmember works hard and tries to do the best possible job in representing the citizens.

Councilor Lashua stated he felt Councilor Baxter's comments were very well put and we have not always had things work out the way we wanted them to. As far as vested rights, he said he sympathizes with the developers and if they have an approved Preliminary Plat, they should have vested rights he felt, rather than being excluded under the proposed ordinance, he said.

City Attorney Allendoerfer explained that when staff reviewed whether or not to include Preliminary Plats in the proposed ordinance, the fact that a Preliminary Plat can be good for 4 years was taken into account, during which time the property could be sold without any sewer line even installed or approved. It was felt that's too soon to approve or allow sewer vested rights in a crisis situation, he said and added that staff is proposing approx. 600 lots be allowed to have vested rights with the draft ordinance.

Councilor Baxter asked about Sigler's project and City Attorney Allendoerfer explained that they have not designed a sewer system yet and therefore there would be no vested sewer rights.

Councilor Weiser asked about the side sewer provisions in the proposed ordinance and City Attorney Allendoerfer explained that currently the City recognizes up to 500' in length for a side sewer with an 8" diameter pipe and over that would be considered a sewer main.

Councilor Cundiff asked about exceptions for public buildings and City Attorney Allendoerfer explained exceptions to the moratorium would be schools, fire buildings.

Councilor Weiser asked about the sunset clause and City Attorney Allendoerfer said if progress is made faster, the sunset date may be repealed, with a public hearing if it is necessary to be extended. He noted staff is recommending six months at this time.

Councilor Baxter moved to insert City standards of 500' in length maximum and 8" maximum diameter sewer pipe for side sewers, that the City establish a moratorium as per Ordinance #1763 for a period of six months unless significant progress in the operation of the lagoon is made and that the moratorium can be extended with a public hearing, effective date of moratorium/ordinance to be 2/26/90, expiration date 9/1/90. Seconded by Councilor Cundiff and passed unanimously.

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## 2. Hilton Annexation.

City Planner Corcoran explained this is a continuation of a previous hearing and he described the location of the property, noting it is not within RUSA and that ag designation/zoning would be proposed.

City Attorney Allendoerfer explained that in view of Ordinance 1763 (sewer moratorium) just passed, all annexations are now to be held in abeyance. There was discussion about the subsequent/future use of the property.

Ken Hilton, 5902 52nd Av. NE, addressed Council and stated they have no intention to develop the property for probably several years; that there are only 2 houses on the property (19 acres) at this time that would be annexed into the City.

Councilor Cundiff asked Mr. Hilton if there would be a problem with waiting for six months on this request for annexation and Mr. Hilton responded there would be no problem with that.

Councilor Lashua moved to continue this hearing to September, 1990 with re-advertisement of the hearing at that time. Councilor Cundiff seconded the motion and it passed with one Councilor opposing.

## 3. Weiser 6th Street Vacation (continued from 2/5/90).

(Councilor Weiser stepped down.)

City Planner Corcoran explained this request is for vacation of 6th St. between Cedar and the BN right of way. He noted that the MMC stipulates a vacation can be allowed if it is in the public benefit, if there are no adverse impacts, if the right of way is not needed for future use and if the vacation does not cause land-locking. He noted that these criteria have all been met and he said should the vacation be approved, compensation must be set not to exceed 50% of the appraised/assessed value which has been determined to be \$3.38 per sq. ft., i.e. the applicant would pay not more than \$1.69 per sq. ft. or \$11,600. (The assessed value is of the adjoining property.)

Councilor Pedersen asked about the public benefit aspects of this vacation and City Planner Corcoran pointed out that there would be an additional tax benefit to the City and also, the property currently poses a liability.

Joe Reid, 7514 51st Av. NE, addressed the Council on behalf of the applicant and when asked if any building is planned, he stated there is no stub provided on Cedar and to date they have no plan for building.

City Attorney Allendoerfer asked if he knew the date BN blocked off this portion of 6th St. and Mr. Reid said he believed it was about Sept. 1978 and that the City has made no use of this land. It was pointed out that 5th St. is going to be reopened soon.

Councilor Cundiff asked about maintenance of the street once it becomes private property and Mr. Reid said there are some drainage problems and they would dig it up and repair it in order to use it as an access to Weiser Cedar Sales.

Councilor Lashua moved that Ordinance #1764 be approved vacating 6th St. as outlined, with acceptance of the compensation of \$11,469.18 from the applicant. Councilor Baxter seconded and the motion passed.

### CURRENT BUSINESS:

#### 1. Planning Commission Recommendations:



**A. Rezone of 1.5 acres from RS 9600 to CB (Community Business to construct an Arco AM/PM Mini Market - Planning Commission recommends denial.**

City Planner Corcoran explained that the proponents have done a survey/petition of signatures in the area which shows favoring of the proposal and so they are now asking that City Council hold their own public hearing to consider the new evidence. It was noted that the majority of the signatures on the petition are from Glenwood Mobile Home Park.

Councilor Pedersen asked about the impact of the sewer moratorium on this project and after considerable discussion, it was determined that the applicant does not have vested sewer rights.

Councilor Baxter indicated an interest in having another public hearing in view of the number of signatures in favor of the project however it was pointed out that there were probably an equal number of signatures, if not more, against, which was covered in the Planning Commission minutes of that public hearing.

Paul Dockendorf of 67th Av. NE, Marysville addressed the Council and said he just wanted to point out that some of the signatures are from as far away as 80th St.--no where near the proposed development.

Lisa Bradley, 6523 65th Pl. NE, Marysville addressed Council and pointed out that these signatures were not collected in the neighborhood in which she lives--they are against the project in her neighborhood. She reiterated that the signatures in favor were collected a mile away.

Tom Barghausen of Tukwila, Engineer for the Arco project, addressed Council and stated he found a lot of support for the project and they would like a City Council public hearing.

Councilor Pedersen asked if he would still be interested in a hearing in 6 months and Mr. Barghausen responded in the affirmative.

Durla Whitham (owner of Boulevard Grocery) addressed Council and said she has spoken to a lot of people who came into her store; there are 500 people against the Arco project, all homeowners. Arco's signatures are mainly from the mobile home park and these people are not homeowners, she contended and so if the people of Glenwood don't like a situation, it would be easy for them to pick up and move.

Councilor Pedersen asked about property in the immediate vicinity of the proposed project being zoned the same (Commercial/Neighborhood Business) and City Planner Corcoran stated there is, about 8 blocks away.

Councilor Cundiff said it was his opinion that the matter should be returned to the Planning Commission for reconsideration.

Councilor Baxter moved and Councilor McGee seconded to adopt the Planning Commission's recommendation for denial of the project. Passed unanimously.

**2. Village Restaurant/Hotel - Clarification on Parking Requirements.**

City Planner Corcoran explained that the Building Dept. has received an application for a building permit for addition of office space to the Village Restaurant. He noted that this would require one additional parking stall for every 100 sq. ft. of addition to the restaurant. He referred to the original request for the hotel/motel where additional parking requirement was deferred until the Park and Ride Lot is developed. He reminded Council that the Village Restaurant has agreed to donate \$10,000 toward the Park & Ride Lot. He said the question with regard to the latest request is whether the parking requirement should be waived until the Park & Ride lot is put in.

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Councilor Baxter said if this additional office space results in no additional employees or customers, then there would be no need for additional parking and he noted there is no precedent for this particular case.

City Attorney Allendoerfer referenced the resolution that was passed four months ago with regard to the Village having adequate parking and asked if the interpretation would be to include this addition to the building at this time. There was general discussion.

Roy Thorsen, owner of the Village Restaurant, addressed Council and stated they need more storage as well as consolidating facilities. He explained there would be no impact on parking during the day, one parking place would be needed during the graveyard shift for the baker.

Councilor Weiser asked if there were any plans to increase the seating capacity of the restaurant or bar and Mr. Thorsen said no and added there would be no new employees. This is mainly a need for office space and storage, he stated.

City Attorney Allendoerfer pointed out that CityBank is now asking for assurance that construction can go ahead without the Park & Ride lot/parking issue being resolved and Councilor Lashua said he thought it was all resolved four months ago. Mr. Thorsen explained that the bank wished to have something in writing.

Councilor Baxter suggested the City Attorney send a letter to the bank and City Planner Corcoran said a letter was sent 10/25/89 from the Mayor which should suffice, with regard to permission for Mr. Thorsen to proceed with construction. City Planner Corcoran also mentioned that no additional parking would be required if the addition to the building constitutes 10% or less of the total square footage of the present building.

Councilor Pedersen asked about the progress of the Park & Ride Lot and Public Works Director Zabell said he believed it was scheduled for this summer and Mr. Thorsen said his hotel/motel is scheduled for opening 6/1/90.

Larry Pavish, 1927 5th St., addressed Council and stated he is still not being notified of these hearings--as a courtesy or otherwise. He said the trailer sales lot is complaining that they are going to lose business because of the hotel/motel being built and causing loss of sight/attention to the trailer sales.

There was general discussion about this not being a variance request, notifying Mr. Pavish as a courtesy, contacting Community Transit, that it is somewhat unfair to expect the applicant to provide 13½ parking stalls for one person (the baker). There was further discussion about the variance process, when the hearing examiner would be coming on board; City Planner Corcoran suggested using administrative latitude in that he feels the parking ratio only applies to the restaurant and for office space it would only be one parking stall for every 400 sq. ft. and if this is 10% or less of entire facility no more parking would be required. It was noted that this addition could never be used as a restaurant--it would be storage and offices.

Councilor Lashua moved that City Planner Corcoran solve the problem administratively within the Marysville Municipal Code and if unable to do so in this manner, take it to the Board of Adjustment or bring it back to City Council next week. Councilor Baxter seconded the motion.

There was more discussion concerning the bake shop (definition), "stretching" definitions, parking requirements, storage/freezer space on first floor with offices above.

The motion finally passed unanimously.

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NEW BUSINESS:

**1. Final Plat of Bayview Ridge Div. IV.**

City Planner Corcoran explained that this plat has vested sewer rights, meets all requirements, streets are bonded and it has the city engineer's approval for 34 lots.

Public Works Director Zabell stated he would like to see the condition added that the developer put in hard surface streets prior to building/occupancy permits. He noted this was the consensus of City Council with Kellogg Meadows because of the problems that were created before.

Bruce McKinnon of Belmark Industries addressed Council and stated he would have no problem with the addition of that condition.

Discussion then followed with regard to whether it should be "building" or "occupancy" permit and Mr. McKinnon stated he did not see having a problem with people moving in without an occupancy permit. City Administrator Sanden suggested that approval of the plat be contingent on ATB being in place before occupancy of homes is allowed, with the City Planner have the control.

CORRECTED: SEE 3-5-90  
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Councilor Weiser moved that the Final Plat of Bayview Ridge Div. IV be signed off by the Mayor, with the one condition added that ATB be in place prior to occupancy of the homes. Councilor Pedersen seconded and the motion passed unanimously.

**2. Final Plat of Bayview Crest.**

City Planner Corcoran explained this is the same situation as Bayview Ridge Div. IV; that it also has vested sewer rights.

Councilor Lashua moved that the Final Plat of Bayview Crest be approved for the Mayor's signature with the one condition added that ATB be in place prior to occupancy of the homes. Councilor Baxter seconded and the motion passed unanimously.

LEGAL MATTERS:

**1. Authorize Mayor to Sign Agreement with Department of Transportation.**

Public Works Director Zabell explained this agreement is for DOT to rebuild/widen 528 for parking and turning lanes and for DOT participation in signal at 47th & 528.

Councilor Baxter moved and Councilor Weiser seconded to authorize the Mayor to sign the agreement with DOT. Passed unanimously.

**2. Recovery Contract - Ted Schmelzer.**

City Attorney Allendoerfer explained this would be for a sewer line at a cost of \$122,000 plus interest from latecomers. He noted however, that collection of the interest would be illegal for Mr. Schmelzer to do.

Councilor Cundiff moved and Councilor Baxter seconded to adopt/approve Recovery Contract #149 for the sewer line. Passed unanimously.

**3. Water Transmission Pipeline Easement Acquisition.**

City Attorney Allendoerfer explained that the Albergs have agreed to allow the City to take possession of the easement while the transmission line is being built. He explained that the City has initiated condemnation proceedings and in order for the Albergs to recover attorney fees, it is usual for them to relinquish the utility easement and give the City the right to use the right of way.

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Councilor Baxter moved and Councilor Weiser seconded to approve this transaction, with the City having to subsequently pay Alberg's attorney fees, for use of the water transmission pipeline easement. Passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Relating to Per Diem Reimbursement to the Mayor and City Council Members.**

City Attorney Allendoerfer explained this defines a work session as opposed to a seminar and would pay \$50 per day for meetings attended on Council business, up to a maximum per month. There was discussion regarding interpretation of a seminar, retreat, normal working hours, training session.

Councilor Weiser moved and Councilor Lashua seconded to adopt/ approve Ordinance #1765 as proposed. Passed unanimously.

STAFF'S BUSINESS:

CORRECTED: SEE 3-5-90  
 MINUTES

Public Works Director Zabell said he had received a letter from DOT asking for no parking on 4th St. during construction of the improvements from mid-June through August. He said he had made sure that construction would not start until after the Strawberry Festival and that there would be notification of no parking on Channel 18. He noted that 4th would be going to 5 lanes.

Public Works Director Zabell presented a request from the Marysvill Moose for \$2800 for the cost of their back door and said he would prepare an agenda bill for next meeting.

Public Works Director Zabell reported that he and Larry Wade and Bob Kissinger attended a meeting with DOE concerning the sewer lagoon and they discussed infiltration, inflow, went over design calculations, discussed sludge removal and a plan of action. There will be another meeting 3/13/90.

City Administrator Sanden reported that the Solid Waste Management agreement with the County will be brought up at next week's Council Meeting and the County can send a representative.

CALL ON COUNCILMEMBERS:

Councilor Cunduff asked about the light at 4th & Cedar and whether it could be actuated. There was brief discussion about traffic counts, left turns and actuating of the signal.

Councilor Baxter requested that the Y be considered for more money from the City, if possible and after brief discussion, City Administrator Sanden suggested the Y present a written request for funding and that a review of the budget be done in July or August.

There was discussion about emergency power at the Public Safety Building and why the generator didn't come on during tonight's brief power outage. There was also discussion about the public address system, lapel mics being here soon, ID cards, business cards for Councilmembers.

MAYOR'S BUSINESS:

**1. Appointment to Planning Commission.**

The Mayor said she would like to appoint Bernie St. Onge and discussion ensued regarding a Board of Adjustment member being also on the Planning Commission and it was determined that he would have to be a member of either, not both.

Councilor Baxter moved and Councilor Lashua seconded acceptance of the Mayor's appointment of Bernie St. Onge to the Planning Commission. Passed unanimously.

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**2. Appointment to Library Board (Ex-officio Member).**

Councilor Weiser volunteered.

**3. Employee Wage Schedule Sub-Committee City Council reps.**

Mayor Matheny appointed Councilors McGee, Pedersen and Lashua to work with staff and the consultant. Next meeting at 4 p.m., March 2 (Fri.) at City Hall.

City Attorney Allendoerfer asked for consensus on whether a person or business with a sewer connection from another jurisdiction should/could qualify for Marysville water. After brief discussion, the consensus was they should be disqualified and City Attorney Allendoerfer to bring draft ordinance in next week.

Councilor Lashua reminded Council about the Marysville Historical Society Annual Appreciation Dinner for City Council one week from tonight.

City Administrator Sanden reminded Council about the Solid Waste meeting 3/13 at 11:45 a.m., Cascade Club in Everett. There will be a County Council presentation on longhaul she said.

ADJOURNMENT: 11:43 p.m.

Accepted this 5<sup>th</sup> day of March, 1990.

*Rita Matheny*  
 MAYOR

*Phillip E. Dexter*  
 CITY CLERK

*Wanda A. Iverson*  
 RECORDING SECRETARY