

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JANUARY 4, 1993

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilors Myers & Herman excused

MINUTES OF PREVIOUS MEETING: 12/14/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS: John Garner appt. to Golf Bd., Dave Voigt appt. to Planning Comm., Larry Trivett sworn in as new Municipal Court Judge

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARING:

1. Warbus Street Vacation Postponed Indefinitely

CONSENT AGENDA:

1. 4 Liquor License Renewals Approved
 2. 12/28/92 Claims - \$313,111.62 Approved
 3. 12/92 Payroll - \$488,578.01 Approved
 4. Belmark Final Plat of Gronning Estates; PA 9205022 Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Schmelzer Rezone, Prel. Plat & Prel.Site Plan Westview Lane Approved
 2. Roberts/Darling Prel.Plat, Zoning Designation & Variance Approved

NEW BUSINESS:

1. Atwell Conditional Use Permit Approved
 2. Harbour Homes/Geonerco Street Vacation Approved
 3. Weiser Cedar Sales St. Vacation P.H. set for 2/1/93
 4. Sunnyside South Annexation 10% Petition Approved

ORDINANCES & RESOLUTIONS: None

LEGAL MATTERS:

1. Municipal Court Judge Contract Approved
 2. Anderson Recovery Contract R.C. #165 Approved

ADJOURNMENT: 10:02 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 4, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers (excused)
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman (excused)
Administrative Staff:
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Jim Ballew, Parks & Recreation Director
 Dave Zabell, City Administrator
 Ken Winckler, Public Works Director
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilor Pedersen noted that on page 1 of the 12/14/92 minutes, it should be corrected to show Councilor McGee led the flag salute. Also, on page 2 where Councilor Baxter is commenting regarding leasing of land around the Sunnyside Well in the 5th paragraph, it was intent that he would like to see something is finalized rather than that something "won't happen". Also, on page 3, Councilor Pedersen noted that Judge Moon was representing the Court Commission not the Port Commission.

Councilor McGee moved and Councilor Wright seconded to accept the 12/14/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Planner Hirashima reported she, Dave Zabell and Ken Winckler met with the county to discuss the Kroetke Annexation. She noted the Boundary Review Board hearing will be 1/12/93 on this and it is the county's desire to see an interlocal agreement between City and County on annexations. She stated a draft of an interlocal agreement has been drawn up and the City will be responding back to the county with changes, the proposed changes and substance of the interlocal agreement to be brought before City Council at the next City Council meeting. She added the intent was to have the interlocal agreement prepared in time for the hearing but this may not be possible at this point.

Councilor Pedersen asked about other interlocal agreements concerning other annexations and City Planner Hirashima stated there was some general language in the Northwest Annexation interlocal agreement, eg. for discussion between City and County to take place but not necessarily having an interlocal agreement in place as a condition of annexation.

Mayor Weiser noted one of the items under disagreement is a 50' buffer (City's wish) vs. a 200' buffer the County desires to be

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 2

included in the interlocal agreement.

City Planner Hirashima said the county has actually rescinded the 200' buffer for the Kroetke Annexation but a lot of it is just a rehashing of an existing interlocal agreement with the county and so the City feels this is unnecessary redundancy.

Councilor Baxter said he doesn't see the necessity of going over and over the same thing with each annexation and Mayor Weiser said that was one of the City's arguments also--that after going through all the hoops, the City is no further ahead.

MAYOR'S BUSINESS:

Mayor Weiser commented on a letter from the City of Bothell to Snohomish County, a copy of which was given to each Councilmember.

Mayor Weiser reported there is a hearing coming up either 1/22 or 1/29 regarding adoption of Snohomish County Tomorrow's goals and policies and he asked for Council input, to be discussed next Monday night.

Mayor Weiser asked for the Council's affirmation on his appointment of John Garner to the Golf Board.

Councilor Baxter moved and Councilor McGee seconded to affirm the Mayor's recommendation to appoint John Garner to the Golf Board. Passed unanimously.

Mayor Weiser asked for the Council's affirmation on his appointment of Dave Voigt to the Planning Commission, to fill Bernie St. Onge's position.

Councilor McGee moved and Councilor Baxter seconded to affirm the Mayor's appointment of Dave Voigt to the Planning Commission. Passed unanimously.

Mayor Weiser explained the process that was undertaken in order to finally choose a new Municipal Court Judge and announced that Judge Pro Tem Larry Trivett was chosen. City Attorney Weed administered the oath to Judge Trivett.

CALL ON COUNCILMEMBERS:

Councilor Baxter asked about building permits for the Northwest Annexation area and City Planner Hirashima reported the City is now doing inspections out there.

Councilor Baxter commented on the good work BSA Troops 81, 82, 89 and 118 did in collecting Christmas trees and putting them through the chipper in order to recycle them. He noted this is a real worthwhile effort and they have been received well in the community. He asked about leasing the golf course.

Mayor Weiser said this will be discussed with a committee being appointed soon.

Councilor Pedersen complimented Roger Kelley on the look of the City newsletter. She asked about listing dept. head and Councilmember phone numbers for people to call. She also commented on how she had received some very positive feedback from some people who had been recently annexed into the City. These people shared that emergency response times had decreased and streets had been improved and these things were very much appreciated.

MARYSVILLE CITY COUNCIL MINUTES
 JANUARY 4, 1993
 Page 3

Councilor Pedersen reported that she had been elected Chair of the North County Towns & Cities Assn.

Councilor Leighan commended the City on good snow removal and sanding. He asked about the Tulalip's concern regarding the Northwest Annexation, noting his first notification that they had a concern was when he read it in the paper.

Mayor Weiser stated the Tulalip Tribes do have property in the Northwest Annexation but it is not clear if it is Tribal owned or if it is in trust. He said he is following up on this.

Councilor Baxter commented on a hole at the bottom of Getchell Hill that needs repair and Public Works Director Winckler said he would follow up on this again.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARING:

1. **Rich & Chuck Warbus; Street Vacation/Public Hearing; PA 9208038; Applicant and Staff Request Further Continuance.**

City Planner Hirashima explained the applicant wants an indefinite continuance as they believe they can now build the building within their site. She said the Planning Dept. may need to discuss the concept with Council of using right of way for parking.

City Attorney Weed proposed drafting a right of way parking permit which would include language regarding the applicant's providing proof of insurance, indemnification and compensation in favor of the City.

City Planner Hirashima added that the applicant did move the building plan back a few feet and they would consider a right of way permit. She said that based on their design, it appears the City would be able to utilize the necessary right of way for street.

Councilor Baxter said he understood the applicant plans to build the building and then they will go to the next step, but they need to get their building built as soon as possible.

There being no further comments, Councilor Baxter moved for an indefinite postponement of the Warbus Street Vacation. Councilor Pedersen seconded and the motion passed unanimously.

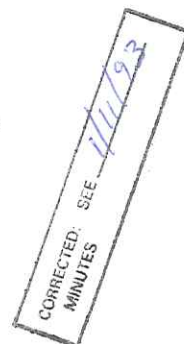
CONSENT AGENDA:

1. **Approval of (4) Liquor License Renewals - Albertson's, Circle K #8878, Jackpot #158 and Jackpot #160.**
2. **12/28/92 Claims in the amount of \$313,111.62.**
3. **12/92 Payroll Claims in the amount of \$488,578.01.**
4. **Belmark Industries Final Plat of Gronning Estates; PA 9205022.**

Councilor Baxter moved and Councilor Wright seconded to approve Consent Agenda Items 1 through 4.

Councilor Pedersen asked about the mylar and final check list under #4 and City Planner Hirashima said there is a minor amendment on the mylar that will be done tomorrow morning and that could be a condition of approval.

The motion passed with Councilor Leighan abstaining on Voucher No. 14004 under Item #2.



MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 4

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Ted A. Schmelzer Rezone, Preliminary Plat & Preliminary Site Plan of Westview Lane; PA 9206026.

City Planner Hirashima reviewed the agenda bill, noting the hearing examiner has recommended approval of the plat with 14 conditions. Staff recommends that his recommendation be affirmed and there have been no appeals, she reported.

Councilor Pedersen asked if Westview Lane is the plat that was submitted with zero lot lines and City Planner Hirashima said no, that was Meadowcreek which is immediately adjacent to this plat.

Councilor Pedersen asked if the three open spaces all tie in and City Planner Hirashima said yes, this ties in with the open space in the Crystal Terrace and Foothills Park plats.

Councilor Pedersen asked about the Parks & Recreation Director's feelings about these open space dedications and Parks & Recreation Director Ballew stated this is a very workable arrangement, one the City is pleased to have dedicated to them.

Councilor Baxter pointed out there would be very poor access to the other open space, including access to 67th without this dedication and City Administrator Zabell agreed, noting that in contrast to other open spaces people have wished to dedicate to the City, this is a larger piece, giving the City more flexibility to work with.

Parks & Recreation Director Ballew pointed out that the goal was to connect the three and instead of the access on 61st, it's been changed to 67th. He added that the Meadowcreek proposal first came before Council in 1989, so this has been an ongoing process.

City Planner Hirashima pointed out that Meadowcreek is adjacent to Westview Lane and is also owned by Ted Schmelzer.

Councilor McGee moved and Councilor Baxter seconded to approve the Rezone, Preliminary Plat & Preliminary Site Plan of Westview Lane as recommended. Passed unanimously.

2. Bill Roberts/Jess Darling Preliminary Plat; Zoning Designation & Variance to Lot Width/Frontage for Hickock East Div. II; PA 9207031.

City Planner Hirashima reviewed the agenda bill, noting the county designation at the time of annexation was RS-7200 which staff feels is appropriate. She added the hearing examiner has recommended approval with 13 conditions and staff concurs.

Mayor Weiser asked about the existing structure and City Planner Hirashima said it will remain on the property.

Bill Roberts, 4210 63rd Av. NE, addressed Council. He noted that the lot width on the curve as requested by the hearing examiner has now been resolved with the new bulk and dimension ordinance.

There was discussion about the exact location of the existing structure, location of the plat, the fact that Lots 1 thru 11 would take access off the cul de sac. City Administrator Zabell asked about the applicant extending curbs, gutter and sidewalk over to 53rd and Mr. Roberts confirmed they would be doing this.

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 5

Mayor Weiser asked about a CT bus turnout and Mr. Roberts said they would be willing to discuss this further with CT; it would probably end up in front of the existing green house, he said.

Councilor Wright moved and Councilor McGee seconded to approve the request, as per recommendations of staff and the hearing examiner. Passed unanimously.

NEW BUSINESS:

1. Clara Atwell Conditional Use Permit; PA 9211055.

City Planner Hirashima reviewed the agenda bill, explaining what is involved with a manufactured home building permit. She stated the hearing examiner has recommended approval.

Councilor Pedersen asked about condition #4 - 80th St. frontage improvements and City Planner Hirashima explained there is a City code requirement but the Public Works Director would determine if these improvements are necessary, which she said she didn't believe the Public Works Director would deem necessary.

There was discussion about access being on 47th, the common easement (same property owner for both lots), the fact that the Public Works Director has indicated that the improvements on 80th would not be required.

Councilor Leighan asked why a conditional use permit is still required for a manufactured home.

City Planner Hirashima explained manufactured homes were previously considered mobile homes but they are no longer; they are now in some cases built better than most homes and this one in particular is a huge improvement over the existing home on the property, she said. She said the Council may want to allow manufactured homes outright without going through the conditional use permit process; there have been only 2 applications in the last 3 years, she pointed out and they usually enhance the appearance of the property. She added that in this case, the owner was very frustrated to have to go through the City process when a lot of other jurisdictions don't require a conditional use permit at all.

Councilor Baxter explained the first modular in the City was in 1977 and they did not want to have the older style mobile home creep into residential neighborhoods. He pointed out that now the average mobile home has a much nicer appearance but Council back in 1977 wanted to eliminate the older style mobile home.

Councilor Leighan pointed out that you can set down certain construction and design criteria that would eliminate the older style mobile/manufactured home such as no metal roof, a certain kind of siding, without the owner having to go through the conditional use permit process.

Councilor Baxter said the conditional use permit process is a good protection for the City and he doesn't think the City should have to change anything. He pointed out it would take a lot of staff time to change the ordinance. He also noted the price of a modular is almost as much as low income housing now.

There was discussion about when to discuss the process, siding, roof variations now that are most appropriate.

Timothy Van Dyke, Lake Stevens, designer and applicant's representative, addressed Council. He pointed out there is a difference

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 6

between a mobile home and a modular home, the main difference being that the modular home conforms to the UBC and is not mobile --it's built with the approval of the Master Builders Assn. and the applicant's modular, for example, has a composition roof, T-111 siding, is not a HUD code modular home, has TJI flooring, no axle, no wheels, comes in sections, has 2' eave overhangs, soffits, mudsills, architecturally designed.

There were comments and discussion about how in a lot of cases you can't tell a modular home from a stick built home and City Planner Hirashima read the definition of a "factory built" home (modular) from the MMC: must conform to UBC, must not be a mobile home and must have an attached garage. It was also noted that one of the conditions under the MMC is that a building inspector from the City must go to the factory at least twice and inspect the home.

Mr. Van Dyke noted that in Snohomish County he can get a building permit in 4-6 weeks for a modular home, in Marysville it takes about 10-12 weeks because of the hearing examiner process and Mr. Van Dyke did not even realize he needed a conditional use permit for the first 5 weeks of the process, so this has really gone on for quite some time. He did note that he has been very pleased with the help of the City staff and that he would highly recommend one of these homes for livability and affordability, as well as being well built and aesthetically pleasing also. He noted he is designing a two story one in Island County.

Councilor Pedersen moved and Councilor Wright seconded to approve the conditional use permit as recommended by staff and the hearing examiner. Passed unanimously.

2. Harbour Homes/Geonerco Street Vacation; PA 9212062.

City Planner Hirashima reviewed the agenda bill, noting that the plat of Brighton Park has precipitated this request; staff is recommending a public hearing within 60 days from passage of a resolution.

City Attorney Weed said a valuation needs to be done so that information is available at the public hearing, also.

City Planner Hirashima said the applicant does not feel he should provide compensation as they have given right of way and wetlands dedication.

There was discussion about the construction of 75th Av. NE (the longer one shown on the vicinity map), none of lots 5, 6 or 7 in Neartown to be landlocked, an alternative street name (75th Dr.), 52nd St. access, size of vacation about 10,000 sq.ft., addresses in plats have been checked for accuracy.

Bill Roberts, 4129 76th St. NE (business), land surveyor, addressed Council and stated the applicant is only asking for a half street vacation (75th St.) and they are actually building a whole new 75th St. He said they would argue against paying compensation as the small vacation would be in exchange for the improvements. It was confirmed that either way, the applicant would have to build 75th St.

Councilor Baxter asked about some problems that came up when this property was initially cleared and Mr. Roberts said there was some clearing prior to the plat being submitted and he was not aware of any infringements on the wetlands.

Councilor Baxter asked about enough plats to complete 75th and Mr.

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 7

Roberts said yes, the MPD and fire dept. can go through Crystal Heights and Brighton Park to access Harbour Homes. He added they are not asking for any vacation of the Neartown Addition and if the City does ask for compensation, he would hope it would be based on 50% of the assessed value.

Councilor Baxter asked about the wetlands being dedicated and City Planner Hirashima said the Parks Dept. was not interested in this dedication and it would be maintained by the abutting property owners.

Mr. Roberts pointed out that the City would have a drainage easement so they could maintain the creek/drainage.

Councilor Pedersen moved to set a public hearing for 2/1/93 with compensation, if any, to be based on the per square foot evaluation method (divided by two). Councilor McGee seconded and the motion passed with Councilor Leighan opposed.

3. Weiser Cedar Sales Street Vacation; PA 9211057.

Mayor Weiser stepped down and left Council Chambers, with Mayor Pro Tem Pedersen taking over the chair.

City Planner Hirashima said there are a couple issues identified by staff, one being that Petrocard as well as Weiser Cedar Sales would be affected. She noted that Mr. Weiser will be contacting Petrocard to see if they are in support of the vacation of Morgan St. She added that apparently there had been a vacation of 7th St. several years ago and Morgan St. is now incorrectly signed as 7th St., so it is confusing. She said it needs to be determined whether Petrocard has any objection to vacation of the street and she added this is just to introduce the matter and set up a time for public hearing.

City Administrator Zabell said he believed 6th St. was also vacated some years back.

Joe Reed of Weiser Cedar Sales addressed Council. He said in 1927 the City vacated 7th St. and Weiser Cedar Sales is now asking for 50% of Morgan St. He noted Petrocard has an entrance on Morgan St. but Morgan St. has been used as 7th St. over the years and so that is how the confusion has developed between the two streets.

Councilor Baxter said he believed there to be only one street there and if the vacation addressed 7th, it should be the same as Morgan St. being vacated.

There was discussion about 6th, 7th and Morgan Streets confusion, the need to have an appropriate legal description, 3 houses fronting on "7th" which appears to be just an alley, the railroad not to be opened at that point, the 5th St. crossing just got funding, Vacation Ordinance #240, Petrocard needs to be contacted, need map clarifying where fencing and existing structures are, ownership, etc. (Staff to provide this information at the public hearing.)

Mr. Reed noted that Gil Emory used to own the Petrocard property.

Councilor Wright moved and Councilor Leighan seconded to hold a public hearing 2/1/93, with compensation, if any, to be based on the assessed valuation method. Passed unanimously.

Mayor Weiser returned to Council Chambers at 8:47 p.m.

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 8

4. Sunnyside South Annexation; 10% Petition; PA 9210046.

City Planner Hirashima reviewed the agenda bill, noting that the 10% petition actually represents 24.6% of assessed valuation of the proposed annexation area. She noted three issues that need to be considered: 1) the proposed annexation area is outside the interim UGA and annexations outside the interim UGA will not be allowed after 7/1/93.

2) A portion is designated as ag at the county level.

3) Property lines may not constitute regular boundaries but the Poortinga property could be annexed separately.

She noted that currently there are Ag 10 and rural designations within the proposed annexation area and this area has been included within the updated Marysville Comp Plan.

Councilor Pedersen asked why lots 2-012 and 2-014 had not been included and City Planner Hirashima said she was not sure, that these lots may be included in a forthcoming annexation proposal; they are clearly within the Ag boundaries also, she said.

Mayor Weiser pointed out that the GMA allows Ag within our UGB as long as we have a TDR program in place and City Planner Hirashima added that the county is currently working on an ordinance and the Marysville Planning Commission is to revisit the offsite TDR plan.

Councilor Pedersen asked for clarification on another annexation proposal and City Planner Hirashima stated the applicant has indicated intent and are working on a proposal but nothing formal has been submitted as yet. She added that there are a lot of ag designated areas in that proposal.

Ken Hilton, 5902 52nd Av. NE, addressed Council, noting he owns 20 acres bound on two sides by the City and Poortinga owns 33 acres. He pointed out that an island has basically been created with 12-14 residences in the county, everything to the south is ag, everything to the east and north is within Marysville, so essentially most people are already in City limits. He said one of the problems is police and fire protection--Hiltons are on a dead end road and it makes it awkward with everyone else in the City, he said. He added that Mr. Poortinga does not want the rest of his land considered for annexation at this time because of the other issues: ag, wetlands, etc., which may take more time to process.

City Planner Hirashima pointed out that there are 17 property owners within the proposed annexation area, with signatures from 4 out of the 17 who own 6 out of 22 parcels.

Pete Poortinga, 5904 46th NE, addressed Council. He stated there is so much housing above them that it's created a lot of runoff and problems, people are complaining about the smell from the Poortinga farm and so they feel it's time to sell. He said the creek runs over all the time because of the housing above and they have a chance to buy a farm at Island Crossing, with a prospective buyer here and they would like to move to Island Crossing.

Mayor Weiser asked about the two lots not being included in the proposed annexation and Mr. Poortinga said they were in the lowest part of the farm. He added that he feels it important to keep the dairy farm going and the whole Silvana area is dairy so it's a good place for his sons to carry on the business.

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 4, 1993

Page 9

Dave Weisinger, 5628 Sunnyside (also owns property at 5824 58th NE), addressed Council. He stated he has lived here 12 years and enjoys the Hiltons and Poortingas as neighbors and does not understand why the whole neighborhood needs to be part of the City because he sees several detriments to being in the City: a 6% utility tax, increase in garbage and sewer rates, little increase in police and fire protection. He said he has a problem with being included with 17 property owners for the sake of two and he is sure many of the other property owners will be against the annexation also.

William Morris, 4704 Sunnyside Blvd., addressed Council, stating he has lived here 18 years. He said he enjoys the area, the cattle, the view, and he is against the annexation petition.

Susan Snyder, 5926 Sunnyside Blvd., addressed Council and stated she has lived here 13 years. She asked who will keep the kids out of their pastures and also expressed a concern about nesting birds and their flyway getting displaced, disrupted and/or damaged by the increased housing. She said she thinks Marysville has enough housing already. She pointed out that the county hasn't put in curbs, sidewalks or drainage and asked if Marysville is willing to do anything about their drainage problem and how long they are going to have to wait before it is fixed.

Paul Ritchie, 5814 56th NE, addressed Council. He asked what the plans are for the property--housing? He pointed out that increased housing is a heavy burden for the area. He said he has livestock also and there is runoff into the stream from above. It's a country area and he thinks it should stay "country", he said. He added that the runoff does go onto Pete's property and putting more houses in is not going to help this.

Cecil Rose, 5616 Sunnyside Blvd., addressed Council. He said he understands that once you get rid of the cattle you can't have it back if you're annexed and sometime in the future (he hasn't had any cattle for 3 years) he would like it back, it's just vacant now, he said.

City Planner Hirashima explained that if it's currently zoned ag and the City transfers the ag use with annexation, then it would be probably maintained as ag use and he could have cattle back on it, even if it's annexed.

Mr. Rose asked about mandatory garbage service and Mayor Weiser explained the 5 year phasing out of county garbage service once an area is annexed.

Mr. Rose explained he hauls his own and doesn't feel he should have to have mandatory service; he eats out a lot, he said.

Councilor Baxter said he understood that if you don't use the ag property for 12 months you can't keep it.

Mayor Weiser explained that with ag zoning, you can maintain that as long as you want. The problem is if you are zoned 12,500 for example, you could be grandfathered with ag use and then lose it if you don't use it.

City Planner Hirashima agreed, adding that ag use includes such uses as greenhouses, kennels, farming, horticulture, accessory buildings, also.

Mr. Rose said he is still kind of opposed to annexation.

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 10

Mr. Morris readdressed Council, stating he would like to know why the water right across the street is only half of his rates.

Mayor Weiser explained that outside City limits was double the inside City limits rate, but the differential is not quite as much now.

Councilor Leighan pointed out that some people feel there is a trade-off with the 6% City utility tax and the higher outside City limits rates.

Mr. Morris said his wife has lived on Sunnyside Blvd. since she was 8 years old and they feel like they should be given some concession.

Rick Poortinga, 5814 46th NE, addressed Council. He said they have far too many problems where they are and they just want to move at this point. He pointed to runoff problems as the main concern.

Mr. Weisinger readdressed Council and asked if they would be using the 1992 or 1993 assessment figures.

City Planner Hirashima stated they would probably be using the 1992 numbers as the annexation was submitted last year.

City Attorney Weed said he is not sure this is dealt with in the annexation ordinance and his opinion would be to use the 1993 figures if they are available on the date of the 10% petition approval.

Mr. Weisinger asked why just the Poortinga and Hilton properties only couldn't be annexed.

Mayor Weiser explained the City has to create some kind of "regular" boundaries although the definition of that word seems to change, he said, but streams, streets, for example, would be boundaries. The Boundary Review Board has the power to change any annexation that's submitted, he pointed out, noting they can increase or decrease any annexation submitted to them.

Mr. Weisinger asked about the City's annexation policy and Mayor Weiser explained the concentration is on the Southeast part of town and the City prefers to combine smaller ones to make one large one, also part of the policy is to concentrate on areas where there are utilities and/or they are within the UGB and fairly easy to service with police, streets, library, etc. He added that Mr. Weisinger is on the border of the urbanized area.

Councilor Pedersen pointed out that the City does not initiate annexations, they respond to petitions brought in by people who want to be annexed. She also explained creating boundaries.

Mayor Weiser added a lot of the runoff has occurred from growth but the plan was to use that area as an aquatic park and/or detention area.

Councilor Pedersen pointed out that just approving the 10% petition is not guaranteeing the annexation will occur.

Mr. Weisinger said he has video and pictorial evidence on the waterfowl habitat and flyways in the area and he warned Council that they might be hearing from Ducks Unlimited, Audabon and other groups.

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 11

Mr. Poortinga said he would be happy to include the two lower lots referred to earlier in the annexation proposal in order to square off the boundaries.

Mayor Weiser said there are several areas that the City needs to work with the county on: wetlands, etc.

Councilor Baxter said he feels the City is more strict with wetlands than the county because the City has a wetlands ordinance and the county doesn't, therefore wetlands would be better protected in the City.

Councilor Pedersen also noted that being within City limits doesn't affect how a property owner develops their property.

Mayor Weiser asked if the two lots are included and during the 60% petition phase it is decided they don't want them in, if they could be deleted at that time.

City Attorney Weed said yes, all or any portion can be deleted.

Councilor McGee moved and Councilor Baxter seconded to accept the 10% petition, establishing the boundaries, to include lots 2-012 and 2-014 and including acceptance of the City's bonded indebtedness and Comp Plan designation when the annexation is approved. The motion passed unanimously.

City Attorney Weed stated he would check into whether the 1992 or 1993 figures are to be used for assessment valuation.

BREAK: 9:45 to 9:50 p.m.

LEGAL MATTERS:

1. Municipal Court Judge Contract.

City Attorney Weed said the contract he had prepared is essentially the same contract as for Judge Wisman; it is for one year as it is fulfilling a vacancy and it may be rewritten for 4 years. He noted he had added a paragraph to address Judge Trivett's concern about more than 12 jury trials in a year and any in excess of 12 per year would be compensated on a per diem rate. The contract also includes the services of a judge pro tem, he pointed out, which is in the event of a conflict of interest the Judge may have, for example and there are funds in the Court budget for this.

Councilor Baxter moved and Councilor Pedersen seconded to authorize the Mayor to sign the Municipal Court Judge Contract.

Councilor Leighan noted that he will be paid \$6,000 more than budgeted for Judge Wisman but Mayor Weiser pointed out that Judge Trivett will be presiding over the daytime court which Judge Wisman did not.

City Attorney Weed pointed out the net effect is actually \$2,000 to \$3,000 less in a year for Judge Trivett than Judge Wisman.

The motion passed unanimously.

It was noted that there is still one judge pro tem available but Mayor Weiser said he would be discussing with Judge Trivett whether he thinks another judge pro tem is necessary to be hired.

City Attorney Weed noted he sent Judge Wisman a letter thanking

MARYSVILLE CITY COUNCIL MINUTES
JANUARY 4, 1993
Page 12

him for his services and he explained that Judge Wisman had even agreed to be available over the last long weekend.

2. Lee Anderson Recovery Contract.

City Attorney Weed explained this is for an 8" water line on 92nd St., with the cost that can be recovered by Mr. Anderson working out to \$11.83 per lineal foot.

Councilor Wright moved and Councilor Pedersen seconded to approve/accept Recovery Contract #165. Passed unanimously.

ADJOURNMENT: 10:02 p.m.

Accepted this 11th day of January, 1993.



MAYOR



CITY CLERK



RECORDING SECRETARY