

MINUTES RECAP

00290

MARYSVILLE CITY COUNCIL MEETING

JANUARY 25, 1993

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETING:

1/11/93 Approved

STAFF'S BUSINESS:MAYOR'S BUSINESS:Veto on School Dist. Mit.
Fees Ordinance not over-
riddenCALL ON COUNCILMEMBERS:AUDIENCE PARTICIPATION:

None

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

1. Grimes Variance to Home Occup.Stds. - Approved

CONSENT AGENDA:

- | | |
|-------------------------------------|----------|
| 1. 9 Liquor License Renewals | Approved |
| 2. Final 1992 Claims - \$237,527.52 | Approved |
| 3. 1/25/93 Claims - \$371,932.69 | Approved |
| 4. Windsong III Final Plat | Approved |

REVIEW BIDS:

None

CURRENT BUSINESS:

1. Purchase or Lease New Police Cars To purchase 2 new cars
out of Cumulative Reserve
Fund
2. Proposed Countywide Planning Policies - Not Approved
3. Northpointe Binding Site Plan Approved
4. Scott Ray 60% Annexation Petition Public Hrg.set for 2/22/93

NEW BUSINESS:

1. JJ's Golf Liquor Lic.Application Continued to 2/1/93

ORDINANCES & RESOLUTIONS:

- | | |
|--------------------------------------------------------------------------|---------------------|
| 1. Ord. amending MMC relating to
Municipal Court & Judge | Ord. #1933 Approved |
| 2. Ord. annexing Walla/Martin Prop. | Ord. #1934 Approved |
| 3. Ord. rezoning Taylor Prop. & App.
Beverly Lane Preliminary Plat | Ord. #1935 Approved |
| 4. Ord. pertaining to Distribution
& Custodianship of Petty Cash Fund | Ord. #1936 Approved |
| 5. Res. declaring Policy Concerning
Encouragement of Youth Activities | Res. #1604 Approved |
| 6. Res. granting C.U.P. for Jubie
Property, subject to conditions | Res. #1605 Approved |
| 7. Res. granting Utility Variance
for Gregory Partridge Property | Res. #1606 Approved |

LEGAL MATTERS:

1. Addendum to Contract for Msvl.
Municipal Court Judge Approved

ADJOURNMENT INTO EXECUTIVE SESSION:

12:46 a.m. 1/26/93

1. Personnel
2. Pending Litigation

RECONVENED AND ADJOURNED:

1:10 a.m. 1/26/93

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 25, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (Bond Rating Workshop
was held from 6:00 pm
to 6:50 pm)

Councilmembers:
Donna Pedersen, Mayor Pro Tem
Dave McGee
John Myers
Ken Baxter
Donna Wright
Mike Leighan
Otto Herman

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
Eric Thompson, Associate Planner
Doug Ronning, Fire Chief
Walt McKinney, Marysville Police Dept.
Don Shaw, Golf Pro
John Dorcas, Building Inspector
Larry Trivett, Municipal Court Judge
Wanda Iverson, Recording Secretary

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CORRECTED: SEE 2/1/93
MINUTES

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 MEETING:

On page 1 of the 1/11/93 minutes, Councilor Wright noted that she was nominated not elected Assoc. of Cities & Towns Meeting Chair. Councilor Pedersen was elected to the Snohomish County Board of Health (also see page 2, paragraph 2, "Mayor's Business").

Councilor McGee noted in the third paragraph of page 2 "pujbllic" should be "public". Also, the form referred to is an "Fl" not an "Al".

Councilor Leighan noted in the 8th paragraph on page 3, it should be Officer Mount, not Sgt. Mount.

Councilor McGee moved and Councilor Herman seconded to approve the 1/11/93 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Zabell asked for input from Council regarding legislative priorities for the upcoming Assn. of Cities & Towns meeting. He also extended an invitation to everyone to come to Duke Carrier's retirement visitation from 2-4 on Thu. in the Taubeneck Public Works Building at 80 Columbia.

City Attorney Weed brought to the attention of Council SB 5117 which is aimed at eliminating municipal courts and he summarized some of the key points involved. He urged everyone to write their representative with regard to opposition and he said he would be happy to send a letter also on behalf of the City.

Public Works Director Winckler gave an update on the 1/20/93 storm damage, noting the power outage resulted in 2 lift stations out of power which necessitated 5 septic pumping contractors to have to

come in at a cost of approx. \$25,000 plus City employee overtime, he said. He added that the City is now enforcing a 5 ton weight restriction on City streets for the balance of this week at least because of the thaw.

Parks & Recreation Director Ballew reported that the Parks Dept. is accepting raw yard debris this Saturday, 1/30/93, as a result of the Inaugural Day Storm. If people can't get in Saturday, they can call and make other arrangements, he said, and they will try and accommodate them.

1. Briefing on the Wastewater Treatment Plant Outfall; Larry Wade.

Public Works Director Winckler explained the new water quality standards have created new impacts to the WWTF. He stated they have checked with the City of Everett as they have gone through the same thing recently and Larry Wade and representatives from Jones & Stokes are here tonight to explain more about this. He stated Larry Wade has also contacted the DOE regarding possible design changes necessary.

Larry Wade explained the components of the current design, noting it was based on a 1991 engineering report and was approved by DOE. He stated Jones & Stokes did a water quality report/study also at that time and the design of the WWTF also considered their data (from 1988). He explained that since the WWTF was designed and then approved by DOE, new people have come on board at DOE and have asked Marysville to review the use of Steamboat Slough as the outfall. He said Jones & Stokes are in the process of doing another water quality study, which will make it the 4th one they have done and complicating matters is that there are two sets of criteria--one for fresh water and one for salt water. In addition, the design was based on 1991 reports. He explained the present outfall/diffuser is designed for 17 mgpd but needs additional ports for expansion for the 2012 design. He explained the pump station can pump continuously if necessary for discharge but the design has flexibility for velocity, storage, outfall. He said the NPDES permit will probably not be issued until 1994 and in the meantime, all the criteria can change.

A draft industrial waste discharge/pretreatment ordinance is in the process of being developed, he said and this, combined with adherence to the 11/91 water quality standards, should be major players in reducing our outfall and improving the quality of our water and sewage. Control of incoming discharge (industrial, commercial), as well as having a better handle on permitting and violation enforcement will all go towards helping Marysville stay well within the DOE and water quality standards, he said. His main recommendation for keeping on top of this situation would be to provide a data bank for reference, with more testing, monitoring and sampling of receiving water, for example, in order to base decisions on and have as a ready reference for the City and DOE. He noted that the influent quality will change with the change of source of water (from Everett) because there is a different chemical makeup and with the changes in industrial discharge, the influent and effluent needs to be tested on a regular basis. He mentioned effluent needs to be tested for heavy metals in addition to other testing and outfall samples were done in Steamboat Slough but more ongoing data is needed to see how other cities are impacting our outfall, he said. He said the additional testing may mean the proposed lab will need expanding but more inhouse testing means less contract work and this data is critical in light of the NPDES challenging some of the criteria. He also noted that pH, hardness, temperature all affect parameters and vary throughout the year as well as affecting our ability to discharge. He pointed out that a June testing does not help for November's ability to accept effluent because you have completely different conditions. He mentioned other ways we can improve capacity: more filtration, chemical treatment, effluent polishing through engineered wetlands and polishing ponds and the possibility exists of Marysville going in jointly with Everett, developing a new outfall.

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Councilor Herman said he had heard that Everett's problem with obtaining an NPDES permit is that they have a lot of copper in their water and a representative from Jones & Stokes said it is believed most of the copper is coming from pipes but they don't know how Everett is dealing with the copper problem at this point.

Councilor Herman said he would like to see more investigation and information on this.

City Administrator Zabell stated the City has a copy of Everett's 10/92 appeal to the NPDES and would be happy to furnish Council with copies.

Mayor Weiser noted that the City asked DOE at one time with regard to a cumulative effect and DOE had said capacity was based on only one city's effluent, not a cumulative total.

Larry Wade pointed out that if the water quality is already poor, a City can't do any more to the problem, i.e., if cities upstream dump all the effluent, there will be no room for Marysville's outfall.

Councilor Baxter commented that it seems like we just had everything approved, as did Everett, and we are almost back in the same position we were a few years ago because DOE has changed the rules again!

Councilor Herman expressed a concern about getting caught in an unexpected situation again.

Larry Wade said he thinks the key is ongoing data/monitoring/testing.

City Administrator Zabell added that the City probably needs to stay involved and ally ourselves with Everett and present a combined front to DOE.

Mayor Weiser asked if we have the necessary monitoring equipment and Larry Wade said some of it; more equipment is needed. He added that with the new lab, the City will have the space needed but he is not sure if there is enough staff.

City Administrator Zabell asked about a recommended monitoring program and the representative from Jones & Stokes said it depends-- some of it would be daily, some weekly, some monthly, some yearly.

City Administrator Zabell agreed that the more data we have, the better off we will be and we do need to pick up the frequency-- probably utilizing consultants until we can do it all ourselves.

Larry Wade said he would get an updated timeline to Councilmembers at next meeting.

Public Works Director Winckler added that contact has been made with Everett and they will keep us apprised of what's happening on this.

2. Marysville Golf Center Update - Gloria Hirashima.

City Planner Hirashima explained that Mr. Nam recently purchased the golf center from Mr. Ramcke, installed the wing nets and has now complied with all conditions of the conditional use permit. He also installed 3 new light standards, she said and referred to a letter in the packets with regard to the lighting and inspections made by the City. She said Mr. Nam had proposed 8-1000 watt lights vs. 2-2000 watt lights, the work had been initiated prior to the permit issuance so a stop work order was issued. She said staff had some concerns about the additional lighting but the owner had already purchased the equipment so an agreement was reached regarding shielding and glare, with 5 lights being removed so he has 3 lights left. He is planning on installing more lights and netting she said, to obscure the lighting on 67th: 10 foot netting to be positioned from 7 to 17' high on the east side. She noted the

wing nets did sustain some wind damage and that's in process of being repaired.

Councilor McGee asked about stray golf balls and City Planner Hirashima said none had been reported. She added that the new owner sent letters out to the neighbors to invite them to his open house and has established a "good neighbor policy". With regard to the lights, she said she understands Mr. Ballew received one phone call of complaint only and that was the only comment she heard about.

Councilor Baxter commented on the lights blinding drivers and City Planner Hirashima said she would check this out further.

3. Golf Pro Report - Don Shaw.

Mr. Shaw handed out reports to Councilmembers and reported 1992 saw 63,000 total rounds of golf played at Cedarcrest. Revenue was:

\$666,000 - green fees
2,300 - carts
3,100 - rent (paid by Don Shaw)

Number of passes sold: 106 to seniors
50 regular passes
25 at a reduced rate
7 junior passes
17 winter passes

He stated Finance Director Wilson would be providing the expenditure report for the year.

Mayor Weiser asked about an "adjusted" figure on the report and Mr. Shaw explained if two 9-hole rounds were played, he adjusted that subtracting them out of the 9-hole rounds and adding an 18-hole round in.

It was the consensus that this issue be revisited when the expenditure report is issued.

MAYOR'S BUSINESS:

1. Mayor Weiser reported he met with Mr. Seguin as agreed and reported matters to the police chief who is following up on the situation.

2. A meeting with service clubs/organizations was suggested at the retreat and a meeting was in fact held last Thursday with several clubs. Those that were not represented were sent a questionnaire/survey and another meeting will be scheduled once this information comes in.

3. Mayor Weiser explained that with the weight restrictions on the roads and possible lack of garbage pickup, people can take their own garbage to 80 Columbia or you can put out a cumulative number of garbage cans or plastic bags for times missed when the weight restriction is over. He commended the Marysville School District for imposing their own voluntary weight restrictions so the buses won't damage the roads.

4. Interim Urban Growth Boundary - Mayor Weiser reported the City has signed an interlocal agreement with the county, with 172nd as the boundary on the north, Highway 9 on the east, I-5 on the west and Ebey Slough on the south. He appointed the Marysville representatives to serve on the joint planning committee:

Dave Weiser, Bill Roberts, Jim Shipman, with Donna Wright as alternate. He noted that the three Snohomish County representatives

have been named also, however he feels they have not taken the issues very seriously and he has a problem with one of the people as they have recently been involved in a lawsuit against the City. He said the City is investigating the possibility of challenging one or two of the county representatives.

5. School District Mitigation Fee Ordinance - Mayor Weiser explained he vetoed this last Thursday and he referred to the press release. He explained his concerns: the formula, for example, and he would like to see the school district work on a formula that fits Marysville, especially in view of the fact that we would have to return fees in the event a project is not completed, he said. Also, he said he doesn't understand how the state can grant mitigation fees to a school district when they don't grant mitigation fees to a fire district. He said he is not totally against a mitigation fee but thinks the school district needs to work with the City on the formula, for example, with regard to a possible rebate. The other issue is with regard to testimony re the different funds and how the money can be used for playground equipment, for example --vs. buses, school buildings, he said.

Councilor McGee asked about taking another vote and City Attorney Weed explained the process, noting the mayor's objection has been made a part of the record and in order for the Council to reject it would take a minimum of 5 votes to override the veto. He said there is no time limit within which action must be taken.

Councilor Baxter noted he has had second thoughts on the issue since voting at last Council meeting and feel not having the mitigation fee makes more sense, so he would now be against it, he said.

Mayor Weiser pointed out that mitigation fees can still be collected through SEPA; his concern is with the way they are collected under a new ordinance, whereby a new homeowner, for example, could have to pay mitigation fees--that's OK for someone with kids but what about an older person with no kids, he asked. He pointed out that a lot of people in Marysville are going to buy new homes and will have to pay mitigation fees each time they move.

Councilor Pedersen asked about the road impact for someone who works in Seattle and Mayor Weiser said that's different because the state won't allow additional road mitigation fees, they do allow additional school mitigation fees.

Councilor Herman agreed it's a difficult issue and there will always be differences in philosophies. He said he thought what Councilor Baxter expressed was a legitimate concern, for example what happens to a senior citizen on a fixed income and how is the fee equitable in terms of development of new school facilities? He said he is comfortable with the county formula and is impressed with how much work has gone into that. Also, consistency of mitigation fees whether in or out of the City is a good argument, he said, but the bottom line is how to finance and how to assess charges equitably. He said he doesn't think it's an inequity of any substance for a person who sells one home in Marysville and moves to another home in Marysville; we have to pay for it somehow and he said he thinks it's as close to equitable as we can get.

Councilor Baxter asked about older houses vs. newer houses and he pointed out that business owners pay several thousand dollars for support to schools, also.

Councilor Herman said it doesn't come anywhere close to paying for the schools, however.

Councilor Baxter said he feels we are paying twice for the same thing.

CORRECTED: SEE 2/1/93
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Councilor Herman said the question is spreading it over businesses and homeowners and Councilor Baxter pointed out that basically the first time buyers are producing kids and not buying new homes and this is getting a fee from the wrong source, he feels--business owners who have no kids and are not impacting schools, for example, he said.

Councilor Pedersen pointed out that this is not perfect but nobody came up with a better way and if they did, she would be interested in looking at it.

Councilor Wright pointed out that other mitigation fees are collected for specific sites but school mitigation fees are not site specific.

Councilor Herman noted the GMA provides for some relationship between new growth and mitigation fees.

Councilor McGee moved to override the veto, with Councilor Leighan seconding the motion. A roll call vote revealed Councilors Myers, Baxter and Wright against overriding the veto. Councilors McGee, Pedersen, Leighan and Herman were in favor of overriding the veto which was not enough to override it and therefore it stands.

Mayor Weiser suggested getting together with the school district and possibly developing a different formula or else waiting until the GMA based ordinance goes into effect.

CALL ON COUNCILMEMBERS:

Councilor Myers reported he rode with Sgt. McLeod, MPD Saturday night and it was a very enlightening experience for him.

Councilor Baxter asked about employees getting paid to attend civil service meetings, when they attend the meeting on City time.

City Administrator Zabell said officers and dispatchers were probably not paid while attending but Chief Dyer and Sgt. Petersen were requested to attend and therefore were probably on City time.

Councilor Baxter said he would be interested in a follow up of non-productive hours because he feels it's very possible employees are attending too many meetings when the supervisor can pass information on to the employees, for example.

Mayor Weiser explained some of the feedback he had heard about staff meetings was very positive; the meetings keep everyone informed and are very worthwhile for dealing with each other as well as dealing with the public, it is felt. He said he would check into it further, however.

Councilor Pedersen extended an invitation she had received from Roger Bergh and Pat Cordova for anyone interested to visit the Mountlake Terrace neutral zone, any Friday or Saturday night. They do want people to call ahead if they plan on coming, however, she said. She asked about the City's mission statement.

Councilor Herman explained they were unsuccessful in getting a meeting time in order to develop the City's mission statement, but they are still working on this.

Councilor Pedersen asked if there have been any nominations for the citizenship award and Councilor Leighan said yes, two.

Councilor Pedersen followed up on the contribution the Village was to make toward the park and ride lot at 1st & Ash and Public Works-Director Winckler said staff will be meeting with the Village this week with more information to come before Council 2/1/93.

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City Administrator Zabell noted the City did obtain a \$25,000 grant from CT which caused about a year delay in this matter.

Councilor Pedersen asked for input about a needle exchange program in Snohomish County so that when this issue comes before the Board of Health she will know where Marysville stands. She said she has also recently noted that when children are left unattended at home or in cars, Lynnwood has an ordinance that makes this a misdemeanor and she asked for input from Councilmembers on that.

Councilors Wright and Baxter both indicated they would be interested in a similar ordinance for Marysville and Councilor Wright related an incident where she called the police one time after discovering very young children left in a vehicle unattended for an extended period of time.

Councilor Pedersen gave the City Attorney a copy of the Lynnwood ordinance and he said he would draft one for review before Council for Marysville.

Councilor Wright announced she will be out of state and unable to attend the 2/1/93 Council meeting. She also mentioned three opportunities to meet with State Representatives and reported she attended the recent Marysville Food Bank open house. She commended the community for cooperating with the Havenwood evacuation which went very well and she said it made her feel proud to be a resident of Marysville. She also commended the community for being accommodating during the power outage, making traffic lights 4 way stops, for example. She asked about emergency facilities in the event of a real disaster in Marysville.

Mayor Weiser said he had a meeting today at the school district and they have plans for keeping kids at the school and providing what they can until the parents can come and get the kids. He added that one of the plans is for Council to discuss disaster/emergency plans also at an upcoming workshop/retreat.

Councilor Wright said she needs a staff phone number update and City Administrator Zabell said he would be getting that published.

Councilor Leighan asked if the City is having any problems keeping the garbage truck personnel busy on the short days and Public Works Director Winckler reported there are numerous clean up activities, preparation for the WWTF construction, with 90 to 98% of the garbage still being picked up and he said the workforce involved is only 6 men.

Councilor Herman reported he has acquired several other cities' mission statements in preparation for the upcoming meeting. With regard to school mitigation fees, he suggested the possibility of a county planning representative doing a presentation on the formula and also a presentation from any of the other cities who will have to update mitigation when GMA goes into effect. He reported also on some plans and studies underway now concerning utilization of existing track for a rapid rail system. He said it was an interesting process and he said he also questions whether this should be a part of the Regional Transit Plan or a separate issue. He said if anyone is interested in the financing aspects of this issue, they could get in touch with Ray Lloyd of CT who could provide more information.

Councilor Baxter thanked the media regarding articles about Marysville's location and why we have problems with smoke and smog.

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AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARING:

**1. Diane & Larry Grimes; Variance to Home Occupation Standards;
PA 92-45.**

Mayor Weiser asked for disclosures from Council and there were none however he noted his cousin, his aunt and he own a business on Cedar and also rent space to a small engine repair shop. There were no challenges.

City Attorney Weed swore in those who wished to give testimony in this matter.

City Planner Hirashima reviewed the agenda bill and gave a chronological history. She explained several other cases were reviewed and she gave a summary of the Planning Department's investigation. She noted this case goes back a couple years when the applicant filed for a business and home occupation license and was approved for a small engine repair shop at 940 Quinn. It was thought to be in conformance with the home occupation code at that time, with the application form and letter showing this to be a temporary shop of only 200 square feet. It was noted he intended to construct a new shop of 396 square feet, half of the total 792 sq. ft. new building to be constructed. She said the Planning Dept. revised this total square footage to 750 and explained that the shop was to be no more than one-quarter of the total of his home and garage area. She read the 9 restrictions relating to home occupation businesses, concerning retail sales, storage, traffic trips, employees, signs, etc. and stated the City has reviewed this in a fairly straight forward manner, noting they do not feel conflicting messages have been sent to the applicant and don't feel they have been persecuting him in any way, as has been suggested. She said last summer he submitted a building permit application for a residential garage and the Planning Dept. was under the impression that his home occupation could be operated within the 25% limitation of his total square footage, taking into account all accessory buildings, etc. During the process of final inspection, however, it was called to the City Planner's attention that several City departments had concerns with regard to commercial occupancy and the scale of his home occupation operations were not in conformance with the original request, she said. In other words, retail sales, signage and space allocation to the business were not in conformance and the City notified the applicant at that point of this, denying issuance of the building permit, she said. She noted that it was reported that the applicant had signed contract with regard to the retail sales and felt that a very integral factor to the future of the business. She then met with Mrs. Grimes and gave them three alternatives:

- 1) (City preferred alternative) Scale back the business to meet code.
- 2) Apply for a variance (which was submitted by the applicant). It was outlined to the applicant these alternatives and noted in a letter to them it could be difficult to meet all the criteria for a variance and in fact Mrs. Grimes was told it would probably be denied by the hearing examiner but that they could appeal to City Council.
- 3) Rezone request.

City Planner Hirashima stated the Planning Department's recommendation and preferred alternative was for them to scale back the business to meet the home occupation code. They did not hear back from the applicant, went out to visit and found they were operat-

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ing and were forced to issue a stop work order at that point. She said they wrote a letter and they then came in for a variance request which was denied by the hearing examiner.

Councilor Herman observed it appeared that it was OK to operate the business, given some changes. He asked the City Planner to expand on the retail sales issue, for example, the sale of new mowers and also the signage issue.

City Planner Hirashima said at the hearing examiner hearing, he recommended "conditions of denial" when in fact they were conditions as to how to conform to the home occupation code. With regard to retail sales, parts incidental to mowers, eg. spark plugs, are generally allowed to be included in the repair of a lawn mower but usually there is a conditional use permit, she said. She added the City does allow some flexibility here but they need to make sure there is no increase in traffic, negative impacts to the residential appearance of the neighborhood, etc. She added they tried to take a fairly liberal interpretation of the code and would agree with the hearing examiner's recommendation that parts incidental to repair are OK. With regard to signage, she pointed out that the City's sign code has specific requirements: no freestanding signs, no roof signs, not to exceed 3 square feet. She reiterated the 3 factors involved in the variance request: 1) The applicant is asking that the space allowed for the home occupation be allowed to exceed the 25%; 2) retail sales in addition to incidental parts be allowed and 3) that his sign of 9 sq. ft. be allowed. She explained that City Council could approve all 3, deny all 3 or approve or deny combinations of the 3. She noted that the first one, the space allocated to the home occupation, would be the variance that would be least precedent setting.

Councilor Herman said he sees it as somewhat of a grey area with regard to retail parts/sales, in his interpretation of the hearing examiner's report.

City Planner Hirashima stated the hearing examiner is quite clear in recommending that the sale of new mowers not be included.

Steve Peiffle, Attorney representing the applicant, P. O. Box 188, Arlington, addressed Council. He presented an aerial view overhead showing the house, shop, office, streets, alley and noted the house is 1456 sq. ft., the shop is 864 sq. ft. and the total square footage is 2320. He noted that part of the shop building is for an office where service manuals are kept and the "active" shop is actually within 25% of the total area of the house and shop building, i.e. 576 sq. ft. which is actually only 24.8%, he said.

He said he takes objection to the City's saying they sent "no conflicting messages" because the building inspector told the applicant to move in, then the Planning Dept. was not sure about issuing the permit and in 1991 the application included a drawing consistent with what's being done in the garage, i.e. half shop and half not shop, he said. Then in 3/91 he explained Mr. Grimes' back was injured and it's not correctable--he wanted to do something at home where he can rest once in awhile, put ice on his back, etc., things he could not do at another, away from home location. He pointed out that Mr. Grimes' warranty certification requires that he maintain stock of parts which is mandatory for him to stay in business. Mr. Grimes found he could not work within 200 sq. ft.--he needs more space for hoists--10' x 10' minimum for each hoist and his plans are for 3 hoists for riding lawnmowers and boat motors, etc., he said. He explained that Mr.

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Grimes hired a contractor to obtain all the permits to do with the new building however the building inspector caused some delays because of changes in the sheetrock. They were then told it would be OK for them to move in and then the Planning staff brought up the concerns about the home occupation code and a stop work order was issued in 10/92, he said. He added that the legal issue is that all the requirements are contained in Title 19 of the home occupation code, it has zoning aspects to it which is of necessity restrictive with regard to variances and it really doesn't make sense for a building license variance, he said: In the zoning code a variance runs with the land; Mr. and Mrs. Grimes don't want that, the variance would be for them to operate a business only in Marysville. He pointed out that the signage variance is not necessary but the other two variances would be necessary for operation of the business--the increased space and incidental retail sales. Regarding concerns of precedent setting, he stated a variance to the license only and to Mr. & Mrs. Grimes only would not be precedent setting and they would be willing to file notice with the county to this effect so that anyone interested in buying the business would know that the business license/permits were issued to the Grimes and would not run with the land.

He said that with regard to goods not produced on the premises, Mr. Grimes is obligated to maintain certain parts. He would be willing to a percentage limitation, say a limit of 2% of his gross sales, and a cap of 10% would restrict the business to mainly repair. Mr. & Mrs. Grimes have pride in their residence and business and wanted to do this right, within code, he said, but they encountered problems with misinformation and miscommunication with the contractor; they have always been upfront with the City and unfortunately the code is ambiguous in some respects. Mr. Grimes will not be able to do what he wants to do and is trained to do if the variance is not allowed because he cannot operate in a traditional setting, he said. The effect of not approving the variance will be putting them out of business and they would really like to get back to work--they would not have built the structure if they hadn't believed they could operate it in a legitimate manner, he said. Marysville has a reputation for being reasonable and they would like to have Council approve these variances, he concluded.

Councilor Pedersen asked about the hours of operation and Mr. Grimes said they would be 9 to 5:30.

Councilor Pedersen asked what changed between the time the 1991 application was filed until now and Mr. Peiffle said Mr. Grimes became aware of the need for the hoists which need more space.

Councilor Baxter left Council Chambers at 9:38 p.m.

Councilor Pedersen asked if there is intent to erect any signs and the answer was no from Mr. Grimes in the audience.

Mr. Peiffle added that they did not know what exactly was to take place and in the summer of 1992 they submitted an application for a business license renewal.

Councilor Baxter returned to Council Chambers at 9:40 p.m.

Councilor Pedersen asked if the office and storage space shown in the detached shop building was not to be considered as part of the business.

Mr. Peiffle said the requested variance asks how much is used for business and there is space where they have a computer, bathroom,

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dead space.

Councilor Pedersen noted that in reviewing the contracts Mr. Grimes has with the companies he will represent, they require him to have thoroughly trained personnel.

Mr. Peiffle explained Mr. Grimes is the only personnel and he is thoroughly trained, guarantees prompt service, etc. and Mrs. Grimes does the books.

Councilor Herman asked for clarification of the actual square footage that would be used for the business and Mr. Peiffle stated the total building is 36' x 24' and the part that would be actively used in running the business would be 24' x 24' which equals 576 sq. ft. and 25% of the house and garage area is 580 square ft. He added that if Mr. Grimes were to move his manuals and parts into the shop area, it could be done but Mr. Grimes has no mandoor directly into the shop portion and the outer area serves as a customer entrance.

Councilor Herman asked about sale of new equipment and Mr. Peiffle explained the language of the MMC is "retail sales of parts not produced on the premises are not permitted". He said the hearing examiner's recommendation would come close to meeting the needs of the applicant, but not quite good enough because, for example, McCulloch's contract with Mr. Grimes requires him to have a minimum stock on hand, for example a McCulloch Weedeater, in addition to parts of chainsaws, etc. and he is also required to have on hand a certain amount of other stock. Mr. Grimes is mainly in the business of repair and maintenance, with a minimum of stock but if the hearing examiner's interpretation is used, with regard to no new items for sale, Mr. Grimes will no longer be an authorized repairman, he stated.

Councilor Herman said one of the solutions would be to rewrite the MMC which is a timely process.

Mr. Peiffle said if Mr. Grimes can't maintain the retail sales as described, there is no point in his remaining in business.

Councilor Baxter referred to a 6/91 letter from Mr. Grimes where he referred to a proposed wall sign, referring to the sign code requirements and then elected to put a sign in the yard which he knew was against the code. With regard to the size of the business, Councilor Baxter pointed out the whole building is part of the business and he is sure that was the original intent.

Mr. Peiffle agreed that essentially all Mr. Grimes does in the "office" is hang service manuals and allow it to be used as a customer entrance.

Councilor Baxter argued that the parts in the reception area are part of the business and Mr. Peiffle said they are asking for a variance fore the whole building, yes, but the whole building is not actively used for business. People just drop things off, for example, it's not the place where actual repairs are done, he pointed out. He added that if Council grants the variance, you are not going to see a substantial change in the business.

Councilor Baxter noted there was a backyard business on Cedar and one on 8th that were closed because they didn't conform to code at one time and Council doesn't rewrite the ordinance to allow a commercial business in a residential area and this is beyond the scope of a home business. He said he does not feel it would be fair to the people whose businesses the City stopped if Mr. Grimes' variances are allowed now.

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Mr. Peiffle pointed out that if the garage had been attached to the house, they would be well within the 25% requirement, but they have a whole different set of factors: Mr. Grimes has a disability and he needs more space, it's a neighborhood friendly business, no one is against the variance and they would urge Council to grant the variance.

Councilor Leighan asked about the alley and Mr. Grimes stated it has been graveled.

Mayor Weiser asked if there were retail sales included prior to the move and Mr. Peiffle said yes, there were.

Mayor Weiser referred to the application for the garage and noted it was coded as an "M" occupancy group. John Dorcas, Building Inspector, reported this stands for a "garage".

Rob Kirkey, 926 Quinn, addressed Council and testified that mostly this business (Mr. Grimes') is for local people and he doesn't see any problems with traffic. He confirmed that you need to have the retail sales for people and Mr. Grimes isn't going to be working much more than 4-5 hours a day, it's not a noisy business and he said he would have no problem if Mr. Grimes were to work at night.

Art Degroot, 936 Quinn, addressed Council and testified that he doesn't see anything that would impact the neighborhood. He said he just built a brand new house in August and doesn't see where Mr. Grimes' business is deterring the neighborhood at all; they have shrubs, a fountain, very nice landscaping and he said he doesn't see a problem with noise or traffic.

Will Sparling, 1810 3rd St., addressed Council and stated Mr. Grimes has worked on his mowers and edgers for several years. Mr. Grimes has done a very tasteful job of the shop and house, he said and has put up a very nice sign. He added that it's not offensive, you wouldn't even know the shop is there, it looks better than most homes in Marysville. He added that he thinks Marysville should consider the small business like Mr. Grimes, who pay for a Marysville business license, a state license, B&O tax, sales tax (Marysville gets 3.5% of that), he said. He said he doesn't think the City should close Mr. Grimes up and he doesn't want Marysville to get the reputation that people are going to run into problems in Marysville. He concluded that Mr. Grimes' place is an asset to the community.

Councilor McGee asked Mr. Sparling what made him move to Marysville and Mr. Sparling responded that it was because of less traffic, he has family here and Marysville is laid back compared to Seattle. He said he likes it here; he hears trains and boats but no noise at the Grimes. He added that he was in the major appliance business before and they do require a certain amount of additional retail sales on hand--parts, etc. You have to have a certain amount of parts on hand in order to maintain your warranty dealership status and without that business, Mr. Grimes might as well not go into this business, he said and he urged Council to give this matter their positive consideration.

Mark Frye, 11832 38th Av. NE, addressed Council. He stated he lived next to Mr. Grimes and his wife until recently for a year and they never experienced any problems, noise, etc. He said he thinks the Grimes' fixing up their place has actually encouraged other neighbors to improve their property.

Glenn Turner, South Lake Stevens Rd., addressed Council, stating he has been a small engine repair mechanic for 12 years and can

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testify that the companies do check your stock on a regular basis and the different companies require the parts and a certain number of things in stock, for example, two McCulloch weed eaters, in order to be a warranty station. He pointed out that nowadays, warranty work is a very high percentage of your business.

Diane Grimes, 940 Quinn, addressed Council. She stated it was recommended to them to apply for a variance to the home occupation code, but that Eric Thompson had said it would be denied because it would be compared to a motorcycle business because a small engine repair shop is not listed on the matrix in the code. She said they feel they have been caught in a Catch 22: they had a contractor submit all the plans including the proposed sign, the building inspector recommended certain building materials and the business is Mr. Grimes' only way to be self-sufficient. She said he was authorized to run the business but it was to be separate from the home. With regard to the 25% limitation, she said Mr. Grimes does need additional space because of his disability and she said she thinks it would not be setting a precedent to allow the variance because of his disability. She stressed this is their only income and he needs to be able to lie down once in awhile. As far as the storage, office and bathroom area, she said it's mainly for her use, not his and she is hoping Marysville will give them a break here. She noted they are only 45 years old and should be given a chance to prove they can still contribute to the community and support themselves. She said with regard to the retail sales a locksmith should be able to sell a lock and she said she is not sure the City should disallow retail sales just because it's not produced by the business owner. She added that they have to live in the neighborhood and want to continue to take pride in the appearance of their place. She clarified that she is the legal homeowner, Larry is the business license holder; they have only been married about a year.

Mayor Weiser asked about the requirement that the shop be a separate building and Mrs. Grimes explained that Tecumseh requires a separate building. She continued that this is the only business he has been released to do; he had to find dealerships and be able to make a decent profit. She said they thought they were complying until it came time to actually deny the construction area and they would really appreciate the variance at this time.

Councilor Pedersen asked if she is in the accounting business and Mrs. Grimes stated no, she is unemployed and looking for work at the present time.

Larry Grimes, 940 Quinn, addressed Council. He stated they have tried to do everything upfront and want the variance in order to be legal. He pointed out it's been rough being shut down for 4 months; the dealerships want them to carry a minimum of parts and equipment and they don't want a bunch of lawnmowers in the yard, they want to keep it looking nice. He said he has been to school to be trained on this equipment and this operation is an asset to the town. Without it, he said they will have nothing.

Mayor Weiser asked when the home occupation permit was denied and Mr. Grimes responded 8/26/92. He added that they did not have the money to apply for a variance until a month later because they had just paid out \$28,000 cash to build the shop building.

No one spoke against the granting of the variance request.

This portion of the public hearing was closed at 10:30 p.m. as no one further wished to give public testimony.

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City Planner passed out a sheet listing factors and criteria involved in the issuance of a home occupation license.

Councilor Pedersen asked if the variance could be made unique only to Mr. Grimes, rather than to the property and City Attorney Weed stated Mr. Peiffle and Mr. Grimes would agree to a special covenant that could be done. He added that the City of Snohomish allows this, it's a contract that puts any future property owner on notice that the permit applies only to the present owner/business.

Mr. Peiffle confirmed they would be willing to go along with that.

Mayor Weiser asked if this would be similar to a contract rezone and City Attorney Weed said no, it would not run with the land like a contract rezone. He said he would call it a restrictive covenant.

Councilor Herman said he would be comfortable with the square footage being allowed but the need should be focused to the user's uniqueness rather than the property, such as was referred to with a restrictive covenant.

City Attorney Weed said he agrees, and that language could be added and tied in with the property in order to facilitate the operation of the business and at the same time make it unique to Mr. & Mrs. Grimes.

Councilor Herman agreed there seems to have been knowledge of the sign ordinance and yet no compliance. In the case of the sale of parts, he said he thinks this would be allowed without a variance.

Councilor Baxter referred to City Planner Hirashima's #2 of the guidelines and criteria and stated we would be committing the rest of the neighborhood to commercial business and that could mean any place in the City can be opened up for a commercial business now, with the granting of this variance.

Councilor Wright pointed out there has been no opposition to the granting of the variance(s).

Councilor Baxter agreed there has been no opposition--in Mr. Grimes' block, but what if someone else wanted to do this in another residential area?

City Attorney Weed pointed out that each case needs to stand on its own merits and he said he is not sure if a variance were granted in this case that it would be precedent setting at all.

Councilor Myers said he wouldn't agree with a variance on the sign, that it should stay within the sign code requirements of 6 sq. ft. and to be a wall sign.

Councilor Leighan asked if in granting the variance and allowing them to operate, if the business license/operations would be reviewed on a yearly basis and City Attorney Weed said not automatically, but it would still be subject to the home occupancy code.

Councilor Baxter pointed out there's probably not going to be a review unless there's a complaint. Councilor Leighan pointed out the neighborhood may change, too.

Councilor Baxter said he doesn't really have a problem with this if the City has some control; he said he is not that worried about

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the square footage of the building but he said he didn't want the City to get a rash of variance applications trying to establish a business in a residential area because they can't afford the rent in a commercial area. He pointed out that the City has been quite restrictive with other businesses and asked how we can justify a yes vote on a variance to the people who are paying the higher rent.

Mayor Weiser said he commended these people for trying to comply, compared to the number of people who have a home occupation with no business license.

Councilor Pedersen said she commends the Grimes for wanting to be self sufficient.

Councilor McGee said he would like to see the City Attorney draft an ordinance in favor of the Grimes having a home occupation variance.

Councilor Baxter agreed it's a nice looking residence and shop but with equipment outside and a variance on the sign, it could get out of hand.

Councilor Leighan said it would be nice if the City had the compliance officer that was allowed for in the budget but that he was sure the neighbors would take care of the situation if the Grimes place starts to get run down, storing equipment outside, etc.

Councilor McGee moved to have the City Attorney draft a resolution granting the variance for D. & L. Grimes subject to certain conditions:

- 1) with a covenant to be recorded showing that the variance applies only to the use of the property in this business venture by the Grimes;
- 2) one of the reasons for granting the variance of size is because of his disability and need to have more space;
- 3) sign to be in compliance with the sign code;
- 4) variance to be allowed for retail sales, pertinent to maintaining dealership representation.

Councilor Myers seconded the motion.

There was brief discussion regarding a wall sign vs. a freestanding one, whether a percentage of gross receipts should be stipulated as a maximum for retail sales, enforcement and monitoring of operation.

The motion passed unanimously to grant the variance and have the City Attorney draw up the resolution for next Council meeting.

BREAK: 10:45 to 10:55 p.m.

CONSENT AGENDA:

(Councilor Pedersen asked that Item 4 be separated out.)

1. **Approval of Liquor License Renewals for 7-11 Food Store, Skipper's, Inc., Saigon Garden Restaurant, Oriental Inn Restaurant, Loyal Order of Moose, Godfather's Pizza, First Stop Deli, Boulevard Grocery and A.J.'s at Cedarcrest.**

2. **Approval of Final Claims for 1992 in the amount of \$237,527.52**
3. **Approval of 1/25/93 Claims in the amount of \$371,932.69.**

Councilor McGee moved and Councilor Wright seconded to approve Consent Agenda Items 1 through 3. Passed unanimously.

4. **Windsong III Final Plat; Robert Porter; PA 9104013.**

Councilor McGee moved and Councilor Myers seconded to approve Consent Agenda Item 4. Passed 6-0 with Councilor Pedersen abstaining.

CURRENT BUSINESS:

1. **Purchase or Lease New Police Cars.**

Finance Director Wilson reviewed the agenda bill and noted that a proposal came in from Blade Chevrolet since the agenda bill was typed. He said he feels the City's best option would be a 30 month lease with FCI at \$635 a month vs. the \$727 a month for purchasing.

Councilor Baxter asked about inclusion of the radio and antenna under the FCI lease proposal, as well as push bumpers and rear seat. There was brief discussion about what was included and what wasn't.

Lt. McKinney said all equipment is included in the lease option except the radio.

Councilor Baxter pointed out that if the City leases, we won't have anything to rotate and there won't be any cars for other departments.

Councilor Leighan said he read with interest an article in the paper about similar problems the City of Edmonds is having and said he wonders if this is a reflection of their budget cuts.

There was discussion about the hazards of leasing, cumulative reserve funding, still being ahead with purchasing versus leasing, it would only be about \$30 a month more to buy vs. leasing, interest payments being very high on a lease, more information needed regarding the 50,000 mile cap and whether this can be met within 30 mos., noting the police dept. needs at least two new cars this year.

Lt. McKinney said the 50,000 mile cap for 30 months is about right; that a police car is pretty well shot at 70,000 miles.

Mayor Weiser asked what the residual would be on the FCI lease with a full package police car and Finance Director Wilson said he had assumed a zero value at the end of 30 months.

Councilor Leighan questioned the different specifications under the different proposals and Councilor Herman stressed the need to compare apples to apples.

Lt. McKinney said the MPD would prefer to use the Pierce County plan because they have Chev's. There was discussion about using the cumulative reserve fund to purchase vehicles outright.

Councilor Baxter then moved for the City to buy two new police cars on the Pierce County bid form, to be finance with the cumulative reserve fund internally. Councilor Myers seconded.

More discussion followed, noting that Blade Chevrolet's proposal was for \$555 a month to lease. Councilor Herman said he wished more information.

The roll call vote revealed Councilors McGee and Pedersen against purchasing and so the motion passed 5-2.

3. Northpointe Binding Site Plan.

City Planner Hirashima reviewed the agenda bill and stated staff is recommending approval of the binding site plan. She said normally these do not come before City Council however there was one issue that they felt needed Council's attention: The applicant had requested a reduction in corner lot setbacks; it had come to the attention of the applicant at a later date that the City has a different interpretation than the applicant had with regard to "front yard" and "side yard" on corner lots: The City considers corner lots to have no "side yard", only "front yard" because they face two streets. She said the applicant wishes to construct a model home with a 20' "front yard" setback and a 10' "side yard" setback, they wish to have a two garage home in a certain configuration and it could not be "flipped" as suggested by staff. She said staff is not recommending the setback variance, however feel the rest of the binding site plan complies with the intent of the PRD ordinance. She noted that other codes have been reviewed with regard to corner lots and it might be an area that needs to be changed in the MMC with a possible reduction versus a case by case review and should be applied universally within Marysville.

Bill Binford, 1516 2nd Av. #300, Seattle, addressed Council. He stated they were not trying to pull a fast one, they just have a different opinion. They would like to request an amendment to both the binding site plans as it relates to corner lots, he said and he passed out some suggested language for this. He stated they interpret the code as a 10' side yard setback and he gave a history of the projects, explaining that construction has now been stopped because of a difference in interpretation on corner lots. Actually, he pointed out that for regular lots they would be allowed only 5' side yard setbacks but they designed theirs with 10' setbacks but City staff has referred to another part of the code. He pointed out that 12% of their project has been affected by the City's interpretation of the MMC and they understood the intent of the PRD was to accommodate more open space and smaller lots, to provide flexibility, encourage affordable housing and they were attempting to comply with the PRD code, he said. He added that under 19.48 there's nothing about a corner lot being different; there is a definition in the beginning of the main code but they did not see that and would like to request a change in their binding site plans to be amended as per the handout.

Other factors he asked Council to consider would be:

- they have allowed 28% open space when the requirement is only 20%
- they have attained a reduction in housing costs
- they knew of no discrepancy and a 10' side yard setback is acceptable to most municipalities
- the houses are all aesthetically pleasing
- 19.48.050 (g) gives City Council power to grant this request.

Councilor Baxter asked about the three car garages and how they could be considered in "affordable housing".

Mr. Binford said the third garage is usually used for storage and also noted that there is a bit of a myth that "affordable housing" is the same as "low cost housing".

Gary Young, Polygon Northwest Co., addressed Council. He stated they are the builders for Northpointe and have been in the building business since 1974 in Seattle. He said they do a lot of homes in King, Pierce and Snohomish County, are well established and build quality homes. He said they also believe they meet the market needs in the area of "affordable housing" which is designed for people, for example, younger couples and the price range can run anywhere from \$139,000 to \$180,000 depending on the view, number of garages, etc. He handed out brochures about the company and showing the footprints and floor plans of the homes planned for Northpointe. He explained the design process of these homes and how the designs are basically site specific, explaining the need to place the garage a certain way for security reasons, aesthetics, etc. He said it's a complicated process and if the house plan were to be "flipped" it would mean having to change the backyard as well as other features of the model home. He said they assumed they were working with a 10' side yard setback, they were wrong and would ask the City to consider that they are carefully siting and planning these homes and would like consideration for the PRD approach so that they can provide affordable housing. He explained the garage is the only part that's 11' from the road, there is modulation and appropriate design of the homes, meeting the City's needs for safety and frontage, he concluded.

Mr. Binford added it's virtually impossible to meet the PRD code on corner lots in this one specific case.

City Attorney Weed reviewed the PRD code reference and Mr. Binford said they believe this project is self-contained and would not have any negative impacts on other projects if this shorter setback were allowed. He added that all through the PRD there are flexibilities of the code offered to meet affordable housing needs.

Councilor Baxter asked about the width of 70th St. and Mr. Binford said it is 38' which is more than required. He added that they have tried to lessen traffic on Grove, for example and there are a lot of design considerations such as that which they feel make it a safer, more attractive development.

City Attorney Weed said he believes the section which applies to the request is 19.48.160 -- bulk and dimensional requirements with no adjustment for corner lots and he added that he thinks the planning staff has indicated the need for a change to the code; reduced setbacks may be granted if this is considered an innovative housing type, he said.

There was discussion about time lines, possibility of approving a model home as an exception, if Council feels this is a deserving reduction, recommendation to revisit code regarding corner lots, how long the whole process would take, consistency in the code and not making an exception for Lot 39.

Councilor Herman moved and Councilor Baxter seconded to approve the binding site plan, authorizing the Mayor's signature with a setback on Lot 39 of 10' to be allowed. The motion passed unanimously.

4. Scott Ray 60% Annexation Petition.

City Planner Hirashima reviewed the agenda bill, noting Council

had requested that this be combined with the Jubie property however Mr. Jubie does not wish to be part of the annexation and has filed a separate application for a preliminary plat. She said staff recommends acceptance of the 60% petition subject to the City's bonded indebtedness and Comp Plan designation, with a public hearing the 4th Monday of February.

There was discussion about the location of the model home.

Jim Brennick, 4508 105th Pl. NE, addressed Council, stating they were able to speak to two out of three of the people against the annexation and basically these two people refuse to sign any petition for anything, he said. He noted there is one vacant lot in the proposed annexation area.

City Administrator Zabell asked about the new house at the corner of 47th and 84th and Mr. Brennick stated they signed the petition and are aware of the plan to allow CT to use right of way there.

Councilor Myers moved for a public hearing to be held 2/22/93, Councilor Leighan seconded and the motion passed unanimously.

NEW BUSINESS:

1. Liquor License Application; JJ's Golf.

It was noted that the applicant was no longer in the audience at this time.

Lt. McKinney said he was opposed to the license being issued because of the day care center right next door and if people want to drink, they can go over to the Home Plat and he said he doesn't feel two businesses within the same small mall need to have a liquor license.

Councilor Herman moved to continue this to 2/1/93 and for it to be placed higher up on the agenda. Councilor Pedersen seconded and the motion passed unanimously.

CURRENT BUSINESS:

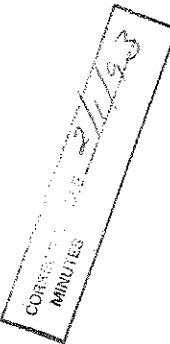
2. Proposed Countywide Planning Policies.

Councilor Baxter moved to not approve the countywide planning policies as written. Councilor Leighan seconded.

Mayor Weiser explained these are compromise policies and he also stated he was disappointed with the county's nominations for the joint planning committee because the people chosen he doesn't feel have a wide range of outlooks and it's going to be very difficult to complete the process by 7/1/93, he added.

Margaret Natterstad addressed Council, noting she was one of the people chosen by the county to serve on the joint committee. She noted she is a very concerned citizen and also has a lot of concerns about Marysville's future, has considerable interest in the sensitive areas ordinance, wetlands issues, moved to Marysville over 12 years ago from Everett and North Shoreline. She said she would like to see Marysville retain the good qualities that the Natterstads moved here to enjoy.

Councilor Baxter explained he was involved several years ago with the direction of Marysville and now he has concerns about the new direction it's going. He said he doesn't feel people from another area should come to Marysville (like those on the county level)



and tell us what we should be doing, because we aren't telling them what they should be doing--each area has its own unique needs.

Councilor Herman said he thinks this subject merits a great deal of discussion and identification of the areas where Marysville has disagreement with the County. Unfortunately, the hour is getting late tonight, he noted.

There was further discussion about the process, specific objections, need to complete the Comp Plan update.

A roll call vote was taken which revealed the following:

Councilors Pedersen, Leighan and Herman against the motion to not accept the countywide planning policies as written. Councilors McGee, Baxter, Wright and Myers were in favor. The motion passed 4-3 to not approve the countywide planning policies as written.

City Planner Hirashima asked that questions and comments be directed to her to present to the county at the next meeting.

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Chapter 2.24 of the MMC Relating to the Municipal Court and Municipal Court Judge.

City Attorney Weed commented this is to update fees, warrant service, court sessions, gives City some control for staff overtime and scheduling of the City Council Chambers. He said he recommended deleting "with the consent of the City Administrator."

Councilor Leighan moved to adopt/approve Ordinance 1933 including the recommended change by the City Attorney. Councilor Wright seconded the motion and it passed unanimously.

2. Ordinance Annexing Certain Unincorporated Area Known as the Walla/Martin Property into the City of Marysville.

Councilor Pedersen moved and Councilor McGee seconded to adopt/approve Ordinance 1934. Passed unanimously.

3. Ordinance Rezoning Property Owned by John Taylor and Approving Preliminary Plat for the Subdivision of Beverly Lane.

Councilor Leighan moved and Councilor Myers seconded to adopt/approve Ordinance 1935. Passed 6-0 (Councilor Pedersen did not vote).

4. Ordinance Pertaining to the Distribution and Custodianship of the Petty Cash Fund.

Finance Director Wilson said this is concerning a \$50 petty cash fund in the Planning Dept.

Councilor Baxter moved and Councilor Herman seconded to approve/adopt Ordinance 1936. Passed unanimously.

5. Resolution Declaring the Policy Concerning the Encouragement of Youth Activities.

It was noted that the wording had been changed from "take the lead" to "take or share the lead" in order to alleviate any apprehension regarding the City taking full responsibility.

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Councilor Leighan moved and Councilor Myers seconded to adopt/ approve Resolution 1604. Passed unanimously.

6. Resolution Granting a Conditional Use Permit for Property Owned by Harvey Jubie, Subject to Conditions.

Councilor Baxter moved and Councilor Pedersen seconded to approve/ adopt Resolution 1605. Passed unanimously.

7. Resolution Granting a Utility Variance for Gregory Partridge, 5623 86th Pl. NE, Marysville.

Councilor Herman moved and Councilor Leighan seconded to approve/ adopt Resolution 1606. Passed unanimously.

LEGAL MATTERS:

1. Addendum to Contract for Marysville Municipal Court Judge.

City Attorney Weed explained this is to make the contract consistent with the ordinance just approved tonight.

Councilor Leighan moved and Councilor Myers seconded to approved the addendum and authorize the Mayor to sign it. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 12:46 a.m. 1/26/93


1. Personnel.
2. Pending Litigation.

RECONVENED AND ADJOURNED: 1:10 a.m. 1/26/93

Accepted this 1st day of February, 1993.



 MAYOR



 CITY CLERK



 RECORDING SECRETARY