

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JUNE 28, 1993 00124

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilors McGee & Myers
excused

MINUTES OF PREVIOUS MEETING: 6/14/93 Approved

AUDIENCE PARTICIPATION: Cornelius Ver Mulm, Noel
Seguin

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION: None

PETITIONS & COMMUNICATIONS:

1. Fourth St. Bypass Interchange To be continued

PUBLIC HEARINGS:

1. Thomas Bradshaw; East Ridge
Annexation (cont. from 6/7/93) Continued to 8/23/93

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

1. Reclassification of Public Works Supt/Utilities & Asst. Street
Supt. Positions Approved

2. Utility Variance - Water without
Sewer - Arlington Christian School Approved

3. Utility Variance - Water w/Sewer
- Cornelius Ver Mulm Denied without Prejudice
for 6 Months

4. Utility Variance - Water & Sewer
Hookups - Jack Faucett Continued to 7/6/93

CONSENT AGENDA:

1. Approval to close 5th & 6th Sts. between State & Delta July 10 & 11
for Sights & Bites Festival Approved

2. 10th St. & Beach Improvement Project Approved

3. Reimbursement for Oversizing
Water Main for Quil Ceda Crest Estates Approved

4. 6/28/93 Claims - \$523,150.34 Approved

ORDINANCES & RESOLUTIONS:

1. Ord. Repealing Ord. 1821 re TIP 3 Ord. 1952 Approved

2. Ord. amending MMC re consumption
of liquor by minors. Ord. 1953 Approved

3. Res. denying rear yard setback
variance - Perkins/Armstrong Res. 1630 Approved

4. Res. setting 7/26/93 hearing re
vacation of portion of 84th St.
NE & 83rd Av. NE Res. 1631 Approved

5. Res. denying request for height
variance and residential use
variance for Centex Homes Res. 1632 Approved

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 10:42 p.m.

1. Litigation

2. Personnel

RECONVENED AND ADJOURNED: 11:55 p.m.

CORRECTED: SEE 7/6/93
MINUTES

MARYSVILLE CITY COUNCIL MINUTES

JUNE 28, 1993

7:00 p.m.

Council Chambers

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

Councilor Herman noted that there is a word missing on page 1 under "Minutes of Previous Meeting" of the 6/14/93 minutes. It was determined that at the end of the first sentence, it should read "in the 2nd to last paragraph....."

Councilor Leighan pointed out that "all paper products should be purchased from the same vendor" was just an example on page 13, 10th paragraph.

There being no further corrections, Councilor Herman moved and Councilor Wright seconded to approve the minutes of the 6/14/93 meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Cornelius Ver Mulm, 1776 Smiley Rd., Mount Vernon, addressed the Council, noting he owns property in Arlington. He stated he would like to see the RUSA boundaries extended to include his farm as Marysville already owns the water rights and that area should now have water and sewer. He noted that on 7/7/93 there will be a county hearing and a lot of the local farmers will be testifying at that hearing that they no longer wish to be part of the county's ag preservation area.

Mayor Weiser commented that one of the things that needs to be finalized and completed is Marysville's Wastewater Treatment Facility and the Council and Planning Commission will be discussing urban growth boundaries as well as RUSA boundaries further as they relate to the Growth Management Act, etc.

Noel Seguin, Marysville, addressed Council, stating the Mayor had not returned his phone call and he had wanted to make an appointment with the Mayor. He accused the Mayor of not doing an effective job and said that for the past 3½ years the police department has been running a secret service. He said that because of all the things that have been happening to him in this town, things that the police chief and others have been putting him through, he has had to go on kidney dialysis as a result.

Mayor Weiser apologized for not getting back to Mr. Seguin and did in fact make an appointment for him to meet with him on Wednesday 7/7/93 at 1:15, Wednesday being one of the days Mr. Seguin does not have to go in for dialysis.

Mr. Seguin agreed to this time and date but then went on ^{s/b to accuse} another tirade, accusing the police department to be playing "footsie" with the mafia, doing everything from electrically torturing him, to placing a club on the steering wheel of his car which had been parked inside a locked garage. He said he is totally upset and disillusioned with the police dept. and asked if he needs to in fact take the law into his own hands. He then walked out of Council Chambers after apologizing to others in the audience.

STAFF BUSINESS:

City Administrator Zabell reported on damage to City Hall windows and City vehicle windshields suffered as an aftermath of the Strawberry Festival. He announced the hiring of Paul Rochon as Code Enforcement Officer. Rochon will start next week in his new position; he already has 4 years service with the City, he stated. City Administrator Zabell stated he is on vacation through the rest of this week.

City Attorney Weed reported he recently attended a conference and will be sharing information he learned with Council. He stated there will be a public hearing before Snohomish County Council at 1:30 6/30/93 concerning redistricting of the court system, including the proposal that all of Marysville should be within the Everett District Court. He reported a sign code ordinance draft amendment has been submitted to the Planning Commission and it will probably be back before Council on the 7/6/93 agenda.

Public Works Director Winckler said he has put together cost estimates for improving 528 from 67th to SR 9, noting the State estimated \$2.4 million for the project. Using the figure of \$133.99 per lineal foot construction costs for the 80th St. improvements, he said he came up with an estimate of \$181.50 per lineal foot for the 528 project, or \$90.75 per front foot, exclusive of right of way acquisition. It was noted that developers have been asking for some kind of idea of what the improvements will cost eventually.

City Administrator Zabell added that with the extreme vertical alignments on 528, it's impractical to piecemeal the frontage improvements so the City is trying to bank funds so that the project can be completed all at the same time.

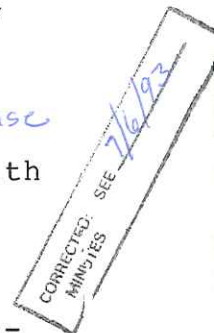
Councilor Baxter asked about people living along the right of way and what their participation would be. Public Works Director Winckler said he didn't know the answer to that.

City Administrator Zabell explained there was something similar done with the developer at 67th & 528, as far as banking the funds.

Mayor Weiser asked about forming a TIP and Public Works Director Winckler said the difficulty with a TIP is who is going to have access to 528 and who would participate in the TIP.

Councilor Baxter noted 528 is a state highway and he said he has a little trouble with the people living along there having to pay for a state highway. He compared people living along I-5 not having to pay for I-5. It's the same problem on 67th along the golf course, he said.

City Administrator Zabell said that's why it is felt reasonable for the cost of 528 to be split with the state, especially now that the state doesn't have the money for the whole project.



Mayor Weiser asked for this to be put on the 7/6/93 agenda and Public Works Director Winckler agreed to do that.

Parks & Recreation Director Ballew gave an update: Their first concert in the park was successful, the mechanic position at the golf course is to be finalized within the week and the Petting Zoo is moving along well. They are putting in utilities, the shell is done. He reported on the many donations received and most recently a bake sale donated \$200, \$200 was received from Vinyl Signs & Banners, poles were donated from Councilor Baxter and \$300 was received from the John Myers family. He proposed the name of "Rotary Ranch Petting Zoo" to reflect the name of the organization who has donated the most time and money over the years but he said they would also recognize all donors by way of a plaque, as well as Rotary logos inside the building. He noted the Rotary has given probably close to \$20,000 over the past few years.

The consensus was to adopt the name "Rotary Ranch Petting Zoo."

MAYOR'S BUSINESS:

Mayor Weiser reported on the recent AWC Convention he and others on the Council attended. The theme was "Reinventing Government" and innovative ways for cities to provide more services for less money were discussed, he said. He said he found Governor Lowry's speech very interesting and enjoyed the many break out sessions, especially concerning Initiatives 601 & 602. He reported that he attended the Growth Management Coordinating Committee meeting last Monday at which time such topics were discussed as targeted population, land analysis, the difference between the county's and City's population forecasts. He said they also discussed setting urban growth boundaries and renewing the interim annexation area boundaries which expire 6/30/93. He said he will be asking for the timeline to be extended on that.

CALL ON COUNCILMEMBERS:

Councilor Baxter reported he went by to see the Perkins lot where the applicant wishes to put a large deck on the hillside. He said it's a plan for a big tall house on a small lot, basically. He commented on the proliferation of garage and yard sale signs around the City again.

Mayor Weiser said he would check with Chief Dyer, but the Code Enforcement Officer will be removing and following up on them, also.

Councilor Baxter said he hoped the City would not be compromising on the urban growth boundaries with the County.

Mayor Weiser assured him he plans on standing firm with our previous boundaries.

Councilor Pedersen said that during the budget process there was talk about a purchasing agent and/or purchase order system and she asked what had happened in that regard.

Finance Director Wilson stated the Finance Dept. is looking at a PO system and depending on the budget, may be able to look again at the possibility of a purchasing agent.

Mayor Weiser explained another alternative is to have several people in charge of say, 3 departments' purchases, rather than a main purchase agent.

Councilor Wright announced she will be out of town for the next Council meeting. She reported on the workshops at the AWC Convention including one on cablevision, youth service corps, resolutions banning fireworks, 601 & 602, task force to be set up for

MARYSVILLE CITY COUNCIL MINUTES

JUNE 28, 1993

Page 4

looking at ways for cities to save money during the good times so they don't need to raise taxes during hard times.

Councilor Leighan reported on the Work Release Site Committee he was working on, noting they have now decided to scrap all locations at this point and start over. He reported Maryfest received a lot of help from the City and he expressed thanks on behalf of Maryfest, especially to Officer Rich and Heather Earnheart.

Councilor Herman suggested the possibility of a press release re garage sale signs and he said he too was very impressed with the very successful Maryfest this year. He noted there is a lot of controversy regarding prison/work release labor and following up on the CT presentation at a Council meeting recently, CT is making some appropriate schedule changes, he reported.

Public Works Director Winckler added that he and his department spent a considerable amount of time with CT last week developing locations for bus stops and the changes are to be finalized soon and brought back before Council. He added that CT was very responsive to the City's concerns and needs.

Councilor Herman urged everyone to take a close look at Init. 601 and 602 as they can be very devastating to our economy, he said.

PETITIONS & COMMUNICATIONS:

1. Fourth Street Bypass Interchange.

Mayor Weiser referred to letters from Jim Cameron and Dave Zabell in the packets as well as a letter handed out from Welco Lumber. He stated he received a call from the Downtown Merchants who are concerned about traffic control and he then called the Chamber. The Chamber has not had an opportunity to formally meet however are in agreement with the Downtown Merchants, he reported.

City Administrator Zabell reviewed the map in the packets and said there are difficulties with the proposed plan because of impacts to businesses and property owners on 1st St. He noted there are several people in the audience who wish to speak regarding this subject.

Jim Cameron, Tulalip Tribes, addressed Council. He stated he is Project Director with the Tribes and they have been working on ways to alleviate traffic congestion at 4th St. and 88th St. He noted the revision the state has put in at 4th & I-5 has helped some but they have increased congestion during peak hours. He said they have looked at the possibility of an underpass to alleviate the interchange traffic and the Tribes would like to put in a new road to bypass the present system; this would not impact Welco or the boat launch, he said. He added they are also proposing to change the private right of way to a public right of way and Welco would use another roadway, i.e. one adjacent and parallel to the existing roadway (between different piers).

Councilor Baxter asked about the south edge of the right of way and Mr. Cameron described the right of way as being 40' wide going along Ebey Slough.

John Klassell, also from the Tribes, stated the 40' right of way was actually designated as a private right of way, originally set up for access control and the boat ramp was supposed to disappear eventually, but did not.

Councilor Baxter said there was an agreement with the sportsmen and the mill and the City.

JUNE 28, 1993

Page 5

Mr. Klassell stated he thinks there was an agreement with the Sams but the Bureau of Indian Affairs did away with that and now there is no agreement on file. He said he believed it was in the mid 60's when the highway was built and they have searched back into the archives for the agreement and have found that the land was acquired totally unencumbered.

Councilor Herman noted that this affects an existing business who wants to stay in business and maybe the boat launch needs to find an alternate location. He concluded there seems to be a lot of expectations there.

Mr. Klassell said the parking issue is very difficult: people are parking under the I-5 bridge and are actually on private land. He explained which parts are private right of way and which are public.

Councilor Baxter noted there are a lot of people on 1st St. this is going to affect and now he said he feels like something is being pushed too fast.

Mr. Cameron explained it's up to the City to talk with City businesses, he is just coming before Council to offer a proposal.

City Administrator Zabell noted there have been past discussions but this is the first time the Tribes have submitted anything in writing.

Councilor Baxter reiterated that this affects a lot of businesses on 1st who did not get any notification. He said he was asked by other people about this and he didn't know about it himself and he thinks this is going to have a large adverse effect to 1st St. businesses.

Mayor Weiser asked if there were any potential environmental problems with 60th and Mr. Cameron admitted there are some wetlands there but they don't anticipate any major problems. He stated the Tribes are doing an environmental assessment now; PUD is putting in a new KVA line on the west side as well as a new sub station on the west side of I-5 at 88th. He explained about the wetlands the City owns and the wetlands Alfred Sam owns on the west side.

Mayor Weiser asked about the location of the Legion park and Mr. Klassell said it's in the right of way of the freeway.

Mr. Cameron added that there is some acreage on 31st but other than that all is tribal land; they are dealing with the county and other businesses immediately adjacent to I-5 in order to alleviate the major traffic problems, he stated. He added they are also working with the county with regard to 116th & 88th to try to improve traffic flow; the improvement is mainly needed in the peak hours.

Mayor Weiser noted he drove over to the west side a few times recently and found the traffic flow to be very good and Mr. Cameron admitted the problems of congestion do not occur all the time and there are still some problems with the signaling, too.

Public Works Director Winckler stated there are still some signs the state needs to put up before the 4th St. & I-5 project is completed.

Mr. Cameron stated the Tulalip Tribes are asking for the support of City Council to change the private right of way to public right of way under the Ebey Slough bridge by Welco Lumber.

Larry Pavish, 1927 5th St., addressed Council and pointed out that there are duck hunters, fishermen and other smaller entities competing with a large mill and 25 mill owned vehicles, all trying to use the same general area. He said he hoped City Council was not

CORRECTED:
MINUTES
SEE 7/6/93

MARYSVILLE CITY COUNCIL MINUTES

JUNE 28, 1993

Page 6

going to protect these "sacred cows" to prevent the construction of a much needed emergency roadway through to the west side. He said he hoped the City can work with the Tulalip Tribes on this.

Bob Crunkilton, Manager, Welco Lumber, addressed Council. He said he thinks there is a lot of background on the private right of way --that he thinks it was granted for right of way to the log dump. He said he is not sure how Mr. Cameron's suggestion would work with the boat launch and the mill traffic and doesn't think the full impact of the change has been addressed, so urged Council to withhold any backing of this until it's been looked at further.

Mayor Weiser asked him about his possible recollection of a lease and/or agreement about the boat launch and Mr. Crunkilton said he had no recollection of it.

Mayor Weiser asked about the boat launch parking and mill operation and Mr. Crunkilton stated it is difficult for him to envision how it would work but he hasn't really looked at it closely. He added he knows the highway department doesn't like people to the south side of the pier and Welco has maintained that road for several years, not realizing it actually belongs to the City. He also mentioned Welco rents air space under the I-5 bridge from the state.

Councilor Baxter said he talked with Stan Jones about moving the boat ramp further west and that would get it out of the mill's and road's way.

Councilor Herman asked if the additional traffic would adversely affect businesses on 1st St. and Councilor Baxter said he felt it would.

Mayor Weiser noted there has always been a problem with the parking at the boat launch; he said he understood that property was traded for property at the end of Beach St. and City staff is still researching meeting minutes, etc. He added he doesn't think there is enough room for both Welco and the boat launch, as a practical matter.

Councilor Baxter said he feels the way to solve this is to get everyone concerned together and work something out.

Mayor Weiser noted 1st & State traffic control still needs to be addressed and he said he would like staff to get together with the Tulalip Tribes, Welco, Sportsmen's Club, etc.

Councilor Herman said he would like to see all the businesses included in the negotiations as well as being sure the boat launch is considered.

PUBLIC HEARINGS:

1. Thomas Bradshaw; East Ridge Annexation (cont. from June 7, 1993); PA 9302002.

Tom Bradshaw, 11120 Bonneville Av., Snohomish, addressed Council and said with regard to the request for a 60 to 90 day continuation, he feels there has been some misrepresentation, some rumors that need to be cleared up, some concerns about future zoning, etc. and they would like the extra time to clear some of these things up, he said.

Mayor Weiser asked with the signatures already certified how they would be affected by an extension.

City Attorney Weed explained the City has the right to help disseminate factual information regarding an annexation and as far as the signatures, there was a case in the courts where it was ruled

that when the city accepts the signatures, certifies the signatures and sets the public hearing, a person can't be added or deleted from the petition once that happens.

Councilor Pedersen asked about the applicant having to get new signatures with a 60 to 90 day extension/continuation and City Attorney Weed said no, the signatures are certified and so stand as is.

Councilor Pedersen asked if the hearing could be opened up to people who wished to address whether or not the public hearing should be continued. It was the consensus to do that.

Tom Rhinevault, P. O. Box 605, Everett, Washington 98206, addressed Council and said it was his suggestion that this be continued because a lot of things have happened since 6/7/93 and they need the time basically to "catch up".

Florence Dulin, who gave an Everett address, addressed Council and said she would support a continuation of this hearing.

Mark Dibble addressed Council, stating he would oppose continuation as he doesn't see where there is any confusion. He said he thinks everyone has the facts and the continuation is an unnecessary delay.

Catherine Kieffer, 6505 83rd NE, addressed Council and asked to clarify about once a person has signed the petition, whether they can take their name off.

City Attorney Weed said once the City has certified the signature, and a public hearing has been set, no one's name can be added or deleted. He noted however that people may voice a change of mind but the signature would not be changed and a continuation would give further opportunity for a person to express an opinion.

Mrs. Kieffer said in that case she would be in favor of a continuation of this hearing.

Jane Demo (??), 6605 83rd NE, addressed Council, stating she would be against a continuation. She asked about a husband and wife signing against each other on the petition, i.e., one for and one against the annexation--what effect would that have?

City Attorney Weed said he has never seen that come up but it's possible they may invalidate each other or it may be viewed as half in favor and half of the community property against.

Ms. Demo (??) stated she knows of at least one case where this has happened on the petition, in the case of the Kieffers.

City Planner Hirashima stated Mrs. Kieffer's opposition was taken into consideration and there was still a sufficiency of petition, without the Kieffer property as a whole.

Rob Baker, 8305 83rd NE, addressed Council and stated he is opposed to continuation of the hearing as he feels everyone has enough information already.

Councilor Pedersen stated she is of the opinion everyone should be allowed to as much dialogue as desired and so would be in favor of continuing the public hearing.

Councilor Baxter moved to continue the public hearing to 8/23/93 and Councilor Pedersen seconded the motion. The motion passed with Councilor Herman opposed.

NEW BUSINESS:

1. Reclassification of Public Works Superintendent/Utilities and Assistant Street Superintendent Positions.

Public Works Director Winckler reviewed the agenda bill, noting the proposal is to disseminate responsibilities between other positions within the Street Dept. with a resulting Public Works Superintendent Grade XVIII and a Street Maintenance Supervisor Grade XIII.

Councilor Pedersen asked about the budget difference and Finance Director Weilson said the cost of upgrading the positions was actually less than Lloyd Taubeneck's position.

City Administrator Zabell commented on the Asst. Street Superintendent position and also noted that the Street Maintenance Supervisor would be a management position vs. union. It was noted there are 9 people in the Street Dept. now.

Councilor Pedersen asked for a more detailed job description and City Administrator Zabell explained the street supt. formerly included equipment operator.

Public Works Director Winckler stated they believe they are creating a more functional and effective process, pretty much bringing this in line with the other utilities; he explained how they used to have working foremen who are now going to be management and become very involved in evaluation, eg.

Councilor Pedersen moved and Councilor Baxter seconded to reclassify Public Works Superintendent Utilities to Public Works Superintendent Grade XVIII, effective 7/1/93 and Asst. Street Superintendent to Street Maintenance Supervisor (Management Position), Grade level XIII, effective 7/1/93. The motion passed unanimously.

2. Utility Variance - Water without Sewer Hook Up; Arlington Christian School; Ken Gilroy; UV 93-008.

Public Works Director Winckler reviewed the agenda bill and stated it is felt this is one of the areas still being reviewed with reference to the comp plan, it is outside RUSA and 1800' away from a water line and would have to cross under I-5 which would be a tremendous expense for the applicant to bear to connect, he noted.

Councilor Herman asked if this is within the Arlington Critical Water Study Area and Councilor Baxter said it is either in Arlington or no-man's land but Marysville has the closest water line. He added that no one has a good well in that area.

There was discussion about the buildings already being on site, previous existing facility, having had a well before and then the facility moved.

Councilor Herman asked about how far north Everett water can go and Councilor Baxter said this is too far north; Everett water would have to supply 100% of Marysville first.

John Millenaar, 6713 40th St. NE, addressed Council. He said he wished to briefly present the need for this request and he proceeded to tell how ACS was established in 1975 and has served over 2000 students since that time. He gave a breakdown of where the students come from, noting 17% come from Marysville. He noted the students come from many north county areas and until 1989 they leased their facilities, then moved to temporary quarters in a church (for 3 years) while searching for an alternative site. The board reviewed 40 potential sites, he said before the present 21 acres were acquired. They met with neighbors, the City, the county, and they did have a waiver of mitigation fees. He noted

JUNE 28, 1993

Page 9

the site chosen was chosen because of its easy access to I-5 and he mentioned his personal interest in this project, being an architect as well as having two graduates (his son and daughter) from the Arlington Christian School. He added he has spent many hours dealing with the county and in fact, the Arlington Public School was able to acquire property, obtain all their permits and build their facility while ACS is still trying to obtain utilities. A well would not be approved for school use and would not be satisfactory for fire protection, he said. He said this parcel is the only one with a conditional use permit in the county for the use of a school and they need the City of Marysville's help for water. Their water is actually three parts per million over the allowed on nitrates, he said, their extraordinary circumstances would be that they are a school and the granting of this variance would not be detrimental to the public interest because the students' parents would still be part of the county tax base and would continue to contribute. Also, the school would provide playground facilities for the neighborhood and would not be a heavy water user, in fact, he pointed out, there would be no use during June, July and August when there is greater need for water in the rest of the community and the school's on site well could actually be used for all yard maintenance. He added that this parcel can be served by the main that serves Island Crossing. The school be attended by 50 to 150 students during the school term.

Mayor Weiser commented on the need for the City to get off the Rainy Well System and asked what the school would do once that system is no longer being used.

Mr. Millenaar said he didn't know, asking how the City would supply Island Crossing and Smokey Point customers presently on the Marysville system.

Councilor Pedersen noted there are actually two requests here: one for the utility variance and the other for a frontage waiver.

Public Works Director Winckler noted the request is outside the Critical Water Study Area and RUSA and that was basis for denial of the variance by staff.

Councilor Pedersen asked if other purveyors won't supply the school, who will.

Mayor Weiser pointed out that we don't know what we are going to do with the Rainy Well system and also, similar requests have been denied.

Councilor Pedersen argued that this is a school and not similar to a residential use.

Councilor Baxter stated it's clear to him that Marysville has extended and committed ourselves and we don't have the choice now: We have to serve them, the problem is "how" not "if", he said. He added that his feeling is that we are in the business of supply service to people who pay for that service on a monthly basis.

Mayor Weiser noted not supplying water had been discussed unless their well had gone bad and discussion then ensued about serving schools vs. residential, denying water to people who have nowhere else to go for water, RUSA meetings/status.

Gary Graber, President of Arlington Christian School, addressed Council. He said he wished to point out a uniqueness of the property and that is that prior to 1973 it was a law that they were considered a water system because they served two farms and Marysville would be assuming a "district" here, if the variance were granted, which would be to ACS's advantage vs going to the PUD, for example, which they have basically ruled out as an option, he said.

JUNE 28, 1993

Page 10

City Administrator Zabell said he wished to ask the contractor some technical questions and Carl Gott, 7403 McPherson Rd., Arlington made himself available. City Administrator Zabell asked him what size line they are proposing to install.

Mr. Gott said they are planning an 8" line in steel casing under the Portage Creek bridge but that 204th is a possibility, too although it is really difficult to work with that much traffic, even though 204th would be the shorter route.

City Administrator Zabell asked if they anticipate 8" to be large enough for future needs and Mr. Gott said it's possible they can go larger.

Councilor Baxter pointed out the county standard is 6" minimum pipe size but City Administrator Zabell pointed out that Marysville's minimum is 8".

Alice McKenzie of 172nd St. NE, addressed Council and said she just wanted to remind Council they gave Bakers 5 shares not too long ago.

Councilor Pedersen asked about the frontage waiver and Public Works Director Winckler said he is not aware of the City having done this before.

City Administrator Zabell mentioned the lack of recovery rights there would be on this project and Councilor Herman asked what the long range plans of the City's utility systems are.

Councilor Baxter said this is almost a separate system from the Marysville system, referring to the fact that this is even outside of the CWSA.

Councilor Pedersen asked where Marysville is in negotiations with Arlington and City Administrator Zabell pointed out that Arlington is technically purveyor for this area but they don't have the capacity; they are to serve this area in a "timely and reasonable manner", however that is defined.

Mayor Weiser said at some point Marysville is going to have to bear the expense of changing these hookups again when we get off the Rainy Well system.

Councilor Baxter commented that the money we are paying for treatment to Everett is not too far away from paying for treatment of surface water in the north end. He added that it is not Marysville's intent to shut down the Rainy Well system completely.

Mayor Weiser agreed, stating we will continue to use Rainy Well but not in the same way we do now.

Councilor Baxter said that if and when a main is put in for Island Crossing, then it can take care of that whole area. One of the discussions is "adjacent purveyor", he said, and the answer seems to be how far is the person willing to pay for a hookup.

Councilor Leighan asked about the original delineation of the Arlington service area and discussion followed about Marysville's service area, long range plans, CWSA, water systems within the area, Arlington & 7 Lakes not able to provide water, Marysville being the nearest "adjacent" purveyor if the applicant is willing to pay for the transmission/hookup, master meters, bringing in revenue, building a treatment facility, Petunia District, Island Crossing, filtering, staff denial is in line with present policy, RUSA criteria based on current code.

Councilor Herman said his basic concern is with the long range plans of the City.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 28, 1993

Page 11

Councilor Baxter suggested trying to relate this to the Lakewood School.

There was more discussion about comparing apples to apples, multiple (residential) hookups, changing rules, Marysville is already serving customers in this area, potential impacts, setting a precedent, being a school, further discussions at RUSA meetings.

Councilor Baxter moved to approve the variance request to grant water and Councilor Pedersen seconded the motion. Findings of fact:

- Private schools provide a relief valve for public schools
- Extensive search for school site
- Property rights plus already approved for a CUP
- Not detrimental - well system can't be used for the higher standards of a school
- Long range plans/utility availability - would be hooking up to the Petunia line, others in the same area
- Serving a school facility of this small size would not deprive others
- Serving schools where possible is meeting long range plans.

The motion passed with Councilor Leighan against.

Councilor Baxter than moved that the partial frontage waiver be allowed, Councilor Wright seconded and the motion passed with Councilor Herman against.

Gary Graber thanked Council on behalf of the Board of Directors and the students who want to begin in the fall.

3. Utility Variance - Water with Sewer Hook Up; Property Outside of RUSA; Cornelius Ver Mulm; UV 93-009.

Public Works Director Winckler reviewed the agenda bill, noting the property is in the Critical Water Study Plan but outside RUSA and the applicant is not on sanitary sewer at this time.

Councilor Baxter left Council Chambers at 10:02 and returned at 10:04 p.m.

Public Works Director Winckler stated staff recommends denial without prejudice in this case, for water, for six months, pending completion of the comp plan update.

Cornelius Ver Mulm, 1776 Smiley Dr., Mount Vernon, addressed Council. He said he has talked with the Lakewood School and they said they are having problems with their force main. Also, he is having good success with people wanting to sign up for sewer in that area and they could provide gravity flow service to the school, he said, which would save the school. He said he owns the farm and would like to sell soon because he is almost 70 and just wants to get out of the farming business. Marysville has the water rights and he said he thinks it would be ideal to put in a subdivision there, it would help the economy and he thinks the timing is right. He added they all want out of the ag preservation area. He said he know about half of the land won't perc and he would have to get the wetlands delineated but he has talked with many people in the are who want out of the ag preservation area and are willing to go ahead with development of the area. (He presented a map of the area depicting all the people he has spoken with, probably about 75% of the property owners in the area.)

Councilor Pedersen said with that much interest, possibly that area would be appropriate for a ULID and Public Works Director Winckler said a 60% petition would be needed in that case.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 28, 1993

Page 12

Discussion proceeded regarding ULIDs, getting sewer to the subject property, denial without prejudice, how this would be different from the Arlington Christian School case, discussing this further at the next RUSA meeting, sewer comp plan, engineering feasibility study fees, getting a petition signed by the applicant.

Councilor Baxter moved to deny sewer and water without prejudice for six months as per the previous discussions. Councilor Pedersen seconded the motion and it passed unanimously.

4. Utility Variance - Water and Sewer Hook Up Outside RUSA; UV 93-010 - Faucett.

Public Works Director Winckler reviewed the agenda bill, noting the request is outside RUSA and the CWSP for Marysville. He noted the applicant has requested this be continued to the 7/6/93 meeting.

Councilor Pedersen moved and Councilor Baxter seconded to continue this to the 7/6/93 meeting, as requested. Passed unanimously.

CONSENT AGENDA:

1. Approval to close 5th & 6th Sts. between State & Delta July 10 & 11 for Sights & Bites Festival.
2. 10th St. & Beach Improvement Project Acceptance/Approval.
3. Reimbursement for Oversizing Water Main for Quil Ceda Crest Estates.
4. 6/28/93 Claims - \$523,150.34.

Councilor Pedersen moved and Councilor Leighan seconded to approve Consent Agenda Items 1 through 4. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Repealing Ordinance No. 1821 Relating to TIP #3.

Councilor Herman led considerable discussion regarding mitigation fee collection on TIPs, city wide vs. project specific TIPs especially on major arterials such as 67th and 528, cutoff date of TIP mitigation fee collection, completion of project, scope of work, changes made at I-5 & 4th, \$196,000 collected, where do fees get returned (they would get refunded to the developer who paid the fee) but that could be changed if Council desires, City policy regarding refunding, question of a light change at 4th & State(??)

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Ordinance 1952. Passed unanimously.

2. Ordinance Amending MMC 6.58.030 Relating to Consumption of Liquor by Minors.

Councilor Pedersen moved and Councilor Baxter seconded to approve/adopt Ordinance 1953. Passed unanimously.

3. Resolution Denying a Rear Yard Setback Variance for Brian Perkins and Tamara Armstrong.

Councilor Baxter moved and Councilor Pedersen seconded to approve/adopt Resolution 1630. Passed with Councilor Wright against.

4. Resolution Setting the Hearing Date of 7/26/93 to Consider a Street Vacation of a portion of So. 84th St. NE & 83rd Av. NE.

Councilor Leighan moved and Councilor Pedersen seconded to approve Resolution 1631. Passed unanimously.

MARYSVILLE CITY COUNCIL MINUTES
JUNE 28, 1993
Page 13

5. Resolution Denying a Request for a Height Variance and Residential Use Variance for Centex Homes.

Councilor Herman moved and Councilor Pedersen seconded to approve/adopt Resolution 1632. Passed unanimously.

LEGAL MATTERS: None.

ADJOURNED INTO EXECUTIVE SESSION: 10:42 p.m.

1. **Litigation.**
2. **Personnel.**

RECONVENED AND ADJOURNED: 11:55 p.m.

Accepted this 6th day of July, 1993.

David Weiser

MAYOR

Mary P. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY