

MINUTES RECAP

00 57

MARYSVILLE CITY COUNCIL MEETING

JUNE 13, 1994

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilor McGee excused

MINUTES OF PREVIOUS MEETING:6/6/94 & Golf Workshop  
6/2/94 ApprovedAUDIENCE PARTICIPATION:

Dan Edmonds

STAFF'S BUSINESS:MAYOR'S BUSINESS:CALL ON COUNCILMEMBERS:PUBLIC HEARINGS:

1. Comprehensive Plan. Cont. to 6/27/94

REVIEW BIDS:

1. SR528/67th Av. NE Signal Approved

CURRENT BUSINESS:

1. Supplemental Agreement #1 to Pertee Engrg. Prof. Svcs. Contract State & 88th HOV, signalization & channelization Approved

CONSENT AGENDA:

Approved:

1. 5/94 Payroll in the amount of \$480,428.49.
2. 6/13/94 Claims in the amount of \$695,746.61.
3. Rezone; Art Dujardin; PA 9401002.
4. Budget Amendment; Finance Retirement.
5. Budget Amendment; Parks Building Donation Addition.

ORDINANCES & RESOLUTIONS:

1. Res. re Brennick Annexation Res. #1691 Approved
2. Res. re Poortinga Annexation Res. #1692 Approved
3. Res. re Sunnyside South Annex. Res. #1693 Approved
4. Ord. Adopting Wash. Model Traffic Code Ord. #1989 Approved
5. Ord. Vacating Alley (Cole Vacation) Ord. #1990 Approved
6. Ord. Affirming Hearing Examiner Decision re Lindal Cedar Homes Binding Site Plan Ord. #1991 Approved
7. Ord. Affirming Hearing Examiner Decision re Hasko Rezone Ord. #1992 Approved

LEGAL MATTERS:

1. Ord. Adopting State Penalties eff. 7/1/94 so City's code is comparable. Ord. #1993 Approved

ADJOURNMENT:

10:22 p.m.

MARYSVILLE CITY COUNCIL MINUTES

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JUNE 13, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee (excused)  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Gloria Hirashima, City Planner  
 Cheryl Dungan & Eric Thompson, Planning Dept.  
 Doug Buell, Community Information Officer  
 Ken Winckler, Director of Public Works  
 Grant Weed, City Attorney  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 6/13/94 MINUTES

CALL TO ORDER:

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

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above. (It was noted Councilmember McGee has resigned from the City Council.) *s/b will resign June 30.*

CORRECTED: SEE 6/14/94 MINUTES

MINUTES OF PREVIOUS MEETINGS:

In the Council 6/6/94 Minutes, Councilmember Herman noted on page 13 in the 3rd paragraph, "average lot size" should read "average density is over 16,000 sf". 3 paragraphs below that in the 3rd line, his reference was with regard to a 20' height limitation vs a 25' height limitation.

There being no further corrections, Councilmember Wright moved and Councilmember Myers seconded to approve the 6/6/94 minutes as corrected. Passed unanimously.

There being no corrections to the 6/2/94 Golf Workshop minutes, Councilmember Herman moved and Councilmember Leighan seconded approval as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Dan Edmonds, 1067 Beach, addressed Council. He noted when they started their project in 1989 he told the City about his lathes, saws, storage in the warehouse and he was told to get a warehouse permit but now he has been told he has to have a variance or else he will get shut down.

Mayor Weiser asked if he has a conditional use permit now and Mr. Edmonds said yes, for 1065 Beach, but he is referring to the property next door where all his machinery is at. He said there is 400 amp service in there and it's ready to go but they just got the letter the other day on this and the City wants to shut him down. He said he wondered if there was something they could do because he doesn't feel it's fair to shut him down just because it's not zoned right now. He said he has Bill Roberts working on getting the necessary documents in order for the City.

Mayor Weiser asked about his building permit for a warehouse on this property and Mr. Edmonds explained they told him at City Hall that's what he needed--a permit for a warehouse because over half of the space is used for a warehouse.

City Planner Hirashima stated she understands Mr. Roberts is working on submitting a CUP application which the Planning Dept. has not received yet. She said she inquired about it last week and he did not indicate when it would be submitted. She said she expects it will go to hearing at the earliest July and come before Council in August. She said this first became an issue when the Planning Dept. became aware that a machine shop was actually operating in that space, it's zoned General Commercial and machine shops are a conditional use permit under General Commercial, she said. She added a CUP was obtained for the adjacent property in 1986-87 so this would be considered an expansion.

Councilmember Leighan asked when it was first used as a machine shop and Mr. Edmonds said from the day they put it up in 1989. He added they have had 400 amp service in there since the beginning: all their sawing and grinding was done over there.

City Planner Hirashima noted that under the code, the City would not have been able to grant them a conditional use permit for a machine shop on that building.

Mr. Edmonds explained he was told by the City previously to get a warehouse permit; if he had been told otherwise, he would have applied for a machine shop permit, he said.

Councilmember Herman asked how long ago Mr. Edmonds got notified and Councilmember Baxter noted this came up once before and this is one of the businesses that the City displaced because of putting in the mall and the City selected the area for these displaced businesses to operate in.

Mayor Weiser noted they were given a conditional use permit for one parcel--the machine shop and in 1989 they should have been told to apply for a conditional permit for the expansion of the machine shop on the adjoining parcel.

Councilmember Wright suggested granting a temporary business license.

Councilmember Baxter concurred with Councilmember Wright and said he doesn't like to see so many businesses operating under a conditional use permit in this area in particular because this is one of the businesses that was relocated because of the mall.

Councilmember Leighan moved for a temporary conditional use permit to be granted for 90 days subject to a permanent one being processed. Councilmember Baxter seconded.

City Attorney Weed said he understands there is a provision for a stay in any action/enforcement but he would not recommend this until the staff has received the conditional use permit application in hand.

Councilmember Leighan modified his motion as per the City Attorney's recommendation, Councilmember Baxter seconded and the motion passed unanimously.

#### STAFF BUSINESS:

Finance Director Wilson said he will be bringing two bond issues before Council 6/27 - one for the WWTF and the other for the fire and garbage trucks.

City Administrator Zabell reported Jim Kinder had quadruple heart bypass surgery and is doing fine. He said the Fire Chief has requested a Workshop with Council to discuss EMS and 6/27 at 6 p.m. was set up. He reported the MDNS has been submitted for the new library building.

City Attorney Weed reported a proposed ordinance has been passed out with regard to modification effective July 1 of the penalty issue under Marysville code, which needs to be consistent with the State. He stated this will be addressed under Legal Matters later in the meeting.

City Planner Hirashima reported tomorrow is a Parks Workshop with the Planning Commission; they have a public hearing 6/21/94. With regard to Doris Pierce, no business license was issued for the mini golf business.

Public Works Director Winckler had several items: 1) Traffic Advisory Meeting to be held 6/16 at 10:30 in the Public Works Building. 2) Paving at the WWTF is proceeding as scheduled. 3) He said he would like to schedule a tour in July of the WWTF for the Council. 4) Scheduled remodeling of the Public Works Building will be done in the reception area, mainly. 5) Lt. Commander Callahan of the Navy has been contacted with regard to signing an interlocal agreement for the traffic signal to be put in at 136th and Smokey Pt. Blvd. which also includes release of funds for the project. 6) Smokey Pt. Blvd. project is in the planning stage in conjunction with 136th.

MAYOR'S BUSINESS:

Mayor Weiser announced Councilmember McGee's resignation due to employment conflict/change effective June 30 and there is 18 months left until the next election; said 18 months needs to be filled.

City Attorney Weed added that Councilmember McGee's position would be filled on a temporary basis until November, 1995; his term is actually not up until December, 1997.

Mayor Weiser asked for letters of interest and resumes to be mailed to 514 Delta no later than 5 p.m. June 27th. He noted there will be further announcements in the newspapers.

Mayor Weiser announced an open house 6/21/94 from 5:30 to 8 pm at the Marysville School Dist. Service Center with regard to the location of the new park and ride.

Mayor Weiser then read a Proclamation declaring 6/14/94 Flag Day in Marysville with 4:00 p.m. being the time to Pause for the Pledge of Allegiance in Jennings Park.

CALL ON COUNCILMEMBERS:

Councilmember Leighan gave the upcoming schedule for Parks Dept. meetings: 6/14, open house 6/16 and a general meeting with the Council 6/23 at 7 p.m.

Councilmember Wright stated she will be unable to attend the Traffic Advisory Committee meeting as she will be attending the AWC Convention and she will not be in attendance at the 6/23 meeting, either.

Councilmember Pedersen stated she will also be attending the AWC Convention and she also asked about upcoming Budget Committee meetings.

Mayor Weiser said he will be getting information out to all the Council in a timely manner concerning the 1995 Budget.

Councilmember Baxter said he hoped everyone got the letter from the Fire Chief regarding traffic concerns. He asked about representation at the Strawberry Festival and Councilmembers Leighan, Pedersen and Baxter indicated that they would be represented.

PUBLIC HEARINGS:

**1. Comprehensive Plan.**

Mayor Weiser explained there have been many meetings and hearings over the last year or so. He said because of the number of sign up sheets that indicate people who wish to speak this evening, he will be limiting each speaker to five minutes in order to give everyone a chance to speak.

City Attorney Weed swore in all those wishing to give testimony.

City Planner Hirashima reviewed the agenda bill, noting this is an interim Comp Plan and one of the things the City will be doing is adopting additional elements, for example, parks, in August a transportation plan will be brought before Council and another thing she said is that Snohomish County is currently adopting a county land use plan and Marysville may need to make change in our plan based on the county plan. She stated the Planning Dept. will be maintaining the mailing list for these additional hearings so if you were notified of this meeting, you will be notified of the upcoming hearings. She reviewed availability of the different maps and text of the Comp Plan; she noted there have been a few recent changes and she reviewed them. These included changes in designation of industrial park, mixed use vs. professional office space (professional office space has been eliminated), waterfront designation/overlay zone with industrial uses to be permitted outright. She reviewed several areas that were discussed by Council in workshops: 67th & 528, "Hunter's Corner" on Getchell Hill, historical policies that have been added to the Comp Plan, 116th and Smokey Pt. Blvd., extension of 88th, Hwy. 9 & 88th/84th to be revisited.

Mayor Weiser noted there are close to 30 people who wish to speak and at 5 minutes per speaker, this works out to 2-1/2 hours.

Councilmember Pedersen stated she would prefer not asking people to come back to another hearing and she noted it's not necessary to repeat information. She suggested just seeing how it goes tonight.

Councilmember Herman said he would like to make it clear that people have the opportunity to possibly come back, if necessary.

Councilmember Baxter noted this is pretty important to a lot of people and he said he would hope that they keep track of what is being said, so information is not repeated.

Reggie Ware, 724 S. Machias Rd., Snohomish, addressed Council. He stated he is a concerned citizen and thinks the City has good intent with the Comp Plan but not everyone can live in a high density area. He said he does not believe Marysville's urban growth boundary is large enough; lots of people like a little more land and he said he would like to see the City limits extended at 84th & Hwy. 9 thence north to 108th then west to Marysville City limits then you might be able to take care of all the people and they would have good access to Highway 9, he pointed out, or I-5, and could still live in Marysville proper.

Don Egglekrout, 5625 Sunnyside Blvd., addressed Council and said he would like to commend the Council for changing their plan to accommodate certain situations and needs. He said there was an area on 64th where there is a lot of single family and he commends Council for changing it back to single family.

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David Martson, 6325 67th Av. NE, addressed Council. He said regarding 67th & 528 he has been opposed to commercial there for a number of years, basically because of increased traffic and he said he thinks this will be detrimental to housing values. The egress/ingress situation on 528 is similar to 196th in Lynnwood, he said; he has lived near 67th & 528 for 9 years and has seen a lot of accidents there, the traffic light will slow it down but he said he still thinks there will be a lot of traffic that will continue to tie up the ingress/egress for single family homes in that area. He said it's very possible Marysville needs to provide for growth but he said he is still opposed to commercial development at 67th & 528. He added he knows some Councilmembers think this development would reduce the traffic on 4th but if the Comp Plan is adopted for community commercial at this intersection, perhaps his corner should be changed to neighborhood commercial too and then the whole corner can be commercial and he won't be caught in the middle.

Mike Papa, 8127 54th Dr. NE, addressed Council. He stated he is opposed to the Comp Plan because it was not made available until Friday and he doesn't think a reasonable person can be expected to absorb the whole thing in a weekend so he is glad Council may be extending the hearings, he said. He added he would like to see the whole UGA included on the City's mailing list, more ads in the North Snohomish Weekly, continued ads in the Marysville Globe. He said he would also like to see east of 83rd & 84th excluded from the UGA.

Janet Edmonds, 12031 11th Av. NE, Marysville, addressed Council. She said she is concerned about the area from 5th to Grove between Ash & Beach--"mixed use". She said that's neighborhood commercial and community commercial, pedestrian oriented, professional offices, video, none of which is in there now and does not accommodate any of the existing businesses such as a fence co., lawnmower repair, machine shops, etc. She noted this is going to make a lot of businesses non-conforming in that area and she asked what happens once that zoning has been approved and in "concrete" --she said she wouldn't want to see pedestrian traffic permitted in that area because Cedar Avenue sees a lot of policy activity.

Walter Bailey, 8413 83rd Av. NE, addressed Council and stated he's totally opposed to the Comp Plan extending east of 83rd. He said he thinks Marysville has enough up to that point, some of the land is not suitable for development. For example, across Hwy. 9 is peat bog that belongs to the county now and some of that is on the west side, too.

Jeff Stafford, 5231 S. Graham, Seattle, addressed Council. He stated he has a concern about the "Bartlett" corner and would like the Council/City to consider changing that back to community commercial from neighborhood commercial. He presented a conceptual/potential plan for that corner, noting they would propose a stacking lane and left turn lane to take traffic off 528. He pointed out also that this corner has 600' of depth to reduce impact, glare, the buildings can be set into the hillside and with the trees/buffer, reduce impact to the immediate area. He noted the other 2 sites designated community commercial at 67th & 528 do not have the depth this one has and he said he would suggest they be used as professional office space, for example, something less intense in use.

John Klein, 14318 67th Av. NE, Arlington, addressed Council. He stated he is concerned about the property in behind McDonald's & Ivar's across from Fred Meyers. He said he understands the plan is to change that from general commercial to community commercial and City Planner Hirashima confirmed this. Mr. Klein restated he does not wish this to change from the existing general commercial zoning.

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City Planner Hirashima explained the existing uses were looked at and Mr. Klein stated they would like to keep it general commercial to accommodate the mobile home park. Also, they would like the City to look at Twin Cedars Mobile Home Park, he said; they would like to keep that general commercial because mobile home parks are not allowed in community commercial.

City Planner Hirashima noted if it's changed to community commercial, the Council could address the issue of allowing mobile home parks within community commercial designations and Mr. Klein said he could go along with that but his preference is to stay at general commercial designation as it is now.

Sherrie Kurtzer, 6221 108th NE, addressed Council and stated she would like to address the property across from hers. She explained they have a very good beef and livestock raising business (\$3 million market value) and they would prefer their area not be included in the UGB/Comp Plan.

Tim Klein, 16531 103rd Dr. NE, Arlington, addressed Council. He stated he also owns the mobile home park west of Fred Meyers at 9810 State and he would like to see it kept general commercial. There is a traffic signal there and he said he doesn't see any more improvements needed nor does he think it prudent for the City to downgrade/downzone his piece of property that needs no improvements. He concluded that he would like it to stay general commercial.

Dr. John Prentice, 13900 67th Av. NE, Arlington, addressed the Council. He stated he bought his property in 1963 and it was residential on the Comp Plan but then changed to ag--it has never been used as ag and he would like it changed back to residential, he said. He added that he would like to be part of the UGA and he asked if the Councilmembers ever saw the Shoultes Addition where he has 30 acres of trees and it's been zoned ag all this time.

Dan Edmonds, 12029 11th Av. NE, addressed Council. He asked if he would have more problems getting a variance if it was community commercial vs general commercial and said basically, he wants to stay general commercial.

LaWanda Goldthorpe, 10910 Vernon Rd., Lake Stevens, WA 98258, addressed Council, stating she owns land on the south side of 108th and wants to urge adoption of the proposed plan as it is written.

Jim Matheson, 5316 74th St. NE, addressed Council. He asked about Planning Area 6, noting he owns the property where McDonald's is and behind. He stated he has 30 x 250 of road with an assessed value of \$99,200 and by changing this back to community commercial as a downzone, won't be doing him any favors. He pointed out that it isn't easy to locate a retail or office site there so he might have to put in another use. He noted there is a storage building in there also that also would not be allowed under community commercial and he said he is appealing to Council to keep it general commercial zoning in there. He added that when the notices are sent out bulk mail as his was this last time, they take 2nd priority and bulk mail does not lend itself to the importance these notices should take.

Bob Evans, 5317 121st St. NE, addressed Council. He noted he is in an area designated as mixed use and he has a machine shop which will end up non-conforming with this Comp Plan change. He said they would have to go to a multifamily residential use; most of the people along Beach and Cedar are looking to have community commercial uses in there and it's not really residential any more. He noted mixed use does not include machine shops and he said he thinks the City needs some business areas; there are only 2 areas designated as general commercial, he pointed out--no new residential and no neighborhood business has gone in there recently.

Betsy Peabody, Puget Sound Water Quality Authority, Seattle, addressed Council and commended staff on the development of the Comp Plan. She said it is a very good starting point, especially for natural drainage areas, for minimizing impervious surfaces, addressing sensitive areas, etc. She stated her agency supports 100' buffers and recommends increasing the bufferin the Ebey Slough area to 100' from 25'. She noted it's possible to accommodate a larger setback and still achieve the desired waterfront area. She said they also recommend adopting/including the Quil Ceda/Allen Creek Watershed Plan as part of the Comp Plan. She added there are still a lot of areas that can be protected through Marysville's Comp Plan and she said she does support extending the deadline the public hearing.

CORRECTED: SEE 6/13/94  
MINUTES 5/6 buffer

Martha Sherry, 6804 Bayview Dr. NW, Marysville 98271, addressed Council with regard to their property at 1085 Beach. She referred to the original Comp Plan where she was zoned commercial and she said she would like to stay with that because she wasn't sure what the setbacks would be under mixed use.

City Planner Hirashima stated the current zoning for that property is general commercial unless or until there is an area wide rezone. She stated she does not know at this time what the setbacks would be under mixed use; that has not been developed as yet.

Mrs. Sherry said she encourages the City to keep the Beach area zoned general commercial.

Denise Baker, 8305 83rd Av. NE, addressed Council. She presented a petition from 69 neighbors, noting they all want to stay residential and be excluded from the Urban Growth Boundary.

Tom Cave, 7022 55th Av. NE, addressed Council, on behalf of his mother, Irene Cave. He pointed out that the proposed Comp Plan changes would lower his mother's property value which higher value she is relying on for her golden years. He noted she has been in the area for 43 years and he said he feels the Council/City needs to take that into consideration.

Shelly Willis, 6429 67th Av. NE, addressed Council, stating she is opposed to the commercial sites on the corner of 67th & 64th. Her main reason for opposition is because of increased traffic, she said, and she pointed out that there are 4 convenience stores within 1 mile of that area, also, a lot of downtown businesses are going out of business and she said she thinks commercial zoning should be kept to the downtown area.

Margaret Natterstad, 10532 38th Av. NE, addressed Council. She presented some maps compiled by herself, with regard to the business park which she understands has now been extended to her single family area, she said. She noted they are proposing a mall in there with an access across the creek north of the development she lives in. She pointed out this is a geological hazardous area, contains a salmon bearing creek, has sensitive areas in it and the 88th St. has now been extended to a 600' bridge. She said she feels it makes better sense to keep that area single family residential.

Ray Baumgardner, 6315 69th Dr. NE, addressed Council, stating his concern is with Planning Area 2 and he is in opposition to the proposal on the corner of 528 & 67th. He pointed out there are a lot of children there, a lot of people also who use his cul de sac for a turn around. He said all he can see is more traffic coming, they are tearing out a green belt behind him right now and a lot of accidents occur in that area on a regular basis because of the lack of ability to get out onto 528, he said. He stated he has a real fear about a commercial development and they pray this does not get rezoned.



Burl Tudor, 2630 43rd Av. W., Seattle, WA 98199, addressed Council. He noted he has been coming before Council for 11 years now and they own the property next to the golf driving range. He said their property is no longer suitable for residential and they think mixed use would be a good use to have on that property. He said he is not sure where they are planning to have the little park -- Mr. Hanson donated land for a park but it's not used for a park--just to park broken down vehicles!! He said he thinks that should be zoned commercial. He then went on to explain how they designed their property 180' deep and knew East Grove was going to be busier and so they designed it so there would be an access road possibly out onto 67th, he said. He pointed out the GMA mandates a convenience neighborhood store every 2 miles in radius with convenience "quick" shopping and he said he doesn't see that in this plan. He said they have volunteered to assist the City in researching the park at 67th & Grove so that it can be turned into a proper little park.

George Sherry, 6804 Bayview Dr. NW, Marysville, addressed the Council regarding their property at 1085 Beach. He pointed out this area actually has been commercial since they purchased it. He stated he is a contractor and can't see why they want to change the zoning. He noted E & E Lumber (on State) and Weiser Cedar (on Cedar) apparently have been spot zoned and if they are going to have special zoning, he would like to put in for remaining commercial, he said. He said he has been trying to find out what's going to be allowed in mixed use but even Gloria Hirashima says they haven't defined it yet so how can the determination be made about the Comp Plan if it's not known what's included, he asked.

Larry Pavish, addressed Council. He noted he used to live at 1927 5th St., he owns property at 4th & 47th and 7th & 47th, right now he lives at 8132 75th NE, up on the hill. He said he can't believe the Comp Plan is going to turn high density single family into commercial; he said he has witnessed dead children and animals and has seen too many accidents on 47th. He said he thought he was in an OC designation and he doesn't like surprises.

Bill Binford, 11502 NE 90th, Kirkland, addressed Council regarding Planning Area 9, on behalf of Northpointe. He said they would like reconsideration of the Comp Plan designation at 528 & 67th: neighborhood commercial would only allow a quick stop and they would like general commercial. Their rationale is that is the only acreage in that area that could accommodate stores and necessary parking, the GMA requires planning for the next 20 yrs. due to projected growth for Planning Areas 9 & 10. He stated their proposal would be compatible and he referred to copies of previous letters they have sent to Council.

Dean R. Orr, 5104 65th Dr. NE, addressed Council. He said up by Highway 9 it is unfortunate with the areas that are ag, there are going to be sacrifices and a lot of people are going to have to live with the growth that is coming to Marysville.

Debbie Bray, 7603 47th Av. NE & 6301 67th Av. NE, addressed the Council, stating they own property near 528 & 67th and they have come to numerous Council and Planning Commission meetings regarding this. She noted they have also submitted numerous petitions and are opposed to large department stores, traffic, etc. which can be included in community commercial. She said she has asked for traffic studies but it appears no attempt was made to do environmental or traffic studies on that corner and this is in violation of state and federal laws. She pointed out that many families have moved there, 528 is a state jurisdiction with no turns allowed on or off it and so the City only has jurisdiction over 67th. She noted there are 110 new homes going in and she begged the Council to listen to the people opposing this.

Bruce McKinnon, 7612 75th Dr. NE, addressed Council. He stated he is here to support the proposed Comp Plan and hopes the Council approves it tonight.

Earl Rogers, 19727 51st Dr. NE, Arlington, addressed Council. He stated he is here on behalf of the 2 mobile home parks on State and is opposed to downzoning there. He pointed out there has been a tremendous amount of investment in these mobile home parks and they would like them kept general commercial. He asked if it was a common practice to downzone because they are hearing residential areas asking not to be changed to community commercial where on the other hand, the mobile home park owners would like to stay at general commercial.

Sara Schultz, 6331 69th Dr. NE, addressed Council, stating she also lives near 528 & 67th in a cul de sac and have a view of the sound and strongly oppose the Council allowing a grocery store to go in. She said it is not going to be safe for the children; there is a park right there, also and maybe the houses and the park aren't supposed to be there but they are. She said she thinks it should be left residential because no buffer from commercial is going to make it safe.

Ronald Young, 30 140th St. NW, addressed Council. He stated he owns property at 9416 & 9528 State and he asked on what basis the City determines the need to change from general commercial to community commercial. He explained he is on the west side of State.

City Planner Hirashima stated one of the things they look at is surrounding uses and that area is characterized by community commercial and much of State is zoned community commercial, eg., Fred Meyer, K-Mart, and many people assume it is general commercial but it is community commercial, she said.

Mr. Young asked how he can support community commercial when the City of Marysville is not willing to give him a definite specific use permitted.

City Planner Hirashima said they can give him specific uses allowed in community commercial; mixed use is a new zone, however, and has not as yet been developed.

Mr. Young stated he was given a "draft" of community commercial and so didn't believe it had been finalized. He said he also sees the City taking away some property rights and he asked if the City is going to be compensating people for this.

City Attorney Weed stated the law allows the City to change zoning and that does not constitute a taking of the property; the City is not making it so it can't be used for anything; downzoning does not constitute a taking, he said.

Mr. Young noted the City seems willing to work with a non-conforming use but it costs approx. \$3,000 for the permits, etc. when a business first sets up. He asked about paying fees for the rezoning.

City Planner Hirashima stated Marysville has been told we should be beginning area wide rezoning for consistency of the Comp Plan once it is approved. An area wide rezoning is at least a year down the road, however, she said.

Evelyn Tudor noted she did not understand the zoning of a park and City Planner Hirashima explained the issue of the park designation is not site specific and is not intended to indicate limitation of property use to a park; the star just indicates there is a need for a park or to identify a potential for a sensitive area in a planning area, she stated.

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Fred King, 3510 Shore Av., Everett, addressed Council. He stated he owns property at 9508 State on which he has an auto body shop. He asked if he can expand his building if he is in a non-conforming use.

City Planner Hirashima stated if he wants to upgrade it he could go up to 75% expansion, i.e., almost double his current operation.

There being no one further wishing to give testimony, the public hearing was closed at 9:22 p.m.

Councilmember Herman stated he would like to see the public hearing still extended to the 27th with more public testimony allowed.

Councilmember Wright said she agrees, but with no repetitive testimony.

Councilmember Leighan stated with a house in a general commercial zone, eg, he would like some clarification of what there is existing on State.

Councilmember Pedersen said she would like some clarification on different kinds of commercial, eg., community commercial, neighborhood commercial, general commercial. She stated she has sympathy for people who think they have one thing and they don't.

Councilmember Baxter pointed out that Council has heard people against zone change and he asked if it is up to Council to make these changes or does the Planning Commission get involved, too?

Councilmember Pedersen said as she understands it the Planning Commission has recommended the Council accept the Comp Plan as presented and Mayor Weiser added that there have been workshops and open houses and now it's up to the Council to decide.

Councilmember Baxter said he is not ready to make a decision on 528 & 67th at this time and he would like to have another workshop.

Councilmember Myers said he would like a workshop after the next public hearing.

Mayor Weiser noted the Council did not hear about any area tonight that hasn't already been brought up before. He pointed out this is an interim Comp Plan and there is a deadline of 7/1/94 although he said he knows of only one city that's going to meet that date so he said he thought Marysville could go over that a bit.

Councilmember Baxter commented that he thinks the public has finally gotten serious about the Comp Plan and he said he would like everyone to be heard.

Mayor Weiser asked if the Council would like to have more information on the 27th, a breakdown of possible and potential uses for each designation, for example and Councilmember Baxter said yes, that he is uncomfortable with designating an area and then deciding what the designation allows.

There was discussion about another public hearing, mixed use, community commercial, high density residential use, land use on Beach between 5th & Grove, what kind of commercial is included in mixed use, industrial uses, taking more public testimony.

Councilmember Myers moved to continue the public hearing to 6/27 with a workshop shortly after, say 6/29, to make the final decision. (Or the first week in July?)

Councilmember Pedersen said she didn't think a workshop is appropriate, that it should be done at an open public hearing and Councilmember Herman agreed and said he feels the final decision should be made at a formal Council meeting.

Councilmember Pedersen seconded the motion to continue the public hearing to 6/27/94. The motion passed unanimously.

REVIEW BIDS:

**1. SR 528/67th Av. NE Signal.**

Public Works Director Winckler reviewed the agenda bill. After brief discussion, Councilmember Baxter moved and Councilmember Leighan seconded to approve the low bid of \$124,755.00 as submitted by Breaker Construction Co. Passed unanimously.

(Councilmember Pedersen mentioned the importance of publicity on this item.)

CURRENT BUSINESS:

**1. Supplemental Agreement #1 to Perteet Engineering Professional Services Contract State & 88th HOV, signalization & channelization.**

Public Works Director Winckler reviewed the agenda bill, noting \$74,611.00 is for both projects.

After very brief discussion, Councilmember Baxter moved and Councilmember Myers seconded to authorize the Mayor to sign the Agreement Supplement #1 for \$29,568 and Agreement Supplement #2 for \$45,043.

Debbie Bray, representing the Tulalip Tribes, addressed Council. She asked if the water and sewer lines are to be suspended under the bridge and Public Works Director Winckler said they will be under ground.

City Administrator Zabell added that as of today there is no interlocal agreement with the Tulalip Tribes for water.

Councilmember Herman asked about the sidewalk improvements or lack of improvements between 88th & 92nd on the west side of State and Public Works Director Winckler clarified that there will be none.

Councilmember Herman stated he is still in opposition to that and it will be reflected in his vote.

The motion passed with Councilmember Herman against.

CONSENT AGENDA:

1. **May, 1994 Payroll in the amount of \$480,428.49.**
2. **June 13, 1994 Claims in the amount of \$\$695,746.61.**
3. **Rezone; Art Dujardin; PA 9401002.**
4. **Budget Amendment; Finance Retirement.**
5. **Budget Amendment; Parks Building Donation Addition.**

Councilmember Herman asked about the PERS Budget Amendment and Finance Director Wilson explained this was with regard to Phil Dexter's accumulation of vacation; a number of PUD employees won a court case with regard to being paid for accumulated vacation and so Phil Dexter had to be paid the liability. He said the formula works out to an amount three times as much as the original amount and is based on the last 2 years of Phil's income with the City.

City Attorney Weed noted the PERS bases their formula on the person's life expectancy.

Councilmember Baxter moved and Councilmember Herman seconded to approve Consent Agenda Items 1, 2, 3, 4 & 5.

Councilmember Herman asked about the court decision and how it affect future cases. City Attorney Weed stated there are a limited number of employees that would fit into the same category that Phil Dexter did but there is a stipulation that you can't change the terms of employment.

City Administrator Zabell stated he believed there is a lid of 10 weeks per year for PERS 1 liability related to accumulated vacation.

The motion passed unanimously.

Councilmember Baxter abstained on Voucher #20041 & 20130; Councilmember Leighan abstained on Voucher #20198 and Councilmember Pedersen noted her preference that the funds under #5 actually be used for parks versus park buildings.

ORDINANCES & RESOLUTIONS:

**1. Resolution re Brennick Annexation.**

Councilmember Herman moved and Councilmember Leighan seconded to adopt/approve Resolution 1691. Passed unanimously.

**2. Resolution re Poortinga Annexation.**

Councilmember Leighan moved and Councilmember Myers seconded to approve/adopt Resolution 1692. Passed with Councilmember Herman against.

**3. Resolution re Sunnyside South Annexation.**

Councilmember Wright moved and Councilmember Leighan seconded to approve/adopt Resolution 1693. Passed with Councilmember Herman against.

**4. Ordinance adopting Washington Model Traffic Code.**

Councilmember Myers moved and Councilmember Herman seconded to approve/adopt Ordinance 1989. Passed unanimously.

**5. Ordinance Vacating Alley (Cole Vacation).**

Councilmember Wright moved and Councilmember Leighan seconded to approve/adopt Ordinance 1990. Passed with Councilmembers Myers and Pedersen against.

**6. Ordinance Affirming Hearing Examiner Decision re Lindal Cedar Homes Binding Site Plan.**

Councilmember Leighan moved and Councilmember Myers seconded to adopt/approve Ordinance 1991. Passed unanimously.

**7. Ordinance Affirming Hearing Examiner Decision re Hasko Rezone.**

Councilmember Myers moved and Councilmember Herman seconded to approve/adopt Ordinance 1992. Passed unanimously.

LEGAL MATTERS:

**1. Ordinance Adopting State Penalties effective 7/1/94 so City's Code is comparable.**

City Attorney Weed explained the statute effective July 1/94 requiring the City's criminal code's penalties be comparable with state penalties. He stated an ordinance has been prepared that goes through and amends the City's ordinance in order to be consistent with State law and at the same time, does some housekeeping/clarifying certain areas of the ordinance. He said he has highlighted the changes in a memo, eg., in order to bring a charge against someone as a sex offender they must notify the City of their new address; previously there had been a problem where someone moved without notifying the City, he said. He noted he has included language concerning drug paraphernalia, definitions, obstructing a law enforcement officer, adding of computer trespass penalties.

Councilmember Myers moved and Councilmember Baxter seconded to approve/adopt Ordinance 1993. Passed unanimously.

ADJOURNED: 10:22 p.m.

Accepted this 27th day of June, 1994.

David Weiser  
MAYOR

Wendy D. Swenson  
CITY CLERK

Standa A. Swenson  
RECORDING SECRETARY