

00231

MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 5, 1994

7:00 p.m.

Council Chambers

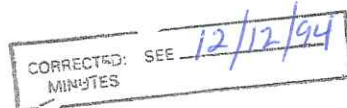
Present: Dave Weiser, Mayor
Councilmembers:
Donna Pedersen, Mayor Pro Tem
John Myers (7:04 p.m.)

Ken Baxter
Donna Wright
Mike Leighan

Otto Herman
Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator
Steve Wilson, Finance Director
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Grant Weed, City Attorney
Walt McKinney, Asst. Police Chief
Wanda Iverson, Recording Secretary



CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Leighan moved and Councilmember Wright seconded to approve the minutes of the 11/28/94 meeting as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA: None.

STAFF'S BUSINESS:

Finance Director Wilson stated he won't be in attendance at the next Council meeting and he asked for authority to pay the end of the year claims and then they would be presented in January, as per what we have done in the past.

Councilmember Pedersen moved and Councilmember Herman seconded to allow payment of the end of the year claims as described by the Finance Director. Passed unanimously.

City Administrator Zabell gave an update on the new Library, noting they are a couple days behind schedule because of inclement weather. He asked about ideas for what to put on the dedication plaque. He reported on a meeting last Friday at Everett City Hall where legislative delegates were invited, to give local cities the opportunity to discuss various issues, for example, transportation concerns in Marysville.

City Planner Hirashima reported the Snohomish County Boundary Review Board approved the Sunnyside and Poortinga annexations totalling approx. 550 acres; they did not have an actual hearing because Marysville has an interlocal agreement with the County, she said.

Public Works Director Winckler reported the official 67th & 528 traffic signal "turn on" will be tomorrow, scheduled for 1 p.m. He reminded Council of the RUSA meeting at 7:30 a.m. this coming Thu. in the Public Works conference room as well as a 12/12 3 p.m. Wheeling Agreement meeting with the Tribes at the Tribal Office. Also, there will be a Traffic Advisory Committee Meeting on 12/15

00220

at 10:30 a.m. in the Public Works conference room, he reported.

MAYOR'S BUSINESS:

Mayor Weiser reported that he, Dave Zabell, Bob Kraski and Tom Meiers will be meeting tomorrow morning concerning Smokey Point Annexation and utility concerns between Arlington and Marysville.

Mayor Weiser appointed Donna Anderson to fill the vacancy created by the death of Gene Gunther on the Civil Service Board.

CONNECTED MINUTES
SEE 12/12/94
s/b
Anderson

CALL ON COUNCILMEMBERS:

Councilmember Myers reported the Y-Zone opening has been scheduled for 1/7/95 now.

Councilmember Bartholomew reported Senator Gorton had a mild coronary in Massachusetts but he is stable and feeling fine. She asked who would be attending from the City at the County Growth Management Planning Hearing and City Planner Hirashima stated City Planning Staff members.

Councilmember Bartholomew commented on the wonderful job the Parks Dept./Jim Ballew et al did of putting on the Dec. 3 Merrysville for the Holidays events.

Councilmember Herman asked about a Parks Inventory and City Planner Hirashima stated she would get that information to him.

Councilmember Wright noted there was a good turn out Dec. 3, everything was well organized and there were lots of events and activities for all who attended.

Councilmember Pedersen asked about the Luminaire requests and when it will be on the agenda. Public Works Director Winckler stated the City is still waiting for a cost summary from PUD and said he will follow up and write to people who requested street lights.

CONNECTED MINUTES
SEE 12/12/94
sp

Councilmember Pedersen reported the Snohomish County Health Board will be considering paying off their building mortgage which will be reducing each city's proportionate share of contribution. She asked about school district litigation.

Mayor Weiser reported something is to be presented on this in the spring and City Planner Hirashima stated Shockey/Brent (consultants) have actually presented a draft with an approved draft to be presented soon. She said she would include it in the Council packets as soon as it is ready.

Councilmember Baxter asked about the boat ramp status and Mayor Weiser said Welco was in the process of applying for an air space lease; they have been turned down twice and it's something they should have had originally. He added the City has been playing phone tag with the owners of a piece of property the City was interested in for a new boat ramp.

Councilmember Baxter said he would like it followed up on because we need to get this resolved. He asked about promotion of First Street property for a skateboard park as it has been designated as a bypass street.

Councilmember Myers explained there needs to be a meeting to decide the use of the property.

Councilmember Bartholomew asked about jail facilities and City Administrator Zabell referred to a newspaper article regarding relieving Snohomish County's overflow by putting prisoners up in the Marysville facility and stated that can help us out as well as helping the county out. He said he will bring it up again after

the first of the year; he needs to get the paper work completed.

PUBLIC HEARINGS:

1. Animal Code; continued from November 14, 1994.

City Planner Hirashima reviewed the agenda bill, noting the City Attorney has prepared a redraft of the ordinance, however there is still one last issue to be addressed. City Attorney Weed reviewed the changes.

City Planner Hirashima drew attention to a letter in the packets from Diane Williams.

Diane Williams, 1401 7th St., addressed Council. She said the first and foremost thing of importance is that someone making a complaint gives their name and address for the record and is prepared to face the person they are accusing. Secondly, she said she also thinks it's important to have a citizens advisory committee and thirdly, the licensing structure needs to be similar to Everett's. She added Marysville could put this on the computer and make it easier to collect, higher fees would help this be a more professional program, changing the way the fees are collected, etc.

Robin Hall, 3922 119th Pl. NE, Marysville, addressed Council. She stated she serves on the Everett Advisory Board and Everett's ordinance she feels is more comprehensive and works really well. She submitted a copy of the ordinance for the record and for Council to review if they wish. She added she had put a letter to Council on her computer but had a printer problem and asked if this hearing could be continued until Council has a chance to read her letter. In summary, she noted Everett's ordinance lists definitions, section .040 Notice of Impoundment of the Marysville Code -- she said the Notice she feels should be placed where the animal was found, increase fees and give people more incentive to neuter and spay their animals. Also, she said she thinks the licensing should be on a rolling calendar basis, for example, if she pays in June, it would be good for 12 months from then. She said she would encourage fining vs. impounding for not licensing. She asked about pot belly pigs -- whether they are allowed in Marysville--it is not clear in the proposed language. She said she also thought it strange to see the duties of the Animal Control Officer in the ordinance but if the City is going to include it, she thinks he should be an educator in the community. Also, there is no appeal process under the dangerous dog section, she said and asked about fees for dangerous dogs. She stated the City needs to give the owner the requirements with regard to dangerous dogs.

Mayor Weiser asked her thoughts on having the licenses due every July for everyone and Ms. Hall responded that if you have a data base, it would be easy enough to notify people their licenses are due. She added she thinks responsible pet owners will pay their licensing fees; she is not in favor of fines but people need to be responsible. She said she would also like to see seniors exempted, however, from having to pay for pet licenses.

Councilmember Bartholomew asked about the cost of sending out each billing and Finance Director Wilson said he had no figures but it could be calculated fairly easily.

Ms. Hall noted King County is considering canvassing to determine who has how many pets and that's something Marysville might want to do, she said.

Councilmember Pedersen noted one of the things that had been considered in lieu of sending out separate notices is simply a reminder on the utility bills to pay your dog license. She said

she would be in favor of reviewing the Everett ordinance before making a decision on the Marysville one tonight.

Councilmember Wright asked about the Everett Advisory Board makeup and Ms. Hall said she believed there are 2 vets, the animal control director, 2 pet shop owners, 3 citizens. It meets quarterly plus special meetings/hearings. She said as far as licensing cats you can get elasticized collars and the redemption rate for cats would increase. She talked about inserting micro chips in animals for identification as an option now.

There being no one further wishing to give public testimony, this portion of the hearing was closed at 7:58 p.m. by the Mayor.

Discussion followed concerning making the reminder on the utility bill more noticeable, press releases at the end of the year concerning pet license renewals, possibly sending out a City self-addressed return envelope with utility bills, postponing the decision tonight until the Everett ordinance is reviewed.

Councilmember Pedersen then moved to continue this matter to 1/3/95 with the Everett ordinance and Robin Hall's letter to be included in the next week's packets and to have a workshop one hour prior to the 1/3/95 meeting. Councilmember Myers seconded the motion with the proviso there be no more public testimony.

Councilmember Wright asked if the Finance Director could check into the cost of staff time, possibly sending out post cards to notify people to renew their pet licenses. Councilmember Bartholomew asked if the Finance Director could also check into how many licenses Marysville has on file and the cost to run the program, with the information to be brought to the 1/3/95 meeting.

Mayor Weiser added that they are also working on license renewal information from the county for annexed areas; Councilmember Pedersen talked about increasing license fees.

The motion passed 6-1 with Councilmember Baxter opposed.

2. Street and Drainage Improvements for 67th Av. NE from Grove St. to 88th St. NE; L.I.D. No. 64.

Public Works Director Winckler reviewed the agenda bill and noted 4 letters have been received.

Larry Wade, P.E., Hammond, Collier & Wade, addressed Council, stating notices went out 11/18 to all property owners and/or developers. He went over the vicinity map on the overhead and he reviewed engineering estimates, construction estimates, bond cost, preliminary assessment roll; he noted the method of assessment that was used was zone and termini and he explained this in detail. He added there are some setbacks required on Munson Creek and the assessments have been modified as a result of the setback requirement. There was also a 25% credit added in because the property can be used for landscaping purposes, he said. In Cloverdale Div. II the assessments were reduced because of wetlands, he said and in addition, single family non-divisible lots were assessed at 1/3 of the standard assessment (Elliott and 2 Reece lots). Approx. 4 acres were removed for the wetland credit, he noted and he added the City has received 3 written protests as well as a letter from Hank Hassen who indicated he would participate in the LID by virtue of an agreement he signed prior to sale of the property, so the City has indicated to him he is responsible for the assessment.

Councilment Leighan asked about the Belmark property and City Administrator Zabell explained that they, like Hassen, also had a deferment.

Councilmember Herman asked about boundaries and Larry Wade explained. He noted the community park was exempted from the assessment and explained boundaries were determined by properties that would benefit from the improvement on 67th.

Councilmember Bartholomew asked about a Fish & Wildlife update on the east side ditch of 67th, considered a spawning stream. Public Works Director Winckler stated part of that is being addressed on the project on Grove St.--a retention pond will be constructed in the south end of the golf course near holes 6 & 7, he said. Discussion followed.

Larry Wade explained the final assessment roll hearing would probably be in the latter part of '95 and so the first payment would probably be at the end of '95 or beginning of '96. He did note that usually an LID has to be paid in full if the property is sold.

Cheryle Yunge, 8112 67th Av. NE, addressed Council. She referred to her letter in the packets to Council and restated her concern that the few property owners along 67th should not have to pay for the improvements. She talked about the lack of county improvements to a main arterial and noted 67th & Grove has been made safer with an additional stop sign and now a light is finally going in at 528 & 67th and there is a definite need to continue to make 67th a better and safer road to travel on. She described the deep ditches, poor and narrow condition of 67th and noted it's a common belief that everyone should participate in the improvement of 67th and not just the local property owners. She passed out a petition and maps show people for and against the payment of improvements to 67th. She said she is just looking for a solution that will be fair to all involved and she suggested Yunges, for example, be exempt because they have already paid \$766 just in road taxes for 1994 and she asked for a copy of the 1994 Budget and Six Year Street Plan to see where the money is being spent.

Mayor Weiser told her those could be obtained at City Hall.

Mrs. Yunge asked about grant money, noting \$3.2 million was received for road work and reservoir and she wanted to know which roads will be improved with that money. Finance Director Wilson said she can get a list from Public Works or the Finance Dept.

Mrs. Yunge asked when Marysville applied for a grant for 67th and Public Works Director Winckler stated it was last year and the City also talked with the county on several occasions.

Mrs. Young asked about working with Arlington, the State and county and Mayor Weiser reiterated that the City has talked with the county several times.

Councilmember Pedersen stated she has also talked personally with Karen Miller, county councilmember and was told they have no money for this project.

Mrs. Yunge asked about a special benefit study and Larry Wade responded that that is part of the assessment process. He stated they used the zone and termini method as described in the RCW.

Mrs. Yunge summarized by saying she hopes Council takes her comments into consideration and asked if any of the Councilmembers would be willing to pay \$47,000 for the road in front of their home to be improved.

Councilmember Pedersen asked how much land they own and Mrs. Yunge stated it is 6 acres.

Councilmember Pedersen pointed out that she just spoke with the Reeces and understands they are not opposed to the L.I.D. or their assessment.

MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 5, 1994

Page 6

Rocky Yunge, 8112 67th Av. NE, addressed Council and stated they are not against the improvements on 67th, they are against the way it's being funded. He described the annexation process a few years back, the tax structure, getting added on to sewer, etc. and he noted his road taxes were originally \$218, then went to over \$400 and now \$766 a year. He pointed out they pay school taxes, etc. and most of the property owners are older with very little benefit to them when 67th is improved. He added that this assessment will be a financial burden on the Yunges, as he knows it will be on the other older residents along 67th. He pointed out that the 4 or more developers involved in this don't live on 67th, also, a lot of his neighbors don't want to develop or subdivide. He asked about a traffic count having been done and said he understands a peak hour count should be done. This morning between 7 a.m. and 8 a.m. he counted 635 cars go past his house, multiplied by 10 gives a total of \$6350 per day. Tonight from 5-6 p.m., he counted 830 cars which gives a daily count of 8300 vehicles a day. He said the \$46,000 assessment he is being charged is just to have his kids ride their bikes safely. He explained that when they wanted to hook into the water line they didn't have to reimburse the City and School District until the Yunges actually hooked up and he asked if that type of deferment policy could be used in the case of this L.I.D.: where he wouldn't have to pay the assessment until he sells the property in 10 years or so.

City Attorney Weed explained he could spread his payments out over, say, 20 years, but you can't defer the total until you sell. He added this is a different process.

Mr. Yunge asked for documentation of application for grants and Public Works Director Winckler said he could provide that.

Mr. Yunge asked how the City determines priorities for projects and Public Works Director Winckler explained the things that are considered are multi mogul use, whether the project will contribute to Community Transit, whether other agencies are contributing to the project; different grants have different focuses, he said.

Mr. Yunge noted that 2nd St. received a grant with only 1/3 the traffic count as there is on 67th. Public Works Director Winckler explained the curb, gutter and sidewalk program where property owners pay \$15 per foot but this does not include extensive improvements such as planned for 67th.

Mr. Yunge asked about an outside consultant being hired and was assured Larry Wade works independently from the City. There was some discussion about City vs County tax comparisons.

Doyle Parks, 8026 67th Av. NE, addressed Council with several questions. He asked who hired Hammond Collier Wade and asked if they were doing all the studies and then making all the decisions based on the studies. Public Works Director Winckler explained the process.

Mr. Parks explained that with the wetlands, he is now left with only 25% of his original property and so feels his land has been taken away and so his assessment should be substantially reduced. He said he started out with 3.3 acres and now with only 27,000 sf left that he can use, he can't have animals or build. He reminded Council they promised that the golf course pond would not flush out the neighbors but that has happened twice since the promise; every time the pond is drained the creek is also flushed out and all the salmon eggs get washed away and the Dept. of Fisheries says the City is not supposed to be doing this. Apparently the City was given permission to drain the pond but it was only supposed to be drained out a little at a time, he said.

DECEMBER 5, 1994

Page 6

Mr. Wade commented that on Parcel 4-033 (Mr. Parks'), it contains 147,000 sf, taking out the setback but adding back in the land-scapable/developable land is what Hammond Collier Wade calculated the assessment on. In response to Councilmember Baxter's question, Mr. Wade stated no visual inspection was done of the property in question, this was done off topo maps.

Mr. Parks said he has less than 22,000 sf to build on and he cannot subdivide. He pointed out that Firstmark offered him \$350,000 3 years ago just before the sewer moratorium and then withdrew their offer, so the way he sees it, the City has cost him at least \$300,000 and now they want to add this assessment.

City Planner Hirashima explained she believes Mr. Parks' property needs a detailed wetland study; Mr. Wade has assumed Class I wetlands and if it's a lesser classification it's possible that the buffers would be reduced and it's possible Mr. Parks could recapture some of the area he has lost by way of buffers. She explained that the Sensitive Areas Ordinance and Comp Plan have since been approved since the original consultant analysis for the assessment was done, 9600 zoning was assumed but the Comp Plan came in with a higher density since that time so that would also be to Mr. Parks' advantage, she said.

Marilyn Phelps, 6307 80th St. NE, addressed Council. She stated they lost quite a bit by the 100' setback also--they are right behind Parks and were told they had to come in off 80th St. on an easement and were denied access on 67th. Firstmark also offered them \$300,000 and then the sewer moratorium came along and now this and so they have been really devalued, she said. She showed her property location on the overhead, access, etc. and explained they can't build on 67th.

Victor Rodriguez, Pastor of the Free Methodist Church, 6719 Grove, addressed Council. He referred to a letter of protest in the packets and suggested the City find a larger tax base to fund the LID. He explained about the other LID on Grove they are already participating in, how they have already given an easement to PUD, etc. He stated they have been good neighbors but don't believe the property owners on 67th should be solely responsible for its improvement. He said he recommends further study and that the City look for more grant money and postpone the project.

In response to a query from Councilmember Bartholomew, Mr. Rodriguez stated the traffic is horrendous and the 4 way stop is a big help but the improvement of 67th is the responsibility of more people than just the property owners along 67th.

Clarence Watkins, 6628 77th Pl. NE, addressed Council and referred to a letter he had recently submitted. He pointed out he is referred to as the property owned by Elliott and explained the Reeces use 67th and have a lower assessment; Watkins can't or don't have to use 67th and he's assessed a higher amount.

Mr. Wade stated the reason for this is Reeces have less frontage on 67th than Watkins and so the assessment is less for Reeces. He added that Mr. Watkins does have access on to 67th if he wishes.

Bud Darling, 1916 Grove, addressed Council. He said he agrees 67th is very dangerous and has been for 65 years. He said he and Mr. Sigler went around and asked people about participation in an LID and there is a benefit there; it would be nice if the City and County could pay more but that's not possible.

Clarence Watkins addressed Council again, saying the only request he has is that he gets the fact that he can have access/an approach onto 67th in writing.

There being no one further wishing to address this matter from the

audience, the Mayor closed this portion of the public hearing at 9:30 p.m.

Lengthy discussion followed concerning curbs, gutters and sidewalk cost per lineal foot, Larry Wade saying it was calculated at \$65 per front foot including one lane of roadway, discussion about the need for a sidewalk on the east side of 67th next to the golf course (it's going to be a meandering pathway), discussion about the City's significant participation in this LID, sidewalks being paid for by the City, delays causing increased cost to the project, comparing this with the LID on 528, there being no separate road tax in the City such as they have in the county.

Councilmember Leighan left City Council Chambers at 9:40 and returned at 9:41 p.m.

Councilmember Bartholomew said she doesn't think Mrs. Phelps (Parcel 4-006) should pay because she has no access onto 67th and wetlands preclude her from building there; the same would probably apply to 4-036.

After more discussion, Councilmember Baxter moved to proceed with LID 64, accepting the Preliminary Assessment Roll and to initiate the 30 day protest period, adopt the resolution, direct Public Works to authorize the consulting engineer to design said project for construction and to authorize the City to participate in fees for the fifth lane and the assessment for the golf course. Councilmember Pedersen seconded and the motion passed 5-2 with Councilmembers Leighan and Herman opposed.

CURRENT BUSINESS:

1. Wright Annexation; 10% Notice of Intention; PA9406027.

City Planner Hirashima reviewed the agenda bill, noting the overhead reflects a larger area that wished to be included in the annexation.

Councilmember Baxter left Council Chambers at 10:05 and returned at 10:07 p.m.

City Planner Hirashima talked about having a sufficiency of 10% petition, use of the non-protest agreements, for example, Seaview Estates is made up of 100% non-protest agreements.

After brief discussion, Councilmember Myers moved to approved "Area B" boundaries, including City's bonded indebtedness and land use designation upon annexation. Councilmember Wright seconded.

After more discussion about the non-protest agreements, education of the public, public meetings and mailings, utilities that were put in based on non-protest agreements, the motion passed unanimously.

2. Window Installation in Judge's Chambers.

After very brief discussion, Councilmember Herman moved and Councilmember Myers seconded to approve the request. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:22 p.m.

- | | |
|-----------------|-----------|
| 1. Real Estate. | No Action |
| 2. Personnel. | No Action |

RECONVENED & ADJOURNED: 11:15 p.m.

Accepted this 12th day of December, 1994.

David Weiser

MAYOR

Lillie Lein

DEPUTY CITY CLERK

Wanda A. Averson

RECORDING SECRETARY