

*Original*

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

MARCH 27, 1995

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CALL TO ORDER:

7:00 p.m.

MINUTES OF PREVIOUS MEETINGS:

3/13/95 Council Minutes &  
3/20/95 Workshop Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Approval of 3/27/95 Claims in the amount of \$333,628.28.
2. Authorize Mayor to Sign Supplemental Agreement for 136th St. (State Av. to 45th) Widening & Channelization Project.
3. Approval of Final Plat of Allen Creek Estates (formerly Kellogg East); PA 9312039.
4. Approval of Liquor License Renewal for Conto's Pizza and Pasta & Las Margaritas Family Mexican Restaurant.
5. Acceptance of the Construction of the Wastewater Treatment Plant, 1992 Improvements, Phase III Contract & Begin Lien Period.
6. Acceptance of 1994 Sanitary Sewer Improvements & Begin Lien Period.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. American Diabetes Alert Day Proclamation      Approved  
March 28, 1995

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

None

PRESENTATIONS:

1. Community Transit; Executive Director Joyce Olson.
2. Fourth St. By-Pass Discussion.

PUBLIC HEARINGS:

1. Bonnell Annexation; PA 9411042      Approved
2. LID No. 65; Sanitary Sewer Const.      Approved  
45th Dr. NE & 84th St. NE

REVIEW BIDS:

None

NEW BUSINESS:

1. Reorganization of Finance Dept.      Approved

ORDINANCES & RESOLUTIONS:

1. Res. Amending Personnel Rules -      Res. 1731 Approved  
Chap. VII, Employment Benefits &  
Obligations by Replacing Sec. 32,  
Family Leave

LEGAL MATTERS:

None

ADJOURNED INTO EXECUTIVE SESSION:

9:42 p.m.

1. Personnel.

No Action

RECONVENED & ADJOURNED:

10:00 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MARCH 27, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Steve Wilson, Finance Director  
 Grant Weed, City Attorney  
 Gloria Hirashima, City Planner  
 Ken Winckler, Director of Public Works  
 Dave Zabell, City Administrator  
 Larry Wade, Consultant  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:03 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 THE PREVIOUS MEETINGS:

Councilmember Pedersen moved and Councilmember Leighan seconded to approve the Council Minutes of March 13, 1995 as written. Passed with Councilmember Herman abstaining.

Councilmember Wright moved and Councilmember Herman seconded to approve the Council Workshop minutes of March 20, 1995 as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of March 27, 1995 Claims in the Amount of \$333,628.28.
2. Authorize Mayor to Sign Supplemental Agreement for 136th St. (State Av. to 45th) Widening and Channelization Project.
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After Bill Roberts responded to a question regarding how Allen Creek Estates got its name, stating that Munson Creek does run into Allen Creek, Councilmember Herman moved and Councilmember Myers seconded to approve Consent Agenda Items 1 through 6. Passed unanimously. (Councilmember Leighan abstained from voting on Voucher #22022 under Item #1.)

STAFF BUSINESS:

Finance Director Wilson commented that there is a 45 day lien filing period under Consent Agenda Items 5 & 6 and he gave final figures on Public Works projects and stated they are doing a good job of keeping projects well within budget.

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City Administrator Zabell stated a workshop needs to be set up regarding the North Marysville Annexation and potential land use.

After discussion among Council of acceptable times and dates, the consensus was to have the workshop on April 13, Thursday, from 6-9 p.m. in the Public Safety Bldg. new conference room or Fire Training Room.

Public Works Director Winckler stated there will be a 136th St. Road Improvement Project Open House 5:30-7:30 p.m. at Shoultes School March 29th and on 3/30/95 at 7 p.m. the Earthquake Preparedness Presentation will be held in the MJHS Auditorium.

MAYOR'S BUSINESS:

- 1) Mayor Weiser announced a Regional Services Act Meeting to be held 4/20/95 from 7-9 p.m. at Mariner High School.
- 2) Mayor Ed Hanson has invited all elected officials to a meeting on 4/4/95 at 2 p.m. in the Everett City Hall Chambers re RTA options.
- 3) Bob Drewel is also putting a committee together with regard to the RTA.
- 4) 2 Proclamations to be read later in tonight's meeting.

CALL ON COUNCILMEMBERS:

Councilmember Wright recently attended the Puget Sound Regional Council General Assembly where Doug Sutherland was elected President and Gary Locke, Vice-President.

Councilmember Pedersen announced the City/Fire District now has the long awaited two new fire trucks. 2) The Health District will be proclaiming Apr. 22-29 National Immunization Week. 3) She reminded Council of the upcoming Public-Private Partnership Conference to be held Apr. 11-12 in Long Beach, California.

Councilmember Baxter stated the Tulalip Tribes had approached him regarding putting up a banner advertising their basketball tournament. They are expecting 10,000 people and Councilmember Baxter told the Tribes the City can't legally buy the banner but we can provide the labor to put it up on 4th St.

Mayor Weiser said he would follow up with the Tribes on this.

Councilmember Bartholomew commented on the House Transportation Budget, noting \$12 million has been funded for the 88th St. project but the majority of projects are unfunded in the State, it appears.

Councilmember Herman asked about centralized/computerized purchase order system and how it could be implemented in Marysville. Finance Director Wilson said he would follow up on this and there was brief discussion.

Councilmember Leighan asked about a house at Cedar & 10th where the front door keeps getting kicked in (vacant house) and City Administrator Zabell said he would follow up on this.

PRESENTATIONS:

**1. Community Transit; Executive Director Joyce Olson.**

Ms. Olson introduced John Suzinski, CT Deputy Director, noting he is in charge of park and ride lots and other operations. She summarized new CT changes, talking about new coaches which are easier to get into, noting the ridership has increased 30%. She talked about alternative routes and alternative types of vehicles

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and stated CT will be reviewing the whole picture, for example, suburban to suburban programs, possibly a new bus route past the new Marysville library.

## 2. Fourth Street By-Pass Discussion.

Mayor Weiser talked about a possible boat launch site for which the City is presently seeking an appraisal and asked members of the audience to address Council regarding their thoughts.

Fred Messmer, 332 Gays Drive, Marysville, addressed Council and stated in May 1993 the Tulalip Tribes proposed a boat launch and he would like to request a member of the City Council hold a meeting as soon as possible of ramp users because he would like to know what is happening and this would be a good way to inform people. He said there are a lot of people wanting to know what the status is and he thinks this would clear the air. He noted that when the ramp was built 35 years ago, it was finance by businesses and individuals who gave money and time; we have a lot of community spirit and he said he thinks there are a lot of people who would be willing to help with it again.

John Klacell, Engineer for Tulalip Tribes, 8408 191st SW, Edmonds, addressed Council. He introduced the inspector of the project and stated the Tulalip Tribes/Bureau of Indian Affairs has to review the site to see if it is dry enough to start the project. He said they expect it will be Apr. 10th when they can start and the project should be completed in 1st May or early June, depending on the weather. He added the State and Welco have been working on resolving the air space problem under the bridge and safety and traffic standards are all in accordance with MUCD.

Mayor Weiser asked about the barrier that is proposed between the regular traffic road and Welco's haul road.

Mr. Klacell stated that hasn't been resolved as yet between Welco and the Tribes. He talked about a stop sign being placed at the "T" intersection.

Councilmember Bartholomew asked about the width of the road and Mr. Klacell stated there is enough space and Welco and the State are working together.

Councilmember Baxter noted the plan is to eliminate the boat ramp whether another one is ready or not and Mr. Klacell confirmed this adding that the Tribes need to get the road open; the BIA has set a time line or else the Tribes have to give the money back that was given to fund the road construction.

Councilmember Herman asked about the storage yard, sight distance.

Mr. Klacell stated there is adequate sight distance for the slow moving vehicles.

Mayor Weiser asked about the State time line for construction and Mr. Klacell stated they are working with the State; he said they could do the design and the State could pay for it.

Councilmember Pedersen asked about the "T" and Mr. Klacell explained 60th would be the new road and a left turn at the stop would be to go into the private property of Welco only. He added with regard to the 88th St. interchange, that is totally funded and is to be started in late May, scheduled for completion in 1997.

Councilmember Baxter left Council Chambers at 7:45 p.m.

Art Dubarko, 6730 47th Av. NE, addressed Council and stated he got involved in the boat ramp 40 years ago and is not hearing much about alternatives. He said he feels the City is being pushed into this; this is City property and they should have more control over it.

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Bob Crunkilton, Manager of Welco Lumber, addressed Council. He stated they wished to show a transparency.

Councilmember Baxter returned to Council Chambers at 8:47 p.m.

Mr. Crunkilton thanked John Klacell for his help with dealing with the State and he showed the proposed barrier and other features on the overhead. He stated the barrier is to protect traffic from hitting machinery or running into the slough.

Mayor Weiser asked about fill being used and Bob Davenport of Welco stated there would be none, they would be putting in a 12" rock bed for log loaders only; this is a new road, he stated, running parallel to the current road but they still need to get a shoreline permit and air space agreement.

Mayor Weiser asked about continuing to use the existing boat launch and Mr. Davenport said he felt Welco and boat rampers could still coexist.

Councilmember Baxter asked about parking and Mr. Davenport admitted that might be a problem. He added that once the barrier goes up, the ramp would not be usable and the barrier would be going up as soon as there is traffic going by on the road.

Councilmember Herman asked about the possibility of leaving a gap in the barrier and Mr. Davenport stated that's possible. He added the haul road is 15' wide and units need 25-30' in length. He stated they are trying to maximize separation between the haul road and regular traffic. He also noted Welco's operation is a 5 day a week one, Monday through Friday only.

Mr. Crunkilton stated he sees the main hazard as people driving on the road and then backing a boat down the ramp. He said they don't know what the traffic count will be; they can leave a gap in the barrier and are used to working with boat ramp users.

Councilmember Herman said he would like to see a short term alternative as suggested; the City definitely needs another boat ramp as soon as possible.

Councilmember Leighan asked about a "loop" on the haul road and Bob Davenport said he thinks the parking situation could get difficult; they would have to walk further, he said.

There was discussion about alternative parking areas on 1st, Ash, around the boat ramp.

Fred Messmer addressed Council again and stated he has never been able to comprehend how three things can operate at the same time: parking, Welco and regular traffic. He commented on how hard it is to maneuver in there with your boat/trailer.

Walt Taubeneck, 11801 52nd Dr. NE, addressed Council, stating this problem has been going on for a long time and asked if there is any temporary location on City property that can be utilized immediately. He said it seems to him that if the City is negotiating on property, that may take a while and there needs to be a boat ramp that can be used in the meantime.

Mayor Weiser explained that access, permitting, etc. are problems.

Councilmember Bartholomew noted there is a specific time table that permitting takes, eg. a shoreline permit, but City Planner Hirashima said the thing that's taking the time is finding a good location, making sure there is adequate parking and adequate access.

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Mayor Weiser promised to follow up on having a meeting with boat users.

PUBLIC HEARINGS:

**1. Bonnell Annexation; PA 9411042.**

City Planner Hirashima reviewed the agenda bill, noting current zoning is 12,500 and the Comp Plan recommends 9600; the property is all located within the IUGA.

There was no one in the audience wishing to speak in favor or against this annexation. The Mayor closed this portion of the public hearing at 8:15 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to accept the annexation area as recommended by the Planning Dept. subject to the City's bonded indebtedness and to authorize the City Attorney to prepare a resolution transmitting the proposed annexation to the Boundary Review Board for approval. Passed unanimously.

**2. L.I.D. No. 65; Sanitary Sewer Construction 45th Dr. NE & 84th St. NE.**

Public Works Director Winckler reviewed the agenda bill and Consultant Larry Wade reviewed an overhead and reviewed the zone and termini method of calculation for assessments, noting there is one unbuildable lot and that the Wickham Addition is outside of City limits.

Councilmember Leighan asked about non-protest agreements and there was discussion about the need for sewers, annexation policies, septic failures in the area, requirement of no protest agreements to be signed for use in the event someone wishes to propose an annexation, there being no current annexation petitions at this time, whether or not the City should require annexation prior to providing utilities, the need to "fill in" City limits, coercive nature of no protest agreements, urban services should be provided to those within City limits.

It was noted connection fees for single family residences are:

Sewer, within City limits - \$780.00; Water, within City limits - \$715.00. Sewer outside City limits \$1,000 and water outside City limits \$930.00.

Bimonthly usage rates in the City are \$33.20 for sewer and \$17.10 for water; in unincorporated areas of Marysville \$39.50 for sewer and \$24.80 for water.

There was further discussion about annexation methods, noting the City has had a few ULIDs and annexations that came together about the same time, no protest covenants and process of using them which is mandated by state legislation, the fact that City taxpayers will have to help pay for a 10" sewer main in order to add on people outside of City limits.

Diane Janesco, 8505 45th Dr. NE, addressed Council. She stated she represents several of her neighbors and they started this petition last August, working with the City and asking about annexation. She pointed out that as City Planner Hirashima said, there is no City policy on this but her neighbors would be happy to annex in; they have been waiting for 20 years for sewer. She also noted that another Jubie addition right next to them recently got sewer before they did, that this neighborhood is desperate and would like to get this thing started. She said they were told it could get started by May.

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City Administrator Zabell noted that this addition was caught in the sewer moratorium.

Mike Lindahl, 8520 45th Dr. NE, addressed Council. He said about 8 years ago he had a petition signed to form the ULID but then the sewer moratorium came along. He said they have a problem and would like it taken care of (the need for sewers). He added they thought they were going to be included in the Jubie project/ sewer and that sewer line could have been put in properly with the Jubie project so there would not be a need at this point for increasing the size of the line. He concluded they would be happy to be within the City limits.

Councilmember Bartholomew asked if the original petition for the ULID is valid and City Attorney Weed said no, it got caught up in the City's need to place limitations on new sewer connections in February, 1990.

Bob Jack, 45th Dr. NE, addressed Council and stated there are 9 out of 13 on the street here tonight and he believes 11 out of 13 are for it. He stated he is personally on his third field and there is no place else to go. Also, he has no preference about annexation and would sign an annexation petition, he said but would hate to see one tie to the other and extend the ULID process.

Pat Hayes, 45th Dr. NE, addressed Council. He said he is on his second line and knows they are going to have more problems. He said he would sign to annex into the City; they have to get something done very soon.

James Mach, Lot 4-064, 4508 84th NE, addressed Council. He said he is in the City and receives no benefit. He still pays double for water and extra for having to put sewer in. Also, he pointed out that when Mr. Jubie put in his sewer line it was not taken into consideration how far it could go west and there are several people that can't be served to the west now. He stated he has well/water rights and can't use them 100% because of City sewer and water in the area. He asked why he has to pay so much more to the City compared to someone outside the City when he is in the City. Also, with regard to restoration, he said historically it is very poor when sewers are put in.

Public Works Director Winckler clarified that stubs go to the property line and Councilmember Baxter asked if Mr. Mach is only entitled to one stub.

Mr. Wade said yes, his grade is lower and only 200-300' to the south can be served; the assessment reflects that.

Mr. Mach asked if the 20 year assessment is a lien against the property and when it has to be paid off.

Finance Director Wilson stated it can be paid upfront.

Mr. Mach noted when Jubie put in his addition the property owners didn't have to pay anything but City Administrator Zabell stated they will have to pay a recovery when they develop/buy their homes.

Mr. Mach said the question is benefits of being in the City limits and getting a break on the ULID. Also he noted that the 3 sewer lines are interrupting is 19' water table/water rights.

Christine Smith, 8431 45th Dr. NE, addressed Council, representing her parents who have just moved to Illinois. She stated they are desperate for sewers in the neighborhood and actually expected to sign an annexation petition as a condition prior to getting sewer.

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Bill Mashburn, addressed Council as part owner of the Ruby Upton property. He asked if the LID will in effect annex them and said it sounded like no decision had been made on that yet. His second question was that it looked to him like the Upton property was being called 3 lots but there is only one house on it, one hookup, it is not short platted and he asked how the assessment is justified for one lot.

Larry Wade explained in the zone and termini method depth is considered and is the same as lots to the north and the Upton lot is also three times the frontage of the lots to the north, so that's why the assessment ends up about three times everyone else's.

Agnes Cannon, also co-owner of the Upton property, addressed Council. She stated when her mother first bought the property it was on 84th but she changed it to a 45th Dr. NE address to make it easier for the mailman, so the frontage is now considered on 45th.

Councilmember Herman asked about an alternative to the zone and termini method and Larry Wade stated the square footage method would work out about the same.

Bill Mashburn asked if the 20 year assessment is a lien on the property and whether it would have to be paid in the event of sale of the property.

City Attorney Weed stated it would run with the property and could be taken over by a new property owner.

Mr. Mashburn asked if he decided to short plat if the assessment would have to be paid off and City Administrator Zabell said no, the assessment would have to be reseggregated; it's a separate process and the ULID assessment would not have to be paid for first.

Mr. Mashburn said he has heard it's very difficult to deal with the City in the short plat process. City Planner Hirashima said the permitting is generally much easier in the City vs county and she has never heard the complaint that the City of Marysville is difficult to deal with. (It was also pointed out that Mr. Jubie annexed into the City before his permitting process because he would prefer to deal with the City vs the county.)

Mr. Mashburn asked how many of his neighbors have requested sewer and Public Works Director Winckler said he believes they had 11 out of 14 requests.

Mr. Mashburn asked about the 20' right of way from centerline on the road because the City would not have that on the Upton property.

Public Works Director Winckler said typically they would just extend the lateral sewer line; also it just goes down the center of the road and probably will not affect the Upton property.

Mr. Wade explained the right of way is probably 40' vs 60' in front of the Upton property.

Mr. Mashburn concluded they don't feel it is fair to charge them for 3 lots; they would have to pay \$45,000 to short plat and the house is oriented to 84th. He gave a little history of the Wickham Addition/Short Plat.

Barbara Hokey, 8506 45th Dr. NE, addressed Council. She stated the majority of the houses are out of room for septic and she is having a lot of trouble washing, flushing, taking care of grandchildren, etc. She said they would be glad to annex.

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Kathy Pierson, 8521 45th Dr. NE, addressed Council and said she represents lots 6 & 7 and they would annex also; they need sewer.

Scott Stege, Lot 8, addressed Council, stating he recently moved there and the people before them were on their second drain field. He said they would have no problem signing an annexation petition.

There being no one further wishing to address Council from the audience, Mayor Weiser closed the public testimony portion of this public hearing at 9:15 p.m.

Councilmember Pedersen stated she would be in support of the LID and feels confident an annexation petition will be circulated soon; Councilmember Baxter concurred.

Councilmember Bartholomew said she would be hopeful that the staff will get together with the neighborhood regarding an annexation and she stated she is supportive of the ULID also.

Councilmember Herman stated he would like to see this move forward quickly because of the urgent nature of the need for sewer and would also like to see an annexation petition come in.

There was discussion about deferring the \$59,000 to replace the 10" sewer line on 84th and redistribution.

Councilmember Pedersen moved to proceed with the ULID as recommended by Public Works staff, to accept the preliminary assessment roll, to initiate the 30-day protest period, to direct Public Works staff to authorize the consulting engineer or design said project for construction and to authorize the City to participate in the fee of approximately \$59,203.00 for the cost to replace the 10 inch sanitary sewer in 84th St. NE. The motion to include requirement of signing of non-protest agreements. Councilmember Baxter seconded the motion and it passed unanimously.

NEW BUSINESS:**1. Reorganization of Finance Department.**

Finance Director Wilson reviewed the agenda bill.

Councilmember Herman moved and Councilmember Baxter seconded to approve the elimination of the Utility Coordinator position, the addition of a second part-time receptionist position and the revision of the position of Utility Support Clerk/Receptionist to Utility Support Clerk (Grade III). Passed unanimously.

ORDINANCES & RESOLUTIONS:**1. A Resolution of the City of Marysville Amending the Personnel Rules of the City of Marysville by Amending Chap. VII, Employment Benefits and Obligations, by Replacing Section 32, Family Leave.**

Councilmember Baxter moved and Councilmember Herman seconded to adopt/approve Resolution 1731. Passed unanimously.

PROCLAMATIONS:**1. American Diabetes Alert Day Proclamation 3/28/95.**

Councilmember Pedersen moved and Councilmember Wright seconded to authorize the Mayor to sign the American Diabetes Alert Day Proclamation. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:42 p.m.

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1. Personnel. (No Action)

RECONVENED & ADJOURNED: 10:00 p.m.

Accepted this 3rd day of April, 1995.

David Weiser  
MAYOR

Ann D. Iverson  
CITY CLERK

Manda A. Iverson  
RECORDING SECRETARY