

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

APRIL 22, 1996

00100

CALL TO ORDER:

7:00 p.m.

ROLL CALL:Councilmembers Herman &
Myers excusedMINUTES OF PREVIOUS MEETINGS:

4/8/96 Approved

CORRECTED: SEE 5/6/96
MINUTESAUDIENCE PARTICIPATION:Mike Papa, John Willis,
Joan Harris, Jason
McCracken, Terry Power, Mary Treasure, David Lindsey, Margo KirkCONSENT AGENDA:

Approved:

1. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Kuhnle's Tavern and Maxi's Restaurant.
2. Approval of 4/22/96 Claims in the Amount of \$358,422.90; paid by check nos. 28764 thru 28955 with check nos. 28059, 28542 and 28581 void.
3. Authorize Mayor to Sign the 1996/97 Snohomish County Regional Narcotics Task Force Interlocal Agreement.
4. Authorize Mayor to Sign the 3 year Renewal Service Agreement with Digital Equipment Corporation.
5. Authorize Mayor to Sign the Maintenance Agreement with Baron Heating for the Library Facility.
6. Approval of 1996 Strawberry Festival Permit.
7. Authorize Mayor to Sign the Final Plat Mylar; Louis Griffore/Dennis Wintch; PA 8912076.
8. Affirm Hearing Examiner's Recommendation to Approve Conditional Use Permit, Rezone & 6 Lot Short Subdivision; D. Harwood; PA 94030112.
9. Approval of Public Works Fee Schedule Revisions and Direction to City Attorney to Draft Approp. Ordinances for Code Revision.
10. Affirm Hearing Examiner's Recommendation to Approve Variance Request to Section 19.20.070(c) "Residential Use of Substandard Lots"; Belmark Industries; PA 9602008.

STAFF'S BUSINESS:MAYOR'S BUSINESS:

Proclamations: Municipal Clerk Week 5-5 to 5-11
Multicultural Diversity Apprec. Day 5/11/96

CALL ON COUNCILMEMBERS:NEW BUSINESS:

- | | |
|---|--------------------------|
| 1. Human Services Funding | Committee Rec. Approved |
| 2. Rezone and Preliminary Plat of Sunnyside West; PA 9507041 | Approved 4-1 |
| 3. Robertson Util.Var.2722-169th Pl.NE | Approved 4-1 |
| 4. Pub.Hearing Date for Vacation of 10' City ROW; Weiser/Belmark; PA9602011 | Set for 5/28/96 |
| 5. Natterstad Annexation. | Pub.Hrg. set for 5/28/96 |
| 6. Joint Regional Planning Issues ILA | Continued to 5/6/96 |

CURRENT BUSINESS:

- | | |
|--|---|
| 1. Valiquette Util.Var. 5108 133rd Pl.NE | Approved |
| 2. PSRC's follow-up to Expert Panel Noise Issues Decision for 3rd Runway | Discussion - Msvl. to send let. recomdg "D" |
| 3. Annexation of 3 City-Owned Water Source Sites. | Request withdrawn |
| 4. Fleet Management Info. System | Approved 3-2 |

ORDINANCES & RESOLUTIONS:

1. Ord. 2073 Approved authorizing condemnation, appropriation, taking & damaging for Widening of State Avenue.
2. Res. 1794 Approved granting Conditional Use Permit for Rudge Property, subject to conditions.

ADJOURNMENT INTO EXECUTIVE SESSION:

10:50 p.m.

1. Real Estate
2. Litigation
3. Personnel

(No Action)
(No Action)
(No Action)RECONVENED & ADJOURNED:

12:19 & 12:20 a.m. 5/23/96

MARYSVILLE CITY COUNCIL MINUTES

00101

APRIL 22, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem
 John Myers (excused)
 Ken Baxter (7:15 p.m.)
 Donna Pedersen
 Mike Leighan
 Otto Herman (excused)
 Shirley Bartholomew
Administrative Staff:
 Dave Zabell, City Administrator
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Grant Weed, City Attorney
 Ken Winckler, Director of Public Works
 Ernie Berg, City Engineer
 Lt. Dennis Peterson, Marysville Police Dept.
 Mary Swenson, City Clerk & Asst. to City Administrator
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 5/6/96
 MINUTES

CALL TO ORDER:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance, at approximately 7:00 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Pedersen noted in the 4/8/96 minutes, on page 1, under Minutes of the Previous Meetings, in the 3rd full paragraph, last line should read "Snohomish County Cities & Towns" rather than "Marysville City Council." Also, on page 4, in the first paragraph, second to last sentence, first word should be "minors" not "minots."

There being no further corrections, Councilmember Leighan moved and Councilmember Wright seconded to approved the minutes of 4/8/96 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Papa, 8127 54th Dr. NE, Marysville, addressed City Council, submitting a petition to the Mayor and reading the following letter into the record:

"April 20, 1996

Marysville City Council
401 Liberty
Marysville, WA 98270

Mayor Weiser and Council,

Please accept this attached petition which represents 28% of the voters of that voted in the last general election. We request that you act expeditiously on the matter so the issue can be put to the voters. If approved, this proposal would accomplish the following objectives:

- * It would bring an area that has predominantly urban densities, is now clearly urban and receives the full range of urban services into the City.
- * It would help to alleviate the City's current abnormally irregular boundary

- * It would preserve our natural neighborhood's single family character by adopting the City's single family land use for the area
- * It would preserve the City of Marysville's logical service area since our neighborhood is currently served by City water and to a lesser extent (because of septic systems) sewer.
- * It would use, almost exclusively, physical boundaries such as existing road right of ways
- * It would help eliminate an impractical, irregular and illogical boundary for the City and County as far as law enforcement.
- * It would fulfill the intent of the Growth Management Act that cities provide services that are essentially urban in nature rather than counties.
- * It would fulfill and exercise the citizens' of our neighborhood's right to vote for who represents us.

For my part, if this proposal is accepted as is, I am prepared to create an information flyer/worksheet for the residents and distribute it to each voter. I am also prepared to sponsor a neighborhood meeting at Pinewood Elementary School. For the City of Marysville's part I would request that staff furnish me information on comparative costs, which the City has done in the past, as well as benefits. For a neighborhood meeting I would take advantage of the offer of a guest speaker, as is advertised by the City on the Community Access Channel. It would also greatly expedite things and keep the public process open if the City would dispense with the 45 day review and immediately request a public hearing before the Boundary Review Board of Snohomish County as several other cities have done. Lastly, I urge the Council to take seriously to heart and act on some of Ms. Natterstad's suggestions for inducements to make annexations more attractive to the average homeowner.

As reported in the newspapers, an annexation by election has never been done in Marysville. While non-existent in Marysville, annexations by election are not uncommon in other parts of Snohomish County. Since this type of election is new to the City of Marysville, to use an analogy, one must learn to crawl before one can walk. This annexation, along with the proposed Indian Creek Annexation would be a valuable learning opportunity for the City. To expand beyond these at this time would be comparable to an infant going from crawling to running the hundred yard dash.

So, in conclusion, please accept this petition. Let the people who live here decide by their vote who will represent them.

Sincerely,

Michael Papa"

Councilmember Pedersen noted it was a pleasure for her to see Mr. Papa asking for annexation.

Mr. Papa added there are no sensitive areas within the proposed annexation and it's a pretty "straight forward" process, you just have to convince the voters and he said he thinks that can be done.

Mayor Weiser offered to be a guest speaker at a neighborhood meeting.

Councilmember Pedersen commented on his reasonable requests and asked about the City's annexation brochure and if it needs to be updated. City Administrator Zabell he would check on this.

Mayor Weiser said he will pass the information/request along to the Planning Dept. as soon as possible.

MARYSVILLE CITY COUNCIL MINUTES

APRIL 22, 1996

Page 3

Councilmember Wright asked about having this and the Natterstad Annexation on the same ballot and there was also a question about policy.

City Attorney Weed said he would go over this in detail on the Natterstad Annexation, however the BRB has from 15-30 days to review then it comes back to City Council.

John Willis, 8202 53rd Dr. NE, addressed Council. He said he wants the option to vote one way or the other on this annexation and is in favor of the election method.

Joan Harris, 8202 53rd Dr. NE, addressed Council and said she wants to have a chance to vote and she backs up Mr. Papa's statements.

Jason McCracken, 1728 1st, addressed Council regarding the siting of the new work release facility. He said they had obtained 289 signatures opposing the proposed site because of its proximity to a daycare, car lot, liquor store, schools and the casino because that would create too much temptation. He said he would like the Council to take formal action against this proposal at the old Hewlett Packard site.

Councilmember Leighan stated there will be an open house at Howard Johnson's in Everett next Wednesday evening, followed by a committee meeting and public comments are welcomed.

Terry Power, 6931 22nd Dr. NE, addressed Council. She said they will be getting more signatures and will be presenting the petition next Wednesday to the Work Release Siting Committee.

Mary Treasure, 1923 70th Pl. NE, addressed Council. She said she also opposes the proposed work release site and future correctional facility at the old Hewlett-Packard location. She said she has gathered 300 signatures against and noted there will be 6 schools in the area as well as many school buses and children in Marysville West who will be exposed to criminals, sexual deviants and convicts. She said they are very opposed to this-- they were actually told this facility would increase their property values! She said she thinks Everett is a more appropriate site because they have no schools, daycare, no trees in the immediate vicinity of the proposed site. She said she represents many people in the Marysville community who are concerned about the children and are asking Marysville City Council to support them against this, just as Marysville School District is.

Councilmember Leighan noted he just today found out that the county has identified the old Hewlett-Packard site as a future correctional facility, also. He said there is going to be a nother public hearing, the Department of Corrections will evaluation the sites, Snohomish County Tomorrow will then add their recommends before a final decision is made.

Councilmember Bartholomew pointed out that State siting does override the local communities.

After discussion, it was the consensus to bring this matter back 5/6/96.

David Lindsay, 9025 55th Av. NE, addressed City Council. He said he felt like the silent minority regarding handicap parking, that the Marysville Police Dept. will not cite violators who park in handicap parking places without a permit. He said he has tried to work with the schools, with the State and with the City and he presented a list of one week's violations at Cedarcrest School--17 violations in one week. He said he has talked with Lt. Peterson and he keeps saying they are going to start an education program

APRIL 22, 1996

Page 3

MARYSVILLE CITY COUNCIL MINUTES

APRIL 22, 1996

Page 4

but Mr. Lindsay said he thinks the best education program is a \$175 ticket for each of the violators. He said he keeps getting one excuse after another and there seems to be no cooperation from the MPD. It's the same at all the schools, he said and it's not fair for the handicapped to have to fight for their parking. (It was noted that revenue from 17 violators would have totaled \$2975.)

Mayor Weiser said he will be meeting with the school district, MPD/Lt. Peterson and the City Administrator about this.

Lt. Peterson, MPD, addressed Council and reported that last Thursday and Friday, from 5-8 p.m., the 3 school parking lots in question were monitored and one ticket was written for a violation of handicapped parking. He said the Marysville Police Dept. is trying to address the situation and asking the coaches at the schools to self-police. He pointed out that it is very difficult for them to cover all the schools at all times.

Margo Kirk, 6923 27th Dr. NE, addressed Council. She said she is also opposed to the Marysville Work Release Site and she had everyone stand who came tonight show opposition. (Several people stood.) She pointed out that all the Snohomish County criminals may end up working and living in Marysville and a good many already are.

CONSENT AGENDA:

1. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Kuhnle's Tavern and Maxi's Restaurant.
2. Approval of 4/22/96 Claims in the Amount of \$358,422.90; paid by check nos. 28764 thru 28955 with check nos. 28059, 28542 and 28581 void.
3. Authorize Mayor to Sign the 1996/97 Snohomish County Regional Narcotics Task Force Interlocal Agreement.
4. Authorize Mayor to Sign the 3 year Renewal Service Agreement with Digital Equipment Corporation.
5. Authorize Mayor to Sign the Maintenance Agreement with Baron Heating for the Library Facility.
6. Approval of 1996 Strawberry Festival Permit.
7. Authorize Mayor to Sign the Final Plat Mylar; Louis Griffore/Dennis Wintch; PA 8912076.
8. Affirm Hearing Examiner's Recommendation to Approve Conditional Use Permit, Rezone & 6 Lot Short Subdivision; D. Harwood; PA 94030112.
9. Approval of Public Works Fee Schedule Revisions and Direction to City Attorney to Draft Approp. Ordinances for Code Revision.
10. Affirm Hearing Examiner's Recommendation to Approve Variance Request to Section 19.20.070(c) "Residential Use of Substandard Lots"; Belmark Industries; PA 9602008.

Councilmember Pedersen led a discussion regarding service agreements on City office equipment and the possibility of self-insurance. She said she would like to see staff compare advantages and disadvantages.

Councilmember Bartholomew then moved and Councilmember Leighan seconded to approve Consent Agenda Items 1 through 10. Passed unanimously. (Councilmember Baxter did not vote on Voucher 28876 under Consent Agenda Item #2.)

STAFF BUSINESS:

Finance Director Wilson presented a Budget Amendment for the Public Works Work Barge in the amount of \$8594.21 and also said he would like approval for miscellaneous small items in the future; he said he would bring Council a summary at the end of the year.

After discussion, Councilmember Baxter moved and Councilmember

APRIL 22, 1996

Page 4

00105

Bartholomew seconded to approve the budget amendment of \$8594.21 as presented as well as permission for the Finance Director to present a list of budget amendments in summary form at the end of 1996. Passed unanimously.

City Attorney Weed commented on Marysville's and Everett's Adult Use Codes as well as licensing and zoning regulations regarding Adult Use. He pointed out differences between the two cities' codes, noting Everett's has been ruled unconstitutional but because of the special attention paid to Marysville's by the Adult Use Review Committee and Planning Commission, he feels Marysville's ordinance has a good chance of not being challenged.

CORRECTED: SEE 5/6/96
MINUTES

Councilmember Bartholomew suggested all licensing appeals go before the Hearing Examiner and City Clerk Swenson said that process was being reviewed.

Including Adult Entertainment

City Planner Hirashima noted there will be a Mixed Use Code hearing tomorrow night at the Planning Commission meeting. She said they did a mailing to all property owners that would be interested.

Public Works Director Winckler reported Public Works will be conducting interviews 5/8/96 for Sewer Comp Plan consultants who submitted proposals.

MAYOR'S BUSINESS:

Mayor Weiser present Councilmembers with service pins and Lt. Peterson with a Certificate of Appreciation.

Proclamations:

1. Municipal Clerk Week 5/5/96 to 5/11/96.

Councilmember Pedersen moved and Councilmember Wright seconded to proclaim the week of 5/5/96 to 5/11/96 Municipal Clerk Week in Marysville. Passed unanimously.

2. Multicultural Diversity Appreciation Day 5/11/96.

Councilmember Leighan moved and Councilmember Wright seconded to proclaim 5/11/96 Multicultural Diversity Appreciation Day in Marysville. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew asked about the new R & D tax exemption and its impact on Marysville.

Finance Director Wilson said he believed this mainly affected air-plane parts manufacturers and there has been little impact in Marysville. Everett, however, because of Boeing and Boeing sub-contractors in the Everett area, has suffered substantially, losing an estimated \$80,000 to \$90,000 a month in taxes, it was noted.

Councilmember Leighan thanked City staff for the signs marking the crosswalk at 94th & State. Regarding the Work Release Siting Open Houses, he reported 45 people signed up at the last open house opposing the proposed site in Marysville and Tulalip Tribes submitted a letter opposing the site also. He pointed out that the site is outside Marysville City limits. Also, he noted even though the RCW/State has the ultimate authority for the site, the local community council is responsible for overseeing; the next committee meeting is May 1st and he asked about water and sewer being available from the City for the site. City Administrator Zabell said he would check into this.

Councilmember Pedersen commented that if the Tulalip Tribes are opposed, perhaps Marysville's position should be to support the Tribes. She added that she knows the majority of these people are rehabilitated but there are a lot of risks associated with the whole program.

Councilmember Baxter talked about water hookups on the old Triway property and Councilmember Leighan added there are several negatives concerning the proposed site, for example, the recent siting of an elementary school, lack of water and sewer, the addition of a correctional facility, new developments since this site was initially proposed.

It was the consensus to send a letter to the Dept. of Corrections stating City of Marysville's opposition to this site.

Councilmember Wright said she would be leaving for Washington, DC tomorrow and will be back 5/1/96. She reported on the portable speed monitoring device MPD put up on State near 94th and also noted the crosswalk lines need to be repainted all along State.

Councilmember Pedersen reminded everyone about Dr. Shadow's presentation on presentation skills 4/23/96.

Councilmember Baxter reported on his attendance at the Groundwater Advisory Committee Meeting last Friday and noted he has made a year and a half commitment to serve on this committee, as have all of the fellow committee members.

Councilmember Bartholomew noted the Snohomish County HUD Block Grant Committee will be meeting 4/30 and 5/30.

NEW BUSINESS:

1. Human Services Funding.

City Clerk Swenson reviewed the agenda bill and noted there was a \$15,000 budget for 1996. The committee reviewed 6 requests and recommended the following be approved:

<u>Request From</u>	<u>Request For</u>	<u>Recommended</u>
Big Brothers/Big Sisters	\$1525	-0-
Children's Home Soc. of Wash.	700	\$500
Gr.Marysville Artists' Guild	2000	-0-
Msvl. Community Food Bank	3846	3846
Elderscreen (Still.Sr.Center)	7000	5000
Marysville YMCA	4000	4000
Totals	\$19,071	\$13,346

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the grants as recommended by the Human Services Request Review Committee. Passed unanimously.

2. Rezone and Preliminary Plat of Sunnyside West; PA 9507041.

Mayor Weiser reviewed the process, noting the 3 options are for 1) Council to affirm the hearing examiner's recommendation to approve the rezone and preliminary plat; 2) for Council to hold a new Public Hearing; or 3) Remand the matter back to the hearing examiner. He emphasized that no public comment would be taken this evening.

City Planner Hirashima reviewed the agenda bill in detail, noting 3 letters of appeal had been received from people who had already testified at the Hearing Examiner hearing. She stated their concerns were to do with lot sizes, wetland and wildlife survey/protection and other general wildlife concerns. She said that based on conversation with the Dept. of Wildlife, it was very

unlikely that spotted owls were on the site; they were probably barred owls. She noted Marysville has no regulation for general wildlife species and this was brought out at the Hearing Examiner hearing. She added the Planning Dept. did receive a video and other information during the period the Hearing Examiner held the hearing open administratively and all the information was reviewed.

Councilmember Pedersen asked about new information and City Planner Hirashima stated the appeals contended the City didn't require enough information during the review. She said the Planning Dept. received a lot of information because of the neighbors' concerns, eg. additional soils information which is included in the packet; the applicant went back and reconsidered the wetland delineation which resulted in a loss of two lots. Regarding posting of the property, she said they met minimum requirements of SEPA/Dept. of Ecology.

Councilmember Pedersen pointed out that the purpose of a PRD is to cluster lots and protect wetlands

City Planner Hirashima agreed and noted there is overlap with the Sensitive Areas Ordinance and the PRD Ordinance and this application complied with all criteria. She said the main purpose of utilizing the PRD would be to protect the wetlands on the site. She noted the property is quite constrained by wetlands and they used a wetland buffer that actually was more than required, they are proposing a loop road system that will serve this subdivision only. She added that there will also be an open space buffer between the properties that will be maintained. She noted 2.9 du/ac density is the revised density on the revised site plan.

Councilmember Bartholomew asked for some explanation of the Growth Management Act for the audience's sake and City Planner Hirashima explained that within Urban Growth Areas, the intent is to urbanize areas where roads, sewer, etc. can be placed and to establish higher density, for example, 4 dwelling units per acre and this site as well as surrounding property, has been designated to be within the Marysville Urban Growth Area. She did note the trust land will not be developed, however.

City Attorney Weed reviewed the process and 3 options:

- Approve after review of information in packets
- Remand back to the Hearing Examiner
- Set a new public hearing 5/13 or later because of notification requirements.

After noting this was a very thorough document (in the packets), Councilmember Bartholomew moved to affirm the Hearing Examiner's recommendation to approve the rezone and preliminary plat of Sunnyside West, including Findings & Conclusions as presented. Councilmember Baxter seconded the motion and it passed 4-1 with Councilmember Leighan against.

3. Utility Variance; Gene Robertson; 2722 169th Pl. NE, Arlington UV 96-011.

Public Works Director Winckler reviewed the agenda bill, noting Public Works staff and the RUSA Committee has recommended approval of 2 water and 2 sewer connections.

After a question about the date of septic design, Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the utility variance as recommended. Passed 4-1 with Councilmember Leighan against.

(See motion amendment on following page.)

4. Set a Public Hearing Date for Vacation of 10' of City Right of Way; Weiser/Belmark; PA 9602011.

City Planner Hirashima reviewed the agenda bill.

City Attorney Weed noted one of the applicants is a relative of the Mayor and asked Mayor Weiser if he has any interest.

Mayor Weiser said he has no interest in this matter and will be stepping down at the public hearing anyway.

City Attorney Weed noted that for the record then, under the appearance of fairness doctrine, this is not an issue that effects the Mayor directly.

This matter was then set aside.

Councilmember Baxter then moved and Councilmember Bartholomew seconded to **amend the previous motion regarding the Gene Robertson utility variance** to include the RUSA Committee recommendation: "To approve the connections provided the applicant pay the existing water and sanitary sewer utility main charges and other applicable fees and signs a No Protest Agreement in favor of Marysville."

Passed unanimously.

Councilmember Pedersen then moved and Councilmember Bartholomew seconded to set a public hearing date of 5/28/96 for the Weiser/Belmark Right of Way Vacation and use the assessed valuation method for calculating compensation. Passed unanimously.

5. Natterstad Annexation (Indian Creek Estates Annexation).

City Planner Hirashima reviewed the agenda bill and noted there is a provision where an optional public hearing could be held so the City could hear from property owners in the area.

City Attorney Weed reviewed the election method process in detail:

- petition to be signed by 10% of the voters who voted in the last general election
- City Council has 60 days to pass a resolution notifying petitioners of acceptance or rejection of the petition
- City Council may hold a public hearing to receive more information
- City Council should consider whether conditions should be attached, eg. whether the property should be assessed and taxed at the same rate as City property or accept bonded indebtedness
- file with county council and BRB who have
- between 15 and 30 days to consider the petition
- BRB can approve, modify or disapprove
- if approved, it comes back to City Council, indicating a date for public hearing, eg. primary election date which would be the 1st Tuesday after the 1st Monday in November
- Need majority vote for the matter to pass or 60% if bonded indebtedness is to be included, i.e. between 50% & 60% would not require the annexed area to pay bonded indebtedness share but could make the vote valid
- the final stage would be to pass the ordinance of annexation.

He noted that because this is a ballot proposition, City facilities, time and supplies to promote annexation is prohibited but an informational meeting and/or brochure is acceptable.

Councilmember Pedersen noted other dates are available for election dates and said she would want to encourage a public hearing.

00189

Councilmember Bartholomew asked about the use of Channel 2 to publicize the annexation and City Attorney Weed stated it is okay to provide factual data only on the community access channel and the public hearing would have to allow anyone with an opposing view to comment.

Councilmember Bartholomew pointed out that with this being a presidential election year, it is going to bring more voters out and in other words, it's going to take more voters to actually get the 50% or 60% by next spring.

Nellie Baird, 10512 38th Av. NE, addressed Council, as a resident of Indian Creek Estates. She asked if there could be a mail in ballot and if only those who live within Indian Creek Estates would vote on this annexation. She was told yes, that is the case.

Mrs. Baird then asked if this annexation is not approved, whether Mrs. Natterstad would still be eligible to serve on City Council as Mrs. Natterstad had indicated that if the vote went down, she would still be able to get onto City Council.

Councilmember Pedersen said no, you have to be a resident of the City to be on the Council. She asked Mrs. Baird why she is opposed to becoming part of the City.

Mrs. Baird explained that when they first moved here, Marysville was a quieter place, there was a lot of wildlife in Indian Creek Estates, Marysville was a bedroom community and now it's a "lunch counter"--she asked why we need an Albertson's and a McDonald's at each end of the community. She noted with a small community you have less crime.

Councilmember Pedersen said she doesn't see the difference whether you are in or out of the City but Mrs. Baird countered that the area is all built out, yes, but they never expected another Albertson's so close. And Marysville has a lunch counter--all the way through Marysville you can have lunch and a latte and get right back on the freeway and leave town. Also, the work release program is coming in, she said, and she said she remembers when she sold ads in Marysville and really liked it the way it was when they moved from Mill Creek. She said they have been here 15 years and it's not all bad.

Mayor Weiser noted the vast majority of growth in Marysville is outside the City limits but still within the Marysville School District.

Mrs. Baird argued that the growth *he* refers to is residential, not commercial, such as Albertson's.

Mayor Weiser also noted that well over 50% of the residential units in Marysville are rentals.

Mrs. Baird said she objects to out of state businesses that pay only minimum wage and the kids don't think they need higher paying jobs or the education to get higher paying jobs.

Bud Blethen, 10524 38th Av. NE, also a resident of Indian Creek Estates, addressed Council. He said he disagrees with the way the petition language was presented. He said the petitioner said the only reason she wanted to get into the City was to get on to City Council--the same conditions exist now as 4 years ago and the people who signed the petition signed under the terms of the verbal statements made to them. He said he would like to see a public hearing.

Hugh Lee, 10508 38th Av. NE, addressed Council and stated he is adamantly opposed to this annexation proposal. He said he has

CORRECTED: SEE 5/6/96
MINUTES

by the Mayor

lived here 18 years, they love their house but it's been hard financially after putting their kids through college and if they get annexed, there will be sewers, mandatory garbage collection, bonded indebtedness--you are probably talking an additional \$10,000 for each homeowner and he said he thinks this is an illegal petition. If someone wants to get on the City Council, they could move to Marysville and he said he is willing to file a lawsuit here.

Councilmember Pedersen pointed out it's not up to the City Council to decide, the Council is just wanting to see if a public hearing i something that would bring in more information on this.

Mr. Lee said he feels the City is after a tax base and is forcing people to pick up a debt that was incurred long ago. He noted this same annexation has been opposed before by this neighborhood.

Mayor Weiser noted with regard to the mandatory garbage collection, Waste Management Northwest would continue garbage collection for 5 years, sewers would only be required if septic fail and if there is a sewer line within 200'. With regard to bonded indebtedness, there is only .03 per year difference between the county and the City, i.e. about \$30.00 in taxes on a \$100,000 home and sometimes it's the City that's a little higher and sometimes it's the County that's a little higher, it fluctuates.

Mr. Lee said Indian Creek Estates has the best drainage, pure sand, so he sure doesn't want to be forced to hook up to the sewer and he has nothing against Marysville, but he is opposed to the financial end of it and anything that is going to affect his pocketbook. He added he would like to know the exact figure.

Councilmember Pedersen said there is a brochure at City Hall on this and she asked Mr. Lee to please keep an open mind.

Mr. Lee said it's very hard with all the lay offs across the country --50 million people who are being cut back and anything that is going to hit people's pocketbooks is not very well received in the community.

Councilmember Bartholomew reminded him that it's not the Council who is promoting this.

Mike Papa addressed Council again. He suggested a question for the annexation and a 2nd question regarding bonded indebtedness on the ballot. He noted Lynnwood did this and ended up having an area come in without being subject to the bonded indebtedness. He asked what would happen if the bonded indebtedness section did not pass.

City Administrator Zabell said he believed it was about 30 cents per \$1,000 of home valuation.

Mr. Papa said he knows people are concerned about things such as leash laws, etc. and so an informational meeting would be helpful.

Margaret Natterstad addressed Council. She said she did tell her neighbors that being on the City Council was a dream of hers. She said she does feel that the election method is more fair and since her breast cancer operation last year, she has new goals but she also sees a lot of improvements in the neighborhood, such as the part of 104th that is within the City--sanding, plowing, striping and she said she also likes the idea of city/regional parks which Marysville believes in, mitigation fees being charged developers. She noted the City has a better Sensitive Areas Ordinance than the county, the police response time is better than in the county, too. She said 4 years ago she was against annexation but she has since become involved in the process and would like to have a neighborhood meeting. She said she thinks the election method will make it very fair for all.

CORRECTED:
MINUTES
5/8/96

Councilmember Pedersen moved and Councilmember Baxter seconded to set a public hearing for 5/28/96. Passed unanimously.

CURRENT BUSINESS:

1. Utility Variance; Clarence Valiquette, 5108 133rd Pl. NE, Marysville; UV 96-010.

Public Works Director Winckler reviewed the agenda bill.

Mr. Valiquette, the applicant, asked about mandatory hookup to sewer and Mr. Winckler explained if his septic fails or if his neighbor decides to hook up to sewer, then Mr. Valiquette would have to, too.

Mr. Valiquette said he understood and added that he has already signed the annexation covenant.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the utility variance with staff and RUSA Committee recommendations/conditions regarding paying recovery fees or assessment fees if and when the sewermain is extended along 133rd Pl. NE. Passed unanimously.

4. Fleet Management Information System.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of the contract in the amount of \$49,000 for 1400 hours.

There was discussion about rate, prepackaged software programs, other cities that were contacted, Mr. Brimacombe's assistance/support, where City is going to get additional \$30,000 needed.

Councilmember Bartholomew asked Mr. Dunmire about maintenance agreements for office equipment and whether it is possible to put that program on the computer also.

Robert Dunmire, 7205 150th Dr. NE, Lake Stevens, addressed Council. He said yes, other entities (GIS) have put their work stations and plotters, for example, on the fleet management system. He said he has developed a program here for Snohomish County Public Works and he also has the support of others at the county in the event the City needs their help. The Fleet Management Information System in question is styled after a \$100,000 system; a canned system is going to end up costing the City just as much or more to modify to customer needs, he pointed out.

Councilmember Baxter pointed out the need for this system and noted the City has 130 pieces of equipment now.

Councilmember Bartholomew moved and Councilmember Baxter seconded to authorize the Mayor to sign the contract with Mr. Dunmire, as recommended by Public Works Staff. The motion passed 3-2, with Councilmembers Pedersen and Leighan against.

Councilmember Pedersen left Council Chambers at 10:30 p.m.

2. Discussion Regarding PSRC's Follow-Up to Expert Panel Decision on Noise Issues for Third Runway at Sea-Tac Airport.

Mayor Weiser noted a noise abatement study just came out last month and the three member panel voted 2-1 that they do not meet a significant reduction in noise at Seatac. There was some concern that the Port of Seattle was going to wash its hands of the issue, he said.

Councilmember Pedersen returned to Council Chambers at 10:32 p.m.

Mayor Weiser noted the PSRC has presented 4 recommendations:

- A. no action
- B. turn it back to State Legislators
- C. accept 3rd Runway with existing noise
- D. accept 3rd Runway with additional noise reduction.

He noted 7/11/96 has been set for a tentative hearing date and the PSRC would like a consensus; the recommendation so far is "D".

Councilmember Pedersen moved to send a letter to PSRC executive council recommending "D", Councilmember Wright seconded and the motion passed unanimously.

3. Annexation of City-Owned Property; Highway 9 Well Site PA 9501008; Stillaguamish River PA 9501009; Edward Springs PA 9501010.

City Planner Hirashima reviewed the agenda bill, stating the recommendation at this time is to withdraw the annexation proposal.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to withdraw the proposal at this time but to work with the county on including the Highway 9 site in the Urban Growth Boundary. Motion passed unanimously.

NEW BUSINESS:

6. Interlocal Agreement; Joint Regional Planning Issues.

City Planner Hirashima reviewed the agenda bill, noting this is between Marysville, Arlington and Snohomish County. Arlington has approved this revised draft as well as the UGA with Snohomish County dealing with an area north of 152nd, she said.

Councilmember Pedersen said she thinks Marysville needs to take advantage of the opportunity to have a staff person on the committees, at least one.

City Planner Hirashima noted land use was included in the original draft but it's not now. It was the consensus to put land use back into the interlocal agreement language.

There was discussion about the necessity of discussing this issue in Executive Session and Councilmember Bartholomew moved and Councilmember Pedersen seconded to continue this during and/or after Executive Session this evening and to put on the next Council agenda, 5/6/96. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Authorizing Condemnation, Appropriation, Taking and Damaging of Land and Other Property for the Widening of State Avenue.

Councilmember Leighan moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2073. Passed unanimously.

2. Resolution granting a Conditional Use Permit for Property Owned by Robert and Virginia Rudge, Subject to Conditions.

Councilmember Wright moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1794. Passed unanimously.

ADJOURNED: 10:50 p.m.

EXECUTIVE SESSION: 10:57 p.m.

1. Litigation. (No Action)
2. Personnel. (No Action)
3. Real Estate. (No Action)

RECONVENED & ADJOURNED: 12:19 & 12:20 a.m. 4/23/96.

Accepted this 6th day of June May, 1996.

David Weiser

MAYOR

Mary R. Swenson

CITY CLERK

Manda A. Swenson

RECORDING SECRETARY