

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JUNE 17, 1996 318

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: Councilmember Wright exc.

MINUTES OF PREVIOUS MEETINGS: 6/3/96 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

1. Approval of May, 1996 Payroll in the Amount of \$578,938.17; paid by check nos. 21545 through 21877.
2. Approval of 6/10/96 Claims in the Amount of \$497,223.70; paid by check nos. 29411 through 29571 with check no. 29370 void.

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Friends of the Library Day Proclamation 6/24/96

CALL ON COUNCILMEMBERS:

PRESENTATIONS: None

PUBLIC HEARINGS:

1. Pinewood Annexation; PA 9605020 Accepted, to be voted on 9/17/96 (Resolution 1801)

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS: None

ORDINANCES & RESOLUTIONS:

1. Ord. 2079 Approved adopting Chap. 15 of the MMC responding to ESHB 1724.
2. Ord. 2080 approved affirming Hearing Examiner Decision & Rezoning Whittall property, amending Official Zoning Map Previously adopted in Ord. 772.
3. Ord. 2081 approved authorizing interim funding of the Cedar-crest Golf Course Renovation.
4. Res. Stating City's intention to annex certain unincorporated area known as the Shockman Property into the City and Transmitting Matter to the BRB for approval - Tabled pending receipt of legal description.
5. Res. 1802 approved stating City's intention to annex certain unincorporated area known as the Barr Property into the City and transmitting Matter to the BRB for approval.
6. Res. 1803 approved granting Utility Variance for Howard Clark for 7120 35th Av. NE, Marysville.
7. Res. 1804 approved granting Utility Variance for Brad & Lynn Lewis for 7006 61st Pl. NE, Marysville.
8. Res. 1805 approved granting Utility Variance for Kellogg Marsh Grange for property at 100th St. NE & 67th Av. NE, Marysville.
9. Res. 1806 approved stating City's intention to annex certain unincorporated area known as Indian Creek Estates into the City & Transmitting Matter to the BRB for approval.

LEGAL MATTERS: None

ADJOURNMENT: 8:37 p.m.

EXECUTIVE SESSION: 8:42 p.m.

1. Litigation No Action
2. Personnel No Action

RECONVENED & ADJOURNED: 11:06 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 17, 1996

7:00 p.m.

Council Chambers

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

CORRECTED: SEE 6/24/96
 MINUTES

CALL TO ORDER/FLAG SALUTE:

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

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

Councilmember Herman noted in the 6/3/96 minutes on page 2, in the 2nd paragraph under Staff Business, that 6/20 will be a RUSA Committee meeting. City Administrator Zabell noted there will probably be a mid July workshop regarding the water and sewer rate increases.

Councilmember Herman noted on page 7, in the 4th paragraph from the bottom that he was referring to the letter from Mr. Vinish, that it was not an accurate portrayal of what he remembered has having occurred.

Councilmember Leighan noted on page 3, in the second paragraph, last line, "several months" should be "a week". City Administrator Zabell noted the memo apparently did not go out to everyone.

CORRECTED: SEE 6/24/96
 MINUTES
 S/B "AS"

There being no further corrections, Councilmember Myers moved and Councilmember Herman seconded to approve the 6/3/96 City Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of May, 1996 Payroll in the Amount of \$578,938.17; paid by check nos. 21545 through 21877.**
2. **Approval of 6/10/96 Claims in the Amount of \$497,223.70; paid by check nos. 29411 through 29571 with check no. 29370 void.**

Councilmember Herman noted he would be abstaining from voting on Voucher #29549, Councilmember Leighan noted he would be abstaining from voting on Voucher #29561 and Councilmember Baxter noted he would be abstaining from voting on Voucher #29438 under Item #2.

Councilmember Herman then moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson reported the intern is still working on the purchasing manual and is in the third revision of it. Finance Director Wilson is planning on going to Enumclaw soon to look at

their purchasing system and meeting with their Finance Director, Dick Scott. Enumclaw has a system similar to Marysville where each department does their own ordering and Marysville's purchasing and procedures manual is still planned to be in place by July 1st, he said.

City Administrator Zabell reported he and Don Shaw, Mike Robinson, John Steidel and Mayor Weiser met last week and walked the golf course. Everyone has a good understanding of the whole project and it is felt it is going well at this point. He reported the new City Hall project is also going well and will probably be completed 3 weeks before it was originally scheduled to be.

City Planner Hirashima reminded Council of the short planning course tomorrow evening at the Library from 6-9 p.m. Elected officials and others from neighboring jurisdictions as well as the Marysville Planning Commissioners and general public will be in attendance. She named three speakers who are reported to be experts in the planning field. She also noted there will be a Mixed Use workshop 6/25/96 at 6 p.m., location to be announced.

MAYOR'S BUSINESS:

Mayor Weiser reported regarding the Olympic Ford visibility problem, copies of letters have been received now from Representatives John Koster, Val Stevens and one to come from Geri Costa. Also, a copy of a letter has been received from Congressman Jack Metcalf--the originals of these letters went to WSDOT in favor of cutting down the trees between Olympic Ford and I-5 so that there will be better visibility. Councilmember Pedersen suggested copies of these letters also be forwarded to the owner of Olympic Ford, Milt Odum.

Proclamation: Mayor Weiser read and signed and Councilmember Pedersen moved and Councilmember Leighan seconded to adopt a Proclamation declaring 6/24/96 FRIENDS OF THE LIBRARY DAY IN MARYSVILLE. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Myers reported 40 to 80 teens attend at the Y Zone every Saturday and he said he would like the Council and/or staff to follow up with the Y to see if this can be extended to Friday nights through the summer months, with regard to funding, etc.

Councilmember Bartholomew talked about the kids partying in the woods again, north of 38th & 116th and said she would be in favor of having the Y Zone open on Friday nights.

City Administrator Zabell said he passed the information about the kids partying up north on to Chief Dyer and Lt. Peterson contacted the complainant who said the police were very responsive. City Administrator Zabell said he would follow up with a memo from the police dept. as far as activity; he said it sounds like a very young crowd (kids between ages 13 and 15).

Councilmember Bartholomew asked that staff distribute annexation brochures to Councilmembers in case they are approached by members of the general public about both the election and petition methods.

Councilmember Herman reported on his attendance at the AWC Conference and especially regarding the budget workshop he attended. He passed out a lot of information on this and talked about having a future workshop regarding some changes that can be made with regard to the Marysville budget and how it can be used as a communication and public relations tool with the community. He asked for the budget issue to be put on a subsequent agenda, possibly with a public workshop.

Councilmember Leighan talked about a WSDOT presentation at the AWC Conference regarding tree/streetscaping and said he would be happy to get the representative's name and possibly have him do the presentation for the benefit of people in Marysville. He said he would also like to see another member put on the Streetscape Committee.

Councilmember Pedersen talked about the AWC Workshop she attended concerning juveniles in the community and a program similar to the DARE program that they have in other communities. She said she would like to see the Marysville Police Dept. follow up on this. She talked about the Tumwater budget and how they had a contest for designing the cover (by third graders) and how this can work towards community involvement in the budget process.

Councilmember Pedersen recommended that a day be set aside as an open house for members of the community to visit the new City Hall.

Councilmember Pedersen then moved and Councilmember Leighan seconded to recommend that Joann Baxter serve on the Streetscape Committee. Passed 5-1 with Councilmember Baxter opposed.

Councilmember Baxter commented on how appreciative Marysville residents should be that MPD officers unlock car doors when you lock your keys inside (at no charge). He related a story of how he got stuck in Pasco, how their police officers no longer provide this service and he ended up spending a lot of time and money before he got someone who would.

Councilmember Leighan noted that the service provided by police officers is in conflict with local locksmiths/private enterprise and he was surprised Councilmember Baxter was in favor of this, with Councilmember Baxter being a local businessman himself.

Councilmember Baxter talked about self-appraisal of Marysville's budget, how it is a very good accounting tool but maybe not very user friendly.

PUBLIC HEARING:

1. Pinewood Annexation; PA 9605020.

City Planner Hirashima reviewed the agenda bill, noting Planning Staff recommends acceptance and if accepted, that the annexation be assessed and taxed at the same rate and on the same basis as property in the City, that it be subject to the City's bonded indebtedness and that the annexed area be designated medium density single family with adoption of City zoning of RS-7200. It is also recommended that this be voted on by property owners within the proposed annexation area Sept. 17, 1996 (the date of the primary election). She noted a resolution has been prepared with November 5 listed as a secondary date, if necessary.

Councilmember Bartholomew asked about a mail out of information to the affected area and City Planner Hirashima stated every property owner was sent an annexation/information brochure.

Mayor Weiser opened the hearing to public testimony.

Mike Papa, 8127 54th Dr. NE, addressed Council. He said he solicited registered voters within the area over the weekend. He noted there is still some confusion about sewers, etc. and so he would recommend an open house/neighborhood meeting to clear this up. He said he hopes Council accepts the petition so the people in the neighborhood can decide on their own whether they want to be annexed into the City.

Councilmember Herman asked about a preferred election date and Mr. Papa said Sept. 17 with a mail in ballot, to make it easy for everyone.

Councilmember Bartholomew noted general elections are not mail in ballots but you can have absentee ballots.

Mr. Papa commented that after he saw all the confusion people in the Indian Creek Estates proposed annexation had, he decided to get as much information out as possible to the Pinewood neighborhood.

Donald Howell of Pateros, formerly of Marysville and owner of one acre at 80th & 51st, NE corner, addressed Council. He said he was born and raised on the property in Marysville, the proposed annexation area however does not include the whole Howell Addition. He said he is not sure why the annexation was proposed; they had talked about this in the past and was glad to get information. He said he wanted to know why the boundary wasn't taken all the way down to Allen Creek because it really doesn't square off boundaries the way it is. He asked about the City's bonded indebtedness and what that was. He noted they presently have City water in the neighborhood and asked if they were to subdivide and retain a portion of the property, whether the fee to connect to City water be considered paid. He noted sewer comes up 80th to 100 yards of the intersection and asked if that would be extended, so whoever would want to hookup could? He noted they have a water rights permit and asked what would happen to that in the event of annexation. Would it be grandfathered in or would it be lost? If they were to subdivide, he asked what the difference is in cost between the City and the county. He said he knows one of the differences is that in the City you are allowed 5 lots and in the county only 4 on one acre, he believes. He said at the moment he thinks it would be nice to be annexed into the City; they do keep informed through the Globe which they receive in Pateros.

Mayor Weiser said as far as procedures for subdividing between the county and City, the procedure is similar, but road widths are different and Mr. Howell wouldn't have to hook up to the sewer until he subdivided. It is cheaper to go through this procedure if you are within City limits, he noted.

City Administrator Zabell explained if a developer or neighborhood initiated a ULID that's how a sewer and/or water line would be extended.

Mayor Weiser said as far as bonded indebtedness, the tax structure between the City and county property taxes work out about the same. He said he was not sure on the boundary decisions that were made.

Councilmember Herman said he remembered the proponent indicated there was only so much area he could cover. Also, this is one of the first election method annexations that has been proposed and it will be very interesting to see the public's perception, he said.

Mr. Howell concluded that he and his wife really appreciate what the City is doing and especially the improvements in Jennings Park. (His mother was a Jennings, he said.)

Joan Marie Harris, 8202 53rd Dr. NE, addressed Council. She said she is in favor of the annexation and read a statement. She talked about better access to local government, citing her history as being from Bothell and they really had their problems back then and it would have been better if they had been in the City, she said. She noted there is a parcel of woods that extends from 51st to 52nd behind them and said she would rather work with the City versus the county on this issue. She concluded that she could think of no reason why not to annex into the City.

Bob Wicks, 8123 54th Dr. NE, addressed Council. He said he has lived there 18 years and about 9 years ago tried to start an annexation in the same area but couldn't get it going back then. Of course, that was when you needed 75%, too, but he said he

really wants to see this area squared off and annexed in. He added that it was nice to finally meet Mr. Howell, after whom the Howell Addition was named.

Don Chamberlain, 8205 47th Av. NE, addressed Council. He said he lives on the west side of the area and has a couple of questions: With regard to the animal ordinance, he asked what the limit is in the City for dogs and cats. He said he has worked on the animal control ordinance in the county and there are a lot of misunderstandings. When annexation takes place, he asked what happens if you have too many animals--do you have to euthanize the excess? He asked about curbs and sidewalks, where they go and who pays for them.

Mayor Weiser responded that if you were to subdivide or develop, you would have to put in curbs, gutters and sidewalks; if you and your neighbors want to put in curbs, gutters and sidewalks on your own, the City has a plan whereby they will pay 50% and it works out to about \$15 per foot for the homeowner's cost.

Mr. Chamberlain asked if the City can force property owners to put in curbs, gutters and sidewalks and City Administrator Zabell said his area is on the City's six year street plan but the City would have to gain right of way before putting in curbs, gutters and sidewalks. Generally, they try to keep the alignment, but the east side of the street (47th) in the county may not have been up to City standards, he explained. He added that in the past, the City has received federal grant money, sometimes the improvements have been done through LIDs, sometimes at \$15 per foot, it's worked out on a project by project basis.

Councilmember Herman asked about LIDs and City Administrator Zabell said the majority of the neighborhood can carry an LID.

City Attorney Weed responded to the question about the number of pets you are allowed under Marysville's small animal ordinance. He said in general it's 4 dogs or 4 cats or a combination totalling 4, otherwise you need to get a conditional use permit for a hobby kennel in excess of 4. It also depends on how much acreage you have, he said.

Mr. Chamberlain said he just wished there was consistency between the City and the county; the county is in the process of finalizing their animal code now and one of the things they are addressing is a county wide leash law.

Paul Ilea, 8217 51st NE, addressed Council and said he is also in favor of the annexation.

Councilmember Herman asked about legal aspects, eg. as a Councilmember, what kind of information can be shared and is it possible to have a position on annexation, eg. go out and door bell on behalf of an annexation.

City Attorney Weed said as an elected body, the City Council may support or not, an annexation, as long as there was a public hearing as there was tonight. As an individual, a Councilmember needs to make their position as a Councilmember clear and it is appropriate to state your position in that context. There is no concern in this case with regard to bias, for example, he said. Regarding promotion of the annexation issue, there is to be no use of public facilities or staff time, however the City may provide neutral, factual information pertaining to the annexation, he said.

Councilmember Bartholomew added that as long as the Councilmember works on their own time and as an individual, there is no problem.

Councilmember Bartholomew then moved that Resolution 1801 be adopted pertinent to the Pinewood Annexation, for the matter to be sent to the Boundary Review Board for approval, for the annexation to be subject to the City's bonded indebtedness and existing Comp Plan and Zoning Code designation and to recommend that this be voted on in the Sept. 17, 1996 primary election. Councilmember Myers seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance adopting Chapter 15 of the MMC responding to ESHB 1724.

City Planner Hirashima reviewed the agenda bill, noting there is provision for appeal and/or reconsideration and also she reviewed Bellingham's mandatory neighborhood meetings. She noted Marysville really does not have the level of staffing to have mandatory neighborhood meetings for all projects, just "substantial" projects. There is a mandatory notice sent out to all interested parties at the beginning of the process, she said.

Councilmember Herman commented further on the Bellingham ordinance and its reduction of appeals as well as the mandatory neighborhood meetings being an information distribution process.

There was discussion about wordsmithing, open record hearings vs closed record hearings, the fact that at a closed record hearing, you can't accept any more documents or new information, that there will probably be a bit of an education process in this regard. There was discussion about fees being under a separate section of the code and that the \$50 should apply to all appeals, not just administrative appeals.

Councilmember Leighan moved and Councilmember Myers seconded to adopt/approve Ordinance 2079, subject to minor corrections as discussed. Passed unanimously.

2. Ordinance affirming Hearing Examiner Decision & Rezoning Whittall property, amending Official Zoning Map Previously adopted in Ord. 772.

Councilmember Myers moved and Councilmember Bartholomew seconded to adopt/approve Ordinance 2080. Passed unanimously.

3. Ordinance authorizing interim funding of the Cedarcrest Golf Course Renovation.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2081. Passed unanimously.

4. Resolution Stating City's intention to annex certain unincorporated area known as the Shockman Property into the City and Transmitting Matter to the BRB for approval.

After brief discussion, Councilmember Leighan moved and Councilmember Bartholomew seconded to table this pending receipt of legal description. Passed 5-1 with Councilmember Baxter against.

5. Resolution stating City's intention to annex certain unincorporated area known as the Barr Property into the City and transmitting Matter to the BRB for approval.

Councilmember Pedersen moved and Councilmember Leighan seconded to approve/adopt Resolution 1802. Passed unanimously.

6. Resolution granting Utility Variance for Howard Clark property at 7120 35th Av. NE, Marysville.

Councilmember Myers moved and Councilmember Pedersen seconded to adopt/approve Resolution 1803. Passed unanimously.

7. Resolution granting Utility Variance for Brad & Lynn Lewis for property at 7006 61st Pl. NE, Marysville.

Councilmember Herman moved and Councilmember Leighan seconded to adopt/approve Resolution 1804. Passed unanimously.

8. Resolution granting Utility Variance for Kellogg Marsh Grange for property at 100th St. NE & 67th Av. NE, Marysville.

Councilmember Baxter moved and Councilmember Leighan seconded to approve/adopt Resolution 1805. Passed unanimously.

9. Resolution stating City's intention to annex certain unincorporated area known as Indian Creek Estates into the City & Transmitting Matter to the BRB for approval.

Councilmember Baxter moved and Councilmember Myers seconded to adopt/approve Resolution 1806. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 8:37 p.m.

EXECUTIVE SESSION: 8:42 p.m.

- 1. **Litigation.** (No Action)
- 2. **Personnel.** (No Action)

RECONVENED & ADJOURNED: 11:06 p.m.

Accepted this 24th day of June, 1996.

David Weiser
MAYOR

Mary Swenson
CITY CLERK

Shanda A. Swenson
RECORDING SECRETARY