

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 4, 1997

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

ROLL CALL:

All present

AUDIENCE PARTICIPATION:

None

STAFF BUSINESS:

MAYOR'S BUSINESS:

- 1. Recognition and thanks for hard work on Cedarcrest Golf Course.
- 2. A.W.C. Regional Meeting
- 3. Chamber of Commerce Meeting

Mike Robinson & Golf Course

October 22, 1997 - Everett
August 20, 1997

CALL ON COUNCILMEMBERS:

- 1. Tobacco related billboards.
- 2. Joint Meeting with Marysville School Board

Request for action to be taken
September 29, 1997

PUBLIC HEARING:

- 1. L.I.D. 67; Construction & Installation of Sewer Main & Appurtenances along 92nd Place N.E.

Accepted preliminary assessment roll, initiate 30-day protest period, & authorize engineering design to begin.

NEW BUSINESS:

- 1. Contract for Professional Services; Hammond,
- 2. Collier, Wade-Livingstone Associates, Inc.
- 3. Planning Commission recommendation for Small Farms Overlay Zone; Chapter 19.28; PA9512061.

Approved

Approved

ORDINANCES & RESOLUTIONS:

- 1. Resolution No. 1853 approved denying a utility variance for P.U.D. of Snohomish County for property located at 3120 Quil Ceda Way, Marysville.
- 2. Resolution No. 1854 approved the City of Marysville stating its intention to annex certain unincorporated area west of State Avenue, north of 88th Street N.E., and east (and including) 36th Avenue N.E. into the City, and transmitting the matter to the Snohomish County Boundary Review Board.

LEGAL MATTERS:

None

ADJOURNMENT:

8:18 p.m.

EXECUTIVE SESSION:

8:30 to 9:20 p.m.

- 1. Pending Litigation
- 2. Real Estate

No Action

No Action

RECONVENED & ADJOURNED:

9:20 p.m.

Marysville City Council Minutes

August 4, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem

Councilmembers:

Shirley Bartholomew

Ken Baxter

Otto Herman

Mike Leighan

Donna Pedersen

Administrative Staff:

Dave Zabell, City Administrator

Steve Wilson, Finance Director

Grant Weed, City Attorney

Gloria Hirashima, City Planner

Owen Carter, City Engineer

Dean Rohla, Assistant Finance Director

Lt. Dennis Peterson, Marysville Police Department

Lillie Lein, Recording Secretary

CORRECTED: SEE	8/11/97
MINUTES	

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the City Council meeting to order and led the flag salute 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 Herman noted in the July 28, 1997 minutes on Page 4, third paragraph under Call on Councilmembers, he was speaking about the Everett Firefighters Bingo operations.

Councilmember Myers noted on page 5, first paragraph, it should read "...joint Chamber of Commerce..."

Councilmember Pedersen noted on page 5, second paragraph should read, "...tobacco related billboards in Snohomish County and ..."

Councilmember Bartholomew noted on page 4, in the second and third paragraph from the bottom, references to Referendum No. 6-1 should read Referendum 96-01.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve the City Council Meeting Minutes of July 28, 1997 as corrected. Passed unanimously.

MARYSVILLE CITY COUNCIL MINUTES

August 4, 1997

Page 2

STAFF BUSINESS:

Finance Director Wilson introduced the new Assistant Finance Director Dean Rohla to the City Council.

City Administrator Dave Zabell reported on Cedarcrest Golf Course noting the Celebrity Tournament held Thursday, July 31. He said about 300 rounds a day are being played, cart rentals are up, and snack bar sales are good. Comments being received have to do with food service and carts not being able to be run on the fairways because of the tenderness of the course, and annual passes are still an issue.

City Attorney Grant Weed reported that he has prepared a draft resolution concerning County Referendum No. 96-01. The resolution will be faxed to City Hall for circulation to Council, and Attorney Weed encouraged Council to relay any questions, changes, or concerns to his office so that the resolution can be placed on the next Council agenda. Councilmember Pedersen clarified for the audience that the County Referendum No. 96-01 is regarding whether or not to regulate adult entertainment. Attorney Weed agreed that his understanding was that he was to prepare a resolution, not taking a position in favor or against the referendum but to voice the concern about the wording of the ballot measure because a yes vote actually means no to the adult entertainment industry, and the ballot is worded so that it would be easy for many people to be confused unless word gets around that there is some trickiness to the wording. Councilmember Pedersen said she would like to compliment the committee, if they are the one that selected the phrase, "Vote yes to say no".

Attorney Weed also noted that if Council had any questions regarding his memo on whether or not they had the authority to expand on the State law regarding juvenile smoking, they should contact him.

City Planner Hirashima noted that they had submitted three docketing requests for the City of Marysville: 1) Highway 9 Reservoir, 2) inclusion of the pocket, and 3) Strawberry Fields.

City Engineer Carter referred to Councilmember Leighan's previous inquiry about a fence in Serenity Park. They have investigated and found that it did cause sight-distance problem. They have notified the builder of the fence, and he has been notified that his occupancy is contingent on his correcting the problem.

Lieutenant Peterson gave a quick up-date on the Cedar Street complex. They have been on-site approximately six hours a day, and as anticipated saw an immediate increase of calls but now they are seeing a decrease, and as H.U.D. moves different families in, Lt. Peterson felt they would see this stabilizing. Lt. Peterson answered several questions, noted that on-site hours have been decreased to about 3 hours, and that as a whole they felt this has been successful, and that he would like to continue this program.

MARYSVILLE CITY COUNCIL MINUTES

August 4, 1997

Page 3

MAYOR'S BUSINESS:

1. Recognition of Cedarcrest Golf Course Staff.

Mayor Weiser introduced Golf Course Superintendent Mike Robinson and his golf course staff. He noted that they have worked extremely hard for the last 16 months, especially the last three or four, to get Cedarcrest Golf Course ready for reopening. Mayor Weiser thanked them for coming tonight and for all of their hard work. He noted that everyone he has talked to has enjoyed the course and complimented the six of them on the work they have done and the hard effort they have put in. Mayor Weiser, Council, and staff applauded them for their hard work. Councilmember Baxter said he really appreciated the extra effort put in by this staff, and noted that it is really hard to continue putting in that extra effort day after day.

2. Ken Baxter Senior/Community Center Open House.

Mayor Weiser asked Council to indicate their preference for a date for an Open House for the Ken Baxter Senior/Community Center.

3. AWC Regional Meeting.

Mayor Weiser asked Council to let Lillie Lein know if they are interested in attending the Regional Meeting with local legislators in Everett scheduled for October 22.

4. Chamber of Commerce Meeting.

Mayor Weiser noted that another meeting with the Chamber of Commerce is scheduled for August 20. He noted that at the last meeting, Donna Wright, Donna Pedersen, and Shirley Bartholomew had attended; Donna will be out-of-town that day, as will Councilmember Leighan, and he asked if anyone would be interested in attending. Councilmember Baxter said he would be like to attend.

5. Navy Housing Opening.

Mayor Weiser noted that he would be attending the Navy Housing Opening ceremonies this Friday, and it may be a little later than 10:00 a.m. before he will be available to meet with Councilmembers.

CALL ON COUNCILMEMBERS:

Councilmember Herman noted that as far as the Chamber meeting on the 20th, he has a conflict but noted that he would like the opportunity to participate at a future date.

Councilmember Herman referred to the joint meeting with Arlington City Council, and suggested that there are a number of adjacent cities or entities that Council could meet with including Lake Stevens and Tulalip Tribes. Mayor

Weiser noted that September 29 has been confirmed with the Marysville School District for a joint meeting, and that Council will be receiving additional information on that soon.

Councilmember Pedersen inquired about updates to the Marysville Municipal Code.

Councilmember Pedersen noted that the Snohomish County Health District received a reply to its letter to Ackerly about their billboards. They had replied that tobacco related ads represented only 20% of their billboards. She noted that we have some in town that are tobacco related, and she would like to see us follow-up with the Snohomish Health District or a letter to Ackerly requesting them to remove them. She also noted that timing is such that it takes several months before action is taken. She requested that a resolution or letter be written asking that the billboards be removed.

Councilmember Pedersen also noted that she has recently been elected to Housing Hope's Board of Directors for a three-year term.

Councilmember Pedersen asked for a personnel report indicating employee turn-over for the last twelve months (8/1/96 - 7/31/97), and, if possible, include reasons for employees leaving.

Councilmember Baxter said he spent most of the week-end at Cedarcrest Golf Course listening to comments on the course. He noted that most comments were positive. He heard no negative comments on greens fees, and was told that the current fee puts the course at a competitive rate. Other comments were: "Better than anticipated." "Will be coming back." "Where is the restaurant?" and "Really looking good."

Councilmember Myers informed City Engineer Carter that a 20-30 ft. section of c-curbings was missing at Fourth and Cedar, and asked that the Department of Transportation be contacted to have it replaced.

Mayor Weiser noted that public testimony would not be taken tonight on the Small Farms Overlay Zone, but that the City Council would decide whether to accept the Planning Commission's recommendations, set its own public hearing, or send it back to the Planning Commission for further review.

Public Hearing:

1. L.I.D. 67; Construction and Installation of Sewer Main and Appurtenances Along 92nd Place N.E.:

City Engineer Carter reviewed the agenda bill for L.I.D. 67 and introduced consultant Robin Nelson from Hammond, Collier, Wade-Livingstone Associates.

Robin Nelson, 22615 23rd Place W, Briar: Mr. Nelson reviewed the benefitted area of L.I.D. 67, explained the procedures for determining ownership

Marysville City Council Minutes

August 4, 1997

Page 5

of parcels and method of assessment (on a per lot basis). He noted that the initial assessment is \$10,131.83 per lot which is equivalent to the estimated cost divided by 30 lots. Mr. Nelson noted that individual notices were sent out on July 17, 1997 to all property owners within the benefitted area, and a certificate of mailing was sent to city staff indicating such.

Councilmember Baxter inquired when the construction would start? Mr. Nelson replied that, given the ground condition, probably next summer. City Engineer Carter noted that, because several property owners are having serious problems with their septic, Public Works would like to try to get this constructed this year.

Councilmember Bartholomew asked how this project would be financed. Finance Director Wilson stated that interim financing has not been addressed yet, but that it would be either through an interfund loan or bond anticipation note. Councilmember Baxter noted that this project has been in the making for a few years, and he would like to see it get started this year.

Councilmember Bartholomew asked how long it would take to get the bond anticipation notes? Director Wilson said generally it takes one to two months.

Councilmember Bartholomew asked if Public Works was prepared to begin construction this year? Engineer Carter said they were. Councilmember Bartholomew asked if weather was a problem? Engineer Carter said it would be if they waited too long, but if they got started in September or October, they should be okay. Consultant Nelson said it would take about 30 days for construction.

Councilmember Baxter asked if there was money available for dewatering? Engineer Carter said that dewatering funds were included in the cost estimate.

Walt McKinney, 5617 92nd Place N.E., Marysville: Mr. McKinney presented a letter dated June 5, 1991 from the Snohomish County Health District stating that the sanitary system is non-existing and cannot be repaired. Also from Cascade Septic, Inc., an operation report stating that the drainfield was running slow and the system did not appear to be functioning, and copies of five invoices for having his septic tank cleaned from this year. He said this is an emergency situation, at least for him. Mayor Weiser asked if he was in favor of the L.I.D. Mr. McKinney said he was in favor, 100%.

Tom Bengen, 5516 92nd Place N.E., Marysville (lot 4): Mr. Bengen referred to the assessed amount, asking how much was to be financed by the property owners. City Administrator Zabell explained that 100% would be financed by the property owners. Mayor Weiser explained that 57% of the property owners had signed the petition. Mr. Bengen said, if this went through, he was in favor of it, and in favor of all property owners sharing the cost. Mr. Bengen asked if the assessment included the hook-up fee and how would they know where the hook ups would be? Would more than one property share a hook up? Administrator Zabell said it did not include the hook up fee. Consultant Nelson explained that each property owner would have their own hook up.

John Timmons, 5626 92nd Place N.E., Marysville (lot 9): Mr. Timmons explained that he bought his property four years ago and has had to have the septic tank pumped six times. He said there have been a couple of instances where he has had water back up from the street to within six feet of the foundation to the house. Mr. Timmons said he has checked on having the septic tank and drainfield redone, and was told, if the backyard area would drain, the fee would be too much; if his drainfield could be drained, but they had their doubts. Mayor Weiser asked if he was in favor of the L.I.D., and Mr. Timmons replied, "Yes, 100%."

Joe Inman, 5524 92nd Place N.E., Marysville: Mr. Inman said he has lived at this address for 21 years. In the last two years, they have had to have their septic tank pumped twice and had their drainfield vacuumed. He said this was the process he chose for the short term but was told if he had a new drainfield put in, it would cost \$10,000. Mr. Inman said that with the recent rains they were having trouble with the washing machine backing things up, and that he felt the L.I.D. would improve conditions so he is in favor of it.

Robert Burgess, 9225 55th Avenue N.E. (lot 36), Marysville: Mr. Burgess said he was happy to hear after all these years that they could hook up. He asked if, after paying \$10,000 for this line, would he have to pay again if a line were put in on 55th where his frontage is wider? City Administrator Zabell said he would not because he would not be benefitted by a second line so there would be no assessment. Mayor Weiser asked Mr. Burgess if he was in favor of the L.I.D. He replied that he was not sure, but that it would increase his property value so he probably would be.

Nancy Tiedeman, 5517 92nd Place N.E., Marysville: Ms. Tiedeman said she has two lots there, and wanted to know if she had to pay twice even if she never planned on selling the other lot? Mayor Weiser said yes, and asked her if she was in favor of the L.I.D.? Ms. Tiedeman said she is not having any problems but probably.

John Belford, 5721 92nd Drive N.E., Marysville: Mr. Belford said that over the years they have had some problems with both the septic tank and drainfield, and that he is in favor of the L.I.D.

There being no one else who wished to speak, Mayor Weiser closed the public testimony portion of the public hearing.

Administrator Zabell commented that Council first saw this problem six years ago, the neighborhood has gotten older and septic systems are six years older. The first time, Council probably saw just the tip of the iceberg, and as the neighborhood gets older the problem will get worse. Mr. Zabell explained that financing will be set at the time the ordinance is adopted. He noted that one advantage to property owners is that they will get a better rate than with private financing, and explained the process.

Councilmember Myers asked if someone participated in the L.I.D. and sold their house if the L.I.D. assessment would go with the property? Director Wilson explained that generally it would be paid off at the time of sale unless a special arrangement was made at the time of the sale. Administrator Zabell added that it did run with the land.

Councilmember Herman inquired about the notification process, and asked if there could be any property owner involved who was not aware of the public hearing? Consultant Nelson reviewed the notification process and said he had four notices returned so there could be four property owners out there who were not aware of the public hearing.

Councilmember Baxter inquired if there was an adjoining line for properties to the east and west of 55th? Consultant Larry Wade replied that he recalled the line would terminate at 55th. He stated that it was pretty shallow there, and properties to the west would have to get service from the west.

Councilmember Bartholomew moved and Councilmember Baxter seconded the motion to accept the preliminary assessment roll for L.I.D. 67 and initiate the 30-day protest period, and begin engineering design now. Passed unanimously.

NEW BUSINESS:

1. **Contract for professional services for Cascade Vista (L.I.D. No. 67); Hammond, Collier, Wade-Livingstone Associates, Inc.**

City Engineer Carter reviewed the agenda bill. Councilmember Herman asked if the contract had been approved by the City Attorney? Attorney Weed explained that this is the standard agreement Hammond, Collier, Wade-Livingstone has used for some time, and that the city was in the process of transition in offering to all consultants a contract that the city is preparing. Because this is in a format that has been used numerous times before, he is approving it, but future contracts will be in the new format currently being prepared.

Councilmember Myers moved and Councilmember Bartholomew seconded the motion to authorize the Mayor to sign the contract agreement for L.I.D. No. 67 on behalf of the City with design work to begin prior to completion of the 30-day protest period. Passed unanimously.

2. **Planning Commission recommendation for Small Farms Overlay Zone; Chapter 19.28; PA 9512061.**

City Planner Hirashima reviewed the process taken to identify and make recommendations to approve the small farms overlay and designations.

Councilmember Baxter commented that he was impressed with the effort by the Planning Commission to hold a fair public hearing.

Councilmember Pedersen was pleased with the end result but led a discussion of

the process used to determine recommendations and designations. Councilmembers Baxter and Herman agreed. Councilmember Herman stated that he felt there was some miscommunication with the Council and the community, and that an apology was owed to some folks who went through a little more than what they thought they would have to. Councilmember Pedersen was concerned that the language in the ordinance needed to be reviewed. City Attorney Weed agreed, and explained the justification for the process followed for the recommendations and designations they were discussing.

Councilmember Leighan inquired about when the appeal was withdrawn? Ms. Hirashima said at the July 22, 1997 Planning Commission public hearing. He asked if it was in the record, and Ms. Hirashima said it was. Councilmember Leighan referred to a letter date 7/31/97 which he felt sounded like an appeal. Ms. Hirashima stated that there had been some confusion on the part of the appellant because his concerns were addressing the ordinance itself.

Councilmember Leighan asked what protection this ordinance gives farms that are inside the UGA but outside city limits as far as developments surrounding them? Ms. Hirashima said the intention was, if annexed, they would come into the city as a farm. Councilmember Herman commented that this would be an incentive to small farm owners to annex into the city because annexation would trigger protections from surrounding development.

Councilmember Baxter moved and Councilmember Bartholomew seconded the motion to approve the Planning Commission's recommendation and direct the City Attorney to prepare the final ordinance for the city overlay zone and comprehensive plan designations approving the identified small farms.

Councilmember Pedersen moved and Councilmember Baxter seconded the motion to direct the City Attorney to review the notification procedures and applicability section of Ordinance No. 2155, and to address the issue of the letter brought up by Councilmember Leighan to see if those sections needed to be looked at too. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution denying a utility variance for P.U.D. of Snohomish County for property located at 3120 Quil Ceda Way, Marysville.

Councilmember Myers moved and Councilmember Leighan seconded to approve/adopt Resolution No. 1853 denying a utility variance to P.U.D. of Snohomish County. Passed unanimously.

2. Resolution of the City of Marysville stating its intention to annex certain unincorporated area west of State Avenue, north of 88th Street N.E., and east (and including) 36th Avenue N.E. into the City, and transmitting the matter to the Snohomish County Boundary Review Board.

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UNINCORPORATED
HIRASHIMA

Councilmember Bartholomew moved and Councilmember Myers seconded to approve/adopt Resolution No. 1854. Passes 5-0 with Councilmembers Pedersen and Wright who had stepped down from the public hearing not voting.

ADJOURNED: 8:18 p.m.

EXECUTIVE SESSION: No Action

- 1. Real Estate
- 2. Pending Litigation

ADJOURNMENT: 9:20 p.m.

Accepted this 25th day of August, 1997.

Daniel Weiser
MAYOR

Mary Pedersen
CITY CLERK

Lillie Lein
RECORDING SECRETARY