

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING AUGUST 11, 1997

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; 8/4/97 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

- 1. Approval of July 1997 Payroll in the amount of \$731,760.47; paid by check nos. 26410 through 26776 with check nos. 26362, 26363, 26368 and 26391 void.
- 2. Approval of 8/11/97 Claims in the amount of \$1,022,935.17; paid by check nos. 35002 through 35416 with check nos. 34938, 35052 and 35105 void.
- 3. Approval of Liquor License for Chris Contoravdis dba Conto's Pizza & Pasta.
- 4. Authorize Mayor to Sign Contract for Professional Services for 88th St. Lift Station; Hammond, Collier, Wade-Livingstone.

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Park Board Appointments:
Ray Stanton & Dennis Kendall

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. Requiring Tow Truck Operators Conducting Bus. within City to Have a Storage Yard within City Approved 5-2

REVIEW BIDS:

1. State Avenue (88th to 94th St.NE) KSC awarded bid

CURRENT BUSINESS:

1. Council Meeting Reimbursement Cont. to 8/25/97

NEW BUSINESS:

1. Roadway Network in the Vicinity of SR 528 & 76th Ave. NE Approved

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2138 Approved Affirming Hearing Examiner Decision & Rezoning Property Owned by Dr. McCrum & Amending Official Zoning Map Previously Adopted in Ordinance 772.
- 2. Ord. 2139 Approved Amending Ordinance No. 2106.
- 3. Ord. 2140 Approved Amending Ord. 2068 relating to Marysville Growth Management Comp Plan & Approving Recommendations of the Planning Commission.
- 4. Ord. relating to reimbursement of City Traffic Engineering Study Cost in lieu of site-specific traffic engineering study and amending MMC Chap. 15.05 by adding new section 15.05.070 - To be reworded and brought back before Council 8/25/97.
- 5. Res. 1855 Approved relating to Referendum 96-01 and Snohomish County Regulations Relating to Licensing & Regulation of Adult Entertainment Dance Studios.
- 6. Res. 1856 Approved Granting Utility Variance for Marysville School Dist. for Property located at 5611 108th St. NE, Msvl.

LEGAL MATTERS:

1. Settlement Agreement regarding Aultman Storm Drain Line Agreement Reapproved

ADJOURNED: 10:43 p.m.

EXECUTIVE SESSION: 10:50 to 11:07 p.m.

- 1. Litigation No Action
- 2. Personnel No Action
- 3. Real Estate No Action

RECONVENED & ADJOURNED: 11:07 p.m.

MARYSVILLE CITY COUNCIL MEETING

AUGUST 11, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
John Myers
Ken Baxter
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Owen Carter, City Engineer
Ken Winckler, Public Works Director
Walt McKinney, Acting Police Chief
Wanda Iverson, Recording Secretary

CORRECTED: SEE 8/25/97
MINUTES

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at approx. 7:00 p.m. and led us in the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

1. Council Minutes 8/4/97 Meeting.

Councilmember Herman said he did not recall the Award of Bid to Thomco Const. being approved and moved to hold it over to 8/25/97 pending verification of Review of Bids (which was determined to have been awarded 7/28/97). Seconded by Councilmember Bartholomew and passed unanimously.

Councilmember Bartholomew referred to page 8 of the 8/4/97 meeting, in the paragraph beginning "Councilmember Baxter moved" and noted the final vote was not mentioned. (In checking the secretary's notes, the motion passed unanimously.)

There being no further corrections, Councilmember Bartholomew moved and Councilmember Myers seconded to approve the 8/4/97 Council minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of July 1997 Payroll in the amount of \$731,760.47; paid by check nos. 26410 through 26776 with check nos. 26362, 26363, 26368 and 26391 void.
2. Approval of 8/11/97 Claims in the amount of \$1,022,935.17; paid by check nos. 35002 through 35416 with check nos. 34938, 35052 and 35105 void.
3. Approval of Liquor License for Chris Contoravdis dba Conto's Pizza & Pasta.
4. Authorize Mayor to Sign Contract for Professional Services for 88th St. Lift Station; Hammond, Collier, Wade-Livingstone Associates, Inc.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2, 3 & 4. Passed with Councilmember Leighan abstaining on Check #35406 and Councilmember Baxter abstaining on Check #35307.

STAFF'S BUSINESS:

Public Works Director Winckler noted the Traffic Safety Committee

will be meeting at 1:30 Wednesday and the Utility Committee will meet Thursday at 7:30 a.m. He noted the Beach Avenue project will begin the week of 8/18 (Thomco Const.) and the 5th & State Signal control part is scheduled to be here later this week, so that can be repaired. With regard to the damage to the C-curbing on 4th, the State will handle this, he said. He also reported that Owen Carter (City Engineer) has met with the school district and CT regarding Asbery Park for parking, funding, etc.

Acting Police Chief McKinney reported this last Saturday, Marysville Seniors Against Crime removed over 40 garage sale signs illegally posted.

MAYOR'S BUSINESS:

1. Park Board Appointments.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to affirm the Mayor's appointment of Ray Stanton to the Park Board. Passed unanimously.

Councilmember Pedersen moved and Councilmember Wright seconded to affirm the Mayor's appointment of Dennis Kendall to the Park Board. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew thanked Public Works Director Winckler for his efforts in getting the 5th & State signal fixed.

Councilmember Pedersen disclosed she had very brief conversations with Mr. Binford and Mr. Hanson in the parking lot on her way in tonight but neither was about City Council business. She reported there were going to be "performing pigs" in the library parking lot at 7 p.m., 8/12/97 and also noted there were 3 things that need attention concerning the library building: No hot water, several cracks in the walls and chipped shelving. She asked about when the Law & Justice Committee was to meet next (within next 2 weeks) and said she was going to be taking "marijuana training" tomorrow in her role as a health board member.

Councilmember Baxter asked about 67th Street's opening date and noted police were stopping people for using it. Public Works Director Winckler said it is to be officially opened 8/29 but people are supposed to be able to use it for local access; he said he would follow up with the police dept. on this item.

Councilmember Myers asked how the new course is standing up to play and Mayor Weiser said in speaking with Mike Robinson, it's doing OK.

PUBLIC HEARING:

1. Requiring Tow Truck Operators Conducting Business within the City to Have a Storage Yard Located within the City Limits of Marysville.

City Administrator Zabell reviewed the agenda bill and Acting Police Chief McKinney explained the State Patrol and Sheriff's Office are required to have vehicles towed to a yard located in Marysville (Zone 5). It was explained that Zone 5 generally follows the Urban Growth Boundaries, plus up to Seven Lakes area.

Chief McKinney explained some of the past problems with cars being towed to out of Marysville, for example, HUD Housing on Cedar uses Mary's Towing in South County.

There was discussion about authority to enter private property and City Attorney Weed explained the City has authority to enact an ordinance to make sure vehicles from Zone 5 are stored within City limits because it's assumed the vast majority of cars are residents of Marysville.

There was discussion about what happens currently (vehicles can technically be towed to another country), discussion about requirement to auction towed vehicles after a certain amount of time, where tow yards can be located in Marysville (General Industrial, Light Industrial and General Commercial--eg., Brashler Industrial Park, Alder, 76th, 80th, near K-Mart, Delta, Ash, 95th & State, 122nd to 136th).

Ann Brandt, 423 N. Olympic, Arlington, addressed Council, noting her family owns Brandt's Towing. She stated their tow zone is Arlington and her concern is they have calls from motor clubs and they tow back to Arlington. They do not want to impound but she is concerned about people who are stranded and want to be towed to Arlington (at their request). She said the ordinance wording might need to be changed slightly. Also, if no one tows from Marysville to Arlington, people in Arlington are out of luck and Brandt's would have to tell them "no"; they have a contract with CT but have never towed an impound out of Marysville. She explained Arlington is Zone 8, Marysville is Zone 5.

Councilmember Myers clarified that the new ordinance would only apply to impounded vehicles.

Mrs. Brandt said she would be happy to tell CT to contract with another company within Marysville for impounded vehicles. She noted also they do maintain a Marysville business license in the event an owner wishes to be towed to Arlington.

Brad Wall, Specialty Towing, 1304 1st St., addressed Council. He said he thinks everyone has the right to be picked up by whom they want; the problem is all the out of town companies hanging signs. He said he knows it's very inconvenient, but they are going by the state guidelines, so if you are impounded in Marysville your vehicle stays in Marysville. Some of the reasons for towing are abandoned vehicle, parking in someone else's space and there are a lot of companies from outside the area. Specialty Towing provides a service with a yard in Marysville, they are WSP approved and are open 7 days a week. Also, if he gets a call from Everett to tow to Marysville, he can. They have a business license in Marysville and he said he doesn't think if you just pick up in a town you should have to have a business license. Also, you have to have a request from the property owner before towing.

Councilmember Myers noted the Marysville code needs to be updated from 10,000 to 15,000 GVW. Mr. Wall was asked about the tow truck operators association.

Mr. Wall said the tow truck operators association members are WSP approved; they are trying to make their business work and do believe if your car is impounded in Marysville, it should be kept in a yard in Marysville with an office. He said he knows he wouldn't want to hunt all over the country for his car. Also, if his company impounds your vehicle, the city or county where the vehicle was impounded is notified and then the owner is notified; this is all regulated by Washington State Patrol, he said.

Councilmember Pedersen asked about out of town towing companies and Mr. Wall said he believes in free enterprise but doesn't think people should have to go out of town to find their car.

Councilmember Myers asked how many cars have been impounded in Marysville in the last year and Acting Police Chief McKinney said that's not tracked by the police dept. but he does know they are restricted to only using towing companies within Zone 5.

Les Soper, 1327 9th St., addressed Council. He said if someone wants him to go and get their car, they can go all over the state; a property owner has the right to call whomever they want but it's not right to make people go to Everett to retrieve their vehicle.

There being no one further wishing to address this from the audience, this portion of the public hearing was closed at 7:55 pm
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There was discussion about how frustrating it is to find your car or even know if it's been towed, businesses should be able to call for a tow, owner of a business should have the right to use anyone they wish, notification of owner of vehicle and/or local police, not having to go a dramatic distance, similar standards should apply.

Councilmember Myers moved to have the City Attorney reword item #2 on Cheryl Dungan's memo to include property/business owners that are posted to be able to call tow companies to impound vehicles within Zone 5 to a yard within Zone 5. Also to change GVW of a tow truck to 15,000 lbs. and to change item #4 of the memo to include sale of a vehicle at a public auction as per state requirements. Councilmember Bartholomew seconded and the motion passed 5-2 with Councilmembers Pedersen and Wright against.

REVIEW BIDS:

1. State Avenue (88th to 94th St. NE).

Public Works Director Winckler reviewed the agenda bill and noted it is recommended that KSC be awarded the bid in the amount of \$940,645.47, with construction to begin probably in early Sept. and completion in about 90 days, in November.

After brief discussion concerning no sidewalks on the west side of State, Councilmember Wright moved and Councilmember Bartholomew seconded to award the bid to KSC Inc. in the amount of \$940,645.47 as recommended. Motion passed 6-1 with Councilmember Herman against.

CORRECTED: SEE 8/25/97 MINUTES

NEW BUSINESS:

1. Roadway Network in the Vicinity of SR 528 and 76th Avenue NE.

It was noted that a letter from Venture Pacific Partners plus 3 exhibits and a letter from the City dated 7/10 would all be part of the record although they were not in the official packets.

City Engineer Carter showed overheads and explained the options. He reviewed the hearing examiner's recommendations and said City staff believes Option "A" makes sense because Option B seems to be in conflict with the Comp Plan and there were two letters sent against this option, as well. He said City staff recommends an intersection with Option A alignment or in light of the two letters, to hold a public hearing at a later time. He added that right of way has been secured at 60th & 83rd recently, which changes the situation somewhat.

City Planner Hirashima noted the first short plat had a different access before; that an intersection was supported by WSDOT who had proposed an access through Crystal Heights and/or improvement of 60th. She noted Park Creek Estates will be required to go back to the hearing examiner if the access changes substantially; Foxwood proposed an access onto 528 and staff gave them 3 options of which 528 was the third option but the hearing examiner said if that was approved, it would result in a redesign of their subdivision. She noted there were two letters received from people who raised objection to the short notice of this issue, however this is not a public hearing.

There was discussion about the terrain, various options, a loss of lots in adjacent subdivision, disadvantages to Option B, emergency vehicle access, future development, traffic calming, sight distance, impacts on Foxwood.

Dan Chapman, Venture Pacific Partners, 11417 124th Ave. NE, Kirkland, WA 98033, addressed City Council. He stated they are the developers of Northpointe and other developments in Marysville. This is a proposal to bring a major street through a development that's already been approved; Venture Pacific Partners

has been working on this for 3 years and they believe it meets the Comprehensive Plan goals, he said. One of the elements in the subdivision is a stream, there are wetlands, etc. and 60th is a collector so they have lots backed up on it, he said. He noted the Comp Plan calls for High Density Single Family Residential here so they went with smaller lots for affordability and a neighborhood of this kind needs safety, also, with no through traffic. He said the City's proposal would bring the collector through the subdivision and cause the plat to have to be totally redesigned which is a major job; placing small lots facing a street would not be conducive to good planning, either. He showed a map with the current right of way, presently providing a good traffic flow and access with right of way on 83rd & 60th, with a small exception, which right of way they have just received in the last week, he said. When Foxwood was approved, it was approved with 3 alternative accesses which have been outlined by the City staff--Crystal Heights is not feasible because of steep slopes, he said.

He added that it has always been their intent and the hearing examiner recommendations are the same, they made it clear that redesign was not an option. He said they met with Public Works and thought they had this resolved with the road to 60th and then 60th to be developed to 83rd and eventually 79th to be improved. He reiterated that their plat has already been approved, they have completed all their engineering and expected to start construction the middle of August. The final drawing shows the concept of the intersection of 60th & 76th and if Option A is approved, they would lose 10 lots which would make the plat infeasible, he said. They presently have 8 lots backing up to 60th and average 5400 sq. ft. but the typical lot is 5040 sq. ft., he said. They were originally trying to get the connection to 83rd however as the need became higher, they started focusing on 528 so they came up with the 60th improvement/access, he added. He noted Park Creek Estates is due to be completed the same time as theirs and they would have common access.

City Attorney Zabell noted there is a question of aligning vs intersecting and the whole plan requires approval of the City Engineer.

Mr. Chapman said he thinks they made it clear that to redesign the plat was just not an option and until 7/10/97, there was no objection. The plat was approved with 3 alternative accesses: Alternative B would parallel 79th, Alternative A would parallel 60th but he said their request is to consider off 528 to 60th with a 90 degree turn at 76th and 60th. He said their second request is for Public Works to finish review of the Foxwood plans and thirdly, to ask the City to cooperate with them in working with the county because the easterly 600' of the road is in the county.

Councilmember Pedersen asked if he wanted it to go straight down to 60th and Mr. Chapman responded they did. He said they would lose lots in any event.

Mayor Weiser asked if they were proposing to construct all of 60th and Mr. Chapman said no, just from 76th to 79th.

Councilmember Herman referred to the hearing examiner recommendations and noted Mr. Chapman seems to be proposing a 4th option, 60th to 83rd. He commented that the City may need another public hearing for this.

Mr. Chapman said their traffic engineer is in the audience tonight and has reviewed this type of intersection, which is preferable to Alternative "A". He said they understand that they need approval of the City Engineer and they are proposing another alternative which is just as effective.

Pete Hegge, 11026 87th Ave. NE, addressed the Council and said Proposal "B" impacts about 4 parcels: Moon, Trivett, Hegge and his wife. He said it appears they are going to be giving up property his family has had for over 40 years. This plat was approved and Heggas are going to make sure their property right are defended, he said. He added he has no objection to the present right of way; his objection is to "B".

Justin Harman, Harbor Homes, 906 SE Everett Mall Way #404, Everett, WA 98208, addressed Council. He said they are under contract to purchase the Plat of Foxwood and they have concerns about potential changes. They wanted to purchase this based on current design which includes creative use of open space, the stream, marketing of the natural features of the property. He said they have built about 200 homes in the Marysville area and the typical person who would purchase a home in this project would be a young married couple with children and a road right through the development is not conducive to safety and aesthetics. He said their final concern is with more public hearings; it is their hope City Council would consider the weather and the viability of the project if delayed in the future. He noted this project has a lot of good features: Affordability, attractive design, aesthetically pleasing and they hope City Council will consider not impacting this, he concluded.

Councilmember Pedersen asked if there is a contingency that this be based on final plat approval and Mr. Harman said it would be based on the building plans of the homes. He said they are aware of the options proposed.

Laurie Wade, 7624 64th St. NE, addressed Council. She said the Wade home is on 528 and Foxwood is going to impact her livability. She referred to the Mitigated Determination of Non-Significance and the Hearing Examiner's recommendation and noted there are wetlands behind and beside the Wade property. With regard to the road change, the stream requires a 25' buffer but she said she is not sure how many people go up and down 528; people actually pass on that road, she reported.

Mayor Weiser said the issue is the route the traffic will go and Ms. Wade said she would like it to go over to 83rd.

Bob Porter, Developer of Parkview Estates, addressed Council. He said one of his concerns is that if this intersection was not an issue, they would not have to make any changes but according to his plat conditions, they are allowed to take 9 lots off 528 but he would get 3 more lots if he did not access 528. He asked if the City really wants to see this intersection. He said he has got to do something; it's not just this intersection, but it's all tied in and it affects everyone.

Councilmember Herman attempted to summarize Mr. Porter's point: He said they would lose 3 lots if they go with "A" and they have an intersection at 76th & 528 there is no loss of lots, so Mr. Porter wants "B"?

Mr. Porters said he thinks the intersection is actually a good idea but he just doesn't know how to accomplish that without affecting so many people.

Councilmember Baxter asked about the 55' right of way minimum and pointed out that none of the property owners are going to help improve 528.

Mr. Porter said they would do the full improvements.

Catherine O'Brien, 1832 Mukilteo Blvd., Everett, WA 98203, addressed Council. She said she has been the principal property owner of Foxwood Estates since 1946 and is appalled that a collector would be approved to go through a development under Alternative "A". She pointed out there is bordering property on

528 but Foxwood chose not to use that access; this is to be affordable housing and does not need a busy street in the middle of the development, she concluded.

Norma Jean Dierck, 7605 49th Dr. NE, addressed Council and asked who was requesting the access. Mayor Weiser explained the 3 options from the hearing examiner recommendation.

Ms. Dierck asked about the developer's financial input and Public Works Director Winckler said they would be paying for it 100% and he explained the original request and the State support.

Ms. Dierck asked about the buffer requirement for creeks and City Planner Hirashima stated it is 25' although the City ended up with a 50' average.

Ed Koltonowski, Gibson Traffic Consultants Traffic Engineer, 1712 Pacific Ave. #100, Everett, WA 98201, addressed Council. He said they have been the traffic consultants for both these developments, have worked with the City and the State and worked on 528. This is a very good point for access and they were asked to review whether this type of connection could work, he said. He reported it has worked in the past; it's less than 200 p.m. peak trips so this would work level-of-service-wise. It would not be ideal, he added, but neither is "A" or "B". "C" would slow traffic down but you are in a residential neighborhood he pointed out and people would have to stop and make a right turn. As far as limited access, they are not sure when it's going to join up with 83rd (potential traffic signal); the T-intersection is not ideal but functional and can be used as a traffic calming device, he said. He noted there would also be less lot access and Mr. Porter has already voluntarily said he would put in little alleys and with less conflict points, with direct lot access points, you can have the potential of a lot of traffic going on to a major road, he said. The decision is really the potential of faster traffic moving through the neighborhood vs some safety (slower traffic), he said.

Mayor Weiser asked about traffic calming under Option A and Mr. Koltonowski said stop signs, curves, wider right of ways would provide effective traffic calming on Route "A".

There was no one further wishing to address Council from the audience at this point.

City Administrator Zabell reviewed the situation, noting a new alternative has been proposed over and above what has been presented by the Hearing Examiner and the options for Council are to let the original decision stand or remand the issue back to the hearing examiner for consideration of Option "C".

There was considerable discussion and then Councilmember Pedersen moved and Councilmember Leighan seconded to reopen the public comment portion for Mr. Binford who wished to speak. Passed unanimously.

City Attorney Weed explained that Option "C" requires going back to the hearing examiner; the developer could accept Option A or B in the meantime, without any delay in the project.

City Planner Hirashima explained the hearing examiner decision was for Foxwood but if it's remanded to the hearing examiner, Park Creek Estates would have to go back to the hearing examiner also. Park Creek Estates was to have a limited access, she said.

Bill Binford, 11417 124th Ave. NE, #201, Kirkland, WA 98033, addressed Council. He said both projects will be dead if they have to finance full road improvements on 528 and 60th, i.e. what Mr. Chapman proposed. He said they were looking at 528 as a desperation move but they can't afford to do both and would like to recommend an alignment similar to the "C" proposal because A

and B don't seem to be feasible. "C" aligns with/connects with 79th as much as A or B, he pointed out.

Councilmember Myers asked if Mr. Binford could leave right of way for future development and Mr. Binford said that's up to Mr. Chapman to answer. He said they would like the right under the hearing examiner decision to go ahead. They have a lot of money tied up in this project and they really need to move ahead, he said. He noted it would cost about \$500,000 to improve 60th and 79th, from 79th to 83rd--about \$250 per linear foot.

Councilmember Bartholomew asked about vesting and City Attorney Weed noted the roadway issue was not resolved at the time of the decision by the hearing examiner.

Councilmember Herman noted the intersection at 76th & 528 is important to the City so the City would probably be best served with some assurance that that intersection takes place. He said he doesn't think two 90 degree turns is the same as an alignment but he likes "C" so moved that the City go on record that an intersection at 76th & 528 would serve the City well and serving Parkview Estates and Foxwood is in the best interest of the City, also. Councilmember Baxter seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Council Meeting Reimbursement.

In view of the late hour, Councilmember Myers moved and Councilmember Leighan seconded to continue this item to next meeting, 8/25/97. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by Dr. McCrum and Amending the Official Zoning Map Previously Adopted in Ordinance 772.

Councilmember Pedersen moved and Councilmember Myers seconded to adopt/approve Ordinance 2138. Passed unanimously.

2. Ordinance Amending Ordinance 2106.

Councilmember Myers moved and Councilmember Bartholomew seconded to adopt/approve Ordinance 2139. Passed unanimously.

3. Ordinance Amending Ord. 2068 relating to the Marysville Growth Management Comprehensive Plan and Approving the Recommendations of the Marysville Planning Commission.

Councilmember Myers moved and Councilmember Baxter seconded to adopt/approve Ordinance 2140. Passed unanimously.

4. Ordinance relating to Reimbursement of City Traffic Engineering Study Cost in Lieu of Site-Specific Traffic Engineering Study and Amending MMC Chap. 15.05 by Adding a New Section 15.05.070.

After discussion about page 2 #3, page 3-3rd whereas and item #4, Councilmember Herman moved to send this back for rewording especially with regard to the benefit of a specific area to be mentioned. Councilmember Myers seconded and the motion passed 6-1 with Councilmember Leighan against.

5. Resolution of the City of Marysville, Washington relating to Referendum 96-01 and Snohomish County Regulations relating to Licensing and Regulation of Adult Entertainment Dance Studios.

After brief discussion, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1855,

subject to the City Attorney's determination that this was properly advertised. Passed unanimously.

6. Resolution Granting Utility Variance for the Marysville School District for Property Located at 5611 108th St. NE, Marysville

Councilmember Herman moved and Councilmember Myers seconded to approve/adopt Resolution 1856. Passed unanimously.

LEGAL MATTERS:

1. Settlement Agreement Regarding Aultman Storm Drain Line.

After City Attorney Weed's brief explanation, Councilmember Bartholomew moved and Councilmember Baxter seconded to reapprove the agreement on drainage issues and authorize the Mayor to sign the agreement with Mr. Aultman. Passed unanimously.

ADJOURNED: 10:43 p.m.

EXECUTIVE SESSION: 10:50 to 11:07 p.m.

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| 1. Litigation | No Action |
| 2. Personnel | No Action |
| 3. Real Estate | No Action |

RECONVENED AND ADJOURNED: 11:07 p.m.

Accepted this 25th day of August, 1997.

David Weiss
MAYOR

Wanda A. Iverson
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY