

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

JULY 6, 1998

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

00143

PRESENTATIONS:

John Myers

SWEARING IN CEREMONY:

Councilmember Roark

RECESS:

7:03 to 7:22 p.m.

ROLL CALL:

Councilmember Bartholomew
excused

MINUTES OF PREVIOUS MEETINGS:

- 1. 6/22/98 Council Meeting Minutes
- 2. 6/29/98 Special Meeting Minutes

Approved
Approved

CORRECTED: SEE 7/13/98
MINUTES

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

- 1. Approval of Liquor License Renewals for Capt. Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery and Smokey's Cascadia.
- 2. Approval of New Liquor License Application Due to Change in Ownership for Jackpot Food Mart.

- 3. Authorize the Mayor to Sign Supplemental Contract Agreement with Perteet Engineering for SR 528: 67th to 83rd Ave. Supplemental Consultant Design.

Continued to 7/13/98

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

- 1. Proclamation: PACE DUI Victim Awareness Day Aug. 7, 1998

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

None

REVIEW BIDS:

- 1. Demolition of Structure; "Holman" Property

Approved subject to resolution of lead issue

CURRENT BUSINESS:

- 1. Revisions to Marysville Municipal Code Relating to Appeals of Land Use Decisions

Redraft of Ordinance to be presented at next Council Meeting 7/13/98

NEW BUSINESS:

- 1. Reed Street Vacation; PA 9804021
- 2. 6 Yr. Transportation Improvement Program - Information Only

Public Hrg. 8/3/98
Public Hrg. 7/13/98

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2200 Approved Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Raymond and Mary Paolucci, Amending the Official Zoning Map Previously Adopted in Ord. 772.
- 2. Ord. 2201 Approved Affirming Hearing Examiner Decision and Rezoning Property Owned by Belmark Industries, Inc. and Amending the Official Zoning Map Previously Adopted in Ord. 772.
- 3. Resolution 1894 Approved Granting Utility Variance for Ralph Schuck for Property located at 14200-20th Dr. NE, Marysville.

ADJOURNMENT:

10:22 p.m.

EXECUTIVE SESSION:

10:30 to 11:10 p.m.

- 1. Personnel
- 2. Potential Litigation
- 3. Real Estate

No Action
No Action
No Action

RECONVENED & ADJOURNED:

11:10 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JULY 6, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Brett Roark
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew (excused)
Administrative Staff:
Dave Zabell, City Administrator
Grant Weed, City Attorney
Mary Swenson, City Clerk
Owen Carter, City Engineer
Doug Buell, Public Information Officer
Robert Carden, Police Chief
Gloria Hirashima, City Planner
Wanda Iverson, Recording Secretary

00144

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

PRESENTATIONS:

Mayor Weiser presented a plaque to John Myers recognizing his 6 and one half years as a City Councilmember.

SWEARING IN CEREMONY:

City Clerk Swenson administered the Oath of Office to Councilmember Roark.

RECESS: 7:03 to 7:22 p.m.

ROLL CALL:

Mayor Weiser reopened the meeting and City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Meeting; 6/22/98.

Councilmember Herman noted under Call on Council, about half way down on page 3 in the second paragraph beginning "Councilmember Herman" in the 2nd line, the word "see" should be "have feedback on the concept of requiring....." In the same paragraph, second to last line, he asked that the word "etc." be replaced with "for sensitive areas."

Councilmember Pedersen noted on page 4 in the first paragraph the person who seconded the motion was omitted. This should be Councilmember Dierck. Then in the second sentence of the second paragraph, page 4, the word "would" is to be changed to "should".

There being no further corrections, Councilmember Wright moved and Councilmember Dierck seconded to approve the 6/22/98 minutes as corrected. Motion passed unanimously.

2. City Council Special Meeting; June 29, 1998.

Councilmember Pedersen noted on page 2, in the second paragraph, "be proper procedure" should be replaced with "likely produce a candidate willing to serve." On page 3, under Rod Reed's statement, he attended the "University of Oregon" School of Law, she noted. Also, he currently manages the Housing Hope "Sweat Equity Program" and under Jim Mays' statement, about in the middle, the word "shap" should be "shape".

Under Frances Chamberlain's statement, the word "run" in the third line should be changed to "be appointed."

On page 12, Councilmember Pedersen noted in the third paragraph, Frances Chamberlain cited "the Master Gardener Program at" Jennings Park.

Councilmember Wright asked for a change on page 2, 4th paragraph, that the words "at least" be deleted and to add the words "and her" between "her" and "husband's", so that paragraph would read:

"Councilmember Wright said she wished to disclose that two of the candidates have had business dealings with her and her husband's real estate firm but she did not feel this would hamper her ability to consider each candidate fairly."

There being no further corrections, Councilmember Pedersen moved and Councilmember Dierck seconded to approve the minutes of the 6/29/98 Special Meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of Liquor License Renewals for Capt. Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery and Smokey's Cascadia.**
2. **Approval of New Liquor License Application Due to Change in Ownership for Jackpot Food Mart.**
3. **Authorize the Mayor to Sign Supplemental Contract Agreement with Perteet Engineering for SR 528: 67th to 83rd Ave. Supplemental Consultant Design.**

Councilmember Pedersen asked that item 3 be pulled.

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

With regard to Item #3, Councilmember Pedersen asked about the budget amendment and sub-consultants' contracts/documents and the inconsistencies she saw in them with regard to percentage of DSC charged as overhead. She said she would like staff to draw up a standard contract for sub-consultants, eg. have the same amount for mileage reimbursement and overhead costs.

City Engineer Carter explained that a state audit has established these percentages and they vary according to where the consultant operates.

Councilmember Pedersen stated she is not comfortable with not having any control over these costs and never knowing what the cost of a project is going to amount to before the work is done.

Councilmember Herman said he would like more information on this aspect of the contracts, also.

There was further discussion and City Engineer Carter explained there was a negotiation process involved here and the total cost is actually \$45,000 less than what it was originally projected to be.

Councilmember Leighan moved and Councilmember Wright seconded to approve Consent Agenda Item #3. A roll call vote revealed a tie with Councilmembers Pedersen, Dierck and Roark against, so this item will be held over for the next Council meeting, 7/13/98.

STAFF'S BUSINESS:

Chief Carden gave a brief update on the 4th of July, stating both he and Chief Corn agreed that overall there were no serious incidents. There were 113 calls to Dispatch, a lot of which were noise complaints, he reported.

City Administrator Zabell reported 7/9/98 there will be an employee training session at the Public Safety Center on Sexual Harassment and he will personally be out of the office 7/27 and 8/3.

MAYOR'S BUSINESS:

Mayor Weiser reported he just received notification that Councilmembers Pedersen and Bartholomew had received the Paul Harris Fellowship Award from the Marysville Rotary. He congratulated them both. It was explained that this award is given to those who have made significant and positive contributions to their community.

Proclamation: PACE DUI Victim Awareness Day August 7, 1998.

The Mayor read and signed the DUI Victim Awareness Day Proclamation.

Mayor Weiser asked about the status of the Arts Commission and Councilmember Pedersen reported the Library Board has some names of people interested in serving on the Arts Commission.

CALL ON COUNCILMEMBERS:

Councilmember Leighan asked about the pedestrian crosswalk at the library as well as the signal situation at Grove & State. City Engineer gave a brief update on these two items.

Councilmember Wright welcomed Councilmember Roark.

Councilmember Pedersen welcomed Councilmember Roark and followed up about fax and phone numbers of WSDOT people that can be contacted regarding the construction and congestion on I-5, 529, etc. She also asked about getting a copy of the Belmark letter she asked for at last Council meeting. Mayor Weiser said he would be getting copies of the Belmark letter put in the packets.

Councilmember Dierck asked when the Planning Commission vacancy will be announced and applications called for and Mayor Weiser said he expected a press release will be sent out this week.

Councilmember Dierck asked about the Planning Commission's schedule as far as reviewing the Sensitive Areas Ordinance.

City Planner Hirashima said the Planning Commission has on its schedule first, impact fees and then the Area Wide Rezone, before it can review the Sensitive Areas Ordinance. That will probably take them through September, so the SAO would be reviewed late Sept., early October, she said.

Councilmember Dierck said she would really like to see the SAO review moved up; that this is a very important item.

Several Councilmembers indicated they wished the Area Wide Rezone to have the highest priority for the Planning Commission, then other items such as the SAO, impact fees, north county annexation/planning area. City Planner Hirashima said she would provide Council with a list/schedule of Planning Commission upcoming agendas, including transportation plan and scope of work.

Councilmember Dierck noted Endangered Species Act meetings have been held, there is more construction planned and she would like to see the Sensitive Areas Ordinance moved up, if possible.

City Planner Hirashima noted that unless the project has already received preliminary plat approval and/or engineering approval, they will not be constructed this year, anyway.

Councilmember Dierck then brought up the topic of Councilmember participation on various committees, saying she would like this reviewed again.

There was considerable discussion about this, as well as the length of time it takes for planning approval of projects before construction can begin (6 months total on the average). It was noted Councilmember Myers was on 4 committees and that perhaps now was a good time for a little "reshuffling". Councilmember Dierck indicated an interest in serving on the Fire Board, Police Board and Building Committee.

Mayor Weiser said he would get an updated list of who is on what committees and Councilmember Herman suggested that those Councilmembers interested in the Fire Board be given information about the Fire Board.

Councilmember Roark indicated his interest in the Golf Committee but said he would appreciate a little time to review all the committees.

REVIEW BIDS:

1. Demolition of Structure; "Holman" Property.

City Administrator Zabell reviewed the agenda bill, noting the structure cannot be used as a fire training and so bids were requested to demolish the structure. 3 bids were received and staff recommends Dwayne's Backhoe in the amount of \$13,957.80 including sales tax. He noted this item was not budgeted and so the funds would come from unencumbered reserves.

Councilmember Roark asked about lead testing and City Administrator Zabell said they did check for asbestos (found none) but he did not believe they checked for lead; he said he would check into this further. He added that the reason it can't be used as a fire training is the proximity to other homes and lack of water flow at the property. He also noted the City will lose the footprint of the property with the demolition but there is concern about the building standing for much longer.

Councilmember Roark explained the potential problem with lead airborne particles and the proximity to the school.

After brief discussion about the process/policy, Councilmember Herman moved and Councilmember Pedersen seconded to approve the demolition subject to verification/resolution of the lead issue and if there are any changes in the cost, this matter to be brought back to Council. Passed unanimously.

CURRENT BUSINESS:

1. Revisions to Marysville Municipal Code Relating to Appeals of Land Use Decisions.

City Attorney Weed reviewed the agenda bill, noting ESHB 1724 requires cities to make various changes in their codes including changes in the appeal process: Appeals must now be closed record appeals and go before the hearing examiner or superior court. The proposal here is to send these appeals to superior court now and the following chapters have had changes made to them: MMC 2.70, 15.01, 15.03, 15.07, 15.09, 15.11, 20.36, 20.64 and 20.84.

He noted the main change is that appeals of the hearing examiner decision would be to superior court, there would no longer be any closed record appeals. In the area of area rezones and site specific rezones, Council would still adopt an ordinance in this process, he said. He added that administrative approvals through the Planning Director have also been included in the MMC to be consistent with the zoning code. He reviewed the Grounds for Reconsideration under 15.11.020(3) as well as the appeals process for different types of applications.

Councilmember Herman asked about the 15 days maximum allowed for the hearing examiner to make his decision.

City Planner Hirashima said that's pretty customary and has not been a problem. There have been cases where he leaves the record open administratively until more information comes in and then the 15 days starts after that, she said.

Councilmember Pedersen asked about the definition of an aggrieved person and "standing."

City Attorney Weed said there are criteria also given in the ordinance on page 24 for subdivisions but Councilmember Pedersen questioned the lack of a tight definition of "standing" or of an "aggrieved person."

City Attorney Weed further explained that "standing" is also a legal doctrine and it is difficult to fully understand without reading a very lengthy legal document; "personal rights", for example, would have to be affected by the proposal as they pertain to "standing".

Councilmember Pedersen asked about the protection of fish being a personal right and City Attorney Weed explained that what the person says before the Hearing Examiner determines standing in these appeals.

Councilmember Roark referred to page 22 under (d) appeals fee, noting there is no mention of the amount. City Attorney Weed explained there is a separate ordinance that covers all fees and City Planner Hirashima said the appeals fee is \$50.00.

Mike Papa, 8127 54th Dr. NE, addressed Council. He noted that just because a lot of other cities are sending their appeals to superior court, that doesn't make it right. The process as he sees it, he said, is being changed because of salmon and because of one person coming forward to try and save the salmon. He quoted Gary Locke about challenging the status quo and how the common good should come first. He asked if limiting appeals is for the common good. He quoted the governor again about letting people believe our water sources are unlimited and we cannot save salmon by doing business as usual, he said. He added that sending the Sensitive Areas Ordinance back to the Planning Commission is a step, but asked if we are in fact "shooting the messenger."

Terry Deffries, 4304 Sunnyside Blvd., addressed Council. She said she sees this as the Council trying to take something that they had control of and sending it to the court system.

Councilmember Herman explained the mandate of ESHB 1724; that it affects provisions about public hearings, permits, limiting the number of open record hearings. He said it was trying to correct a process that the state thought was broken. He said he wanted to have a closed record appeal originally, after the open record appeal. He noted City Council creates policy and if the people in the community agree with Councilmembers, the Councilmembers get reelected. He spoke about past Council public hearings under the open record process but the state changed that to where the only open record hearing is before the hearing examiner, now, he said. In reviewing the appeal process, he said he felt it was awkward, with a lot of issues and an ongoing expectation from the audience that the Council should be in the policy making role but the Council in fact had to make a judicial decision and he said he personally did not feel comfortable about making that legal decision. He said he also sensed other Councilmembers struggling with the process during the appeal process. He said he saw a disappointment from the audience and he came away with the impression that the Council is not a very good judicial body and the audience has a very hard time perceiving the Council as a judicial body. He added he came away with the strong feeling that the body who should be making the appeal decisions should be a court of law and he said he thinks the hearing examiner should still hear the open record hearings and the public does have the opportunity to submit their input at the Hearing Examiner level.

Councilmember Herman added that he feels the City needs to do more in the public education area on this and how important it is to understand things like area wide rezones, changes forced upon the community by state law, etc.

Mrs. Deffries said she doesn't understand why Marysville doesn't have their own hearing examiner and it was explained to her that Marysville does and the length of time the hearing examiner process takes.

City Planner Hirashima explained it takes about a total of four months and she explained the process: The notice of application/proposed land use sign goes up, there's public comment, there is a SEPA review with a two week appeal period, mailings, public hearing and the hearing examiner has 15 days to make his decision.

Suzanne Smith, 4821 75th Ave. NE, addressed the Council, saying she thinks the change of appeal venue all came about because of the appeals she made to the Council. She pointed out that her issues were environmental but she thinks there are other issues the community might make besides this. She noted the Council has been voted in by the people and she knows the Council works very hard but she doesn't agree with their final decision. She said she feels the City should keep appeals at a local level, keeping some control on what is going on in the community. She added that the Council is otherwise going to lose a link of communication with the community if they pass it along to superior court.

Councilmember Herman said he wished to note he agrees with some of Ms. Smith's remarks, that there are some deficiencies in the code, and if the State had not changed the law, he would not be taking a change in position. He said if the public wanted to get back the open record appeal at the Council level, he would agree to have it reinstated but he doesn't think the Council is the right jurisdiction for the closed record appeal.

CORRECTED: SEE 7/13/98
MINUTES

Councilmember Dierck said she thinks this gives too much power to the hearing examiner and also, she thinks these appeals are part of the Councilmembers' job. She further said she doesn't think it's a very democratic way of dealing with the issues; any citizen should have the right to come to City Council and tell them how they feel. She said she sees more and more people getting involved and becoming aware of what is going on--about buffers, how our creeks are being affected, water problems, the stormwater management plan, our hillside being developed. She said she heard of a lot of water/environmental problems, lately.

Councilmember Pedersen said she thought that was why the Sensitive Areas Ordinance is being reopened, so we could have public input about how they feel about buffers, etc. She added that the hearing examiner goes by the code that's in place which includes criteria the Planning Commission and City Council have placed in the code. She said she likes setting policy but is happy to have the hearing examiner make the decision; she does not feel comfortable about the closed record appeals with Council making the ultimate decision as a judge would do, she said.

Councilmember Dierck noted there are not very many individuals who will be able to afford attorneys to go to superior court.

Councilmember Roark added that without the open hearing policy, you negate the public input.

Councilmember Leighan commented that this is probably an evolutionary process the Council is going through.

Ms. Miller, 14600 51st Ave. NE, addressed Council. She asked if there is anything that can be done to change the state law in this respect to help the City Council.

Councilmember Herman responded that the legislative process is very slow but the procedure in ESHB 1724 was set down to provide some certainty as to the time limit for a planning process, a form of streamlining of all cities and processes. It's not that easy to change, but it's possible to change, he said. He added that it would be interesting to see how other communities feel about having the second open record hearing as Marysville used to do and maybe the AWC can do a survey on this. He said as far as something Ms. Miller could do, she could get ahold of her local legislator and ask them about reenacting the second open record appeal under ESHB 1724.

City Attorney Weed to bring back the amended ordinance with previously discussed changes to pages 19 and 21.

NEW BUSINESS:

2. Six Year Transportation Improvement Program - Information Only

City Engineer Carter reviewed the agenda bill and spoke briefly about the priorities: SR 528, State Ave., 116th, improvements to Sunnyside, five new traffic signals.

He explained the recommendation is to have a public hearing next Monday night; the first 3 years (1999, 2000 and 2001) are for projects that are 100% funded and he spoke about TIB grants/funds.

There was discussion about federal funding, the 5th St. railroad crossing/vacation, priorities and how they are set, unfunded projects can move up in priority with funding, some projects could be funded by City only funds, pedestrian improvements, eg. 70th needing sidewalks and/or shoulder improvements, how to fit these items into priorities, the budget process for small infill projects, pedestrian access around/to Strawberry Fields.

Councilmember Pedersen asked about widening at 51st & Grove and City Engineer Carter said the City is actually wanting to purchase some right of way in order to align 51st for a traffic signal and bike lanes.

Councilmember Pedersen noted that the Bethlehem Lutheran Church on that corner is starting to plan a remodel so the City needs to get some information out. She asked more about the prioritizing process.

City Engineer Carter capacity as well as safety is considered and projects that fit criteria will get funded first.

Councilmember Pedersen asked about Sunnyside Blvd. and City Engineer Carter said he is not sure what the capacity is but it does meet criteria for safety need. He added that the grant account/funding is very competitive; SR 528 finally received funding after 3 applications, eg.

Councilmember Leighan asked about the City putting in shoulders and City Engineer Carter explained that would not help the funding process at this point.

Councilmember Dierck suggested mentioning the accident/fatality that occurred on Sunnyside and the need for sidewalks.

City Engineer Carter said that that is definitely something that is considered on the grant application; the accident history would be given.

City Attorney Weed said he thought they would want a total three year accident history and that enters into the scoring criteria.

City Engineer Carter said yes, safety, condition of the roadway, level of service, transit, contributions from other agencies, are all included on a 15 page application. He offered to bring in the actual scoring; he guessed safety is 25% of the total.

Councilmember Dierck referred to an item on the Six-Year Transportation Improvement Program regarding monitoring fill until funding secure and City Engineer Carter explained it was for a culvert that is presently unfunded and there is a problem with the fill so they are going to start monitoring it to make sure there is no further movement of the fill.

Councilmember Roark asked if the City Council could help with the grant writing in any way, even though City Engineer Carter has a reputation for being a successful grant writer. City Engineer Carter explained he usually starts the grant writing process in January and spends a lot of time on them.

Councilmember Roark asked about cost overruns and who is responsible for that when a grant comes in for less than the full amount of a project, for instance.

City Engineer Carter explained that sometimes the funder will pay the overrun and sometimes the City would be responsible for cost overruns.

Terry Deffries, 4304 Sunnyside Blvd., addressed City Council again. She asked the definition of capacity and City Engineer Carter said it's to do with level of service. In other words, you get more points if you approach gridlock, he said.

Ms. Deffries asked about the 173 homes going in just off Sunnyside Blvd. and if that will help create gridlock.

City Engineer Carter said yes, the City will do a traffic study, or have one done, and if the level of service can be improved with the proposed project, now as well as in 20 years, that helps. There are also development funds (\$824 per lot) which go into the Growth Management Fund which is a matching type of funding, he explained.

Ms. Deffries asked how much that \$824 would help and City Engineer Carter said from 47th to City limits is an 8 to 10 million dollar project and Sunnyside Blvd. is going to need some kind of retaining walls, there are right of way issues involved, many costs come into the formula.

Ms. Deffries asked how many feet the City owns on each side of the street and City Engineer Carter said it varies from lot to lot; the City is surveying it now and he will try and have that information by next Council meeting.

Ms. Deffries asked if the development going in will be responsible for improving the west side of Sunnyside, because they are going in on the west side.

City Planner Hirashima stated the SEPA would review safety hazards and the City would look at offsite improvements. In this case, the City is requiring a walking area for school children to go to Sunnyside School. She said she can bring a map to next Council meeting and she noted that project does not all front Sunnyside Blvd.

Ms. Deffries asked about the Six Year Road Improvement Plan and prioritizing. City Engineer Carter spoke about the two phases of improving Sunnyside Blvd.

Ms. Deffries asked if there was any grant money in yet for Sunnyside Blvd. and City Engineer Carter said yes, there is some money for interim improvements but the City is also doing some reconstruction on 528, some work on Hwy. 2 and 529 so the City is looking at some interim improvements in 1999; the major portion of Sunnyside, however, is unfunded.

Ms. Deffries asked about 67th and City Engineer Carter said that's a high priority, to do infill improvements, spreading the work out over the next 3 years and is funded by City funds.

Ms. Deffries asked which side of the road will be improved and City Engineer Carter said it depends on what makes the most sense.

Councilmember Dierck noted 600 signatures were received on petitions some months ago about improvement of Sunnyside and asked if they could be used in support of funding and give this project more priority.

City Engineer Carter said unfortunately, citizen support doesn't count very high on the scoring. What counts is condition of the roadway, width of the roadway, items previously mentioned.

Ms. Deffries said she is very disappointed that nothing is happening on this and was really hoping something would happen before school begins, this year. She added she went to the planning meeting and heard that improvements were going to happen in 1996 and now it looks like only a little bit in 1999. She also mentioned Referendum 49 for road improvements.

City Engineer Carter said that source will be considered, as well as Ascent 21 and TIB funding.

Councilmember Dierck noted there should be a backup plan in case Referendum 49 doesn't pass.

Ms. Deffries said she thinks the City should have to pay for a safe place for their citizens. The City owns that road and people have a hard time walking along there with the ditches--someone is going to get hurt or killed again, she said and she asked if she has the current copy of the Six Year Plan.

City Engineer Carter said it's updated on a regular basis.

Ms. Deffries asked about the interim plan and City Engineer Carter said it's scheduled for Spring of 1999 for interim improvements but there are many things involved in the total improvement of Sunnyside Blvd., everything from surveying to right of way acquisition and purchasing additional right of way comes out of the City budget and there are delays also as a result of that, sometimes.

Councilmember Roark noted his property goes right up to the road on Sunnyside Blvd., for example.

Ms. Deffries noted on the east side, most of it is improved and it just needs a little bit of improvement as an interim project for the walkers, joggers, strollers, etc.

Councilmember Dierck asked what City Engineer Carter is going to bring to next meeting regarding this and he said the City is still in the process of surveying it, there are designs to be made, interim improvements can be as soon as April 1999 depending on the weather. He said they have moved up the survey schedule and can bring back the information as to when the survey will be done, to the next Council Meeting, which will be the Public Hearing (7/13/98). Tonight's review was basically for information only.

1. Reed Street Vacation; PA 9804021.

Mayor Weiser declared that Joe Reed is his cousin and also that the Mayor owns 9% of the property in question.

Councilmember Herman asked about the 5th St. railroad crossing in terms of possible future use by the City and said he knows the City has run into some real difficulties in dealing with BNSF but there may be some future need for the City to own that right of way. He said with the increased speed and need for grade separations, requirements from BNSF, the City's options are going to be especially tough, expensive and impractical. He spoke about the limited City right of way, what we can do in the future to make room for more traffic, eg. building an overpass over 4th St. and blocking traffic in the meantime.

Councilmember Pedersen said she disagreed with b), c) and d) on the agenda bill, as far as criteria that need to be met, i.e. she didn't feel this meets those criteria for vacancy and said she also has concern about future transportation needs and the fact that the City may need to keep certain options open.

City Attorney Weed said according to the MMC, City Council shall fix a public hearing date within a certain period after the resolution is approved.

After brief discussion about August 3 as a public hearing date, Councilmember Herman moved and Councilmember Leighan seconded to have the public hearing August 3, 1998, but not including the compensation portion of the staff recommendation; that can be determined at the time of the public hearing. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Raymond and Mary Paolucci, Amending the Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Wright moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2200. Passed 5-1 with Councilmember Dierck opposed.

2. **Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by Belmark Industries, Inc. and Amending the Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Pedersen moved and Councilmember seconded to approve/adopt Ordinance 2201. Passed 5-1 with Councilmember Dierck opposed.

3. **Resolution Granting Utility Variance for Ralph Schuck for Property located at 14200-20th Dr. NE, Marysville.**

Councilmember Herman moved and Councilmember Dierck seconded to approve/adopt Resolution 1894. Passed unanimously.

ADJOURNMENT: 10:22 p.m.

EXECUTIVE SESSION: 10:30 to 11:10 p.m.

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

RECONVENED & ADJOURNED: 11:10 p.m.

Accepted this 13th day of July, 1998.

David Weisen
MAYOR

Mary Pedersen
CITY CLERK

Wanda A. Overson
RECORDING SECRETARY