

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 14, 1999**

CALL TO ORDER/FLAG SALUTE	7:00 P.M.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. June 7, 1999	Approved with corrections.
AUDIENCE PARTICIPATION	Mike Papa, Bruce Tipton
CONSENT AGENDA 1. Approve June 14, 1999 claims in the amount of \$70,910.15 paid by check Nos. 035715 with check nos. 035600 through 035612 void 2. Authorize Mayor to sign Supplemental Agreement No. 4 with Perteet Engineering, Inc.; SR528 (67th Street to 83rd) Road Improvements Project. 3. Affirm Hearing Examiner's Decision to Approve the Request for a Preliminary Site Plan, Preliminary Plat, and PRD Overlay with Conditions; for Faith Estates, PA 9811066. 4. Approval of Fireworks Stand Permits; Knights of Columbus (3 stands), Marysville Kiwanis (3 stands), Marysville Tulalip Information Center (2 stands). 5. Authorize Mayor to Sign Artist's Performance Agreements for the 1999 Sounds of Summer Concert Series.	Approved as presented. Approved as presented. Approved as corrected Approved as presented. Approved as presented.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Swearing-in of new Sergeant - Robert Lamoureux 2. Update on Accreditation	
INFORMATION ITEMS 1. Signage alternatives for Jennings Park	Approved text and placement in Jennings Park, only.
ACTION ITEMS	
PUBLIC HEARING 1. Interlocal agreement with Snohomish County concerning annexation and urban development within the Marysville UGA. 2. Interlocal agreement with Snohomish County - reciprocal mitigation of transportation impacts.	Continued to June 28 meeting. Approved; authorized Mayor to sign.
NEW BUSINESS 1. Interlocal cooperation agreement for "urban county" requalification with the U.S. Department of Housing and Urban Development. 2. Implementation of fleet administration and fleet financing program. 3. Snohomish County emergency radio system interlocal cooperation agreement.	Approved; authorized Mayor to sign. Approved program as presented No action pending receipt of memo from Attorney Weed
ORDINANCES AND RESOLUTIONS	
1. Ordinance amending Ordinance 2218 relating to the 1999 budget and providing for certain expenditure items as budgeted (a budget amendment to fund the Equipment Repair and Replacement Program) 2. Resolution in support of appointment of Jeannette Wood to position on Central Puget Sound Growth Hearings Board	As required by statute, action delayed until next meeting, June 28 Approved.
LEGAL MATTERS	
1. Interlocal agreement with City of Arlington for loaned Sergeant	Approved
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	10:05 p.m.
EXECUTIVE SESSION	Discussion of real estate matter.
RECONVENE	No action taken.
ADJOURN	10:46 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 14, 1999**

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. The recorder noted those present and absent, as follows:

Councilmembers Present:
Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem
Shirley Bartholomew
NormaJean Dierck
Otto Herman, Jr.
Mike Leighan
Donna Pedersen
Brett Roark

Administrative Staff present:
Dave Zabell, City Administrator
Steve Winters, Police Commander
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Jim Ballew, Parks and Recreation Director
Roger Kennedy, Fleet and Facilities Manager

MINUTES OF PREVIOUS MEETINGS

1. City Council meeting June 7, 1999

Councilmembers noted the following corrections:

- Page 2, second paragraph should read 80th Street, not 8th.
- Page 3 the first motion should read "Motion by Dierck to adopt the Department of Ecology TMDL Non-Point Source Pollution Study *and the Department of Ecology Quilceda Allen Watershed Management Plan.*" The second paragraph in that section should read "adequate time to read and review *these studies*"

MOTION by Dierck, second by Bartholomew, to approve the minutes of the June 7, 1999 meeting as corrected. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

Mike Papa, 8127 54th Drive NE, Marysville, requested that the discussion on signing alternatives for Jennings Park be brought forward on the agenda.

Councilmember Pedersen indicated a preference for a formal calling of the roll, with Councilmembers responding verbally for the taped record.

Council reordered the agenda to allow time for the scheduled presenters to arrive.

CONSENT AGENDA

1. Approve June 14, 1999 claims in the amount of \$70,910.15 paid by check Nos. 035715 with check nos. 035600 through 035612 void
2. Authorize Mayor to sign Supplemental Agreement No. 4 with Pertect Engineering, Inc.; SR528 (67th Street to 83rd) Road Improvements Project.
3. Affirm Hearing Examiner's Decision to Approve the Request for a Preliminary Site Plan, Preliminary Plat, and PRD Overlay with Conditions; for Faith Estates, PA 9811066.
4. Approval of Fireworks Stand Permits; Knights of Columbus (3 stands), Marysville Kiwanis (3 stands), Marysville Tulalip Information Center (2 stands).
5. Authorize Mayor to Sign Artist's Performance Agreements for the 1999 Sounds of Summer Concert Series.

MOTION by Herman, second by Bartholomew, to approve items 1, 2, 4, 5. Motion carried unanimously (7-0).

Regarding item 3, Councilmember Pedersen requested clarification on the size of required street and yard trees. Ms. Hirashima responded that the correct requirement was 2" caliper.

MOTION by Herman, second by Wright to approve item 3 with the correction as noted. Dierck voted nay because there was no letter from the School District; all others voted aye; motion carried (6-1).

PRESENTATIONS/PETITIONS/COMMUNICATIONS

1. Swearing-in of new Sergeant - Robert Lamoureux

Commander Winters stated that Sergeant Lamoureux began his career with the Marysville Police Department in 1986 and had been a star at the Academy. He served as a Patrol Officer until 1988, when he volunteered to be the City's first D.A.R.E. officer, which established this successful program. He subsequently served on the Bike Squad, as a Detective and Acting Sergeant. Four candidates had competed for the position. He recommended Lamoureux be promoted to the rank of Sergeant.

Mayor Weiser added that this was one of the final steps in Chief Carden's planned reorganization of the Department to make the command structure more pyramidal, with one Chief, three Commanders, and six Sergeants. Sergeant Lamoureux would replace Winters, who was promoted to Commander. The Mayor then administered the oath of office to Sergeant Lamoureux, and the audience joined in spontaneous applause. Mayor Weiser announced there would be a reception in the Police Conference Room and excused Councilmembers for five minutes to attend same.

2. Update on Accreditation

Commander Krusey backgrounded the Council, noting he was the Commander who was managing the accreditation process, which included 39 titles in a series of standards set by the Washington State Sheriffs and Police Chiefs Association. The Department was required to meet each standard, with the exception of sponsoring an Explorer Scout post, which was optional. The process covered all phases of the Department, including personnel issues, tactics, finance and purchasing. An Accreditation Committee had been established, with volunteers from each section. Space and a computer had also been dedicated to the effort. He showed the banner which was created to graphically indicate progress toward the completion date of May, 2001.

Councilmember Bartholomew asked if officers would be required to do extra book work or paper work; Commander Krusey responded that the existing training manual would be brought up to professional standards and officers would be trained to the new standards throughout that process. The emphasis would be on training, not on paperwork.

Councilmember Roark asked about budget impacts. Commander Krusey stated this was an unknown, but some items that would be requested would have been purchased anyway. An example would be purchasing standardized uniforms in preparation for an inspection; they would have been purchased anyway, just not all at the same time. He noted that having accreditation could save the City money in reduced premiums for liability insurance. Mr. Erickson added that there would be a savings during a state audit of 10 to 20 hours at \$60 per hour.

Council reordered the agenda to discuss signing alternatives for Jennings Park at this point in the meeting.

INFORMATION ITEMS

2.a. Signing alternatives for Jennings Park

Mr. Ballew drew Council's attention to the two versions of the proposed signs provided in the agenda materials, noting these were in response to the Council's direction at the May 12th meeting. He noted the proposed signs would be metal, 18" x 24" and would cost approximately \$52 each. The source of funds would be the Park Department's operating budget. The life expectancy of the signs would be approximately 10 years, depending on their exposure. The City was charged with the responsibility for Jennings Park and the nature corridor, so the signs would be posted there.

Comments from Councilmembers included:

- Include signs on both Quilceda and Allen Creeks.
- Make the signs generic, rather than naming the waterway; this would allow the flexibility of using the same sign in multiple locations.
- Add a phone number for people to call for more information.
- Begin the text with "please."
- Include the word "warning" as the intent of the signage was to warn citizens that streams were polluted and unhealthy for human contact.
- The Council's motion on May 12th made no mention of not feeding ducks.
- The text needs to be brief and to the point and written to the middle school level.
- A suggested revision was "Please help us protect our natural habitat. No swimming, wading or feeding the ducks. Fecal Coliform levels are present in this waterway. Fecal Coliform is an indicator of probable sources of fecal contamination such as animal, waterfowl or septic waste. Because this stream is a salmon spawning

stream you are asked to assist in protecting this habitat. Thank you from Marysville Parks and Recreation.”

- Consider using international symbols.
- The signs need to be easily understood by people from other cultures.
- There is some urgency to get the signs in place, as children have been observed wading in the streams already.
- The streams have been in this condition for many years (seven documented) so spending money on signs is unnecessary and not a good use of funds.

Mayor Weiser noted the Council did not usually take public comments on items under Staff's Business, but there had been one request from a citizen to comment on this topic.

MOTION by Herman, second by Dierck, to allow public comment on this topic. Leighan, Wright, Pedersen and Roark voted nay; all others voted aye; motion failed (4-3).

MOTION by Bartholomew, second by Herman, to utilize the text set forth in quotes above. Leighan, Wright, Dierck, and Roark voted nay; all others voted aye; motion failed (4-3).

MOTION by Wright, second by Leighan, to utilize the above-referenced text and have the signs posted in Jennings Park, only, at 14 locations. Dierck and Roark voted nay; all others voted aye; motion carried (5-2).

ACTION ITEMS

Public Hearing

1. Interlocal agreement with Snohomish County concerning annexation and urban development within the Marysville UGA.

Ms. Hirashima advised that many language suggestions had been received from the County Prosecuting Attorneys' office just that morning, and staff had reviewed them. Most appeared to be wording changes, only, and were not substantive. She suggested bringing a final version back to Council after she and the City Attorney had time to carefully review the suggestions. She then gave the staff presentation of the agenda materials, with the following highlights:

- Pre-zoning property was becoming standard practice.
- Section 4.3 allowed for imposition of conditions which have been voluntarily negotiated between the developer and the City.
- The Minimum County Standards set forth in Exhibit 2 needed to be formally adopted by Snohomish County.
- Under Section 5, if a development application had already been submitted to Snohomish County, they would continue to process it, but if no permit was issued within 4 months, it would be transferred back to the City. This would ensure there were no permits that the City was unaware of pending for months on end following an annexation.
- In Sections 5.3 and 5.4, Attorney Weed noted the Prosecutor had removed the language regarding agency.
- Section 7 regarding roads had been heavily discussed, particularly as to recovery of historical capital expenditures. The County will continue to be involved in the funding of the Smokey Point Boulevard project as it is regional road project.
- Section 8 anticipated that community or neighborhood parks would transfer to the City; regional parks would stay in the County.

Ms. Hirashima stated the County would send a letter to the Boundary Review Board in support of the agreement.

Regarding Section 4.3, Councilmember Pedersen asked whose standards roads would be built to in the areas that were anticipated to be annexed in the reasonably near future. Ms. Hirashima responded that the County would review proposed road improvements to ensure they were consistent with their minimum unincorporated UGA infrastructure standards (Exhibit 2). The standards set out in the Exhibit were now under review by Snohomish County Tomorrow.

Regarding Section 4.4, one of the Prosecutor's suggestions was to change "expand" to "amend," so Ms. Hirashima felt the County would consult with the City in either event.

Attorney Weed assured Council he was satisfied with the language in Section 15 as amended. He added that it was appropriate for the agreement to contain a severability clause so that if a court held one part invalid, the balance of the agreement would remain in full force and effect.

Mayor Weiser called for public comments.

Bruce Tipton, 6308 100th Street NE, Marysville, questioned the Council's previous action on creek signage without taking public input, especially since it called for expenditure of public funds.

There being no comments on the agreement under consideration, Mayor Weiser closed the public testimony portion of the hearing.

Councilmember Bartholomew asked about the timing of the Prosecutor's letter, which would delay Council's action. She understood the County desired the City to take action at this meeting. Ms. Hirashima responded that the County Council had met that afternoon and it was confident the interlocal agreement was proceeding toward adoption.

MOTION by Bartholomew, second by Roark, to continue Council's action on the interlocal agreement to the June 28th meeting, acknowledging that the public testimony portion was already closed but could be reopened subject to a vote of the Council. Motion carried unanimously (7-0).

2. Interlocal agreement with Snohomish County – reciprocal mitigation of transportation impacts.

Ms. Hirashima gave the staff presentation, noting this agreement had been discussed extensively at the previous meeting. Attorney Weed added that he had completed the legal review of the agreement and was satisfied with it.

Councilmember Bartholomew asked if the County required the City to adopt Title 26.b. Ms. Hirashima responded that the City was not being asked to adopt the code but it was included as a reference and a policy basis for the interlocal agreement.

Mayor Weiser called for public comments; there were none.

MOTION by Roark, second by Dierck, to authorize the Mayor to sign the interlocal agreement with Snohomish County regarding reciprocal mitigation of transportation impacts. Motion carried unanimously (7-0).

NEW BUSINESS

1. Interlocal cooperation agreement for "urban county" requalification with the U. S. Department of Housing and Urban Development
Mayor Weiser introduced Alice Osborn, Grant Supervisor for Snohomish County Block Grants Administration. Ms. Osborn noted the action was to renew an existing agreement for three years, to June 30, 2003, with provision for automatic self-renewal for successive three-year periods. She distributed information to the Council showing Marysville had participated since 1975 and received \$848,382. The City also received "service funding:" \$205,000 for the YMCA, \$95,000 for the Food Bank, and \$9,400 in Food Bank packages.

MOTION BY Pedersen, second by Wright, to authorize the Mayor to sign the interlocal cooperation agreement. Motion carried unanimously (7-0).

2. Implementation of fleet administration and fleet financing program as discussed 3-1-99

Mr. Kennedy presented the information from the agenda packet, noting the proposal would provide stability to fleet management and eliminate the "peaks and valleys" impact on the budget. Mr. Erickson added that while implementation would require over \$660,000 in budget amendments, all but \$49,500 simply represented the City doing business with itself and was the movement of dollars between funds. The \$49,500 would be used to build a parts inventory, purchase new shop tools, and provide training. He added that the cash flow analysis indicated there would be cash flow problems in the Solid Waste Fund (410) in 2000 and 2001. The cause was not the proposed fleet management program but the need to replace equipment that was not funded. This would necessitate reviewing garbage rates. The cash flow problem with Fund 420, was inadequate funding to meet full debt service. Council would need to address this issue separately.

Councilmember Bartholomew noted the County had committed to maintaining the tipping fee at \$89 per ton for the year 2000, but there could be major increases in future years.

Councilmember Pedersen asked about the cost basis used for projecting equipment costs through 2016. Mr. Kennedy responded those were today's costs and increases would be covered by interest earned on the fund.

Ken Baxter, 1895 Liberty Lane, Marysville, suggested to Council that purchasing tools for the mechanics was the equivalent to giving each one a substantial raise, as mechanics in the private sector traditionally provided their own tools and came to a position with approximately \$20,000 worth of equipment, which they maintained and replaced themselves. He expressed objection to the proposal and concern regarding the impact on future budgets. Regarding the ER&R program itself, he thought it was needed and supported its creation.

Councilmember Pedersen asked about the entries for small equipment repair of \$33. Mr. Kennedy responded this would account for the time spent on repairs to small items like chain saws that were not on the inventory.

Councilmember Herman requested further information regarding how the City was handling its parts inventory, particularly as to security. Mr. Kennedy agreed to prepare a memo.

Attorney Weed advised that since the requested action dealt with budget matters, the transfer of funds, and certain expenditure items, the City's statute required a one-meeting delay before implementation.

MOTION by Bartholomew, second by Roark, to approve the proposed Fleet Administration and Fleet Financing Program as presented and request the implementing ordinance and budget amendment be set on the next meeting's agenda. Motion carried unanimously (7-0).

Councilmember Herman suggested that for clarification in the future, ordinances which could not be acted upon be set out as "First Reading." The balance of the Council concurred.

At this point in the meeting, Mayor Weiser asked Attorney Weed to respond to Mr. Tipton's concern regarding the expenditure of funds without public testimony. Attorney Weed advised there was no statute or ordinance which required Council to take public input at times when it was taking action to expend funds. The action taken at this meeting did not require an amendment to the budget. The Council did take public input at its May meeting where this subject was discussed, but tonight's agenda did not contain an invitation for additional comments. The Mayor and Council had the discretion to accept public input on any item.

3. Snohomish County emergency radio system (ERS) interlocal cooperation agreement. Mayor Weiser backgrounded Council, noting this was the proposed form of management for the 800 MHz system. A great deal of discussion had focused on the equity of voting, because if each entity had one vote, Index would always have the same weight as Everett. The result was each member of the Governing Board would have one vote, with a weighted vote allowed at certain times. Also, a super majority would be required in some instances. This would prevent Everett and Edmonds joining forces to carry the vote on an issue. He added that Mr. Zabell and Commander Winter had attended many of the formation sessions. He clarified that only the Board had voting power and that Marysville sat on the Board.

In reference to Paragraph 8.5, insurance, Councilmember Bartholomew asked if the City would be protected against suit. Attorney Weed responded that the agreement was for

the purpose of forming a separate legal entity, likely a non-profit organization, wherein the governing body could decide on limits of coverage, insurance, etc. The City could ask the Washington Insurance Authority what kind of coverage it might offer to the City as a participant in the organization. He added that his office was working closely with the City of Everett's attorneys to monitor the agreement and he agreed to keep the City apprised of key provisions, as the agreement was an important one to the City, with many ramifications.

Councilmember Leighan asked if the City's Fire District was included. Mayor Weiser responded that it was not at this time, but that could change in the future.

Councilmembers agreed to treat this as an information item and delay action until Attorney Weed provided an analysis.

ORDINANCES AND RESOLUTIONS

1. An ordinance of the City of Marysville amending Ordinance No. 2218 relating to the 1999 budget and providing for the increase of certain expenditure items as budgeted for in 1999 (a budget amendment to fund the Equipment Repair and Replacement Program).

As noted earlier, this action was delayed to the next regular meeting, as required by statute.

2. A resolution in support of the appointment of former State Senator Jeannette Wood to an open position on the Central Puget Sound Growth Hearings Board.

MOTION by Bartholomew, second by Pedersen, to approve Resolution 1930. Motion carried unanimously (7-0).

LEGAL MATTERS

1. Interlocal agreement with City of Arlington for loaned Sergeant Commander Winter requested Council to approve the agreement, noting this would be a good arrangement. Attorney Weed advised he had reviewed the document and approved it.

MOTION by Dierck, second by Bartholomew, to approve the agreement as presented. Motion carried unanimously (7-0).

INFORMATION ITEMS

1. Mayor's business

Mayor Weiser explained that in the City's joint agreement with Arlington and Snohomish County regarding urban growth boundaries, there was a gap as to approximately 80 acres to the northeast of the City. The agreement provided that within ten years of the agreement, this area could become part of the City's urban growth area; alternatively, it could become part of Arlington's. A problem had arisen now because the City applied for inclusion of that area in its UGB, but Snohomish County declined until the Phase 2 planning was completed. That was in 1997, and since that time, the County Council had decided to review the county-wide planning policies regarding available residential and commercial/industrial land. The currently proposed land analysis language would preclude that area from being included in Marysville's urban growth boundary. He noted meetings had been held with the County Planning Department and County Executive Bob Drewell, and it appeared the County's proposed action would allow for existing land use agreements like Marysville's to proceed without being subject to the strict interpretation of the available lands analysis. He emphasized the importance of this language to the City.

Several councilmembers recounted the history of the process and compromises, emphasizing that the County should be held to its agreement. Ms. Hirashima added that the policy was before Snohomish County Tomorrow, but it was difficult to understand because there were no baseline figures or specific proposal. She recounted the difficulty of doing an employment analysis, because it was hard to estimate the number of jobs based in a warehouse vs. a manufacturing facility. The City's emphasis was that the proposed language not be used to convert land. Mayor Weiser gave an illustration of a warehouse that began in 1993 with a projection of 5 to 15 employees but now had nearly 100.

Councilmember Bartholomew suggested the City review the latest figures from the Employment Security Department, as they were current and included population and job projections.

2. Staff's business

Commander Winters noted he would be Acting Chief until June 22nd.

Mr. Zabell advised the State Auditor's report had been received and there were no findings. He thanked the staff for their excellent work in preparation for the audit.

Attorney Weed distributed a memo speaking to the question of last meeting regarding the City's amending its comp plan language relative to the 116th Street Master Plan. He advised that an action to amend was permitted. As a result of the information contained in the memo, Councilmembers agreed to revisit the issue of the 116th Street Master Plan at the next meeting and directed staff to notify residents of the area.

3. Call on councilmembers

Councilmember Leighan:

- Reported the Building Committee had discussed the golf course restaurant. He had raised the issue of promotions, as it had run a deficit for two years and there was no good way of tracking their effectiveness. An income analysis might be called for. Mayor Weiser noted this issue would be coming back to the full Council again.
- Commented on the alligator condition of 8th Street between State and 47th. Mr. Winckler responded that this was from the weather. He would verify if this street was included in this year's overlay program.
- During his meeting with the Tribes, some issues were raised regarding property; those would be discussed during Executive Session.
- D.A.R.E. graduation was scheduled for Tuesday, 1:30 at Tulalip Elementary.

Councilmember Wright:

- Will attend the Association of Washington Cities in Wenatchee on June 25th. Mayor Weiser agreed to verify the voting protocol for the meeting.

Councilmember Pedersen:

- Asked who determined which agenda items were open to public input. Mayor Weiser responded that public hearings were required for certain ordinances and actions of the Council; otherwise, he and staff made the determination.
- In past years, the City had provided agenda packets to candidates. Was the City now providing them to anyone who asked and, if so, how were costs recovered. Mayor Weiser agreed to research this and report back.
- Expressed a preference for voice roll call at the beginning of meetings.

MOTION by Wright, second by Leighan, to do voice roll call at the beginning of meetings. Roark, Dierck, and Herman voted nay; all others voted aye; motion carried (4-3).

Councilmember Dierck:

- Regarding Mr. Seibert's question at the previous meeting regarding road standards, which code section controlled, Title 20 which allowed up to 9 lots on a private road or Title 12, which allowed 4. Attorney Weed advised that Title 20 controlled because it was the latest; Title 12 needed to be repealed.

Councilmember Roark:

- Thanked councilmembers and staff for their expressions during his father's illness.

Councilmember Bartholomew:

- Desired to visit the Edward Springs reservoir; Mr. Winckler agreed to make arrangements for the Council to do so.

ADJOURN TO EXECUTIVE SESSION


Council adjourned into Executive Session at 10:05 p.m. to discuss a real estate matter.


RECONVENE AND ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 10:46 p.m.

Accepted this 28th day of June, 1999.

David Weiser
Mayor


City Clerk


Recording Secretary

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 7, 1999

00168

CORRECTED: SEE 10/19/99
MINUTES

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor Weiser at 7:05 p.m. in the Council Chambers, and the assemblage joined in the flag salute. The recorder noted those present and absent, as follows:

- | | |
|-----------------------------|---|
| Councilmembers Present: | Dave Zabell, City Administrator |
| Dave Weiser, Mayor | Robert Carden, Police Chief |
| Donna Wright, Mayor Pro Tem | Owen Carter, City Engineer |
| Shirley Bartholomew | Ed Erickson, Finance Director |
| NormaJean Dierck | Gloria Hirashima, City Planner |
| Otto Herman, Jr. | Larry Larson, Public Works Superintendent |
| Mike Leighan | Grant Weed, City Attorney |
| Donna Pedersen | Ken Winckler, Public Works Director |

Councilmembers Absent:
Brett Roark - excused

Mayor Weiser explained to councilmembers the new electronic system for indicating their desire to speak on a topic. He then introduced the Recorder, Ann Averill.

MINUTES OF PREVIOUS MEETINGS

1. Special City Council Meeting, May 12, 1999
Councilmembers noted the following corrections:
 - Page 9, second paragraph, last line should read "He asked if she knew what the cause of swimmer's itch was and informed her it comes from water fowl waste, that it was a parasite, and therefore pollution."
 - Page 6, second paragraph, should read "Councilor Leighan referred to Kathy Thornburgh implying that the County had jurisdiction over water quality."

MOTION by Bartholomew, second by Dierck, to approve the minutes of the May 12, 1999 meeting as corrected. Motion carried unanimously (6-0).

2. City Council Meeting, May 24, 1999
Councilmembers noted the following corrections:
 - Page 7, second paragraph, first line "Councilmember Leighan asked if any promotion has been done of the golf course, referring to the aggressive promotion Kayak has been doing lately"

MOTION by Dierck, second by Pedersen, to approve the minutes of the May 24, 1999 meeting as corrected. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION

Phyllis McKinzie, 1528 172nd Street, Arlington, stated the Lakewood residents desired to be involved with the City in the planning for the north area, noting they were already working with the County. Mayor Weiser responded there had been setbacks to this process. Councilmember Bartholomew added that Becky Foster from that area served on the City's Planning Commission. Ms. McKinzie stated that the Lakewood residents had different issues than those from Smokey Point and needed to be included.

Jeff Seibert, 5004 80th Street, Marysville, distributed documents and pictures to councilmembers regarding a current development at the corner of 51st and 80th. He noted that development had continued with an obvious disregard for meeting the City's requirements. After detailing the deficiencies, he asserted the development was in non-compliance and requested that the work be stopped, fines be imposed and the property revert to its prior zoning. Mayor Weiser responded that the issue would be directed to the Compliance Officer. Attorney Weed addressed the issue of conflicting provisions in the code: Title 20, which was part of the development code vs. Title 12.02.180, #4. Title 20 allowed up to nine lots on a private road, while Title 12 allowed four. Mayor Weiser noted the Council had changed some of the pertinent ordinances and agreed to check on the dates of the documents Mr. Seibert had referenced to ensure the latest version was being used. Attorney Weed added that the City had authority to require removal of landscaping that impaired sight distances, especially on rights-of-way and that the City did not need to let landscaping direct the siting of roads. Ms. Hirashima noted that

someone from her office had made contact with the developer of this property and a Stop Work order had been issued. Mr. Seibert stated that on this date the workers had been off-loading trash, only. Councilmember Dierck added that her review of the conflicting codes indicated Title 20, which dealt with subdivision standards, was the most recently adopted and contained the standards Mr. Seibert referred to. She suggested Title 12, which dealt with streets and sidewalks be brought up to date. Mr. Seibert asserted that the developer should be required to file his paperwork before doing any further work.

Councilmember Pedersen mentioned the condition of the streets at 51st and 8th which rendered them undriveable. Mr. Winckler responded that he had been reluctant to resurface the area because of the utilities, but he would consult with the City Engineer and perhaps require a temporary overlay.

DIRECTOR: SEE 12/14/99
MINUTES

PRESENTATIONS/PETITIONS/COMMUNICATIONS

1. Consumer Confidence Report

Mr. Larson distributed copies of the brochure *How Safe is Your Drinking Water*, noting this report on water quality was required by the EPA and the Department of Health. He reviewed the history of the Clean Water Act and the detailed information which had been compiled for the City's report. Mr. Larson added that the entire project had been accomplished well before the required deadline and entirely by staff. He thanked Jill Boersema and Doug Buell for their contributions to this successful effort.

Councilmembers thanked staff for its excellent work.

2. John Glynn, State Department of Ecology

Mr. Glynn addressed Council regarding the recent developments in water quality regulations, and particularly compliance with the Federal Clean Water Act and the Endangered Species Act. Total maximum daily loads, or TMDLs, equated to water clean-up plans and addressed two different problems, point source and non-point source pollution. Point source referred to discharges from separately permitted facilities, such as wastewater treatment plants from cities or industries. The capacity of the river to handle the waste loads, even after they had been treated, was regularly examined. In the lower Snohomish basin, the State was requiring closer control of biochemical oxygen, which affects the oxygen content of the receiving water. Because of the growth in the Snohomish basin, the computer model showed depleted oxygen will exceed the standards. To respond to this, the State will place certain requirements on point sources, which will be imposed later this summer. He noted this affected Marysville.

Mr. Glynn then discussed non-point sources such as stormwater runoff, discharges from septic, failing septic, agriculture practices, timber harvesting or other land use practices. The two streams which are impacted and which are critical to Marysville are Quilceda Creek and Allen Creek. One of the principal polluters is fecal coliform bacteria. He noted that a TMDL for a non-point source required a great deal of cooperation among jurisdictions. He particularly called attention to the watershed management plan for Quilceda and Allen Creeks which had been prepared by Marysville, Snohomish County and other jurisdictions. It contained a thorough discussion of the current status and what could be done to address the problems in a prioritized order. He encouraged Councilmembers to review the document and work with the neighboring jurisdictions to take the recommended actions. He added there was a limited amount of grant money to address non-point sources, but one was currently under negotiation from Snohomish County to address control of Quilceda Creek. He added that the applications for grants and loans were reviewed each spring and he encouraged the City to apply. He closed by emphasizing the importance of the watershed management plan.

Councilmember Dierck commented that the TMDL study, the watershed management plan and the document prepared by the Tribes were good sources for implementing a clean-up plan.

Councilmember Pedersen asked about the length of time necessary to achieve solutions; Mr. Glynn responded that this would be variable, but one could be accomplished in a few years. By contract, the lower Snohomish TMDL was very complex with a complex computer model. It was started seven years ago, and the finished product is not on the near horizon. He suggested the Quilceda/Allen Creek effort would be moderately complex. Mr. Glynn added that the State bore the responsibility for determining if standards were met.

Councilmember Leighan asked about grant money. Mr. Glynn responded that within the state, the cigarette tax provided money for the Centennial Clean Water Act. Funds

also came from the federal government up front to establish a loan source to be made available to jurisdictions. These loans have to be paid back in order to keep the fund self-sustaining. The federal government is no longer involved in grants. He noted that in Skagit and Whatcom Counties, grant money to health districts had been used to do sanitary surveys of failing septic tanks which impacted shellfish harvests. Regarding agriculture practices, they have worked with conservation districts regarding farms which do not meet standards. The feedback in this area has been that steady improvement is achievable, but the overall process will be lengthy, perhaps five years.

Jana Graupmann, 18230 McElry Road, Arlington, emphasized the good work which had been accomplished through EnviroStars, a voluntary program for businesses in the area which helped them handle their hazardous wastes appropriately. Technical assistance was provided. Mr. Glynn agreed this was an extremely valuable and low cost program which had achieved some conspicuous successes in the past.

Councilmember Herman asked about DNA testing as a method of better understanding the nature of the pollution problem. Mr. Glynn responded that DNA testing had been carefully considered, but the scientific community felt it was not specific enough to warrant the cost.

Mike Papa, 8127 54th Drive NE, Marysville, thanked the Council and Mr. Glynn for this presentation and the work which was being done.

CORRECTED: SEE 6/14/99
MINUTES

MOTION by Dierck to adopt the Department of Ecology TMDL Non-Point Source Pollution Study.

Councilmember Dierck emphasized that adoption of this study would be the first step in cleaning up the water. She noted the document had been distributed two weeks prior, and her motion supported the agenda's recommended action of early action on TMDLs.

There was no second to the motion, with several Councilmembers urging adequate time to read and review this study and consider a broad, cooperative plan. It was agreed to bring the matter back in three weeks.

CORRECTED: 6/14/99
MINUTES: These Studies

CONSENT AGENDA

1. Approve June 7, 1999 claims in the amount of \$491,021.71 paid by check Nos. 45414 through 45621, with check No. 45277 void.
2. Approve May, 1999 payroll in the amount of \$794,149.48 paid by check Nos. 35088 through 35357, with check No. 34994 void.
3. Approve new liquor license application for Marysville Deli and Video.
4. Authorize Mayor to sign Turnback Agreement TB 1-0124, 116th Street NE.
5. Affirm the Hearing Examiner's decision to approve the rezone and preliminary plat request, with conditions, for the planned residential development of the Trivett property.
6. Approve certain existing but unauthorized petty cash and change funds and authorize increase to Police petty cash fund, increase existing change fund, and create a new change fund; Ordinance No. 2262.

MOTION by Pedersen, second by Wright, to approve items 2 through 6. Dierck voted nay; all others voted aye; motion carried (5-1).

MOTION by Pedersen, second by Herman, to approve item 1. Under discussion, Mr. Winckler reported the 1999 Dodge Ram truck (warrant No. 45556) was going to an employee in the Sewer Department. It had been purchased through the State'd bid process and was a budgeted item.

VOTE ON MOTION: carried unanimously (5-1), with Councilmember Leighan abstaining as to Warrant No. 45618.

ACTION ITEMS

Public Hearing

1. L.I.D. No. 70 (Continued from May 24, 1999)
Mayor Weiser noted that the public testimony had been closed at the prior meeting, and this discussion had been requested by Council in order to receive additional information from staff.

Robin Nelson reviewed the agenda materials on the four issues raised after the formation hearing held May 24th:

- Deferral of assessments for economically disadvantaged persons.

- Differences between zone and termini and square footage method of assessments.
- Interest from the Tribes regarding sewer service to their parcel contiguous but not within the proposed special benefit boundary.
- Possible inclusion in the special benefit area of the area around the Texaco station at 116th.

A lengthy discussion ensued; Councilmember comments included:

- Property involved in probate was not listed as one of the reasons for deferral. Attorney Weed responded that unless it was specifically set out in the RCW, bond counsel would not support it.
- The Risk Committee had struggled with deferrals for disadvantaged persons, but no clear definition emerged, as some people with low incomes were "land rich." Attorney Weed agreed to ask bond counsel how this was defined in other cities which had implemented a deferral option.
- The first page of calculations included the eight Texaco parcels and the impact their inclusion would have. The second page (zone and termini vs. square footage) did not include those parcels. Including them would reduce the assessment on eight parcels and increase it on fourteen. The eight which increased were the larger parcels which had the most likely opportunity to recover the cost if the value of the property was increased by having sewer.
- If Council decided to add additional properties, a public hearing would be held and notice given only to the owners of those properties. Citizens included in the original LID process would not be giving testimony. Adding parcels and increasing the value would make it more difficult for dissenting property owners to muster the required valuation to resist the LID formation.
- A lien cannot be placed on Tribal property. Participation of the Tribes would require some other method of payment, either a lump sum at the outset or a contract with payments over time.
- Councilmembers asked for a visual depiction of the impact of the two methods of calculation, zone and termini or square footage. These maps should include all the parcels being considered.
- The City is mandated to provide sewer service to each parcel; this would be a 6" stub to the property line of a residential parcel, and an 8" stub to a large parcel. The developer would be responsible for extensions within his parcel.

MOTION by Pedersen, second by Bartholomew to enter into discussions with the Tulalip Tribes regarding their interest in participating in this project. Dierck voted nay, all others voted aye, motion carried (5-1).

MOTION by Pedersen, second by Bartholomew, to direct the City Attorney to draft language which, if accepted, would authorize deferment of assessments to economically disadvantaged property owners while still protecting the interests of the City.

Under discussion, Councilmember Herman suggested the City not involve itself in the personal financial affairs of these citizens; the intent was simply to keep a property owner from losing his or her home. Pedersen and Bartholomew agreed to include this as a friendly amendment.

VOTE ON MOTION: motion carried unanimously (6-0).

MOTION by Wright, second by Bartholomew, to direct staff to prepare a resolution for future council action, including the notification of public hearing, for the purpose of adding the eight parcels which include the Texaco station and mobile home park.

Under discussion, Councilmembers repeated the request for clearer maps to show the impact of the addition of these parcels. Mr. Nelson agreed to have these ready for the Council's discussion of the resolution.

Councilmember Dierck repeated her concern about the limited opportunity for public testimony, noting it would preclude citizens in the existing LID area from testifying again.

VOTE ON MOTION: Dierck and Leighan voted nay; all others voted aye; motion carried (4-2).

MOTION by Bartholomew, second by Herman, to continue the discussion and action on the zone and termini vs. square footage methodologies to the June 28th regular meeting. Motion carried unanimously (6-0).

New Business

1. Snohomish County Master Annexation Interlocal.
Ms. Hirashima gave the staff presentation of the agenda materials. She noted a public hearing had been scheduled for June 14th; this was at Council's request but was not required by the city code or state law. There was a timing urgency on this agreement, as the 122nd Street annexation was before the Boundary Review Board

and the County Council desired to have the interlocal in place before completing its action.

Councilmember Dierck asked about a mailing so citizens would know how they could be annexed into the City; Ms. Hirashima responded that the affected parties were the City of Marsyville as an agency and Snohomish County as an agency. Mayor Weiser noted this process had a long history and public hearings had been conducted as to specific annexation proposals during that time. The general notification process would be utilized to inform the public about the proposed agreement and the public hearing; that is, the public information channel and newspapers.

Mr. Zabell added that the document put into writing and formalized the way the City and County had been coordinating on annexations and development within the City's urban growth area. Attorney Weed noted that some language still needed clarification to ensure the City did not incur liability if the County issued permits as the agent for the City.

Mayor Weiser called for public comments; there were none. He reiterated that a public hearing was scheduled for June 14th to consider this interlocal agreement.

2. Engineering Design and Development Standards
Council deferred discussion of this topic to later in the meeting in order to take up the 116th Corridor Master Plan.

INFORMATION ITEMS

1. 116th Corridor Master Plan

Ms. Hirashima directed Council's attention to the memo she had prepared, noting that there was not one large developer spearheading this effort, but a group of interested parties. The City could coordinate the planning effort. Because of demand on planning staff, she recommended hiring an outside consultant with the cost recovered from the property owners. The City would define a scope of work, hire a consultant, and then develop a fee basis.

Public comments on this topic were as follows:

Phyllis McKinzie stated she represented the Ritz property. She distributed a memo and spoke to the issue of a binding site plan, which would impose a plan on a very large parcel of land that was under many different ownerships. Ms. Hirashima responded that the area was shown as Commercial in the comprehensive plan; in order to amend that text the City would have to go through a plan amendment process. The deadline for requesting an amendment had been extended to July 1st. The Comprehensive Plan can only be amended once a year so if the request was not filed soon, the issue could not be considered until 2000.

Gary Petershagen, 505 Cedar Suite B-1, Marysville, represented Belmark Properties. He suggested the process for a Master Plan would be difficult to accomplish because there were few developers but a very large group of property owners who did not have specific ideas of what they wanted to do with their property. An example of how cumbersome the process would be is the requirement for a drainage site. This encompasses the entire 170 acres in the area, yet no one has specific plans which would allow calculation of impervious surfaces. He noted they had gone through the initial Comprehensive Plan process. Ms. Hirashima responded that traffic was a critical issue and access needs were unclear. She suggested an overall plan was critical, otherwise the last parcel to be developed would get stuck with satisfying the requirements for parks, etc.

Councilmembers noted that property owners in the area were at an impasse because they did not know what could be done with their property in the future. Ms. Hirashima noted that a Master Plan would estimate the need for park lands and retention, main roads and signals.

Jeff Seibert added that during the meetings on the Comprehensive Plan, citizens became convinced that the only way to achieve a good result, rather than a piecemeal effort, was to prepare a Master Plan. He supported hiring a consultant, sharing the cost, and proceeding to complete that work.

Ms. Hirashima agreed to prepare the scope of work for the Master Planning process and bring it for the June 14th meeting.

MOTION by Herman, second by Dierck, to direct staff to prepare recommendations for consideration regarding an amendment to the Comprehensive Plan that would maintain the requirement for master planning but allow some flexibility for this area so property owners could

move ahead and not be prevented from either a sale or a development because others weren't ready to act. Bartholomew, Leighan, and Wright voted nay; all others voted aye; motion tied (3-3).

MOTION by Herman, second by Leighan, to direct the City Attorney to review the legality of a Comprehensive Plan amendment process which allowed correcting the area-wide rezone in order to accommodate a minor correction so planning could go forward in the subject area. Dierck voted nay; all others voted aye; motion carried (5-1).

At this point, Council resumed the regular agenda.

New Business

2. Engineering Design and Development Standards
Councilmember Pedersen asked Mr. Carter about the review process. He responded that the document had been given to over 40 developers and engineers and many had responded. Councilmember Pedersen noted the Council's information had not contained Mr. Carter's responses to those inputs.

Councilmember Dierck requested that Council hear from the citizens in the audience who had been waiting to speak on this topic.

Jeff Seibert commented on the apparent conflict between street designations (collectors were wider than minor arterials), lack of sidewalk requirements on private roads, access to back yards, work hour restrictions for heavy equipment road work.

Mike Papa expressed concern that no public input had been solicited, only the development community had been asked to comment. He suggested delaying any action until the general public had received an opportunity to review and comment.

Gary Petershagen requested information regarding the changes that were made to the document as a result of the responses staff received. He noted the City continued to build very wide streets, when narrower streets would act to slow traffic. He supported rolled curbs in high density areas. The minimum standards for residential streets were excessive. Mr. Carter responded that the streets were designed to last 20 years.

Due to the lateness of the hour, Councilmembers agreed to delay the presentation on the Engineering Design and Development Standards until July, when Mr. Carter returned from vacation.

Ordinances and Resolutions

None, except those which had already been approved as part of the Consent Agenda.

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's Business
The Downtown Redevelopment Committee requested the City to work with them to provide ways of accessing additional funds and grants for a grant writer, who would be hired or contracted with by the City. He was working on that proposal.
The Cities and Towns Association requested a letter of support for the nomination of former State Representative Jeannette Wood to the Puget Sound Hearing Board. This would be on next week's agenda.
2. Staff's Business
Mr. Winckler distributed doorhangers which had been distributed regarding the State Avenue Improvements Project public open house on June 9th. Staff is working to develop a contract with a certified vendor for insect spraying. Planned Marine Drive improvements from Meridian to 19th Avenue had been documented and copies were available at the library.
3. Call on Councilmembers
Councilmember Leighan directed Council's attention to the memo regarding Terry Williams' meeting.

Councilmember Wright inquired about the street closure on Grove between 60th and 88th; staff responded that this was for a sewer extension.

Councilmember Pedersen will attend the Snohomish Health District meeting, but not the Chamber meeting. The bid opening for Cedarcrest Golf Course clubhouse was scheduled for May 27th with an award at this meeting, but it was not on the agenda. Consistency was needed in the handling of Council requests to staff.

ADJOURN TO EXECUTIVE SESSION

Council adjourned into Executive Session to discuss a real estate matter.

RECONVENE AND ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:07 p.m.

Accepted this 14th day of June, 1999.

David Weis

Mayor

Mary Pedersen

City Clerk

Ann M. Currie

Recording Secretary