

**MINUTES RECAP**  
**MARYSVILLE CITY COUNCIL - REGULAR MEETING**  
**OCTOBER 25, 1999**

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CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Dierck & Pedersen absent
MINUTES OF PREVIOUS MEETING	
1. October 11, 1999 council meeting	Approved as corrected.
AUDIENCE PARTICIPATION	William Smith, Cornelius VerMulm
PRESENTATIONS/PETITIONS/COMMUNICATIONS	
None.	
ACTION ITEMS	
<b>REVIEW BIDS</b>	
None.	
<b>PUBLIC HEARING</b>	
None.	
<b>CURRENT BUSINESS</b>	
1. 164 <sup>TH</sup> /I-5 west annexation. Notice of intention 10%; PA 9909043 (Continued from 10-11-99)	Accepted. Staff was directed to include the lands in this annexation in the 1999 comp plan amendment process under a council-initiated request..
2. Business license fee increase	Approved.
3. Marysville Municipal Court fees increase	Approved.
<b>NEW BUSINESS</b>	
1. Professional services agreement with Adolfson Associates, Inc. - Strawberry Fields Athletic Complex biological assessment.	Approved.
2. Professional services agreement with Adolfson Associates, Inc. - Ebey Slough dike maintenance and repair biological assessment.	Approved.
3. Approval of utility variance request, subject to conditions - R&D Partnership. UV 99-016.	Approved.
4. Engineering Design and Development Standards revisions.	Approved.
5. Zoning Code amendments. PA 9910046.	Approved.
<b>CONSENT AGENDA</b>	
1. Approve October 25, 1999 claims in the amount of \$899,248.35 paid by check nos. 48311 through 48604 with check nos. 48178 and 47967 void.	Approved; Leighan abstaining.
2. Approval of liquor license renewals for Fred Meyer, Allen Creek Thriftway, Home Plat Bar & Deli, Hunter's Corner and Strawberry Lanes.	Approved.
3. Affirm the Hearing Examiner's decision to approve the request for a rezone with conditions, Gary Pettis, PA 9906023.	Approved; Roark abstaining.
4. Approval of request to extend the expiration date for the Plat of Whiskey Top to December, 2000.	Approved; Leighan abstaining.
<b>ORDINANCES AND RESOLUTIONS</b>	
1. An ordinance of the City of Marysville, Washington repealing section 14.07.005 of the Marysville Municipal Code relating to general fee structure, and enacting a new Section 14.07.005A general fee structure.	Approved Ordinance 2290.
2. An ordinance of the City of Marysville, Washington amending MMC 5.20.050 relating to operating rules and regulations for entertainment clubs and establishing a sunset for said amendments.	Approved Ordinance 2291.
3. An ordinance of the City of Marysville prospectively repealing chapter 12.02 of the Marysville Municipal Code and enacting a new chapter 12.02A Street Department Code; repealing chapter 12.06 Marysville Municipal Code, Classification of Streets; repealing Section 12.08.010 Marysville Municipal Code and enacting a new section 12.08.010; repealing section 12.08.020 Marysville Municipal Code and enacting a new section 12.08.020; repealing section 12.12.030 Marysville Municipal Code and enacting a new section 12.12.030; repealing 12.1.060 Marysville Municipal Code and enacting a new section 12.12.060; repealing section 19.12.190 Marysville Municipal Code and enacting a new section 19.12.190; repealing section 20.24.090 Marysville Municipal Code and enacting a new section 20.24.090, all to provide new and consistent Engineering and Development Standards for Streets.	Approved Ordinance 2292.
4. A resolution of the City of Marysville granting a utility variance for Erkki and Ismo Kotilainen for property located at 5623 100 <sup>th</sup> Street NE, Marysville, Washington.	Approved Resolution 1943.

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**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
OCTOBER 25, 1999**

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5. A resolution of the City of Marysville granting a utility variance for PC Land Investments, Inc. for property located at 8119 60 <sup>th</sup> Drive N.E., Marysville, Washington.	Approved Resolution 1944.
LEGAL MATTERS None.	
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	10:10 p.m.
EXECUTIVE SESSION To discuss one real estate matter.	
RECONVENE	No action taken.
ADJOURN	10:25 p.m.

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**MINUTES**  
**MARYSVILLE CITY COUNCIL - REGULAR MEETING**  
**October 25, 1999**

**CALL TO ORDER/FLAG SALUTE**

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MINUTES SEE 11/03/99

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. A voice roll call was conducted; attendance was as follows:

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

Administrative Staff present:  
Dave Zabell, City Administrator  
Robert Carden, Police Chief  
Ed Erickson, Finance Director  
Gloria Hirashima, City Planner  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director  
Mary Swenson, Assistant City Administrator  
Suzanne Larsen, Court Administrator

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Mayor Weiser advised that Councilmembers Dierck and Pedersen were ill.

**MOTION** by Bartholomew, second by Herman, to excuse Councilmembers Dierck and Pedersen. Motion carried unanimously (5-0).

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, October 11, 1999.  
Councilmembers noted the following corrections:
  - Page 5, Jeff Seibert paragraph, last sentence should read "The city would not receive 100% of the transportation impact fees, for example."

**MOTION** by Bartholomew, second by Roark, to approve the minutes of the October 11, 1999 council meeting as corrected. Motion carried unanimously (5-0).

**AUDIENCE PARTICIPATION**

William Smith, 16530 Shore Drive N.E., Lake Forest Park, addressed council on what he was trying to accomplish for the Lakewood area, specifically south of 172<sup>nd</sup>, east of 11<sup>th</sup> Avenue N.E., north of 45 Road, and north of 140<sup>th</sup> Avenue, with BNRR right-of-way on the East. The area lay directly south of Lakewood School. He noted that Marysville was already supplying water and sewer to the school. The property owners in the area needed water and sewer in order to do anything with their properties. He said the city needed to consider favorably a future annexation of the area. Mayor Weiser pointed out that the area was outside Marysville's urban growth boundary, so the city could not annex it; the question of utility service remained. Mr. Smith added that the county had made promises about planning for that area over the years, but few were kept.

Cornelius VerMulm, 19706 Smiley Dr., Mt. Vernon, added his concerns about the county's delay in planning for the above area, noting it had been zoned for two houses per acre for 25 years. That zoning was removed pending completion of a study. A hearing was promised in 1994-'95 but still had not occurred. He asserted the area needed to be in Marysville's urban growth boundary and 60% of the property owners had actually signed a petition favoring such an action in 1995.

William Smith showed council a map of the area with the parcels that favored water and sewer highlighted. He noted this had been prepared in 1993.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

None.

**ACTION ITEMS**

**Review Bids**

None.

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**Public Hearing**

None.

**Current Business**

1. 164<sup>TH</sup>/I-5 west annexation. Notice of intention 10%; PA 9909043 (Continued from 10-11-99)

Ms. Hirashima gave the staff presentation, noting that at its last meeting council had accepted another petition for the East Side of I-5 that overlapped this one. She stated that the properties in this petition did not have land use designations. Council delayed acting on this petition to allow time for staff to contact Snohomish County to ascertain their concerns and to consider a timeline for amending the comp plan while the annexation was progressing. She distributed a copy of an e-mail message from the county and reported on her conversation with their planner, noting the county indicated there were no planning or policy issues. The planner did state that 4 du/acre satisfied the master annexation interlocal agreement, but the city should consider a higher density that would support transit service, etc., before settling on this minimum.

Councilmember Herman noted the council still needed to understand the city's timeline for getting the land use designations in place to ensure that the signatures on the 60% petition did not "expire" during that process. Ms. Hirashima explained that the hearing on the 1998 requests for comp plan amendments was held in February of 1999, and because the city was restricted by the Growth Management Act to revising the comp plan only one time per year, the hearing on the requests for amendment which had been received during 1999 would be held early in 2000. Staff had discussed advertising in December or early January for the 2000 amendments, then combining the two years at one hearing. The alternative would be to consider only the 1999 amendments in January or February and hold the 2000 amendments until early 2001. She explained the second method was to have council direct staff to implement the proposed comp plan amendment action and add it to the 1999 amendments which would be heard in early 2000.

Mayor Weiser asked for public input.

George Wilcox, 1522 3<sup>rd</sup> Street, representing Marysville Livestock Auction, expressed opposition to considering this annexation as part of the petition which council accepted at its last meeting for the property on the east side of I-5. He stated the signatures gathered to date represented 40% of the valuation, sewer and water were already in place, and the area already had an urban land use designation in the comp plan. He stated they anticipated having the 60% petition ready within ten days, so the annexation could be completely through the process by the end of the year. If council treated the two petitions as one, their action would be delayed while the necessary planning took place for the West Side; also, a combined petition could give rise to an objection for an irregular boundary. He urged council to treat the petitions separately.

Bruce Foster, 15526 Smokey Point Boulevard, Arlington, stated he was the Bond and Levy Chairman for Lakewood School District. He encouraged the city to move forward with the annexations as it was in the city's best interest to proceed with development of the northern area. The sales tax revenue would be important and most of the infrastructure was in place. It was important for the school district that the area be developed so it could reap the higher taxes for the school system. Another school was needed and it would be sited on the West Side, which needed sewer and water. The area had a lot of freeway visibility, which was desirable for retail and would give the best income. He wanted the area to be zoned to its highest possible use, which would benefit the city, schools and property owners. He claimed there was already adequate space for Light Industrial so this high visibility area should be Retail. He noted the area was already in the city's urban growth area and he encouraged action rather than more planning, stating the council and staff already had the wisdom to move forward, which would allow the city to be prosperous and healthy.

Jack Cole, 13900 48<sup>th</sup> Drive S.E., Snohomish, supported going forward with this annexation as there were just three property owners involved: Snohomish County, Alex Tiu, who lived in the Philippines, and Terra Firma Development. He represented the latter two and stated they would support the petition if the designation was 4 to 6 du/acre. He stated the property was within the city's urban growth boundary.

Ms. Hirashima pointed out that the total valuation of the properties represented by Mr. Cole was \$640,600; the county's was \$693,900. The county did not sign annexation petitions, so they were counted as "against." If this petition were considered by itself and not combined with the petition approved last week, the valuations represented by Mr. Cole did not equal \$800,700, the required 60%. In order for this to be a valid

separate annexation petition, it would have to exclude the county property, which included Twin Lakes Park.

Mr. Cole asserted that going through the comp plan amendment process was unnecessary as there were only two property owners involved and they are already in favor of the minimum designation as referenced by the county.

Ralph Krutsinger, 409 184<sup>th</sup> Street N.E., Arlington, supported having the petitions dealt with as one and gave a thorough history of the efforts the property owners had expended toward planning and annexation. He felt the designation of 4 du/acre was an adequate designation; Light Industrial would be unlikely because of land available elsewhere. The two private ownerships, totaling 100%, were supportive. He cited several code sections, asserting they gave the council authority to act. He urged council to rely on Section 4.2 as a means to accepting the annexation petition and directing staff to proceed. Regarding the county's property, he stated they recently purchased another ten acres for passive recreation immediately to the south of Twin Lakes Park utilizing Futures money. They were interested in purchasing more for active recreational use. Utility services would be installed by the builder/developer. He felt the county would have an interest in supporting the annexation.

Keith Beaver, 4126 77<sup>th</sup> Place N.W., represented eight property owners for 38 acres on the East Side of the freeway. He echoed the frustrations with the county's delay in planning for the area and supported splitting the annexation actions so this one could proceed expeditiously.

Becky Foster, 15526 Smokey Pt. Blvd, Arlington, expressed confidence that the city would find a way to work out the issues as no one wanted to see the east side's action stalled. She stated that at the Planning Commission level they were ready to work on the plan for the West Side, as people had been waiting a long time.

George Wilcox pointed out that the Planning Commission had a full schedule from now to the end of the year and staff only had so much time. He asserted the entire annexation action for the East Side would likely be completed before the land use planning was done for the West Side. He repeated his support for the two petitions to be treated separately.

Ralph Krutsinger added that if council would direct staff to proceed, action on the West Side's petition could be going forward independent of the other petition. He had no problem separating action on the two so long as council did not procrastinate. He stated he did not own any property nor did he have a vested interest in any of the properties in either annexation area. His concern was the Lakewood School District's tax base. He repeated that the important action was for council to vote to initiate the process.

There being no one further wishing to speak, the Mayor closed the public input portion.

Ms. Hirashima noted the West Side would only be contiguous after the east annexation was completed, but that would not preclude council from accepting the west's 10% petition. Also, the pre-zoning which had been referred to was only possible if the city had land use designations in place that allowed that, and the city would have to go through one of the processes described earlier to get those in place. She suggested there was no advantage to the west's petition in having it attached to the east; that would only slow down the east's process. The entire West Side did not have land use designations, with the exception of the freeway property right at the intersection.

Ms. Hirashima added that it would be important to communicate with the county as they had a consultant on board to work on the plan for this area.

**MOTION** by Herman, second by Bartholomew, to direct staff to include the lands within the west annexation petition in the 1999 comp plan amendment process under a council-initiated request.

Under discussion, Ms. Hirashima stated the annexation petition should wait until the comp plan had been revised and the density and zoning were in place. Regarding land uses on the East Side, she stated the property owners had discussed changing the zoning but chose to annex first. Because of the analysis and background work required for the changes, including them in the 1999 cycle would drive that cycle farther out.

Mr. Weed clarified that the GMA had language directing comp plan amendments or proposals be considered at one time of the year so they can be reviewed all at once. The city's resolution which established the rules for docketing that review process was silent as to council-initiated requests.

**MOTION WITHDRAWN.** The maker and seconder of the motion agreed to withdraw it pending discussion of the advisability of proceeding with a council-initiated request for a comp plan amendment.

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A thorough discussion ensued regarding the precedent, which the council might be setting by taking the proposed action. Councilmember Roark suggested council had the clear authority to initiate such an action in support of an annexation petition. This would not open the door for property owners to bring comp plan amendment requests to the council outside of the regular docketing process. If a constituent came to an individual councilmember and requested such an action, that councilmember would have to convince a majority of the council before there would be any action. There had been no council-initiated requests in the past.

**MOTION** by Roark, second by Herman, to direct staff to include the lands within the west annexation petition in the 1999 comp plan amendment process under a council-initiated request and to review the resolution governing council-initiated requests. Motion carried unanimously (5-0).

**MOTION** by Roark, second by Bartholomew, to accept annexation petition PA 9909043, having the following boundaries: east - I-5, west - BNRR, north 164<sup>th</sup>, south - 156<sup>th</sup>, excluding all county-owned parcels, with the 60% petition to be circulated after the land use designations had been established. Motion carried unanimously (5-0).

Councilmembers asked to be kept apprised of the timeline and if any additional resources were required so council could address any problems which arose.

2. Business license fee increase.

Ms. Swenson gave the staff presentation, noting that the business license renewals were staggered throughout the year and did not all come due on January 1<sup>st</sup>. The renewals were less because they did not require so much staff time as an initial application. She had contacted the Chamber of Commerce regarding the proposed fees and they indicated the current fees were low and they had no problem with the proposed raises.

Jeff Seibert, 5004 80<sup>th</sup> Street, asked for clarification of the fee paid to Planning by a home occupation; Ms. Hirashima responded that for their initial application they paid \$20 to the Planning Department in addition to the \$40 base fee.

**MOTION** by Roark, second by Bartholomew, to increase business license fees as follows:

All new businesses	\$40.00
Renewal	\$30.00
Home occupation renewals	\$25.00
Short-term business	\$5.00

Motion carried unanimously (5-0).

3. Marysville Municipal Court fees increase.

Ms. Larsen gave the staff presentation noting the State Administrator of the Courts recommended a \$100 warrant fee; the city was currently at \$25 and the proposed fee was \$40.

**MOTION** by Roark, second by Bartholomew to adopt Ordinance 2289. Motion carried unanimously (5-0).

**New Business**

1. Professional services agreement with Adolfson Associates, Inc. - Strawberry Fields Athletic Complex biological assessment.

Mr. Winckler had nothing to add to the agenda information.

**MOTION** by Roark, second by Leighan, to approve the professional services agreement with Adolfson Associates, Inc. in the amount of \$5,401.31 and authorize the Mayor to execute the professional services agreement on behalf of the city. Motion carried unanimously (5-0).

2. Professional services agreement with Adolfson Associates, Inc. - Ebey Slough dike maintenance and repair biological assessment.

Mr. Winckler gave the staff presentation, noting the Diking District would actually be paying for this assessment. This was for an area south of the Hilton farm where a culvert was washed out a couple years ago.

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**MOTION** by Bartholomew, second by Roark, to approve the professional services agreement with Adolfson Associates, Inc. in the amount of \$12,800 and authorize the Mayor to execute the professional services agreement on behalf of the city. Motion carried unanimously (5-0).

3. Approval of utility variance request, subject to conditions – R&D Partnership. UV 99-016. 000000

Mr. Winckler noted this would be approval pending development of Trunk "D" and subject to several conditions which were similar to those set out in the past.

**MOTION** by Herman, second by Roark, to direct staff to prepare a resolution approving utility variance UV 99-016, subject to conditions (a) through (h) as set out in the agenda and subject to development of Trunk "D". Councilmember Leighan stated he had a conflict and would not be voting. Motion carried unanimously (4-0-1).

4. Engineering Design and Development Standards revisions.  
Mr. Carter briefly reviewed the agenda materials.

Ken Long, 13819 Meridian Place West, Everett 98204, expressed concern that the "life" of the design standards was only 18 months, and cited examples of how that could be too short on a construction project. Even though approval of construction plans could be renewed, if the standards had changed in the interim, the contractor must redesign to the new requirements. Mr. Carter responded that with the city's engineering, water and sewer standards now in place, he did not anticipate any wholesale changes in the near future.

Councilmember Herman requested staff to review the approval process timelines and make a recommendation to council regarding needed changes.

Councilmember Roark thanked Mr. Carter for the work on the engineering design standards.

**MOTION** by Roark, second by Bartholomew, to approve the changes to the Engineering Design and Development Standards. Motion carried unanimously (5-0).

5. Zoning Code amendments. PA 9910046.

Ms. Hirashima gave a brief report of the agenda materials. Regarding page 3, she explained that when the city decided that duplexes would be permitted outright on 7200 square foot lots the disclosure notification was added so neighboring property owners would know what would be adjoining them.

Councilmember Leighan asked about the downtown automotive service businesses. Ms. Hirashima noted this did not represent a change, outdoor storage uses were not permitted. She reported that discussions had been held with the owner of an RV business in that area regarding the non-conforming use, which would also apply to the auto electric business if it stored automobiles outdoors while waiting to work on them. The changes that were made in this zone were to enable some light manufacturing uses which would normally fall into the industrial category. The light industrial use was conditioned on its being in an enclosed building with no outside storage or yard. The intention was to phase out outdoor yard areas within the downtown area, but allow some manufacturing to continue and new ones to locate there. This would not affect the marina as it was a permitted use within the waterfront zone. The entire south side of First was waterfront zone. No changes were made to parking requirements.

Mayor Weiser asked how much lot coverage was allowed in the downtown commercial zone. Ms. Hirashima responded that no changes were made in that section, coverage would be at 85% to allow for landscaping. She added that a business that was not a permitted use on the matrix would not be allowed to locate in that zone. Mayor Weiser noted that some uses were allowed, but the manner of doing business would be untypical, such as the requirement to be totally housed within a building and not have an outside storage area. He suggested this made it difficult to invest in, and to locate a business in, Marysville.

Jeff Seibert expressed concern regarding the changes in the requirements for outdoor open space and active recreation facility, page 4. He felt the chart would be relied on as the minimum amount, which was too small. He noted that recreation space was part of the city's motto and contributed to the quality of life. This change was the result of 4 and 5 plexes being built in the older areas of town where there wasn't room to fit in both parking and recreation space. While the old code called for an inappropriately large recreation space, the proposed change called for too little.

Robert Wicks, 1624 Grove, stated that when plans were submitted to Planning for review, they ensured that all criteria had been met, including the 30 x 30 minimum for recreation, which was called out in the code. He felt the matrix was not correct.

There being no one else wishing to speak to this subject, the Mayor closed the public input portion.

Regarding the fee schedule, Councilmember Roark stated a preference for the cost of appeals to be raised to the staff recommended amount of \$500.

Ms. Hirashima reviewed the code requirements pertaining to recreation and the background which gave rise to the proposed change. She asserted that the code clearly set out the requirements for recreation space. Regarding the fee of \$500, that was for instances where a public hearing was required. Discussion at the Planning Commission was that setting a high fee would limit the public's ability to challenge a decision. Councilmember Wright noted that if a lower amount were charged than what was actually required to cover staff time and expenses, then the rest of the citizens would be subsidizing the process of any appellant.

**MOTION** by Roark, second by Bartholomew, to revise the Schedule of Fees as follows: administrative appeal - \$100, administrative appeal requiring separate public hearing - \$500. Herman and Leighan voted nay; all others voted aye; motion carried (3-2).

**MOTION** by Roark, second by Leighan, to approve the Zoning Code revisions PA 9910046 as recommended by the Planning Commission with the revisions to the fee schedule as set forth above. Motion carried unanimously (5-0).

#### **CONSENT AGENDA**

1. Approve October 25, 1999 claims in the amount of \$899,248.35 paid by check nos. 48311 through 48604 with check nos. 48178 and 47967 void.
2. Approval of liquor license renewals for Fred Meyer, Allen Creek Thriftway, Home Plat Bar & Deli, Hunter's Corner and Strawberry Lanes.
3. Affirm the Hearing Examiner's decision to approve the request for a rezone with conditions, Gary Pettis, PA 9906023.
4. Approval of request to extend the expiration date for the Plat of Whiskey Top to December, 2000.

**MOTION** by Herman, second by Wright, to approve items 1 through 4. Items 1 and 4 passed (4-0-1), with Leighan abstaining. Item 3 passed (4-0-1) with Roark abstaining. Item 2 carried unanimously (5-0).

#### **Ordinances & Resolutions**

1. An ordinance of the City of Marysville, Washington repealing section 14.07.005 of the Marysville Municipal Code relating to general fee structure, and enacting a new Section 14.07.005A general fee structure.

**MOTION** by Leighan, second by Wright, to approve Ordinance 2290. Motion carried unanimously (5-0).

2. An ordinance of the City of Marysville, Washington amending MMC 5.20.050 relating to operating rules and regulations for entertainment clubs and establishing a sunset for said amendments.

**MOTION** by Bartholomew, second by Leighan, to adopt Ordinance 2291, and correcting the word "council" in said ordinance. Motion carried unanimously (5-0).

3. An ordinance of the City of Marysville prospectively repealing chapter 12.02 of the Marysville Municipal Code and enacting a new chapter 12.02A Street Department Code; repealing chapter 12.06 Marysville Municipal Code, Classification of Streets; repealing Section 12.08.010 Marysville Municipal Code and enacting a new section 12.08.010; repealing section 12.08.020 Marysville Municipal Code and enacting a new section 12.08.020; repealing section 12.12.030 Marysville Municipal Code and enacting a new section 12.12.030; repealing 12.1.060 Marysville Municipal Code and enacting a new section 12.12.060; repealing section 19.12.190 Marysville Municipal Code and enacting



