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ORIGINAL

MARYSVILLE CITY COUNCIL WORK SESSION

000273

February 18, 2003

7:00 p.m.

Public Safety Center

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor David Weiser called the February 18, 2003 Work Session of the Marysville City Council to order at 7:00 p.m. He then led those present in the Pledge of Allegiance.

**INVOCATION**

Pastor Greg Kanehen from the Marysville Free Methodist Church gave the invocation.

**ROLL CALL**

Mayor Weiser asked Sandy Langdon, Finance Director, to call the roll. The following councilmembers and staff members were in attendance:

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Suzanne Smith, Jon Nehring, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Police Chief Robert Carden; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; and Jim Owens, Public Works Director.

The excused absence of Councilmember John Soriano was noted.

**COMMITTEE REPORTS**

Councilmember Lisa Vares discussed the recent meeting with the Utility Committee where a wastewater update was given. Councilmember Jeff Seibert added that they also discussed upcoming construction projects and timelines. Councilmember Vares commented that Interim Assistant City Engineer Kevin Nielsen is working to ensure efficient timelines by having different parts of the projects happening simultaneously. Other issues discussed at the committee meeting included the surface water update, the transportation comprehensive plan, the 116<sup>th</sup> interchange overpass project and change orders for the Ash Avenue Park and Ride. Public Works Director Jim Owens explained the circumstances surrounding this particular change order.

Councilmember Jon Nehring then informed Council that the Library Board took a tour of the new Monroe Library. He noted that it was a very nice facility. Of particular interest was the fact that the library has three self-check out machines that require only needing one staff person behind the counter. This frees up more space for more efficient use. He also commented on the unique bamboo-type flooring of the library.

Councilmember Leighan reported that the Implementation Committee met again and discussed a possible meeting with the full group of City Council, MERC, and the Planning Commission on March 13 from 4-6 p.m. at Marysville Fire Station 62.

## DISCUSSION ITEMS

### **Annexation Policy.**

Mayor Weiser gave a brief history of the city's annexation policy and how it has arrived at the current situation. The city had a number of annexations in progress when the Supreme Court made the ruling concerning annexation by petition method. Council directed staff to look at different aspects of this to see if the city needs to look at some of the policies. He noted that there are several bills in the state legislature at this time, but it will be several months before the outcome is known.

City Attorney Grant Weed further described the background of the city's annexation policy. He stated that the Supreme Court decision of 3/12/02 declared the annexation by petition method unconstitutional, although it's been on the books since 1945. This came as quite a surprise to everyone. In response to this there have been attempts to clarify the decision in terms of the retrospective nature of the bill and its broader implications for the city. Mr. Weed also discussed the reaction through the legislative process that is taking place. Several bills are currently pending and there is an aura of uncertainty of what to do on an interim basis. He stated the following as possible reasons for the city adopting an interim policy during this period.

- ◆ To keep the city out of legal trouble
- ◆ To enable the city to respond to annexation requests within the current context of the law
- ◆ To give property owners and the public some sort of sense of how the city will respond to their annexation request
- ◆ To enable only those annexations that make sense from an economic standpoint and a land use and policy standpoint to go forward with the election method.

One of the issues City Attorney Weed addressed was how to deal with losing the benefit of the annexation process in terms of the use of covenants. He noted the use of covenants themselves was not declared illegal; however if the Supreme Court determines another process it may be that the covenants used in the past may or may not be allowed to be used. A second issue was what conditions can or cannot be imposed on those residents. Thirdly, he discussed how to allow for annexation where there are no voters such as corporate or school district property. A final issue was what, if anything, to do with annexations that were pending when the Supreme Court decision was announced. He described the options available to the Council as the following:

- ◆ Suspend the policy the city had and adopt an interim policy.
- ◆ Wait and see what the Court does.
- ◆ Discuss whether the city wants to offer the extension of utilities outside the city until the law is clarified.

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Councilmember Donna Wright asked about the no-protest agreements. Mr. Weed replied that unless the law changes they may not be able to use them. A covenant may not be able to be applied.

Councilmember Leighan asked how to handle LID areas. Mr. Weed responded that the Supreme Court did not invalidate the use of LIDs just the annexation by petition method.

Councilmember Suzanne Smith referred to Section 3 of the draft and clarified that it would suspend the current policy. Mr. Weed indicated that she was correct. Ms. Smith then referred to Section 2, number 1 and asked what the merit was in considering the size of the area of annexation and the number of registered voters in the proposed area. Mr. Weed explained that this was based on the cost of the election method and that the annexation of larger areas would be more cost-efficient for the city. Councilmember Smith felt the appropriateness of this would need to be determined on a case-by-case basis. Mr. Weed concurred and suggested that perhaps the assessed value or the land use could be other factors considered. Discussion followed about development densities, traffic studies, impact fees, and reciprocal street agreements. Ms. Smith stated that she believed the city should not be serving outside the city anyway and that this just exacerbates the problem because now those areas can't be annexed.

Councilmember Wright referred to Section 2, number 1 of the draft and asked for clarification about the proposed land size and/or number of voters to be considered. There was some discussion of this. Mr. Weed indicated that he had thought the city would want to give preference to larger areas and/or those with higher numbers of voters.

Mayor Weiser said that under the Growth Management Act counties and cities were directed to determine their urban growth boundaries. Since it is a requirement within state law and since it also says all lands within the urban growth area will be eventually annexed into the city, he asked if the city could just lump together separate areas because they are already in the urban growth boundaries even though they are not contiguous with each other, but are contiguous with the city. Mr. Weed thought that this would be unlikely to get past the review board because of the statutes required to pass.

Councilmember Seibert then asked Gloria Hirashima, Community Development Director about Section 2, number 2 which says that the city will review for consistency with the city's comprehensive plan and development. Ms. Hirashima explained that currently this is a requirement, not merely a high priority. Councilmember Seibert commented that he believes it should be required that the area be consistent with the comprehensive plan and with development regulations.

Councilmember Seibert then referred to number 3 within the same section. He commented that once the area was annexed it would be subject to city rules. There was

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discussion about a pre-annexation agreement. City Attorney Weed said that a more realistic approach would probably be that after annexed they would comply with the city development standards. Community Development Director Hirashima suggested that it read "as a condition of obtaining city utilities".

Councilmember Seibert then referred to Section 4. He thought the wording sounded like once the Court establishes something the city will automatically adopt the whole thing. There was discussion about the city being subject to whatever the decision would be unless part of it was delegated to the cities. Mr. Seibert commented that the draft should leave that part that is delegated to cities to review before automatically accepting it. He further stated that the city should move forward with a policy of not providing utilities or hookups outside the city until this is decided upon, especially since covenants may be worthless. He said to let everyone know that until this situation is changed this will be the new policy.

Councilmember Smith expressed her frustration with providing services outside city limits, but having no control. She said the only thing the city gets is density. Ms. Smith went on to discuss stormwater issues and school district impact fees with regard to those areas. She said they would get developed to county standards although essentially part of the city. They impact city parks, roads, etc... If they ever are annexed the city inherits the sub-standard development, especially in terms of roads.

Councilmember Vares requested clarification of the issue of differences in county standards and differences in the level in general. Ms. Hirashima noted that the problems were mainly with the older developments. Newer plats have different standards than the city on frontage improvements. She further commented that the County was pursuing urban level standards that were intended to address this issue. She said she would need to look further into this to check on specific differences.

Councilmember Smith then asked about going to the County requesting urban growth levels of development. Mayor Weiser described some of the background of this situation. He explained they set a series of urban standards – some were higher and some were lower than Marysville's. He wasn't sure if it was working, but he said the County is now considering adopting the cities' development standards for the urban growth area. Ms. Smith suggested making this a requirement until the County completes its work.

Councilmember Wright commented that this policy is just intended to serve as an interim policy. City Attorney Weed agreed and said that its purpose is simply to give those interested in annexation an idea of which proposals the city would be likely to consider. He suggested that if City Council wished to get into the details of the policy they could take all the provisions out of the old policy that are still good and weave those into this proposed policy.

Councilmember Seibert then referenced the roads and parks monies collected by the County, which are often not used to benefit Marysville. If the city does not require

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annexation he said it would just continue happening that way. He would like to see Council move to suspend utility hookups outside the city.

Councilmember Leighan asked how a no hookups outside city limits policy could be structured at this point. City Attorney Weed explained that the city would have to compose a list of exceptions where it has already made commitments. He said they are currently waiting to find out if cities are required to provide services to LIDs.

Councilmember Wright commented that she was interested in knowing the financial implications of suspending hookups. Finance Director Sandy Langdon explained that they don't consider bonding on hookups outside the city.

Councilmember Smith clarified that number 2 would say, "required to be consistent with". Mayor Weiser indicated that could be part of a motion. She also suggested that number 3 should read something like "as a condition of obtaining utilities".

Councilmember Leighan referred to Section 2, number 1 and suggested that it read, "shall consider areas that benefit the city".

City Attorney Weed then asked for direction from Council. There was discussion about bringing this back at the next meeting to discuss with the possibility that it will be carried over to the next work session.

## CONSENT

Mayor Weiser reviewed the following consent agenda items.

- A. **Approval of February 24, 2003 Claims.**
- B. **Approval of February 20, 2003 Payroll.**
- C. **Approval of New Liquor License Cedar Crest Family Restaurant & Grill.**
- D. **Approval of Liquor License Renewals for 7-Eleven #2306-18861E, 1114 State Avenue, and First Stop Food Mart, 70 State Avenue, Suite B.**
- E. **Authorize Mayor to Sign Grant Application for Snohomish County Center for Battered Women.**

Councilmember Leighan asked how many referrals a year there are to this center. Chief Carden was not sure, but said he would find out.

- F. **Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.**

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Councilmember Smith asked for clarification of a couple of areas and asked if there had been a second neighborhood meeting. Ms. Hirashima indicated that there had not.

**G. Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.**

Councilmember Nehring asked about the amount of this grant. Chief Carden explained that it was the same amount every year and was provided to the city automatically. There was discussion about the use of this grant.

**NEW BUSINESS**

**A. Lakewood Annexation; PA 0105029**

Councilmember Leighan asked specifically how the 10% petition worked. Ms. Hirashima explained the method. Mr. Weed further explained this process needs to be certified by the County.

Councilmember Seibert asked if some of the boundaries could be re-drawn if the city were to initiate this based on areas that would be amenable to annexation. Discussion followed about boundary limits and costs associated with this.

**B. Dale Gribble Annexation; PA 0101004.**

Mayor Weiser briefly explained the history of this annexation. He noted that it started out as a 2-lot annexation and ended up being extended to cover a larger area. There was discussion about the boundaries of this annexation. Ms. Hirashima explained the options that would be before Council at the meeting.

Councilmember Leighan asked if there was a fee for annexations. Ms. Hirashima said that there was one and that this had been paid. There was more discussion about the boundaries to be included. Councilmember Seibert suggested trying for the larger area, but wondered if there would be a possibility of then bringing back just the smaller area at the next election if the larger one wasn't approved. Mr. Weed said it would depend on the timing of the boundary review process and the timing of the County's process of getting it on the ballot.

**C. WWTP Phase II Improvements – Constructability Review.**

Public Works Director Jim Owens explained that the same firm that did the constructability review of Phase 1 would be doing this. He displayed the product received as part of the original constructability review and explained briefly its content. Mr. Owens indicated that he was confident they would get a good product. There were no comments or questions.

**ORDINANCES & RESOLUTIONS**

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**A. A Resolution of the City of Marysville Confirming Its Commitment to Work with the City of Arlington in Developing Regional Solutions to Transportation Issues While Still Allowing Each Jurisdiction to Continue Economic Development.**

Councilmember Seibert asked if Arlington would be doing the same thing. Mayor Weiser answered in the affirmative. There was some discussion about dropping the word "economic" in number 3.

Mr. Weed commented that he wasn't sure that this resolution would be legal and binding, but that it might be more a show of good faith between the two cities.

**INFORMATION ITEMS**

Public Works Director Owens updated Council on two projects. First he said they were planning on activating the signal at 88th Street and 67th Avenue on Thursday and that they would be putting out traffic change signage to notify drivers.

He then discussed the Wastewater Treatment Plant Phase 2. He said that the schedule he had received exceeded the schedule limits. He is now waiting for a new schedule within limits and is expecting to receive that information this week.

CORRECTED: SEE 2-24-03  
MINUTES 2/18 AM

**ADJOURNMENT**

Mayor Weiser adjourned the work session into Executive Session at 8:54 p.m.

**EXECUTIVE SESSION**

Council convened into Executive Session at 9:02 p.m. to discuss one potential litigation issue, and reconvened into regular session at 9:10 p.m.

**Motion** by Councilmember Leighan, second by Councilmember Wright to approve the change order as discussed in Executive Session. Motion carried unanimously (6-0).

**ADJOURNMENT**

Mayor Weiser adjourned the February 18, 2003 City Council Work Session at 9:12 p.m.

Approved this 24<sup>th</sup> day of February, 2003.

David Weiser  
Mayor

Perry Becker  
City Clerk

Lanni Hugdahl  
Recording Secretary