

Marysville City Council

February 24, 2003

7:00 p.m.

000227 AM  
000280

CORRECTED: SEE 2/10/03  
MINUTES 5/13/03

Public Safety Center

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of Minutes</b>	
February 8, 2003 City Council Workshop	Approved
February 10, 2003 City Council Work Session	Approved
February 18, 2003 City Council Work Session	Approved
<b>Consent Agenda</b>	
Approval of February 24, 2003 Claims in the Amount of \$1,844,439.14; Paid by Check No. 5513 through 5809 and ETF Payment #2 with Check No. 5512 Void.	Approved
Approval of February 20, 2003 Payroll in the Amount of \$477,990.82; Paid by Check No. 10182 through 10262.	Approved
Approval of New Liquor License for Cedar Crest Family Restaurant & Grill.	Approved
Approval of Liquor License Renewals for 7-Eleven #2306-18861E 1114 State Avenue, and First Stop Food Mart, 70 State Avenue, Suite B.	Approved
Authorize Mayor to Sign Grant Application for Snohomish County Center for Battered Women.	Approved
Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.	Approved
Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.	Approved
Approval of Completion of a Constructability Review of the WWTP Phase II Improvements and Authorize Mayor to Sign the Professional Services Agreement with the Harris Group.	Approved
<b>New Business</b>	
Approval of Annexation Policy, Draft No. 2	Approved Resolution 2088
Approval to direct staff to come back with a resolution initiating the Lakewood Annexation PA 0105029 by the election method and to finalize the perimeter boundary including the Lakewood School District.	Approved
Approval of Dale Gribble Annexation PA 0101004 for the non-expanded boundary by Council resolution and to direct City staff to return with a resolution and to prepare a perimeter legal description.	Approved
<b>Information Items</b>	
Approval of the reappointment of Robert Bell to the Park Board	Approved
Approval to bring back the discussion within thirty days on a utility ordinance to discuss how utilities are served outside the city limits and what that should look like.	Approved
<b>Adjournment</b>	9:14 p.m.
<b>Executive Session</b>	9:25 p.m.
Discussed three pending litigation issues. No Action.	
<b>Adjournment</b>	9:39 p.m.

## MARYSVILLE CITY COUNCIL MEETING

February 24, 2003

7:00 P.M.

Public Safety Center

### CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Weiser called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

### INVOCATION

There was no minister present so Mayor Weiser dispensed with the invocation.

### ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

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

**Staff:** Robert Carden, Police Chief; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Chris Holland, Senior Planner; Larry Larson, Public Works Superintendent, and Jim Ballew, Parks and Recreation Director.

### COMMITTEE REPORTS

Councilmember Jon Nehring reported that he met with the Finance Committee where they discussed the Hotel/Motel Grant applications that will be coming soon to Council. He commended the Finance Department and especially Finance Director Sandy Langdon for getting the new financial software system up and running. They also discussed the loan and the bond-free work for the restaurant, State Avenue project, the Allstate Building and the water and sewer upgrades. They also had an update of the grants. Mr. Nehring said he would provide a complete list of grants for anyone who wanted a copy.

Councilmember John Soriano reported on attending the LEOFF I Committee meeting which reviewed three claims and discussed the board policy.

### PRESENTATIONS

**Swearing-In New Officer: James Spickelmire.**

Mayor Weiser performed the swearing-in ceremony for James Spickelmire and welcomed him into the city's Police Department.

**Service Award Presentations.**

**Shane Freeman** - The 10 year service award was announced for Shane Freeman of the Wastewater Treatment Plant who was unable to attend the meeting.

**John Buell** - Terry Hawley, Utilities Maintenance Supervisor, wholeheartedly commended Mr. Buell and gave a thorough history of his service with the city. He applauded him for his hard work, dedication and skills. Mr. Hawley thanked Mr. Buell for his time and trustworthiness in working with the city for 15 years. He concluded by citing examples of Mr. Buell's outstanding commitment to quality, service and productivity. Mayor Weiser then awarded Mr. Buell with a plaque commemorating his years of service with the city.

**AUDIENCE PARTICIPATION**

Mayor Weiser solicited audience participation. Seeing none he moved on to Approval of the Minutes.

**APPROVAL OF MINUTES**

**A. February 8, 2003 City Council Workshop.**

Councilmember Jeff Seibert referred to the last paragraph on page 4. The sentence reads, "Ms. Swenson asked if there was the ability to allow hooking into the cemetery sewer..." It should say, **sanitary** sewer.

**Motion** by Councilmember Nehring, second by Councilmember Mike Leighan to approve the minutes as amended. **Motion** passed unanimously (7-0).

**B. February 10, 2003 City Council Work Meeting.**

Councilmember Seibert referred to page 13. The second sentence says, "they have been able to cut their garbage service in half." This should read, "they have been able to **cut the time to service the garbage trucks** in half."

**Motion** by Councilmember Seibert, second by Councilmember Suzanne Smith to approve the minutes as amended. **Motion** passed unanimously (7-0).

**C. February 18, 2003 City Council Work Session.**

Councilmember Seibert noted that on the last page under Information Items. The second paragraph says, "~~Phase 2~~". This should be "**Phase 1**".

Councilmember Soriano noted that he would not be voting on the February 18<sup>th</sup> minutes, as he was absent from the work session.

**Motion** by Councilmember Lisa Vares, second by Councilmember Suzanne Smith to approve the minutes as amended. **Motion** passed (6-0) with Councilmember Soriano abstaining.

## CONSENT AGENDA

- A. Approval of February 24, 2003 Claims in the Amount of \$1,844,439.14; Paid by Check No. 5513 through 5809 and ETF Payment #2 with Check No. 5512 Void.**
- B. Approval of February 20, 2003 Payroll in the Amount of \$477,990.82; Paid by Check No. 10182 through 10262.**
- C. Approval of New Liquor License for 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.**
- F. Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.**
- G. Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.**
- H. Approval of Completion of a Constructability Review of the WWTP Phase II Improvements and Authorize Mayor to Sign the Professional Services Agreement with the Harris Group.**

Mayor Weiser asked if there was anyone in the audience or any Councilmembers who wanted any of the items removed for discussion. No one indicated that they wished to remove any of the items. There were no further comments or questions regarding these Consent Agenda Items.

**Motion** by Councilmember Lisa Vares, second by Councilmember Donna Wright to approve Consent Agenda Items A-H. **Motion** passed unanimously (7-0).

## NEW BUSINESS

### **A. Annexation Policy.**

City Attorney Grant Weed reviewed the history of this policy and the city's position with regard to the law. He explained that the Council is to consider whether there should be some revisions to the existing policy. Mr. Weed then reviewed the proposed

revised resolution and described the changes that have been made and the reasons for those changes.

Councilmember Wright explained that the House has passed two measures addressing the annexation issue - one pertaining to vacant land, which could use the petition method with the majority of the land owners. The other was based on acreage. A majority of those owners, based on acreage, plus a majority of the residents who are registered voters would need to sign the petition and then it would proceed. She said it would go to the Senate and appeared to be on a fast track to move along. Since this appears to be moving quickly, and wondered if Council would end up redoing the policy anyway in the near future. Mr. Weed indicated that revisions were likely going to be necessary whether or not this was adopted.

Councilmember Mike Leighan asked how Resolution 1939 is currently being applied and if this resolution was just to clean up the language. Senior Planner Chris Holland replied that they were mainly cleaning up language so there would not be any confusion about which method of annexation is currently available. Councilmember Leighan then referred to Section 4 and noted that this would not change provisions of providing hookups outside the city. Mr. Weed indicated that this resolution would not impact the current policy of the city. Councilmember Leighan then asked about the intent of Section 4, Annexation covenant requirements/utility service areas requirements. Mr. Weed said that the city would continue to collect the covenants so as to not foreclose the option to use them.

Mayor Weiser asked about Section 2, Number 1 that refers to looking at areas with higher assed value. How does this work with Lakewood School District properties when there are no taxes collected on those properties. He asked if these should be exempt or if there should be language that acknowledges the fact that tax revenue is not received from those properties. Mr. Weed said that was possible, but he felt the language was clear enough that the city would merely consider that factor.

CORRECTED: SEE 3-10-03  
MINUTES 4/10/03 AM

Councilmember Seibert referred to Section 4 and questioned the use of administrative variances. Mr. Weed explained that there is a provision in the code now to review requests for variances administratively with appeals to the Hearing Examiner. Consideration could then be given to an administrative variance. There is an application process through the Public Works Department. He said this is currently being utilized at times.

Councilmember Smith had concerns about provisions for utility hookups and noted that this was left out of this resolution. Mr. Weed said in previous versions there was a section dealing with developer extension agreements that was left out of this version. He felt this would work better as a stand-alone policy.

Councilmember Vares asked again how Resolution 1939 is currently being used. Senior Planner Chris Holland stated that it is not being used now because they are not using the petition method. He said if they adopt new annexation language it would clarify the annexation methods available for those interested in applying. Ms. Vares then asked what they told people who are interested in annexing into the city. Mr.

Holland indicated that he has an information sheet that explains the different processes that are currently available under state law. He explains to people interested in annexation that there is no guarantee that Council will approve it, but it gives them some understanding of what their options and responsibilities are.

Mayor Weiser asked if there was any public comment. There was none. The topic was then closed to public comment.

Councilmember Leighan said he was in favor of annexing the entire urban growth area or portions thereof even though he realized this would be a monumental task.

Councilmember Seibert wanted to discuss options on city services outside of the city. This was not included this time, but he said he would like it to be a part of the resolution. He agreed that he also would like to see all of the urban growth area annexed into the city as this would solve the problem of providing services to areas outside the city.

Councilmember Leighan agreed with Councilmember Seibert on utilities outside the city, but felt it would be better addressed under the utilities code.

Councilmember Seibert then commented that only part of the issue that he had wanted to discuss was brought forward (utility service was not). He noted he was skeptical about the administrative variance even though this is already being done. He said the city needs to draw a line regarding applications for service outside the city limits. He referred to the problem of "islands" outside the city that were not able to be annexed.

Councilmember Smith then commented that this resolution cleans up how you annex to the city. She said it seemed clear to her that the utility provisions needed to be separate from the process of annexation. She stated that she believes once this is installed, the utility issue can be addressed.

Councilmember Wright noted that she felt that as long as the legislature is moving along it would be prudent to set this aside for a month or so.

Councilmember Leighan noted this would probably need amending, but the current policy has areas that are not valid and needs to be updated. He again said he would like to take a look at annexing a large chunk of the urban growth area into the city as soon as possible. He said the utility issue needs to be dealt with in a separate code. He indicated he would support this resolution as presented.

**Motion** by Councilmember Seibert, second by Councilmember Leighan to adopt Resolution 2088, Draft No. 2 as written. **Motion** approved 6-1 with Councilmember Wright voting against.

## **B. Lakewood Annexation; PA 0105029.**

Mayor Weiser asked Senior Planner Chris Holland if the Community Development Department had anything to add. Mr. Holland indicated there was no additional information. There were no comments or questions of staff.

**Jerry Osterman, 16829 B 26<sup>th</sup> Drive NE, Arlington, WA 98223**

Mr. Osterman thanked Mayor Weiser for attending a recent Public Hearing at a Snohomish County Council meeting where he requested they not proceed with a high-density rezone action until the City of Marysville could complete their Comprehensive Plan for this area. Despite the Mayor's request and that of the residents they now have a 10-acre parcel zoned high density between two medium density developments. He requested that the City of Marysville work with the neighborhoods to develop pre-annexation zoning prior to an annexation election. Mr. Osterman thanked Marysville for extending utilities to his area.

Mayor Weiser thanked Mr. Osterman for speaking.

**Robert Larkin, 16830-26<sup>th</sup> Drive NE, Arlington**

Mr. Larkin thanked the Mayor for attending the Snohomish County Council Public Hearing. He asked if this was going to be done in a large chunk or pieces. Mayor Weiser explained that that was under discussion.

Mr. Larkin inquired as to the benefits of being annexed. Mayor Weiser explained that his utility rates would be less, fire protection would be the same, property taxes would be slightly less in the city than the county, and police response time should be less than in the county. He added that the Governmental Affairs Committee has been discussing a shared police precinct. Mayor Weiser then went on to explain some of the disadvantages of being annexed. He listed the utility tax, dog leash law, and dog and cat licensing law. Mr. Larkin thanked him.

Councilmember Seibert commented that other advantages would be that they would be able to vote in local elections and that a smaller governmental entity allows constituents to have a bigger voice.

There were no further comments from the audience so the topic was closed to public comment.

Mayor Weiser solicited questions or discussion. He explained that Council needed to decide the area to be annexed - 172<sup>nd</sup> Street as north boundary or the entire area - and the type of method to be used in annexation - election initiated by 10% petition method or by City Council resolution method.

Councilmember Lisa Vares thought that they should attempt to annex the entire area based on the 60% petition. This particular petition - in order to initiate an election method - only asks for 10%. She stated that they've already exceeded that criterion.

She said she also feels that it should be done in one chunk, not two, if possible. She indicated that she was in favor of Option 2.

Councilmember Leighan asked if there was a letter from somebody in the area that was interested in annexing as he didn't want it to appear that the annexation was initiated by the city. Senior Planner Holland clarified that there were three other property owners in that area that supposedly submitted letters, but he did not have their names on hand. There was discussion about the percentage

Councilmember Seibert said he was favor of Option 1 by the petition method. Mr. Weed indicated that it would be necessary to give time for all the necessary processes to happen before the election. Chief Administrative Officer Mary Swenson added that they would want to do community meetings in that area in order to foster communication and help the community feel more connected.

Councilmember Smith responded to Councilmember Leighan's concern by stating that the residents do have a choice and that the ultimate decision was in their hands. She then added that she was in favor of the full annexation.

Councilmember Soriano asked which would be most expeditious. Mr. Weed indicated that some time might be saved under Option 2, but not a significant amount of time.

Councilmember Wright also asked about the timeline involved. Mayor Weiser indicated it should be fairly quick as they already have reviewed it. Mr. Weed added it would be the same amount of time as with petition. Ms. Wright concluded by saying that she favored Option 2.

Councilmember Smith asked Senior Planner Chris Holland about Mr. Osterman's comment about pre-annexation zoning in the Lakewood Area. She asked if this had been finalized. Mr. Holland explained that there are three options under consideration.

**Motion** by Councilmember Jon Nehring, second by Councilmember Suzanne Smith to direct staff to come back with a resolution initiating the Lakewood Annexation PA 0105029 by the election method and to finalize the perimeter boundary including the Lakewood School District.

Councilmember Seibert asked if it would be appropriate to begin notifying citizens of the city's intent. Mary Swenson agreed that it would be a good idea. Councilmember Seibert asked at what point they would notify the entire area that they could be annexed. Ms. Swenson recommended that after accepting a resolution. She indicated that they have been in contact with residents during this process and they would continue to do that. As soon as the resolution is passed they would do a mailing. Mr. Holland added that they have a pamphlet that they can send out to property owners and citizens who live in the area.

**Motion** passed unanimously (7-0).

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



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Senior Planner Holland noted there was no additional information. Referencing differences in zoning within the county and the city he noted that the city allows smaller lot sizes although they still have to meet the same density requirements.

Mayor Weiser explained that this annexation started off under the old policy. The applicant applied and Council asked that the area be expanded. There was a delay in the process and then the Supreme Court decision stopped it all. The previous annexation policy cited if the property was within two lots of the city then it needed to be annexed first. The one that was just adopted does not say that.

**Linda Gribble, 4702 67th Avenue NE, Marysville, WA 98270**

Linda Gribble addressed the Council. She said they were initially required to annex into the city. She said they have received all the approvals they need from Snohomish County. Ms. Gribble concluded by saying that they have been in limbo for over a year and that she encouraged City Council to approve this.

Councilmember Leighan asked if the adjacent owners wanted this annexation also. Ms. Gribble indicated that they did. She then explained the reasons why they want to be annexed. These included smaller lot sizes and costs already incurred with engineering services. She said they were not opposed to an election to annex the larger area.

Councilmember Smith noted that things have changed and the property does not need to be annexed. Mayor Weiser commented that if approved it would be annexed prior to development and prior to utility service.

Councilmember Wright commented that the expanded area had no protest agreements. It seemed to her that Option 1, if the Boundary Review Board would accept it, would be the best way.

Councilmember Seibert asked Finance Director Sandy Langdon if there would be much difference in cost between the small area and the larger one. She said that the cost would be about the same.

Councilmember Leighan asked how many registered voters there were on the two parcels. Senior Planner Holland said there are currently two houses there, but he was not sure about the number of registered voters.

Councilmember Seibert stated he would like to try to annex the whole area.

**Motion** by Councilmember Seibert, second by Councilmember Smith to approve the Gribble annexation with the expanded boundaries through the resolution method.

Councilmember Leighan commented that the larger area would require significant canvassing. He indicated that he was in favor of annexing just the two properties and would not be supporting this.

Councilmember Seibert asked the City Attorney if both of these could be written in as separate issues. Mr. Weed referred to the policy of inconsistency of outcomes and possible problems with the Boundary Review Board with regard to this suggestion. Councilmember Seibert clarified his meaning. Mr. Weed indicated that it still might cause problems for the Boundary Review Board.

Councilmember Leighan referred to a policy that stated if the Boundary Review Board disapproved of the annexation it could not be reconsidered for twelve months. Mr. Weed thought that the two-parcel piece would be considered as a different annexation.

Councilmember Vares said that she agreed with Councilmembers Leighan and Wright, but if the larger area has no protest agreements with the city she thought it might be a moot point to send it to the voters. While she said she would like to see the larger area put before the voters she said she would be voting no on the motion that is in front of Council.

Senior Planner Holland added that there has been no perimeter legal boundary description prepared on the smaller area.

Councilmember Smith said she would like to retract her second to the motion. There was no second to Councilmember Seibert's motion.

**Motion** by Councilmember Smith, second by Councilmember Vares to annex for the non-expanded boundary by Council resolution and to direct city staff to return with a resolution and to prepare a perimeter legal description. **Motion** passed unanimously (7-0).

## ORDINANCES AND RESOLUTIONS

### **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.**

Mary Swenson said this resolution is a result of continued efforts in working with Arlington and the Governmental Affairs Committee. She explained that the city's main goal is to get the 172<sup>nd</sup> project moving.

Councilmember Leighan asked about dropping the word *economic* in Section 3 and leaving it as *development projects*.

City Attorney Weed wondered if a city could really waive its appeal rights not knowing what would happen in the future. He also had concerns about the vague meaning of *development projects*. He wondered whether the intent of this resolution was really to pledge the city's cooperation and not necessarily to waive its appeal rights.

Councilmember Leighan suggested that the two cities meet again to discuss the City Attorney's concerns before adoption of this resolution.

Councilmember Nehring said he could possibly support this if the word *economic* was deleted.

Councilmember Smith did not feel this would be a legally binding agreement but could serve as a pledge of cooperation. She expressed her concerns about stormwater. Mary Swenson said this resolution was specifically referring to development and traffic issues surrounding that development.

Councilmember Seibert referred to the concurrency for traffic. It would leave other avenues of appeals open to the city. Mr. Weed said that was true as it was written, but there were other vehicles for appealing to traffic issues. He suggested drafting some clarity as to what was meant by economic development projects. Mr. Seibert wanted to clarify that it would be addressing 172<sup>nd</sup> Street.

Councilmember Wright thought that pledge of cooperation on number 3 would be good.

Councilmember Soriano suggested waiting a couple weeks until the staffs of both cities could take a look at this and to have the Governmental Affairs Committee take a look at it.

There was general consensus of Council to delay action on this.

## INFORMATION ITEMS

### A. Mayor's Business.

#### ***Reappointment to Park Board; Robert Bell, Jr.***

**Motion** by Councilmember Leighan, second by Councilmember Wright to approve the reappointment of Robert Bell to the Park Board. **Motion** approved unanimously (7-0).

Councilmember Mike Leighan indicated that there needs to be action taken on the LEOFF Board. Mayor Weiser thanked him for that information.

#### ***Recovery Contracts***

Mayor Weiser discussed three recovery contracts with the hope that these would be approved next Monday night at the work session. There was consensus that action on this would be delayed until the work session.

Councilmember Seibert asked about a problem with a grate at one of the lift stations. He had driven by and saw a manhole that had been opened so that a hose could be

inserted. Larry Larsen, Public Works Superintendent, indicated the necessity of this and that it was a punch list item.

Mayor Weiser then announced that these recovery contracts would be brought back for public comment next Monday.

The Mayor then reminded Councilmembers that they could hold their list of expenses until the end of the month if they so desired.

**B. Staff Business.**

**Larry Larson, Public Works Superintendent**, gave an update on the Ash Avenue Park and Ride. He said it was progressing on schedule with currently 50 spots available. By the end of March there should be 150 available and it should be completed by July with a total of 200 parking spaces.

He also mentioned that there had been a settlement with Denise Baker negotiated today.

He then reviewed change orders and said there are some pending minor ones totaling approximately \$35,000.

**Chris Holland, Senior Planner**, noted that there is a hearing on Thursday night for an 11-lot plat next to Windsor Point.

**Grant Weed, City Attorney**, said he had an item to updated Council on pending litigation in the Executive Session.

**Mary Swenson, Chief Administrative Officer**, announced the AWC Convention will be in Spokane in June 18-20. If any Councilmembers are interested please let her know. She said staff made hotel recommendations and encouraged those who have not attended to try to do so this year. Ms. Swenson then stated that they have received input from interested citizens on the gambling committee and will be moving forward on that committee.

**Robert Carden, Police Chief**, announced that the Public Safety meeting was changed to March 6th because several participants will be out of town. He went on to discuss the Citizens Academy that begins tomorrow night. Some of the topics covered will be: recruitment, criminal law, crime prevention, criminal procedure, accreditation, patrol procedures, use of force, records, disclosure, training in the traffic unit, accident investigation, domestic violence and communications, K-9, meth labs and illegal drugs, driving under the influence of alcohol and drugs, firearms training, jail and court. Graduation is scheduled for May 13th. The first class has 22 people signed up.

**C. Call on Councilmembers.**

**Lisa Vares** asked where they were regarding zoning for methadone clinics. Mayor Weiser indicated that staff has a meeting tomorrow to start working on this. Ms. Vares then commented that she really enjoyed Marysville University's methamphetamine class. She thanked staff for their presentation and participation.

**Mike Leighan** commented that it was one of the better-attended Marysville University's, which showed the timeliness of the topic.

**Suzanne Smith** said she was at the State Avenue meetings and Howard Sowards representing Marysville Co-Op Cenex was there and indicated his concerns about water pressure in the vicinity of 84<sup>th</sup> and State Avenue. She asked if there was a reason why they have really low pressure in this area because Mr. Sowards has concerns about fire safety.

Ms. Smith then stated the Park tour on Saturday was great. She said it was very fun, and informative and she was glad she attended.

Ms. Smith then referred to the Marysville Messenger that is sent out to the utility customers. She said there was some confusion among residents regarding where the city limits actually are. She suggested putting a map of the city limits and the surrounding UGA to assist those that don't know where they are. Mayor Weiser said they could, but it would be difficult to show the details well.

Ms. Smith then brought up a utility ordinance.

**Motion** by Councilmember Suzanne Smith, second by Councilmember Jeff Seibert to bring back the discussion within thirty days on a utility ordinance to discuss how utilities are served outside the city limits and what that should look like.

*Discussion:*

City Attorney Weed said he would like to compile a history of the policy issues and the city's options as far as its current commitments. From his perspective thirty days might not be sufficient time to thoroughly investigate this. Councilmember Leighan said he would also like to know what process the city is now using to give the utility variance outside the city limits and what the timeframe is in order for a developer to get those. Councilmember Soriano then asked Mary Swenson if she thought thirty days would be sufficient for the staff to research this. She was not sure and said she needed to check with Public Works Director Jim Owens who is currently on vacation. She thought that some of the information was probably already assembled. She said she and Larry Larson could discuss it during this week and see what the possibilities are.

Councilmember Seibert reiterated that this was part of his original request to discuss the annexation proposal and that he wanted to keep the thirty-day timeline.

Councilmember Smith said she would like to keep the motion as it is, for thirty days, but she would be willing to entertain a reasonable extension if staff needed it.

Councilmember Nehring noted his concerns with the liability issues but said he would like to look at the issue.

Councilmember Leighan noted that it could be a fairly in-depth discussion and suggested that it be a Saturday meeting topic. Mary Swenson agreed with Councilmember Leighan. She referred to a weekend retreat in April and said that this might be a good topic for that. She said she wanted to get Council's availability to set a date for that.

Councilmember Vares asked how Councilmember Seibert feels about waiting until the beginning of April to begin discussion. He said he is totally against it. His feeling is that this should have been addressed with the issue presented tonight and he did not want to wait longer than thirty days.

Councilmember Vares then suggested getting moving on the ordinance in the next thirty days in order that this could be handled in a timely manner. She suggested some sort of presentation to Council in advance to the weekend retreat.

Mary Swenson noted that they could be probably have something on the agenda by March 17<sup>th</sup>

**Motion** passed unanimously (7-0).

**John Soriano** asked if the meth video used for Marysville University could be given to the library. Mary Swenson said that she would make sure that happened.

**Jon Nehring** also commended Marysville University. He then referred to an email by Matt Gordon and asked if that issue had been settled. Chief Carden explained that he wanted to do volunteer policing. He feels they already have Marysville Seniors Against Crime in place. They are looking at utilizing them to use some radar. With regard to the Citizens Academy it has been in place a long time and is not a new idea.

Mr. Nehring then referred to an area near the old driving range. He said it seems like there is a vehicle parked there often with its lights on and wondered if it was a drug issue. Police Chief Carden thanked him for the information.

He then asked Parks and Recreation Director Jim Ballew for an update on the Skate Park. Mr. Ballew said the fencing has been a beneficial addition. The caretaker closes the gate at night and this helps. He said there are still some issues that they are working on. He said they have seen a dramatic decline in graffiti and it is not reopened until it is cleaned up.

**Jeff Seibert** asked Larry Larson when the buses would start using the Ash Avenue Park and Ride Lot. Mr. Larson said he would need to get that information from Jeff Massie.

Mr. Seibert then informed Council that testing for the 529 bridge will be starting tomorrow night.

He then mentioned that the zoning issue in Lynnwood was thrown out and that the city would need to make sure that it could stand the test.

**Donna Wright** said she enjoyed the park tour of five different parks. She recommended that one of the retreats be held at Wildflower. She said that Marysville University is currently airing on Channel 29 and she hoped it could be expanded.

She then referred to the Safety Committee and said that she would not be able to attend. She said she also spoke with Howard Sowards about his water pressure issue.

She then suggested a Public Works tour to follow the successful Parks tour.

**ADJOURNMENT**

Mayor Weiser adjourned the meeting at 9:14 p.m. He announced that there would be an Executive Session to discuss two potential legal issues. The Executive Session would start at approximately 9:25 p.m. and last for about 25 minutes.

**EXECUTIVE SESSION**

Council adjourned into Executive Session at 9:25 p.m. and discussed three pending litigation issues. Council reconvened into regular session at 9:39 p.m., took no further action, and adjourned.

Approved this 10<sup>th</sup> day of March, 2003.

David Weiser  
Mayor  
David Weiser

Gerry Becker  
City Clerk  
Gerry Becker

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl