

June 12, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
Ken Baxter, Mayor ProTem  
Mel Schank  
Dave Weiser  
Bill Roberts  
Larry Hots  
Bob Lashua  
Lee Cundiff  
Administrative Staff:  
John Garner, City Adminsitrator  
Phil Dexter, Finance Director  
Dave Zabell, Public Works Director  
Jim Allendoerfer, City Attorney  
Gloria Hirashima, Associate Planner  
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank moved and Councilor Lashua seconded to accept the minutes of the 6/5/89 Council meeting as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

John Duncan, 5900 64th St. NE, resident manager of Glenwood Mobile Homes, addressed the Council and stated that he had been talking with the construction foreman doing the work on 64th and is of the understanding that traffic will be diverted/routed through the mobile home park. Mr. Duncan explained that this would jeopardize tenants as well as the fact that the interior roads are not built to handle this traffic.

Public Works Director Zabell explained that site traffic only from the park is to be rerouted with access onto 67th. He said they expect to receive a detailed detour plan from DOT soon.

Councilor Schank asked Mr. Duncan about the present mobile home park accesses and Mr. Duncan stated that the one on 67th has been closed to public access. The park speed limit is 10 mph and the public doesn't respect that so they attempt to keep the traffic in the park restricted to tenants. He said they have a gate on 67th that's easily opened and the fire dept., police dept. and Northwest Garbage have all been notified of the situation.

Tom Huse of Montgomery Engineers, Bellevue, gave an update on the water transmission line from Everett. He said the first phase has been completed (it was funded at a cost of \$225,000). He stated they now need authorization for the final design for the pipeline involving a stream crossing as well as publication of the SEPA/EIS checklist giving the public 15 days to comment. He noted that the SEPA/EIS checklist has been reviewed by City staff.

Councilor Schank asked when the checklist would be published, i.e. 15 days from when?

City Attorney Allendoerfer stated the final deadline for making comment would be June 30th and the publishing in the paper will allow 90 days if anyone wishes to sue the City with regard to the pipeline construction.

Public Works Director Zabell stated that Mr. Huse had met with the RUSA Committee and it is also their recommendation that the Council approve this phase of the work.

Councilor Schank moved and Councilor Hots seconded that the SEPA/EIS checklist be published. Passed unanimously.

Councilor Baxter moved and Councilor Schank seconded that funding for the final design stage in the amount of \$120,000 be approved. Passed unanimously.

Steve Mumford, owner of Chita's, addressed the Council requesting less police officers and asking to be allowed to open Wednesday nights in order to supplement their income. He noted that they have paid out over \$5,000 for police in the last two months and their business is way down.

Councilor Hots stated that he has been in the vicinity of Chita's three times in the last two months and all three times, there were arrests being made involving drugs and/or weapons. He said his opinion is that the police officers should probably be maintained in their present numbers, however he would like input from Acting Police Chief Dyer.

Councilors Cundiff and Roberts both concurred.

Councilor Schank stated that from the reports he has heard, he would also agree with Councilor Hots.

City Attorney Allendoerfer asked if the police officers from last week had been paid and Mr. Mumford stated that yes, he paid them out of his Lynnwood restaurant. Mr. Mumford asked Council what their feeling was about Wednesday night openings and City Attorney Allendoerfer noted that would constitute an amendment to the ordinance, if approved.

Councilor Hots stated that he would like to hear Chief Dyer's views on whether the Marysville Police Dept. can support an additional night.

City Attorney Allendoerfer noted that it seems inconsistent for Mr. Mumford to want to open another night, having previously said that he was closing on July 1st and opening a topless establishment.

Mr. Mumford stated that it was not him opening the topless establishment; he was leasing the space out because he needed the money.

Mayor Matheny voiced the opinion that she certainly did not wish to see a topless establishment in Marysville and stated also that she wished Chief Dyer's input.

Mr. Mumford asked if he would be on next meeting's agenda and City Administrator Garner agreed that he would be.

Mert Turk, 5628 100th NE, addressed the Council, stating that he was born in Marysville 66 years ago and has an area of property where he allows the kids to come and has for many years. He said he has 15 acres surrounded by another 30 undeveloped acres, all covered with beautiful evergreens, and he said he would like to see the City build a public park there. He explained that he would keep his small area and use it for the little kids and the Friends of Special Children (handicapped kids). He said right now, they are working on a horse trail for them. He added that he feels the area would be ideal for the City to develop as a park and as a bonus, it would contain part of Marysville's first road, built in 1914.

There was discussion and there seemed to be considerable interest on the part of Council in Mr. Turk's idea.

Mr. Turk stated that this area is in the Parks Dept. Comp Plan and

Mr. Ballew told him to come and talk to the Council and he invited the Council or anyone else to come up and take a look at the property.

Mayor Matheny stated she had been on his property and commended him on his work with the kids. Mr. Turk told more about the area and wildlife and noted that he has been offered \$16,500 to \$17,000 per acre but he doesn't want to sell.

Councilor Schank moved that this matter be turned over to the Parks Dept. to make recommendation back to City Council. Councilor Hots seconded and the motion passed unanimously.

Councilor Lashua noted that prices are at the point now where people are having a hard time turning it down and time would be of the essence on this property.

PETITIONS & COMMUNICATIONS:

1. Letter from Eric C. Jewell.
2. Letter from Kelli Sparks.

PUBLIC HEARINGS: None.

CONSENT AGENDA:

1. 5/31/89 Payroll in the amount of \$305,536.21.
2. 6/12/89 Claims in the amount of \$195,225.17.
3. Annexation Workshop 6/26/89, 8:00 a.m., Public Safety Building.
4. Public Hearing Date of 7/3/89 to be established for Review of Boston Pizza's Business License.

After brief clarification on #4, Councilor Schank moved and Councilor Cundiff seconded that the Consent Agenda be approved. Passed. (Councilor Weiser did not vote on #2.)

REVIEW BIDS:

1. 76th Street NE Improvement Project.

Public Works Director Zabell referred to the packet and stated that West Coast Construction's bid came in at \$327,252.20 which was the lowest bid received as well as being about \$12,000 under the engineer's estimate of the job. He recommended awarding the bid to them as they have done previous work for the City which was most satisfactory.

Councilor Baxter moved and Councilor Weiser seconded that the West Coast Construction bid be approved/awarded. Passed unanimously.

NEW BUSINESS:

1. Request for Variance - Building Setback, Lot 24, Plat of Cedarcrest Ridge; Paul McGowan.

Mr. McGowan addressed the Council and explained that there is a 10' easement on the west and 5' on the east. The lot is so small now and with the easement plus another 10' to the south, it turns the lot into an unbuildable lot, he explained. He stated that he already has a building permit and could build up to the easement if the pipe is situated further west.

Public Works Director Zabell stated that Mr. McGowan wants to build his house 1' away from the storm line which could cause problems; that he (Zabell) could live with it 5' away from the line but not 1'.

Mr. McGowan argued that there would only be one part of the house that close to the line. He added that he has looked at many different configurations for the house and it's very difficult to avoid all the utilities.

Councilor Hots asked how much room you need for a backhoe and Public Works Director Zabell said he could live with 5'.

Mr. McGowan explained that the house will still not fit with the 5' and noted that he had already purchased the building permit before discovering this problem.

Public Works Director Zabell explained that the building permit states that City requirements must be met for utilities.

There was discussion regarding alternatives for placement of the house on the lot in order to satisfy easement requirements and Mr. McGowan stated that he really does not feel as though he would be encroaching on the utilities being 1' away.

Councilor Schank made some observations regarding the drainage line, noting it runs at an angle to the lot.

Mayor Matheny asked if Mr. McGowan would be willing to sign a release holding the City harmless and he did not indicate that he would. There was more discussion regarding setbacks, the power vault, covenants on the size of the home, resituation of home, address problems, allowance of zero lot lines in county except for easements.

Councilor Roberts noted that the line could be routed around the house by using catch basins and Councilor Baxter agreed there would be a liability issue if the house is located too close to the easement.

Mr. McGowan questioned the necessity for equipment to be that close to the house because the nearest clearout is going to be across the street. He added that building up to the easement is acceptable practice within the industry.

Councilor Roberts asked if he would be agreeable to paying for the extra pipe to route it around the house -- about \$1500 and Mr. McGowan stated it would probably cost more than that and discussion ensued regarding installing catch basins, necessary every time you put a "jog" or bend in the pipe routing.

Councilor Lashua asked if the Public Works Dept. could redesign that for him and Public Works Director Zabell stated they would.

Mr. McGowan pointed out that the home next door to this lot is sitting right on top of the pipe but he is in the county.

CORRECTED: SEE 6-26-89  
MINUTES

Councilor Roberts explained it's done differently in the county and Mr. McGowan said he followed standard procedure in buying the lot and feels that the developer should make it known when there is a special easement requirement such as this. He said he bought this lot from the developer and was not told about the additional easement and now the lot is basically rendered unbuildable because of this.

Public Works Director Zabell noted that part of the problem is that the easement wasn't shown on the plot map at the time of sale.

Councilor Baxter suggested a hold harmless agreement if drain line needs digging up and City Attorney Allendoerfer pointed out that the drain line probably wouldn't need digging up for at least another 20 years and it may be unfair to have a 20 year old hold harmless agreement on the public record against the property.

Erwin Woolley, another building in the audience, addressed the Council and pointed out that if the drain line were to be dug up,

the footings of the garage would be well below the pipe and a backhoe could get in there easily without disturbing footings.

Mr. McGowan noted that the garage footings would be 8' below ground.

Public Works Director Zabell agreed that there would only be disturbance of shrubbery, probably and the drain line would probably not have to be dug up for about 20 years.

Councilor Roberts suggested the possibility of steel casing or sleeving in order to prevent the pipe from ever having to be dug up and Public Works Director Zabell said that would be pretty expensive.

Councilor Lashua moved for denial of the variance request and after determining that the builder would not accept the alternative of 5' vs. 1', Councilor Cundiff seconded the motion. Roll call vote:

Councilor Schank - against  
Councilor Weiser - in favor  
Councilor Baxter - against  
Councilor Hots - against  
Councilor Lashua - in favor  
Councilor Cundiff - in favor  
Councilor Roberts - against with qualification/motion (see below)

The motion was defeated and Councilor Roberts moved that the builder bring back an engineer's redesign of the utilities and easements and also a cost estimate of the re-routing. Councilor Hots seconded the motion.

Mr. McGowan explained that he only has three days to get this settled or the loan will not go through. He stated that he will be no closer than 2' from the outside of the pipe and Public Works Director Zabell said he would like to see at least 4½'. There was more discussion about getting around the power vault and repositioning the house. Mr. McGowan said it would not be a buildable lot unless he can come up to 1' from the easement.

The motion and second were rescinded and Councilor Baxter noted that Mr. McGowan was unwilling to accept any of the solutions that had been suggested.

Councilor Baxter moved to deny the request for a 1' variance, Councilor Weiser seconded and the motion passed unanimously.

There was more discussion regarding layout and when questioned by Mayor Matheny as to whether or not he was committed on the loan, Mr. McGowan said he was not, that the purchase of the lot was not final as yet but that the next builder is going to have the same problem.

## 2. Equipment Rental Fund.

Finance Director Dexter explained that the equipment rental fund started a year ago is working quite well but the State now requires an equipment rental rate. He said at present, the mechanic requests money for the parts, shop time, benefits, general purchases, small tools and small tools and overhead expenses have been distributed to all departments. He said some changes need to be made for a start up fund and recommended \$10,000 from the general fund as a one time contribution or the alternative of a cumulative reserve fund which would be replenished every three months in order to meet actual expenses.

Councilor Baxter noted that this might be all right for this year but we don't know what shop equipment is needed so for the long term an inventory should be taken and more information provided with regard to long term needs.

Finance Director Dexter stated that there will be a meeting with Charlie concerning inventory and shop equipment needs. He agreed with Councilor Baxter that doing maintenance in-house is more cost effective than sending the work out and added there is the possibility of having to hire another person also.

Councilor Baxter moved that the \$10,000 funding/costing be distributed between all departments. Councilor Hots seconded and the motion passed unanimously.

There was brief discussion regarding preventative maintenance and what work should be done in the shop and what should be sent out to be done.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Final Plat of Brookwood Heights Division III.

Public Works Director Zabell explained that this plat contains 34 lots near the intersection of 71st & 528. The roads are 90% complete, water and sewer is in, and staff recommends approval with participation in the regional retention pond system and TIP #2 (at the building permit stage).

City Attorney Allendoerfer explained that no SEPA impact mitigation is necessary but at the building permit stage, each house is going to need a traffic study.

Public Works Director Zabell stated that the TIP #2 assessment would depend on the location of the house in the plat; that it will probably average about \$160.00 per lot.

Councilor Baxter moved for approval, to include participation in TIP #2. Councilor Schank seconded and the motion passed unanimously.

2. Bayview Ridge Division V.

Public Works Director Zabell explained that the plat is east of 83rd and north of the 76th alignment. Staff recommends approval with participation in TIP #1 & 2 (except for Lot #1).

Councilor Baxter moved and Councilor Weiser seconded that the Preliminary Plat of Bayview Ridge Division V be approved as recommended by staff. Passed unanimously.

3. Hickock Park.

City Attorney Allendoerfer explained that county funding has now been finalized for Hickock Park at 67th & 528.

Councilor Lashua moved and Councilor Cundiff seconded that the county funding of approximately \$4,000 be accepted by the City. Passed unanimously.

4. Amendment to 1989 Budget - \$601 in Revenue Sharing Funds.

Finance Director Dexter explained that this amendment includes a \$2,000 item for crime victim compensation which is simply an in and out (wash) item. There was also another \$601 in revenue sharing funds found, distributed as follows:

\$500 to the Stillaguamish Senior Center and  
\$101 to the Parks Dept. program.

Councilor Hots moved that Ordinance #1700 be adopted and Councilor Schank seconded the motion.

After a brief discussion regarding the distribution of the \$601, the motion passed unanimously.

5. Amendment to Business License Code.

City Attorney Allendoerfer explained that this is a housekeeping item, making the business license code more constitutional and defines better conditions under which a business license is to be revoked or suspended, similar to the entertainment club ordinance.

Councilor Schank moved and Councilor Cundiff seconded that Ordinance #1701 be adopted and the motion passed unanimously.

6. Tour of Parkview Estates.

City Attorney Allendoerfer stated that the Plat of Parkview Estates will be heard 7/3/89 before City Council and will be the largest plat to come before Marysville City Council. He recommended that Councilmembers arrange with Jim Ballew to view the property, being careful not to view it in groups of more than 3 or it will constitute a public meeting and will have to be advertised as such. He explained that whether or not the creek corridor is buildable/usable land will probably be a controversial issue.

Councilor Roberts stated that he would like to see the wetlands and the access to the park staked out and City Attorney Allendoerfer stated that Jim Ballew could do that and would be in touch with Councilmembers to arrange for the tours.

CALL ON COUNCILMEMBERS:

Councilor Lashua asked about the Third St. Bike Shop and City Attorney Allendoerfer stated that they have been given a deadline of 10 days to eliminate all hazards and the building is to be substantially completed by August 31st and in the event it's not, the City will close it down. The city attorney noted that instead of completing the structure, the owner seems to have put the money into inventory.

Councilor Hots thanked Chief Dyer for the report submitted to Councilmembers. He asked about manpower in the police dept. and said he noticed it was all Snohomish County officers at Chita's the other night. Chief Dyer confirmed that there is a manpower shortage and stated that it's difficult to come up with four Marysville officers every weekend to cover Chita's.

Councilor Baxter asked about an old house on Liberty between 3rd and 4th where a new house has been built in back and he thought the old house was to have come down but it is being used for storage. City Administrator Garner stated he would check into the matter.

Councilor Schank said he would like to see crosswalks designated/repainted on State and there followed discussion regarding the City doing the painting or the job being done by an independent contractor. City Administrator Garner stated he would check with Lloyd Taubeneck this week.

Councilor Baxter stated that the negotiations with Arlington are still progressing as far as RUSA is concerned and hopefully something will be resolved soon.

Councilor Hots asked about requirements for personnel who are spraying toxic substances with respect to the wearing of respirators and Public Works Director Zabell stated that he knows of no such law; that the weed killer sprayers are trained and take all necessary precautions. He noted that if there is spraying done in a confined area, there could be some risk involved, but no directives have been received from the State on this. He explained that personnel know and are trained to spray away from themselves, etc. but he could double check with OSHA concerning respirators.

Councilor Schank commented on the recent Tulalip Tribe Salmon Feed that he had attended and there was some discussion regarding the hand carved canoe that was dedicated at the ceremonies.

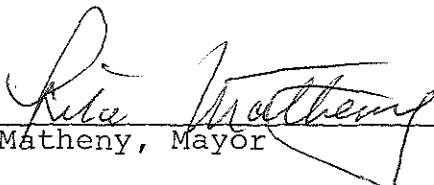
ADJOURNMENT INTO EXECUTIVE SESSION: 9:45 p.m.

RECONVENE: Approx. 10:00 p.m.

Councilor Hots moved that two police officers be hired from the present eligibility list to replace Officers Rutt and Douglas. Councilor Schank seconded and the motion passed unanimously.

ADJOURNMENT: Approx. 10:05 p.m.

Accepted this 26<sup>th</sup> day of June, 1989.

  
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Rita Matheny, Mayor

  
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Phillip Dexter, Finance Director