

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 24, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee (excused)
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman

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Administrative Staff:

John Garner, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, City Clerk/Finance Director
 Steve Bennett, City Planner
 Dave Zabell, Public Works Director
 Jim Ballew, Parks & Recreation Supervisor
 Eric Thompson, Associate Planner
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above. Councilor Herman moved and Councilor Wright seconded to excuse Councilor McGee's absence. Passed unanimously.

MINUTES OF PREVIOUS MEETING:

Councilor Leighan stated that under the discussion of excess garbage tags, it was agreed the price should be \$3.50 not \$3.25.

Under Call on Council, Councilor Pedersen noted that Craig Fisher should be Craig Thompson.

Under the discussion on page 9 of the 2/10/92 minutes, Councilor Herman noted about half way down the page, it should be reworded: "Councilor Herman stated he also feels uncomfortable about alcoholic beverages and yet understands the need for Maryfest to survive."

Councilor Pedersen moved and Councilor Leighan seconded to approve the 2/10/92 minutes as corrected. Passed unanimously.

STAFF'S BUSINESS:

Finance Director Dexter reported that the City just received the February sales tax notice and it appears there has been an increase of 17% in returns over 1990 to date, he said.

City Administrator Garner reminded Council of the 3/14 Town Hall Meeting with Slade Gorton, in the Public Safety Bldg. at 2 PM.

He also reminded Council of the upcoming Workshop 3/27 at 6 PM at the Tulalip Inn and 9 AM 3/28 at the Public Works Building.

He reported there were 45 applications for Communications Officer received.

He reminded the RUSA Committee of the Wednesday upcoming meeting at the Arlington Steak House and he reported that results of the

Planning Aid interviews should be in by Wednesday also.

Regarding the City Hall Roof, the specs are back from the architect and Mary Swenson will be getting quotes over the phone from the Small Works Roster contractors, with more information to be presented to Council 3/2, he said.

He reminded Councilors Baxter, Wright and Herman about getting their ID card information in and noted 3/25 will be the date for the Puget Sound Regional Council Annual Assembly in Kirkland from 4-9 PM.

City Attorney Weed said the Municipal Court reports they are in the process of collecting on the first wave of outstanding (440) tickets with a potential receipt value of \$135,000. Wave 2 will consist of outstanding tickets prior to May 1990, he said. He also reported that he is in the process of interviewing another prosecuting attorney for Keithly & Weed and hopefully with the hiring of this person, this will decrease the number of hours charged to the City of Marysville, he said.

Public Works Director Zabell reported that Marysville's Shoreline Permit Application hearing will be 3/31/92 at the County Courthouse.

Planner Bennett reported Eric Thompson has been hired as Associate Planner and introduced him to the Council.

Parks & Recreation Supt. Ballew reported that the IAC grant money application/letter of intent is being prepared, to be submitted prior to the 3/1/92 deadline. He said the project that was chosen was the Jennings Park Nature Walk and interpretive center, at a total cost of \$100,000, i.e., the City would be asking for a grant of \$50,000, with \$50,000 to be matched by the City, he explained.

MAYOR'S BUSINESS:

Mayor Weiser stated he wished to reappoint Bill Walker to the Parks Board. Councilor Leighan moved and Councilor Wright seconded the reappointment and the motion passed unanimously.

Mayor Weiser said he wished to appoint Marilyn Hackler to the Golf Board. Councilor Baxter moved and Councilor Pedersen seconded this appointment. Passed unanimously.

Mayor Weiser submitted the name of Ned Nelson for the 5th position on the Golf Board. Councilor Baxter moved and Councilor Wright seconded this appointment and the motion passed unanimously.

Mayor Weiser announced that the Planning Commission wished to have a joint meeting with Council regarding the Comp Plan and they have suggested either 3/16 (Monday) or 3/17 (Tuesday). The consensus of Council was to meet with the Planning Commission on 3/16 and have the meeting regarding the City Hall roof issue on 3/17 (this meeting had been previously scheduled for 3/16).

Mayor Weiser reported that on 3/18 the Planning Commission plans on meeting with the Arlington Planning Commission regarding property and mutual boundaries on 172nd.

CALL ON COUNCILMEMBERS:

Councilor Pedersen asked for an update on the golf center and City Attorney Weed said he ran into the Msvl. Golf Center attorney at the courthouse last week and he was assured that their attorney

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would be in communication with the golf center regarding the problem of people still playing golf at the driving range even though it is closed.

Councilor Baxter noted that he has seen no activity at the Marysville Golf Center recently.

Councilor Pedersen asked if there had been any response from PUD as yet and Mayor Weiser said he had spoken with Craig Thompson who has talked with the commissioners and sees no problem with Marysville's proposal.

Councilor Wright mentioned the upcoming Snohomish County Tomorrow meeting 2/26/92.

Councilor Leighan reported on a recent Parks Board meeting he attended, stating they discussed creek corridors, the petting zoo, the annual Easter Egg Hunt and the TV Committee discussed the TCI agreement with regard to giving the City playback equipment.

Councilor Baxter reported that the Golf Board had an interesting discussion regarding rates and Jim Ballew is to make a presentation at the next Council meeting regarding their new proposal.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Lashua, 1908 3rd St., addressed Council, representing the Marysville Historical Society. He invited City Council and staff present to a potluck dinner to be held at 5:30 p.m. 3/2 in the Legion Hall. He said they felt this a most appropriate time of year because the very first Council meeting ever to be held in Marysville was held March 20, 1891 in Alexander Spittle's basement.

PRESENTATION:

1. Presentation of Gift from Soroptomist and Rotary.

Jim Brennick, representing the Marysville Rotary and Nancy Abbott, representing the Marysville Soroptomists, presented a very handsome sound system with four speakers to the City, to be used mainly for parks programs. Mayor Weiser thanked them for their most generous gift.

PETITIONS & COMMUNICATIONS:

1. Letter from Mayor of the City of Mukilteo.

Mayor Weiser noted that the comment period regarding the airport issue has been extended now to 3/23/92.

PUBLIC HEARINGS:

1. Variance to Allow Construction of Fence to be Built on Property Line. Applicant: Rex Hensrude, 5438 47th Av. N.E.

Mayor Weiser explained the City Attorney would swear in those giving testimony. City Attorney Weed swore in Rex Hensrude and Steve Bennett and there were no challenges to those present on the Council at this hearing.

Planner Bennett stated the hearing examiner is recommending denial of the variance to the 50' setback and the applicant filed an appeal 1/6/92 as they wish to place the fence on the property

line. He noted Council moved to call a public hearing for tonight and staff is recommending a decision be made after the public hearing however if granted, they would recommend a 10' setback for the applicant's proposed sheet metal fence.

Rex Hensrude, 5438 47th Av. NE, addressed Council and stated that he was not sure why a 50' setback is required of wrecking yards and junk yards. He stated he is proposing a grey fence to blend in with surroundings and they waited for the variance because they did not know about the requirement until the last minute. He added that the police dept. have said there's no safety reasons that would require the 50' setback and the Planning Dept. has indicated it would be possible to store trucks or rent out the 50'. This 50' setback would represent 1/3 of his property and he noted the land was purchased in 1985 and since that time he has had no problems or complaints about his operation. He pointed out that wrecking yards are not what they were in the past and he said he did not think a green belt was appropriate because it would encourage people to drive up on it, but he could put one in if the City deems it necessary.

Mayor Weiser asked about the gauge of the sheet metal fence and Mr. Hensrude responded that it would be a bit thicker than the buildings but the same color. He added that he is at the location every day and it would be very secure.

Councilor Myers asked about stacking cars and Mr. Hensrude explained they do not do this. The vehicles are predismantled and drained inside the building and it is a very clean operation. They have processed 1532 cars in two years and this is one of the largest growing businesses in the world, he said, which is why they need to expand, but nothing would be visible above the fence.

Bob Lashua addressed Council and was sworn in. He stated this is a very clean operation and testified that Mr. Hensrude does not park cars overnight or over the weekend, as some other operations do. It is in an industrial area and there's very little traffic, he pointed out and he added that Mr. Hensrude's operation is one of the cleanest operations in the industrial park and he said he would encourage Council to grant the variance.

There being no one else from the audience who wished to testify, the hearing was closed at 7:40 p.m. and proceeded to Council discussion. There were comments regarding the variance criteria (listed in the packets) and rationale for the 50' setback. No one seemed to be able to recall the reason for the necessity of a 50' setback.

Councilor Baxter said he took exception to the hearing examiner's remarks about wrecking yards being ugly and unsightly. He pointed out that this type of operation nowadays is well controlled, with strict fencing requirements and in a commercial area, you can put a building right on the property line and he said he didn't see why Mr. Hensrude can't put his fence right on the property line.

Councilor Herman reviewed the hearing examiner's findings/criteria for the variance and said he felt the granting of the variance would:

1. Not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;
2. Seem to be consistent with adjacent uses;

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3. Be supported by public testimony that the granting of such variance will not be materially detrimental to the public welfare.

Councilor Herman moved that the variance be granted, with a 10' setback and with landscaping in that area between the fence and right of way. Motion to include 3 findings of fact just listed.

Councilor Baxter pointed out that there is only one business in that industrial park that will not look worse than Mr. Hensrude's and he said he couldn't see why any setback is required.

After further discussion, Councilor Herman amended his motion to a 5' setback with landscaping (hedge).

Councilor Baxter commented that some people don't like gardening and the good intentions of requiring landscaping may end up looking worse than no landscaping at all.

Councilor Pedersen asked about this setting a precedent and City Attorney Weed agreed it probably would although every case can be different, he said.

Councilor Herman said he would think adjacent land use would play a significant role in whether or not another wrecking yard would be allowed the same setback.

Councilor Baxter seconded Councilor Herman's amended motion, to include findings of fact as cited earlier.

Councilor Leighan moved and Councilor Wright seconded to reopen the public hearing to allow Mr. Hensrude to comment. Passed unanimously.

Mr. Hensrude stated he has been in the wrecking yard business for 20 years and fencing laws are being changed constantly but right now, you can't use a hedge for a fence and the fence is required to be of 60% solidity. He said that means he could leave the whole front of the operation open, with a solid fence the rest of the way around. He asked for rationale behind the requirement of a green belt, because no one else needs a green belt in the industrial park. He pointed out he has paid for water, sewer, road assessment and he isn't new in town, he plans on continuing to operate the business. He also pointed out that he is on the state and national boards for wrecking yards and has one of the cleanest facilities in the state, but he doesn't want to have to maintain a green belt.

Mayor Weiser repeated the motion to require a 5' setback with green belt between the fence and the right of way.

Councilor Baxter said he would hate to have to landscape if no one else has to in the industrial park and he said he would withdraw his second because he doesn't think it's fair to require landscaping.

Councilor Pedersen then seconded the motion for a 5' setback to include screening shrubbery. A roll call vote was taken with Councilors Leighan, Wright, Baxter and Myers against. The motion failed 4-2.

Councilor Myers moved for granting of the variance, with a 5' setback, with no green belt, but to include previous 3 findings. Councilor Leighan seconded and a roll call vote revealed Councilors Wright and Pedersen against. The motion passed 4-2.



CONSENT AGENDA:

1. Approval of 2/24/92 Claims in the amount of \$515,815.21.

After brief discussion and comments, Councilor Baxter moved and Councilor Myers seconded to approve the Consent Agenda. Passed unanimously.

CURRENT BUSINESS:

1. Washington State Dept. of Transportation Proposal for Improvements to SR 528, I-5 to Columbia Avenue.

Public Works Director Zabell introduced three people from WSDOT, noting they have done accident investigation and traffic studies in the subject area and the proposal is to widen roadways, etc. as per information in the packets. It was noted they are also requesting removal of parking from the south side of 4th St. in the 1500 block.

Richard Mitchell, Project Engineer, WSDOT, addressed Council and introduced two members of his staff. They reviewed the accident history from 1/1/88 to 12/31/90:

I-5 Northbound on and off ramps	- 34
I-5 Southbound on and off ramps	- 33
Beach Avenue intersection	- 81
Cedar Avenue intersection	- 35
Delta Avenue intersection	- 28
SR 529 (State) intersection	- 15
East of State intersection to Liberty intersection	- 38
Columbia Avenue intersection	- 4

It was noted that a lot of these accidents could have been prevented if signals had been in place but the majority of the accidents are a direct result of the increase in traffic congestion, with 33,000 vehicles per day on 4th (528), 3000 at peak hour. The various elements of WSDOT's proposal were reviewed, including widening of I-5 on and off ramps, allowing more storage on 528, improvements to accommodate double left turns, raised C-curb channelization, right in-right out from Beach and Delta on 4th, deleting parking between State (eastbound) and Columbia to improve capacity, connecting signals so they work together. They propose to advertise the bids 7/92 with early fall as their target date to begin construction and completion by November or December, 1992.

Mayor Weiser commented on the north and south bound left turn movement on State and Mr. Mitchell said there would be some signal modifications to accommodate left hand turn movements but that he would have to check further on this.

Councilor Baxter pointed out there is no "movement" because only one vehicle can get through the intersection at a time if they are turning left off State onto 4th. Regarding State to Columbia removal of parking, he said they would need some alternative for parking or a lot of businesses are going to be put out of business for the lack of parking.

Mr. Mitchell stated they looked at it and it doesn't work too well to shift the lanes to allow for parking on the north side in one block and then the south side in the next block. It's just not very safe, he said, with drivers shifting back and forth and not having a straight lane to drive.

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Mayor Weiser noted the early morning back up in the vicinity of 4th & State is terrible, especially in the parking area. He noted that in Seattle they have restricted parking during certain hours but Mr. Mitchell pointed out that when you have 35,000 vehicles per day on a roadway, it's difficult to institute that type of restriction.

Councilor Pedersen asked what will happen to the south right turn only land and she was told it would change to a through and right lane.

Councilor Pedersen asked about movement to the south over 529 and Mr. Mitchell said that will remain the same.

Councilor Baxter reiterated his concern about putting about five businesses out of business. He explained the problem with the park and ride people parking all day in Marysville and said we need to come up with some more parking for people.

Mr. Mitchell said they have the charge to provide the best and safest system and this is the plan they came up with but Councilor Baxter explained that as a business person he is well aware of the problem but is also aware of the great need for parking or you could put someone out of business.

Public Works Director Zabell said the Traffic Advisory Committee has discussed this problem and Mr. Mitchell added that to date they have not received any really negative remarks about their proposal. He noted there was a suggestion to take the north parking off in one block and the south in the next, but that's just not safe.

Public Works Director Zabell asked about the minimum lane width and Mr. Mitchell said it is 12' in view of Marysville's truck traffic in that area.

Councilor Baxter asked about running two lanes into one at State vs. Columbia although he pointed out that this is not really solving anything as it creates the same parking problem.

Councilor Herman noted that a primary need is to accommodate the evening commute and Mr. Mitchell said restricted parking hours have not been recommended for that area because people forget to move their cars and that causes problems.

Public Works Director Zabell suggested narrowing the sidewalk between State and Columbia as a possibility with narrowing of the lane width to 11', which plan would still provide parking.

Mr. Mitchell said they would have to take a look at that further and report back.

Mayor Weiser asked about funding and Public Works Director Zabell reported \$33,000 has been collected under TIP 3 for this project.

Councilor Pedersen said she liked Public Works Director Zabell's idea because the Council needs to support the businesses and provide the parking and she said she would like to have WSDOT look at that further.

Mayor Weiser noted there doesn't seem to be as much need for parking on 4th in the later afternoon and Mr. Mitchell noted that change is hard for people to deal with and with the influx of patrons more and more change is necessary and people will be able to adapt. He added they believe the change will be good now.

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Mayor Weiser asked them about reporting back on the narrower widths and Mr. Mitchell suggested working with Public Works on Item 7 (removal of parking on SR 528 between SR 529 (State) & Columbia Ave.).

Councilor Baxter moved to accept WSDOT's proposal for improvements to SR 528 except for Item 7, with the parking issues to be worked out between WSDOT and the Public Works Dept. Councilor Herman seconded and the motion passed unanimously.

2. Forest Park Realty - 10% Annexation Petition (continued from 2/3/92 meeting).

Planner Bennett explained this had been continued so staff could get more information regarding the Lot 107 question and assessed valuations. He stated Lot 107 would not create a clean boundary so the proposal is to keep the bottom boundary at 86th, he said. The assessed valuation on the northern pocket is lacking by \$42,000 to support the petition, he said, so staff is recommending the proponent go back for more signatures.

William Roberts, 4129 76th St. NE, representing Forest Park Realty, addressed the Council. He noted one of the main issues is the potential island that would be created by the annexation however this island was actually created by past annexations, he said. He stated these people (in the island) have been contacted and they have expressed a concern that they do not want to be included in the City of Marysville and if an island were created by the subject proposal, he said the situation would not be any worse. He explained that a lot of these people take access off 61st and will continue to do so even with the annexation. He also noted that 9-1-1 will still access this area the same way, whether it's annexed or not and once developed, most of the lots would take access through the City of Marysville, he said. He pointed out other accesses from the surrounding properties and he concluded that by not annexing it may create a lot more confusion. He also noted there is a non-protest agreement signed by Norm Huber for a good part of that northern pocket area, depending on the Council's view of non-protest agreements/legality and most of the people in "Brighton Park" feel totally dependent on Marysville and this area wishes to come into the City, regardless of the island, he said. Also, he said Lot 11 has not signed and to leave it out of the annexation, there would be no island created. He also noted they may be able to get 10% of the island, but not 60% because the proponent has talked to everyone in the northern pocket with about a 90% refusal and he said he thinks eventually it will be developed but the proposed area has square/logical boundaries.

Planner Bennett explained the total value is actually \$121,600 (6.1%), not \$156,000 as given before.

Councilor Herman said it would appear the City needs to do a better PR job on annexations and Councilor Baxter said he remembered these same people not wanting to annex from several years back, though. He said he is reluctant to try and annex a larger area when they are adamantly against and he noted this keeps coming up and the City always seems to get "kicked" by the Boundary Review Board on the larger annexations.

Councilor Herman said he would like to see more information on the advantages of being a part of the City publicized.

Councilor Baxter commented that a lot of people just don't want to be in the City and Councilor Pedersen agreed that we need more PR and said she thought that was why the City hired a Community Information Officer.

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There was discussion about the ballot method of annexation and it was noted that you first have to have an area defined before going door to door. Councilor Herman noted we need to make it more advantageous to be in the City and it seemed to be the consensus to have a workshop in the not so distant future on this subject again.

Councilor Baxter moved to accept the 10% petition with boundaries as proposed by the applicant (Lots 11, 14, 35, 38, 59, 62, 83, 86). Councilor Wright seconded the motion which passed 5-1, with Councilor Herman against.

3. Request for Extension of Utility Variance; 2900 Block 193rd NE; Resolution No. 1494; Gayr Graber.

Public Works Director Zabell said staff recommends this be extended for six months which should be sufficient time for the applicant to finish the work.

Councilor Baxter moved and Councilor Pedersen seconded to approve a six month extension. Passed unanimously.

NEW BUSINESS:

1. Request from James Funston for Permission to Use the City of Marysville's Logo on a 1992 Cartoon Map - Withdrawn.

It was the consensus this is a policy matter that should be discussed at a Council workshop.

2. Request for Handicap Parking Space on 47th Avenue NE.

Public Works Director Zabell explained this is for a regular handicap parking place at Liberty Elementary and he referred to the map in the packets. He stated staff recommends approval.

Councilor Baxter moved and Councilor Pedersen seconded to approve the request. Passed unanimously.

3. Hearing Examiner's Decision; Rezone Preliminary Plat for Emerald Ridge; Applicant - Jim Mulligan.

Councilor Pedersen disclosed she and her husband have a rental house adjacent to the subject property and she stepped down from Council.

Planner Bennett stated he Hearing Examiner recommends approval from RR 12,500 to PRD 12,500 and he reviewed the location and stated there have been no appeals filed. He said staff recommends affirmation of the hearing examiner's decision.

Councilor Herman asked about Diking District 3 mitigation and Public Works Director Zabell explained the Diking District has historically requested a \$125/lot mitigation fee, the applicant has made an offer to the Diking District and the hearing examiner is recommending it be accepted, he said.

Mayor Weiser asked if anyone in the audience wished to speak to this issue and no one did.

Councilor Herman moved and Councilor Myers seconded to approve the rezoning to PRD 12,500, including 13 conditions and findings of fact. The motion passed.

4. Proposal for an Interim Agricultural Conservation Plan.

Planner Bennett explained the Snohomish County Planning Commission will be holding a hearing tomorrow and the staff is just bringing this to the Council's attention in the event Council wishes to make a formal statement at the hearing.

George Klein, 13262 Hilltop, Arlington, addressed Council. He said farmers in the old (1982) county ag plan have been very upset with the new proposal by the county and under the GMA, the county has proceeded to draft another ag plan--they already have three drafts, he said and very little contact was made with the farmers nor was there very much public notification regarding the hearings, he stated. He said the county decided they should add 5,000 to 10,000 acres to the ag plan and in the Marysville area the farmers finally realized what was going on and have asked the county to take a better look at this. He said the farmers consulted with Cliff Bailey and he agreed Snohomish County has been greatly impacted. He said they don't feel the citizens' committee adequately represents the farmers and the county seems to be taking more of an environmental approach than one to save the ag land/farmer. They compared the Snohomish Co. ag plan with that of Thurston Co., he said, and Thurston Co. chose to show 7000 acres as having "long term ag significance" in Thurston Co. whereas Snohomish Co. wants to include 61,000 acres (mostly bottomland) which far exceeds our need, he said. He said they have a lot of signatures of people who want to have their property removed from the ag designation and they need to change the Snohomish Co. plan drastically. He said they have hired an attorney and are trying to model Snohomish Co. after Thurston Co. Snohomish Co. is proposing 3 alternatives he said:

- Plan A - adding 10,000 acres of ag land
- Plan B - adding 5,000 acres of ag land
- Plan C - maintain what we already have

This group is proposing Plan D (as outline din the handout) and most of the farmers in the area would like to be included in the Marysville Urban Growth Boundaries, he said. He noted they would like the Council's support to take to the county hearing tomorrow.

Councilor Baxter said he agrees the farmer is being ignored, eg. he was applying for a building permit today for a barn and was told his property is in the wetlands now. He said the county wanted him to confirm this by paying a fee for a building permit first, however. Because his farm is "wet all the time" they now consider it wetland, even though he did not know there was any change and now they are telling him to come in, pay his money and then they will send someone out to take a look at his property to see if he can build or not, he explained. If it's wetland, he is being overtaxed, he point out and this is the "unwritten" part of the rules. He added that if he hadn't known the person at the county, he would not have found out as much as he did and this is one of the reasons he wanted this acreage within the Marysville Urban Growth Boundary, he said.

Mr. Klein noted that the county was supposed to have a person familiar with farming on the citizens' committee, they were supposed to have more TDR & PDR funding, they have failed on these counts and the farms would much prefer to deal with Marysville than Snohomish County, he said.

City Administrator Garner said he met with Norm Penning but didn't understand where Plan D came from.

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Mr. Klein said the county is saying they might need the land 50 years from now but the farmers had several meetings with an attorney in committee and adapted the Thurston County's 1982 plan for Snohomish County and that is basically how Plan D evolved.

Councilor Pedersen asked for a guess for the amount of land that is actually farmable and Mr. Klein said they would like about 1% to 5% at least taken out--the area around Island Crossing, for example. He added that there is a voluntary designation of ag, so that a person can put their land into ag for 10 years with a review at the end of 10 years under a "right to farm" type of document.

Mr. Van Dam, 67th Av. NE, addressed Council, stating his group is interested in getting into the UGA because there are acres of idle land which is ideal for individual development, sewer, septic tanks. He said up in his area, there used to be 20-30 farms, now it's down to 4 operating farms, with 2 of those for sale, so they are interested in getting in the Urban Growth Area.

Councilor Herman noted this is a complex issue involving land values, future land uses, and he said he would like to attend the meeting tomorrow night but is not prepared at this time to give an opinion.

Councilor Wright said she feels a farmer needs to be able to survive and made reference to their Plan D.

Councilor Pedersen said she believes the person who knows best about their land is the one who has been farming it for a long time.

Councilor Herman said if it's important for Snohomish Co. to maintain particular ag land, that makes it very complicated.

Councilor Baxter commented on the Ag 10 designation in the area, noting it can't be subdivided, you can't get a building permit and the county will not maintain the drainage so it remains wetter than it should. He said grass in the drainage ditches is encouraged which causes a problem and you end up in a "wetland". He concluded that there are a lot of problems here.

Councilor Pedersen said a concern she has is that the county is placing too many restrictions on the farmer.

Councilor Herman pointed out the farmers' need to run a profitable farm and Councilor Baxter said he thinks the City should support an alternative other than the three the county has proposed with the Council seriously considering revising the Urban Growth Boundary.

There was some discussion about the Urban Growth Boundary and Councilor Pedersen said she would like to go on record that the City would like to give this support regarding taking a serious look at the needs of the farmer; we need to give this more in-depth review, she said.

Councilor Herman moved to incorporate the citizens' committee's Option D into a resolution, especially with regard to making the farm a viable one.

Councilor Pedersen seconded the motion, adding that in recognition of the need for long range planning, we understand the farmer will have to survive over time and encourage the City to adopt policies that will permit that.

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 [Signature]

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It was agreed that the second Introduction/Goals and first three paragraphs through to page 2 should be included in the resolution, to be drawn up by the City Attorney tomorrow and also for him to request more time for City Council to work on this further.

Councilor Herman noted that paragraphs 4 and 5 would need some minor changes so as not to reference the "plan".

It was the consensus that the City Attorney would fax the document to the county as soon as possible, prior to tomorrow evening's hearing.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Rezoning Property Owned by Ted Schmelzer and Amending the Official Zoning Map Previously Adopted in Ordinance No. 772.**

Councilor Wright moved and Councilor Pedersen seconded to approve/adopt Ordinance 1880. Passed unanimously.

2. **Ordinance Annexing Certain Real Property Known as the Lake Goodwin Well Site and Repealing Ordinance No. 1872.**

Councilor Baxter moved and Councilor Myers seconded to approve/adopt Ordinance 1881. Passed unanimously.

3. **Resolution Regarding the Adoption of a Personal Protective Equipment Policy.**

City Administrator Garner explained that staff has been working on this resolution for some time and this would become part of the City's policy and regulations.

Councilor Pedersen moved and Councilor Wright seconded to approve/adopt Resolution 1522. Passed unanimously.

4. **Resolution Amending the City's Cost Sharing Policy for Voluntary Sidewalk Construction and Repair by Private Property Owners.**

Councilor Herman moved and Councilor Leighan seconded to approve/adopt Resolution 1523. Passed unanimously.

5. **Resolution Amending Resolution No. 1089 Relating to Certain Parking Restrictions Within the City.**

City Attorney Weed noted changes regarding 5th St. for restrictive parking and 2 hr. parking as suggested by Lloyd Taubeneck.

Councilor Baxter moved and Councilor Leighan seconded to approve/adopt Resolution 1524. Passed unanimously.

6. **Resolution Affirming the Decision of the Hearing Examiner but Denying the Rezone Request of RBK Industries Without Prejudice Under File No. PA 9105019.**

Councilor Herman moved and Councilor Leighan seconded to approve/adopt Resolution 1525. Passed unanimously.

LEGAL MATTERS:

City Attorney Weed explained that the Public Safety Bldg. is in need of a new janitorial service. There have been problems with the present Diversified Janitorial Services but also there has

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been a change in the amount of service required now that the fire dept. is doing their own janitorial maintenance, he said. Diversified has proposed to reduce the fee, he said, and he is recommending getting a new interim contract signed at the lower fee of \$1183.63 per mo. The police and fire chief have recommended it be rebid, he noted, but he recommends the interim contract until that can be done.

Councilor Pedersen asked about the cleaning regularity and City Administrator Garner noted the City has gone through this same process of choosing a good service over and over but the fire dept. is cleaning its own space now and that's why the change.

Councilor Herman asked if this would be on a month to month basis and City Attorney Weed said yes. He stated the rebidding process may take 4-6 mos. but it could probably be done in less time than that, he said.

Councilor Herman asked if it would be appropriate to leave the motion open as far as the fee and City Attorney Weed said the fee was derived from the janitorial company, who lowered it themselves.

Councilor Pedersen said she seemed to remember that the fire dept. uses 1/3 of the space at the Public Safety Bldg. and Councilor Baxter asked if this percentage could be negotiated by the court administrator.

City Administrator Garner said yes, and it would be a temporary arrangement.

Councilor Herman moved to have the City Administrator negotiate an interim contract, not to exceed 90 days, with Diversified, and to have janitorial services for the Public Safety Bldg. rebid. Councilor Myers seconded and the motion passed unanimously.

Mayor Weiser noted that the main issue is the poor service.

ADJOURNED INTO EXECUTIVE SESSION: 10:08 p.m.

1. Pending Litigation regarding right of way acquisition.

RECONVENED & ADJOURNED: Approx. 10:45 p.m.

Accepted this 2nd day of March, 1992.

David Weiser
 MAYOR

Mary Jo Swenson
 CITY CLERK

Wanda A. Iverson
 RECORDING SECRETARY