

MINUTES RECAP

00109

MARYSVILLE CITY COUNCIL MEETING MARCH 9, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETING: 3/2/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: Ken Cage

PRESENTATION: None

PRESENTATIONS & COMMUNICATIONS: None

PUBLIC HEARINGS: None

CONSENT AGENDA:

1. February Payroll - \$403,156.42 Approved
2. 3/9/92 Claims - \$1,389,099.35 Approved

CURRENT BUSINESS:

1. Crosswalk/94th St. NE & State Approved
2. SR 528 Improvements Continued to 3/23/92
3. Hearing Examiner Decision/Jubie Public Hrg. scheduled for  
Condition Use Permit/Duplexes 4/6/92
4. Hearing Exam. Decision/Hickock Approved  
Park, Baldwin Rezone to PRD 12500
5. Hearing Exam. Decision/Everett Approved  
Mutual Sign Setback Variance
6. Hearing Exam. Decision/Hassan CU/ Approved  
Duplexes
7. Utility Variance Rbt. Johnson Approved
8. Utility Variance Msvl. School Dist. Continued to 3/23/92

NEW BUSINESS:

1. Navy Impact on Marysville Committee - To be set up 3/23/92

ORDINANCES & RESOLUTIONS:

1. Resolution Adopting Revised Res. #1528 Approved  
Greens Fees for Cedarcrest Muni-  
cipal Golf Course

LEGAL MATTERS:

1. Recovery Contract/Timothy Recovery Contr. #158  
Gellatly Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 9:45 PM

1. Litigation Public Hrg. to consider  
repeal of Ord. 1846 to be  
scheduled for 3/23/92
2. Police Matters Police Equipment Purchase  
Approved

RECONVENED & ADJOURNED: 10:45 & 10:50 PM

MARYSVILLE CITY COUNCIL MINUTES

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7:00 p.m.

Council Chambers

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

CORRECTED: SEE	3/23/92
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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  
 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.

MINUTES OF PREVIOUS MEETING:

Councilor Herman noted that on page 8, 4th paragraph, of the 3/2/92 minutes, the word "not" should be inserted between "are" and "aware" in the first line of that paragraph.

Councilor Herman moved and Councilor Myers seconded to approve the 3/2/92 minutes as corrected. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Garner announced personnel openings at present: St. Dept. laborer and Parks secretary positions to close 3/13/92; seasonal help for the Parks Dept. and Golf Course. He reminded Council of the upcoming 3/27 & 3/28 Workshop sessions and noted that Public Works Director Zabell and Utilities Supt. Kissinger have done a lot of preparation for the workshop sessions. He reported Mary Swenson will be out of the office for 3 days next week for a City Clerks Conference, 3/18-20/92. The RUSA Committee will be meeting with Arlington representatives at 7 AM 3/17 at Cedarcrest Restaurant, another reminder about the Town Hall Mtg. 3/14/92 with Slade Gorton at the Public Safety Bldg. and the Solid Waste Committee will meet tomorrow at 8 AM at City Hall. The Towns & Cities meeting this month is on the 26th in Edmonds.

City Attorney Weed reported his office has now completed an agreement with an independent prosecuting attorney to be assisting with disposition cases and will cut back on Fred Gillings' time.

Public Works Director Zabell reported that the WWTF is well within the parameters of the DOE Consent Order and BOD count.

MAYOR'S BUSINESS:

Mayor Weiser thanked everyone who attended the Fire Dept. Banquet Friday night.

He then gave a bit of history about the meetings that have been

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going on for sometime with the RUSA Committee and PUD, explaining that the last meeting was 2/6/92 regarding the Sunnyside area and an agreement was reached concerning the boundary and franchise agreement language as well as sewer bill language. And then on 3/5/92, PUD sent a letter changing the boundary as well as some language changes; he said this matter has been discussed for well over 2 years and it seems like PUD has made many changes with Marysville being very conciliatory on these matters and also they have never been able to have commissioners present at the meetings. He stated regarding flow and boundary disputes, people need to submit plans to Marysville and PUD now which is adding to the cost of the development. PUD put the lines in in 1953 with Marysville given a franchise in 1970 and approval by the Boundary Review Board in 1982, he said. He noted Marysville was given rights to serve the Sunnyside area but he said he is not sure why and would like to get the RUSA Committee back together again and they would present recommendations to Council 3/23 so Marysville can get back to the PUD on this matter. He pointed out that Marysville is not going to get a lot of financial gain out of that area but we need to take a hard look at this and get it resolved once and for all.

Councilor Baxter asked about whether the original franchise agreement was researched and Public Works Director Zabell said yes, it was signed in 1970 with the RUSA boundary approved by the Boundary Review Board.

Councilor Baxter said he would like to see the minutes of the Boundary Review Board meeting approving Marysville's RUSA boundary and he would like to know why PUD seems to be able to supersede Marysville's franchise agreement, he said.

Public Works Director Zabell suggested, and it seemed to be the consensus, that this matter could be brought up after the meeting on the 17th.

CALL ON COUNCILMEMBERS:

Councilor Leighan asked for feedback on his written comments from a week ago and City Administrator Garner said he is still working on a memo.

Councilor Pedersen commented on the two dinners--the historical society and the fire dept. and asked if an official thank you had been sent to the historical society. City Administrator Garner said he had taken care of that.

Councilor McGee said he would like to see a presentation by Chief Dyer regarding "Drug Free Area" signs and he also asked about 67th.

Public Works Director Zabell explained part of 67th was sloughing away and they temporarily fixed it.

Mayor Weiser added that there's an edge in the road that needs follow up also. Public Works Director Zabell said he would take care of it.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Ken Cage, 1269 Beach, addressed Council, asking if it would be possible to get a crosswalk on Cedar by the ball park. He said he sees a real need for this and has seen several near accidents.

Councilor McGee said he agrees there's a need there.

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Public Works Director Zabell stated they had talked at one time about a crosswalk further north; he said it does concern him that motorists don't expect a crosswalk in the middle of the block and that would not be a good location for a crosswalk. He pointed out that all the manuals advise against a crosswalk in the middle of a block.

Mr. Cage pointed out that Marysville has a lot of blocks that are too long and further, there are a lot of crosswalks on State in the middle of the block.

Public Works Director Zabell said it could be looked into with a recommendation brought back before Council next meeting.

Councilor Myers suggested the possibility of treating it like a school zone in that particular area, with a 20 mph speed limit and this seemed to bring out a lot of negative comments from the audience, noting that people a lot of times go as fast as 35 mph on Cedar, when it's posted 25 mph. In other words, to get people down to 20 mph, you would have to post Cedar at 5 mph.

CONSENT AGENDA:

1. February Payroll - \$403,156.42
2. 3/9/92 Claims - \$1,389,099.35

Councilor Baxter moved and Councilor Pedersen seconded to approve the Consent Agenda Items 1 & 2. Passed unanimously.

CURRENT BUSINESS:

**1. Crosswalk/94th St. NE & State Avenue.**

Public Works Director Zabell referred to the agenda bill, noting they have investigated a pedestrian-actuated illuminated crosswalk for 94th & State and note the following:

- due to overhead utilities a cable-mounted aerial sign would not be feasible on the south side of the intersection
- cost of installation would be approximately \$4,000
- support poles would have to be set on either side of State along with guys and the guys would probably require easements from Heritage Bank and the State Street Square businesses/owners
- the crosswalk on the south leg of the intersection would have to be eradicated by means of sand blasting and replaced with thermoplastic on the north side of the intersection
- a service drop would have to be provided by the P.U.D.

He noted that these types of crosswalks, it has been shown, do not prove to be very effective in school zones and also, there is a signal program wherein within the next couple years a signal would be placed at 92nd & State, however we still need funding for this, he said.

Mayor Weiser reported that the City has had an offer from one of the businesses in the area to contribute funds for this project through an LID and Councilor Herman asked if this LID at 92nd & State would bring the signal in in six months, say.

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Public Works Director Zabell responded that he thought it would take longer than six months to form an LID and fund the signal. Also, the cost of the signal would be approx. \$150,000 and he said he knows there are enough accidents to warrant a signal at that intersection but there is no funding in place for it right now-- maybe \$5,000. He suggested a meeting with businesses and residents in that area with regard to supporting an LID.

Councilor Pedersen asked about statistics with regard to an actuated crosswalk sign and Public Works Director Zabell said he did not have any.

Councilor Pedersen said she wasn't sure how effective it would be if only 3 out of 4 lanes of cars stop for a pedestrian trying to cross State.

Public Works Director Zabell admitted that is the major problem and there was more discussion about signal lights, timing devices on the crosswalk sign, etc.

City Attorney Weed asked about 94th & State warranting a crosswalk and Public Works Director Zabell said 92nd & State is more logical for the signal; there are no criteria for crosswalks of this type.

Councilor Herman asked how long it would take to get statistics and feedback regarding the effectiveness of this type of crosswalk sign and Public Works Director Zabell said probably a month. He added that with the sign, it would have to come down when the signal goes in at 92nd & State.

Rick Yurkovitch, owner of All Pet Supply in the State Street Square, addressed Council and noted he walks across State every day to the bank and no one stops. He said this really is a very unsafe situation, even a flashing light would help. He added that in the State Street Square they now have a bicycle shop which is going to attract a lot of kids and in other areas of town where there are bike shops, there are lights and crosswalks on every corner but north of 88th, which is very high traffic, there are very few crosswalks and not much in the way of public safety. He noted that nobody does 25 mph and if you do, you get passed up. He said another concern he has as a businessman, is he gets complaints from customers that say it's too difficult to get in and out of State Street Square and they sometimes avoid it. He commented that he didn't think that area is going to get any less busy in the future and there's a great concern for safety there as well as about 6 other intersections north of the 88th & State one.

Councilor Myers said he would wonder about a false sense of security a crosswalk gives and secondly, notes that when the signal goes in at 92nd & State, the crosswalk banner would have to come down because of sight distance problems.

Councilor Herman said he felt a light at 92nd would be the best solution but a couple years down the road is too far away.

There was discussion about where people would cross, whether or not businesses would contribute toward a crosswalk and/or signal, difficulty of turning left into the businesses off State, no signals from 88th to 100th, it being human nature to take the shortest route.

Jay Starr, 13190 Stone Av. N., Seattle, addressed Council and described the type of crosswalk they have in Lake City Way, noting they work very well.

Public Works Director Zabell was asked about funding for the crosswalk sign and he pointed out it is an unbudgeted item but the \$4,000 could be taken from the Street Fund.

Councilor Pedersen said she had heard complaints from people trying to get across to the medical facility and she said pedestrian traffic would be facilitated with the signal light but she would like to see the crosswalk project moved ahead with, even on an interim 2 year basis.

Councilor Leighan said given this is portable, he would agree and noted it could be moved further north, for example, once no longer needed at that intersection.

Councilor Baxter said he thought it should be checked with the fire dept. first and Public Works Director Zabell said it would be.

Councilor Pedersen moved to have the Public Works Dept. take action to put up the crosswalk sign, based on discussion tonight, on the north side of 94th & State and also to look into an LID for 92nd & State. Councilor Myers seconded and the motion passed unanimously.

## **2. SR 528 Improvements.**

Public Works Director Zabell referred to the agenda bill and DOT letter in the packets, noting that Mr. Mitchell is in the audience.

Mr. Mitchell of DOT addressed the Council, noting that further to discussions at last Council meeting:

- neither north side parking nor south side parking on 528 are practical
- channelization and making the sidewalks narrower is not feasible either, in view of the width of lane requirement as well as tapering distance requirements from State to Columbia

He stated DOT is proposing no parking from State to Columbia on 528.

Mayor Weiser stated he talked to one of the property owners in that block and he would consider some sort of arrangement for off street parking which is another option.

Public Works Director Zabell said even with two small existing buildings, parking could be provided in the remainder of the area: at least 90' x 120'.

Councilor Herman said it looks like elimination of parking is the only choice and Mr. Mitchell said DOT originally thought it was a 13' sidewalk on 528 but it's not in that block and there just isn't enough room for channelization.

Councilor Pedersen said she was hoping DOT would volunteer to co-fund the parking lot.

Mayor Weiser said there is a possibility the purchase of the two lots for parking could be included in TIP 3 and Councilor McGee said he thought that was the avenue Council ought to look at.

Councilor Baxter pointed out that the other part of that is that

the City would not do away with parking on 4th until the new parking facility is in place, a lease signed, etc.

Mr. Mitchell asked if he was referring to the lots on the SW corner of 528 & Columbia and Councilor Baxter said yes, it seemed like a reasonable compromise to the parking problem on 528.

Councilor Leighan pointed out that he has not seen many cars parked in that area and Councilor Baxter agreed, saying he has only seen about 5 at the most.

There was discussion about alternative parking on Columbia, how the parking would be situated (entrance and egress), etc.

Councilor Myers said he would like to see the City pursue a lease for the parking lot at 4th & Columbia and Councilor Herman said perhaps the City could pursue buying the property or pursuing of a longer term lease.

Mayor Weiser asked about DOT's time line and Mr. Mitchell stated they can still start on the part of the project from State back to the interstate. He noted they are running about 2 months late but could hold off until the end of the month before he submits his final design report. He noted, however, that a year ago the volume at 4th & State was 14,000 vehicles a day and when this reaches 15,000, DOT's standards are to eliminate all parking all the way up to 4th from the interstate also.

Councilor Baxter noted that even this small off street parking lot could take care of the overflow parking for the SE corner of 4th & Columbia.

It was the consensus to direct staff to inquire regarding the property lease/acquisition and to report back at the 3/23/92 Council meeting.

Councilor Pedersen asked how long this plan will be good for and Mr. Mitchell guessed at least a couple years and then DOT would have to eliminate parking all the way to Liberty, he said.

Public Works Director Zabell noted the City can do a traffic count also, but it was done last in 1991.

Councilor Baxter said he believes that the merging traffic on 4th at Columbia is going to be more of a problem than merging at 4th & State.

Mr. Mitchell explained that part of the reason for removing parking is to provide one block to unstack at State & 4th and for people to be able to move into the inside lane toward Liberty, for safety reasons. Right now you have 700 peak hour vehicles at 4th & State which is a very high volume, he pointed out and it is possible people will speed up, but it's safer when you have more distance in which to merge, he said.

### **3. Hearing Examiner Decision/Jubie - Conditional Use Permit/ Duplexes.**

Planner Bennett described the request, noting it is in the 1200 Block Ash and the Hearing Examiner has recommended approval of the conditional use permit with 8 conditions and there have been no appeals. However, two letters had been received, he stated, not noted in the Hearing Examiner's report: one from Ken and Ethel Cage, 1269 Beach and the other from Randal Darst of the Snohomish County Health District. The letter from the health district ex-

plains that Mr. Jubie is only allowed to construct three single family units under his approved septic system at this time. Mr. Bennett noted these letters should have been made a part of the record and staff would recommend remanding the application to the Hearing Examiner with clarification from the applicant.

Harvey Jubie, 9905 39th Dr. NE, addressed the Council, stating he had checked regarding sewer today and it would be all subject to availability, but if approved, they could actually put in 4 bedroom duplexes (2 bedrooms each side). He said the other option is for him to build three single family dwellings, but he would prefer to put in the duplexes.

Councilor Herman disclosed that he lives at 1298 Beach, within 300' of the subject property, but has not discussed the matter with anyone.

Mr. Jubie said if he gets approval for the sewer, it could be brought over from Ash.

Mayor Weiser explained that testimony must only be regarding whether or not to hold a public hearing.

Kenneth Cage, 1269 Beach, addressed Council, stating they live adjacent to the subject property in back. He said he believes they have enough multifamily and do need single family; he said he sees a need to preserve single family housing. He added that one of the neighbors raised the point that Mr. Jubie doesn't have large enough lots in there for duplexes.

Planner Bennett explained that it meets all lot size requirements but Mr. Jubie would have to put in sewers for duplexes, he could stay with the approved septic system for single family homes.

Mr. Cage said he thinks Marysville has done a pretty good job of balancing multifamily and single family and he knows there are areas zoned multifamily that aren't developed yet. He said we don't need more crime, etc. and he doesn't think it's good policy to eliminate large blocks of single family areas for multifamily because before long the single family houses that are left are almost in a war zone. He noted the Cedar Avenue apartments even caught the most pessimistic by surprise and he mentioned that when he was on the Planning Commission, there were always complaints about Cedar. He added that he did send in a letter on this but was not sent a notice of any further hearing.

James Mach, 1230 Ash, addressed Council and said this project is going to affect an income-sensitive area and he gave for example, the Montessori School now being low income housing and he said when he used to live in Lynnwood, they had a 2500 s.f. house, the taxes went up 75% and rents in the area doubled. He said he does not want to see the same thing happen in Marysville and would be in favor of a public hearing and hopefully the project will be abandoned, he said.

Jeff Brand, 1255 Beach, addressed Council, stating he was not able to attend the last meeting due to work. There are a lot of sensitive issues, he said and added he would also like to see more public hearings so there can be more public involvement.

There was a brief discussion and Mr. Jubie added that he would prefer to build duplexes but he can put in 4 bedroom houses right now, no problem.

Councilor Wright moved for a public hearing 4/6/92, Councilor



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McGee seconded and the motion passed, with Councilor Baxter against.

**4. Hearing Examiner Decision/Hickock Park, John Baldwin Rezone to PRD 12,500.**

Planner Bennett reviewed the location and request, noting the Hearing Examiner has recommended approval with 14 conditions and there have been no appeals however a letter has just been received tonight from Elizabeth Martin.

Councilor Leighan asked about PRD 12,500 zoning and about lots considerably smaller than 12,500 s.f.

Planner Bennett explained the balancing process for protection of wetlands, open spaces, etc. in a PRD and noted the average lot size in this case is 8396 s.f. He referred to the site plan in the packets, noting the smallest lot is actually about 6600 s.f.

William Roberts, 4129 76th St. NE, addressed Council, representing the applicant. He stated this was done under the PRD process and based on the 12,500 zoning, they did not reach the maximum number of lots allowed. He talked about protection of the creek corridor and said they are not extracting any density, just protecting creeks, wetlands, open space, etc. He added that all the homes will be single family detached.

Councilor Baxter asked about 528 frontage and Mr. Roberts said they are giving an additional 20', that they have already given 20' and another 10-12' slope easement.

Mayor Weiser clarified there would be no access onto 528 and Mr. Roberts said that was correct. He said access would be on 63rd.

Councilor Baxter noted that 71st lines up with 71st across from Cedarcrest and asked where the culvert would go. Mr. Roberts said it's quite a bit further to the east and they are leaving the creek area and hoping the City will take it. If not, it will end up equally divided among the lot ownership, he said. He added there has been some previous interest in creek corridors being owned by the City of Marysville.

Councilor Herman summarized that this project has no density bonus, two wetland areas, steep slopes, with the disposition of the ownership of the creek corridor/open space not determined as yet.

Mr. Roberts said yes, the corridor goes all across the hillside and there was discussion about being protected under the Native Growth Protection Act, City access, maintenance affects the budget, drainage, trees blowing and leaning over in the area.

Elizabeth Martin, 7223 61st Pl. NE, addressed Council, stating this project is behind her property. She said at the hearing it was not explained that there would be development on 67th and there is a real safety issue here, she said. Crossing traffic on 71st is real dangerous and the light at 64th & 67th is not going to address the problem, so she said she would like to see a public hearing to help address these issues.

George Vanderway, 7014 61st Pl. NE, addressed Council, stating he feels there should be a hearing on the water situation. He said he has lived in there 22 years and they have a problem with water running out of the gulley on the west side of the development and sometimes the water gets higher than knee high. He said apparent-

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ly there's going to be a 20' road going right across the wetlands which will block off the water, he said, and then it will go right across his land. He noted that Lots 12 & 13 are under water right now and the City needs to address the water problems in this area.

Kennth Price, 7003 61st Pl. NE, addressed Council, stating he was not even notified of the public hearing and he also feels the water backing up could affect the area he lives in also. He noted they are getting more and more water runoff and he would like to see a public hearing also, regarding the water problems.

Sheila Price, 7003 61st Pl. NE, addressed Council, noting she is also concerned about water problems on the hill. She said she thinks the City needs to take some kind of stand on this and she said she doesn't think it should be left up to the developer to solve the problem.

Mr. Roberts stated that with regard to 528 channelization, there would be a plan submitted for 71st, just as a plan was done for the accesses to the subdivision. Regarding the water course issue, he said it comes from the south and ponds in the wetland area and then goes out to 528, he said and they have one lot in the subdivision where they would probably put a culvert in and the plan has to be approved by the Public Works Dept., he pointed out. There is water coming off the hillside and the culvert would make the water course feasible through to 528, he stated.

Councilor Baxter asked where the water goes from 528 and Mr. Roberts said it goes down to the west.

Councilor Baxter asked about the lots in the cul de sac in Cedarcrest Ridge next to 528 and Public Works Director Zabell said the culvert goes around Cedarcrest Ridge through a couple subdivisions over to the retention pond.

Mr. Roberts stated the Vanderway driveway would be culverted and Public Works Director Zabell added that the 64th culvert would also be reevaluated as far as flow is concerned with the new development.

Mr. Roberts guessed that most culvert sizes would not have to be upgraded and Councilor Baxter asked if water would run to 63rd to the retention pond.

Mr. Roberts said the back third would flow to the creek and the front third would flow to the west, after it goes through a retention system; it would not drain south. He explained the process with regard to installing retention ponds and that they are not allowed in wetlands.

Councilor Myers moved for approval of the hearing examiner's decision with Public Works Dept. approval on the water course as outlined by Bill Roberts, including 14 conditions as stated in the hearing examiner's decision. Councilor Baxter seconded the motion.

Councilor Herman said he understands people's concerns but that there are 14 conditions including 8, 10 & 12 which deal with the drainage issues and he said he would hope that the City would work very diligently to make sure all issues are addressed.

The motion passed with Councilor Leighan against.

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**5. Hearing Examiner Decision/Everett Mutual/Jim Wooten Sign Ordinance Setback Variance Request.**

Planner Bennett explained the Hearing Examiner has recommended approval of the request for a setback of 2' from the property line, with four conditions. No appeals to the Hearing Examiner's decision have been filed to date, he said.

Councilor Baxter noted it's difficult to tell before the sign goes up whether it is going to impair vision or not and Planner Bennett gave the sign at the Oil Well at 5th & Delta as an example of a similar type of sign to the one Everett Mutual will be erecting.

Mayor Weiser said there are also similar signs at 92nd & State--Ed's Transmission and Precision Tune are examples of two-legged signs similar to Everett Mutual's also.

Public Works Director Zabell pointed out that Everett Mutual is at a signalized intersection and Mayor Weiser also noted that the sign face will actually be 19' from the ground to the bottom of the sign.

Councilor Baxter noted their neighbors have a problem with it.

Jay Starr, 13190 Stone Av. N., Seattle, addressed Council and said it's the same sign that's been there for 15 years and it would be put back up a little further north. He noted Security Pacific Bank had written a letter but in fact their (Security Pacific's) sign actually overhangs the property line about 4½', he said; Everett Mutual's is back behind that. He said he thinks this is a moot point (about Security Pacific's sign) and Everett Mutual's sign had to be moved out of the way of the driveway.

Councilor Pedersen moved to affirm the Hearing Examiner's decision to recommend the variance request be approved. Councilor McGee seconded the motion.

Councilor Baxter asked what could be done if it proves to be a sight problem; he said he thinks the City needs to place a condition on this approval to make a provision in the event of a safety problem.

Councilor Baxter moved to amend the motion, stating that if it proves to be a safety problem, it should be moved at Everett Mutual's expense.

City Attorney Weed said he was certain the City would have the right to do that anyway under the MMC and he pointed out that the Council could also hold a public hearing to consider the issue further. He said the City has the right to abate sight obscuring problems.

City Administrator Garner pointed out that that corner is very wide open now with the bank back away from the property line vs. where the old building was.

Councilor Baxter pointed out that no one has seen the sign or posts but his amendment to the motion died for lack of a second.

The original motion passed, with Councilor Baxter opposed.

**6. Hearing Examiner Decision/Hassan Conditional Use Permit/Duplexes.**

Planner Bennett explained the request was for 3 duplexes and the Hearing Examiner has recommended the conditional use permit be approved, with 7 conditions. He said staff is recommending affirmation of the Hearing Examiner's decision, noting there have been no appeals.

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Councilor Herman clarified that the parks mitigation fee is \$100 per unit and Planner Bennett explained there had been a typo previously, showing \$200, but it should be \$100.

Councilor Baxter asked how the applicant got his building permits so soon and Planner Bennett explained the building permits were rescinded--there was an error in issuing the permits prior to tonight's meeting and the Building Dept. tried to rectify the error as soon as possible, he said.

Councilor Baxter noted the applicant had already put in the foundation and graded the property and Councilor Baxter then moved to affirm/approve the Hearing Examiner's decision to grant the Conditional Use Permit. Councilor Wright seconded and the motion passed unanimously.

**7. Utility Variance; Robert L. Johnson.**

Public Works Director Zabell explained the request is for a single family water connection at 169th & 27th Av. NE, it is within the Coordinated Water System Plan, is not located in an area that experiences shortages or pressure deficiencies during summer peaks, the request is not for development purposes and the surrounding properties have a history of well fecal contamination. He noted that the City is not requiring certification from the health dept. because we have adopted the Coordinated Water System Plan.

Councilor Wright moved for approval of the variance, Councilor Herman seconded, with findings of fact as outlined in the memo in the packets from Dave Zabell to Steve Bennett. The motion passed unanimously.

**8. Utility Variance; Marysville School District.**

Public Works Director Zabell explained this is for an elementary school outside of RUSA, on the Tulalip Reservation. It would be a 43,000 s.f. school housing 500 students and a draft ordinance is in the packets, he said, which was prepared by himself and Bob Kissinger.

Ward Sayles, 5605 70th NE, addressed Council, representing Marysville School District. He said they have applied for a conditional use permit with the county and they need water and sewer for the school. He stated they have applied for 3 elementary sites, actually and whichever of the 3 become available first, they will go with; this particular school is probably going to be built in 1993, to be occupied in 1994; they would need .3 miles of sewer line on 27th and .5 miles on 74th.

City Attorney Weed said he believed there's provision for public facilities in the sewer moratorium ordinance and if the school is not constructed until 1993, presumably the wastewater treatment facility update will be completed by that time, he said.

Mr. Sayles pointed out that that is how Cedarcrest School was able to hook up--as a public facility.

Mayor Weiser noted this is outside of RUSA and once granted, many more requests in that area may come in.

Councilor Herman suggested sending a letter to the Tulalip Tribes outlining the City's intent not to supply other entities water.

Councilor Baxter noted they have a 6" water line out there (the Tulalips) plus an emergency tie in with the City, he believed.

Mr. Sayles said the school district is looking to Marysville for

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water as a 6" line would not handle fire flow needs.

Councilor Baxter said he felt this needs further discussion and City Attorney Weed said if the concern is potential litigation regarding others' requests for water, that would be an appropriate subject for Executive Session tonight.

Councilor Baxter said that was his concern and added there are circumstances that all of the Council should be aware of.

City Attorney Weed said it would be appropriate for the Council to discuss this in Executive Session and either reconvene or defer this matter to 3/23/92 meeting.

Public Works Director Zabell said this may also be something to be discussed at the RUSA meeting and Mr. Sayles concluded that the school district is in a bind as far as elementary sites at this point.

Councilor Baxter moved and Councilor Leighan seconded to continue this matter to 3/23/92. Passed unanimously.

NEW BUSINESS:

1. Navy Impact on Marysville Committee.

City Administrator Garner referred to a proposal from Councilor Leighan for formation of a committee regarding the Navy Homeporting. He said we were sort of locked into the ESCICC Committee and this would be Marysville's own committee. It was noted that Councilor Wright did not get elected to this committee, but will be attending meetings and also, it was noted that funding for the ESCICC Committee is drying up and so it was City Administrator Garner's recommendation to have a committee comprised of a couple City Councilmembers plus a good cross section of citizenry.

Mayor Weiser noted that the Chairman of the Council of Churches would like to be represented in addition to the ones noted in the packets and he said he would envision this as a group that would get together with the Navy.

Councilor Leighan suggested possibly also including someone from the Parks Dept. and Councilor Pedersen suggested possibly also including someone from the Building and/or Real Estate community.

Mayor Weiser said this is not to replace but to supplement the ESCICC Committee but Councilor Baxter pointed out Marysville will be most affected than other small cities and we have no direct representation on the ESCICC Committee.

Councilor Wright pointed out that the Navy wants to have the communication with the various cities as well as the cities wanting to communicate with the Navy.

Mayor Weiser said he has in mind about 13 people to serve on this Marysville Navy Impact Committee.

Councilor Baxter suggested a similar cross section of the community as served on the joint fire committee.

Councilor Myers moved that this committee be formed with the Mayor bringing back his recommendations of those to serve on it 3/23/92. Councilor Baxter seconded and the motion passed unanimously.

It seemed to be the consensus to call the committee "NIM" (Navy Impact Committee).

ORDINANCES & RESOLUTIONS:

1. Resolution Adopting Revised Greens Fees for Cedarcrest Municipal Golf Course.

City Attorney Weed noted a minor change in the resolution, in that "youth" are aged 10-17.

Councilor Baxter moved that Resolution #1528 be adopted/approved and Councilor Myers seconded the motion. The motion passed with Councilor Pedersen against.

Mayor Weiser expressed a concern that this is a resolution and not an ordinance and asked that staff take a look at making it an ordinance. He said he would also like to have a meeting with John Garner, Mike Robinson, Jim Ballew, Ken Baxter and Don Shaw regarding the golf course and some perceived problems.

LEGAL MATTERS:

1. Recovery Contract/Timothy Gellatly.

Public Works Director Zabell explained this is for an 8" sewer line which includes benefits of offsite improvements, at \$19.29 per front foot.

Councilor Wright moved and Councilor Leighan seconded to approve Recovery Contract #158. Passed. (Councilor Pedersen did not vote.)

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

1. Litigation.
2. Police Matters.

RECONVENED: 10:45 p.m.

Moved and seconded that staff be instructed to call for a public hearing to consider the repeal of Ordinance 1846, to be scheduled for 3/23/92. Passed unanimously.

Moved and seconded to purchase police equipment as discussed in Executive Session. Passed unanimously.

ADJOURNED: 10:50 p.m.

Accepted this 23<sup>rd</sup> day of March, 1992.

*David Weiser*

MAYOR

*Phillip E. Dexter*

CITY CLERK

*Nanda A. Iverson*

RECORDING SECRETARY