

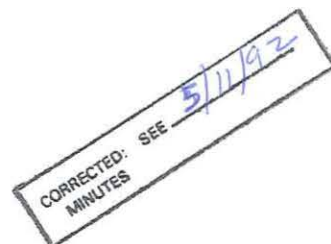
MARYSVILLE CITY COUNCIL MINUTES

MAY 4, 1992

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
Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, City Clerk/Finance Director
 Steve Bennett, Senior Planner
 Eric Thompson, Associate 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 Wright moved and Councilor Myers seconded to approve the 4/20/92 City Hall Committee minutes as presented. Passed unanimously.

Councilor Pedersen asked that on page 4 of the 4/27/92 City Council regular meeting minutes, in the first and second full paragraphs, that references to DOT funding the Grove-Cedar-Ash-State projects be deleted. On page 5, in the 4th full paragraph, she stated her motion included "plaques or decals" to be placed in smoke free zones.

There being no further corrections or additions, Councilor Pedersen moved to approve the 4/27/92 minutes as corrected. Councilor McGee seconded and the motion passed unanimously.

STAFF'S BUSINESS:

Finance Director Dexter explained that he had distributed a memo regarding the change in banking services from Security Pacific to Seafirst.

City Administrator Garner reminded everyone of the RUSA Committee meeting tomorrow morning at 7 AM at the Steak House in Arlington; he reminded everyone about the Towns & Cities meeting 5/28 Marysville will be hosting at the Tulalip Inn; he reported Bob Kissinger has submitted his resignation and the Utilities Supt. position will be advertised starting this week until 5/26; he noted the AWC meeting and conference this year will be held in Bellevue June 16th through 20th.

City Attorney Weed reported the Boundary Review Board will be holding the Quil Ceda Auto Annexation Hearing 5/12/92 at 7 PM.

Public Works Director Zabell reported he attended a meeting with NOAH and the Dept. of Fisheries & Game regarding the botulism

problem and it was revealed that the botulism did not start in the lagoon; the best treatment is to continue to get rid of carcasses, he said. He noted the Dept. of Wildlife is to let us know if they can help the City with this. He also reported that Phase I of the WWTF is almost complete with the new aerators to be working by the end of the week. He stated there will also be another meeting with DOE with progress to be reported as information becomes available.

Sr. Planner Bennett reported there was a county council meeting regarding Growth Management issues, urban growth boundaries, interlocal agreements. He noted he handed out a summary sheet to Council with a letter from the Arlington Mayor and he noted the meeting was basically for public input with a draft interlocal agreement with Arlington to be developed soon. He said he would report back next week as there are some areas where Marysville is not in agreement with Arlington and these issues still need to be worked out.

There was discussion about the Arlington and Marysville boundaries and it was noted that the County did not include the Brost annexation in Arlington's boundaries. Councilor Baxter said it appears it could get a little confusing and that he felt Marysville and Arlington should agree and present a solid front to the county.

Mayor Weiser noted there's another meeting tomorrow night; there was a change by Arlington staff.

City Attorney Weed added that the interlocal agreement is a stock agreement being used for all cities with certain parts of the agreement that won't be controversial.

Mayor Weiser noted there were two drafts and Sr. Planner Bennett said one of the drafts has an interim annexation area and one has no boundaries at all on it.

MAYOR'S BUSINESS/PRESENTATION:

1. Mayor Weiser awarded the Employee of the Month (April) award to Patty Kruger. He cited her daily updating of the bulletin board at City Hall as one of the most appreciated "extras" that has earned her the recognition of being an outstanding employee as well as helping increase employee morale.
2. Mayor Weiser noted that he had recently had an opportunity to review minutes of past meetings with regard to a specific matter and reassured Council that all corrections to the minutes are duly made and recorded so the records are complete and accurate in all cases.
3. Mayor Weiser read and signed the Proclamation proclaiming Saturday, May 16, 1992 DECA Scholarship Day.
4. It has been recommended by Steve Gaidos that the City apply for a Moody's bond rating and Mayor Weiser reported on a tour he gave the interested parties of City facilities, 911 Dispatch, police, fire and public works departments.

CALL ON COUNCILMEMBERS:

Councilor Baxter confirmed that the Garbage Committee meeting will be at 4 PM tomorrow.

Councilor Pedersen asked about a tour of the Dispatch for Council

and the consensus was that this should be arranged for sometime in the near future.

Councilor Wright reported she has been appointed to the AWC Resolutions Committee and she also commented on the upcoming Navy Impact Committee which was omitted inadvertently from the "Calendar of Events" on the Council Meeting agenda.

Councilor Herman noted that he was able to take a look at the Dispatch operation Saturday night when he was on "temporary police duty" and he was impressed with both the Dispatch and Police Dept.

Mayor Weiser reported on a recent alleged child "abduction" case and noted that the police dept. handled the whole affair very well and very professionally. He also added that 8 mayors from Snohomish County met recently regarding the transfer station for the garbage and there will be a tour of the Mountlake Terrace contacting station as well as a trip to Seattle and Klickitat County to get a better idea of problems of siting of the transfer station, etc.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CURRENT BUSINESS:

1. Marysville/P.U.D. Intertie Agreement.

Public Works Director Zabell reported that in the event the Marysville/P.U.D. Intertie Agreement should expire prior to completion of the Everett/Marysville water pipeline, the City could potentially be without a needed source of water (approximately one million gallons per day) and staff is requesting a 30 to 90 day extension of the intertie agreement.

Councilor Baxter moved for staff to negotiate an extension of the agreement with the PUD as needed. Councilor Pedersen seconded.

It was noted that if the water transmission line is completed by the end of June, the extension of the intertie agreement would not be necessary.

The motion passed unanimously.

2. Henry Cook Utility Variance; UV91-18.

Public Works Director Zabell referred to the memo in the packets to Sr. Planner Bennett regarding degradation of the water, the bacteriological analysis, elevation of the property causing low water pressure, property being within Marysville's draft CWSP service boundary. It was noted that if the variance is granted, the applicant would have to pay all frontage and connection fees amounting to approx. \$12,712.00 as well as install an in-line booster pump to increase water pressure. It was also noted that this variance would provide for only one single family residential connection for the entire parcel, if granted.

Councilor Herman asked if manganese can be filtered out and Public Works Director Zabell said it could, with an expensive filtering system.

Henry Cook, 6325 83rd Av. NE, addressed Council and said he had a second water test done and according to the county, the water is unfit to drink because it contains fecal coliforms. He stated the other concern of his is the \$12,000 to \$13,000 connection fee.

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Public Works Director itemized the fees: \$930 for the Capital Improvement fee, \$300 for the meter plus 1275 ft. of frontage at \$9.00 per foot = \$11,475.00.

Mr. Cook asked why he was not being assessed for the frontage along 83rd only and Public Works Director Zabell explained the frontage/recovery has to be paid for the entire lot, part of which fronts on SR 528.

Mr. Cook said he felt that totally unreasonable, for him to have to pay that much; he said he would like to be in the Marysville water district.

Mayor Weiser confirmed that paying for double frontage is a standard procedure and Mr. Cook said he would bet there are a lot of developers that don't pay that much for their water connections!

Public Works Director Zabell pointed out that the \$9 per foot recovery goes to the City and Councilor Myers asked if the applicant would have to pay for their own inline pump.

Public Works Director Zabell said yes.

Councilor Leighan asked if the 83rd frontage charge is the same as 528 and Public Works Director Zabell said no, it's based on actual construction costs and 528 and 83rd were constructed at two different times, 528 more recently.

Councilor Leighan asked if the \$12,000 includes both 83rd and 528 frontage and Public Works Director Zabell said he's not sure.

Councilor Baxter said he's confused about the Health District papers, that they didn't all appear to be available and Mr. Cook stated the first test was inconclusive; the second test is at the City Water Dept.

Councilor Myers agreed the frontage cost is very high.

There was discussion and Public Works Director Zabell noted that no well will get rid of the manganese in that area; Mr. Cook noted that he already has a manganese filter. There was further discussion about the fact there are children (5) on the property, a possible solution being to short plat the property and pay frontage just on the lot where the house is, the fact that the property is not really big enough to short plat, being in the county will take some time to short plat, the neighbors are having or were having similar problems but they got put on City water.

Councilor Myers moved to grant the variance, allowing the applicant to be within the City water district, because of health hazards and including conditions A, B & C of the staff memo. Councilor Pedersen seconded the motion.

After brief discussion, the motion passed unanimously.

Councilor Baxter asked about this being researched and noted that the property used to be 5 acres before the highway dept. took part of it.

3. Rezoning to PRD-12500, Preliminary Plat, Preliminary Site Plan; Thomas & Norma Ling; PA 9111049.

Associate Planner Thompson gave the staff report, noting there are 21 conditions with a reconsideration of Conditions 16 & 18 trans-

mitted to the Hearing Examiner, whose letter was provided to City Council. He stated staff recommends affirmation of the Hearing Examiner's Recommendation as presented approving the rezone, preliminary plat and preliminary site plan.

Councilor Baxter asked what the width of 84th will be with the additional 10' and Associate Planner Thompson said it would be 30' each half. He added that the Hearing Examiner recommended an acceleration/deceleration land which would be in addition to that.

Mayor Weiser asked about the private road and Associate Planner Thompson said it was adjacent to 84th (Getchell).

Councilor Leighan asked about the completion of the unfinished road and Associate Planner Thompson noted it's within the adjacent plat of Munson Creek but anticipated completion in conjunction with this project.

Councilor Pedersen asked about the Parks & Recreation response regarding the open space and Associate Planner Thompson responded that Parks & Recreation Director Ballew's concerns were incorporated into the Hearing Examiner's recommendations, as per Condition 16.

City Attorney Weed noted the Parks & Recreation Director did have some concerns about the City receiving the property and if the Council wishes to have their own hearing regarding this, they may do so.

Mayor Weiser noted that using the PRD process was for lot average rather than increased density and Associate Planner Thompson confirmed this.

Councilor Baxter said he thinks there is a concern about the City accepting too many of these little parks because of the maintenance needs and Councilor Leighan agreed, noting that Munson Creek Estates is a good example of this, with the trees that keep blowing down or need to be cut down.

Mayor Weiser noted that any testimony at this point should be with regard to the Council holding its own public hearing.

Mr. Laurey Tobiason, McArdle & Murray, Everett, addressed Council, representing the applicant and stated the applicant is very concerned about whether or not the City will be accepting the park.

Mike Papa, 9128 58th Dr. NE, addressed Council and noted that with regard to Condition 14, the wetland is to be marked or fenced and he asked how that would be done and also if gates would be put in to prevent people from dumping.

Associate Planner Thompson assured him that the park would be improved more than the stream corridor; the wetland areas are to be clearly marked in a way acceptable to staff, he added.

Public Works Director Zabell also noted that regarding the question regarding completion of the road in Munson Creek, the developer went bankrupt and the final coating needs to be done, but the right of way is still there.

Councilor Herman noted there have been some substantial changes and he said he would be inclined to remand the matter with an overall recommendation on the park.

There was discussion regarding a City Council public hearing vs. remanding to the Hearing Examiner and Councilor Leighan moved that City Council conduct their own public hearing 5/26/92. Councilor McGee seconded and the motion passed with Councilor Herman against.

ORDINANCES & RESOLUTIONS:

1. **An Ordinance Rezoning Property Owned by the Housing Authority of Snohomish County.**

Councilor Leighan moved and Councilor Herman seconded to adopt/ approve Ordinance #1889. Passed unanimously.

2. **A Resolution Declaring Certain City-Owned Facilities as "Smoke Free".**

Councilor Pedersen moved and Councilor Wright seconded to adopt/ approve Resolution #1543. Passed unanimously.

3. **A Resolution Affirming the Decision of Hearing Examiner Relating to Shoreline Substantial Development Permit, Subject to Conditions.**

Councilor Wright moved and Councilor Myers seconded to approve/ adopt Resolution #1544. Passed unanimously.

4. **A Resolution Adopting a Six-Year Transportation Improvement Program (1992-1997).**

Councilor McGee moved and Councilor Herman seconded to approve/ adopt Resolution #1545. Passed unanimously.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:15 p.m.

1. Pending Litigation.
2. Personnel.

RECONVENE & ADJOURN: Approx. 9:15 p.m.

Accepted this 11th day of May, 1992.

David W. Wiser
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY

CORRECTED: SEE 5/11/92