

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 26, 1992

EXECUTIVE SESSION: Pending Litigation 5:30 p.m. 00211

RECONVENE: 7:30 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 5/11/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Snohomish County Tomorrow

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: S.O.C. Group, Rex Walker, Pat Lee, Keith Nelson, John Scanlon, Rick Rides-at-the-Door, Jules Lee, Kenneth McMahon

PRESENTATION: M.A.D.D./Norma Thompson - Video Camera & Breathalizers

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

1. Rezone, PRD & Prel. Plat of Serenity Park - Ling Approved
2. 60% Petitions (2) - Aldridge Approved
3. - Grove & 60th Dr. Annexations

CONSENT AGENDA:

1. 5/26/92 Claims - \$252,978.02 Approved
2. Acceptance of Construction; Downtown Drainage; Phase III Approved
3. Liquor Lic. for (4) Applicants Approved

REVIEW BIDS:

1. 80th St. Improvement Project Approved/Wilder Construction awarded bid.

CURRENT BUSINESS:

1. Junior Golf Pass. Continued to 6/1/92

NEW BUSINESS:

1. Rbt. Johnson Utility Variance Continued to 6/22/92
2. Hrg.Examiner Recommendation - Carter - Approved/Affirmed
3. Fin.Director/City Clerk Appts. Approved
4. Temporary Employee - P.S.Bldg. Approved
5. Temporary Building Inspector Approved
6. MPD Conditional Use Permit, Ht. Variance & City Zoning Desig. Approved
7. Sno-Isle Participation in Library Construction Costs City Atty. to draft Resol.
8. S.H.R. Investment Final Plat Approved

ORDINANCES & RESOLUTIONS:

1. Ord. Amending Ord. 1889 Ord. 1890 Approved
2. Ord. Affirming H.E. Decision re Emergency Radio Commun.Tower Ord. 1891 Approved
3. Res. Affirming H.E. Decision granting C.U.P. for M.S.D. #25 Res. 1548 Approved

LEGAL MATTERS:

1. Supplement to Interlocal Agreem. Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 11:00 p.m.

1. Personnel 2. Real Estate

RECONVENED & ADJOURNED: Approx. 11:30 p.m.

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7:30 p.m.

Council Chambers

Present: Dave Weiser, MayorCouncilmembers:

Donna Pedersen, Mayor Pro Tem

Dave McGee

John Myers

Ken Baxter

Donna Wright

Mike Leighan

Otto Herman

Administrative Staff:

John Garner, City Administrator

Mary Swenson, Asst. to the City Administrator

Grant Weed, City Attorney

Steve Wilson, Asst. Finance Director/City Clerk

Steve Bennett, Senior Planner

Eric Thompson, Associate Planner

Dave Zabell, Public Works Director

Jim Ballew, Parks & Recreation Director

Bob Dyer, Marysville Police Chief

Wanda Iverson, Recording Secretary

EXECUTIVE SESSION: 5:30 to 7:30 p.m. (Pending Litigation)RECONVENE:

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

ROLL CALL:

Asst. Finance Director/City Clerk Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Wright noted in the minutes of the 5/11/92 meeting that on page 8, in the last paragraph, Ms. Thomas has lived in similar housing and "hopes to be able to qualify for housing in this development" should be deleted.

Councilor Herman noted on page 4, two-thirds of the way down the page, it would be more appropriate to strike "he sees an extreme need.....and", so the statement would read: "Councilor Herman pointed out that the hiring of the interns should be at the sole discretion of the City. In the following paragraph, second sentence, "He added" should be changed to "Councilor Herman added" and the words "necessarily" and "all" should be deleted in that same sentence.

It was noted in the 4th paragraph, page 6, Councilor McGee's name was misspelled.

Councilor Herman asked that "There was no response from any of the Councilmembers" in the 5th paragraph, page 6 be changed to read: "Councilmembers indicated the contact would not keep them from being fair and impartial." In the 5th paragraph, page 12, the word "redraft" should be changed to "draft", "the" should be changed to "an", "allow" should be changed to "require" and the words "and zoning designation" should be added after "Comp Plan", so the paragraph would read:

"Councilor Herman moved to direct the City Attorney to draft an ordinance with language that would require reverting back to the original Comp Plan and zoning designation should the action in question not take place. Councilor Myers seconded and the motion passed."

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Councilor Herman asked that the very last paragraph of page 13 be changed to read: "Councilor Herman stated that it's obvious that if we don't want people to think about controversial issues, we don't want this radio station."

On page 15, 7th paragraph, Councilor Herman asked that it be changed to read: "Councilor Herman noted that he was opposed to both Arlington and Paine Field as Snohomish County alternatives. He pointed out there are substantial financial issues involved for the City.

Councilor McGee moved and Councilor Herman seconded to approve the minutes of the May 11, 1992 City Council meeting as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner noted that today was the deadline for Utilities Supt. applications and 6 applications were received as of 4:00 p.m. today. He noted one of the applications was in-house, one was from Enumclaw and screening is to start soon. He reminded Council of the Towns & Cities meeting Thursday at the Tulalip Inn. He reported that he and Public Works Director Zabell met with a representative of Mrs. Zinke who is interested in selling her property. 6/2/92 is the date for the upcoming Solid Waste Committee meeting.

City Attorney Weed reported on a recent mini seminar and training session for City staff that went well.

Public Works Director Zabell reported that Phase I of the WWTF is complete and he invited City Council to visit the facility. If they wish a tour, they need to contact Gary Olsen in the Water Dept.

MAYOR'S BUSINESS:

Mayor Weiser reported there will be another Executive Session on 6/8/92 at 5:30 p.m. before Council meeting. He reported that there will be a Snohomish County Tomorrow meeting tomorrow night with discussion items on the agenda such as annexation policies, urban growth boundary issues, items that have been requested to be discussed by the Snohomish County Council. He noted that there are planned more meetings coming up with County Executive Drewel, Ross Kane and others. Mayor Weiser also said he is of the understanding that there is definitely room for agreement with the County Council and a draft document is planned soon.

Councilor Pedersen commented on whether or not the document would reflect the government being run from the top down or the bottom up and Mayor Weiser agreed that was a good point, but noted there are Growth Management Act mandates that need to be incorporated into the document as well as issues from HB 1025.

CALL ON COUNCILMEMBERS:

Councilor McGee reported he will be out of town June 9 through 22.

Councilor Baxter noted the Golf Board meeting is Thu. night which conflicts with the Towns & Cities meeting. He asked about the 4 p.m. Garbage Committee meeting (Thursday?) and the Mechanics Helper ad.

City Administrator Garner stated the Mechanics Helper would work on vehicles other than just garbage trucks, as well as MPD needs.

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Councilor Pedersen asked about the Library Bldg. Committee and City Administrator Garner said the City has to come up with a resolution shortly with a bond issue to go to the vote of the people in September.

Councilor Pedersen asked about temporary businesses in the Fred Meyer Shopping Center, as to whether or not they have Marysville business licenses and whether or not the City receives any revenue from their operating here.

City Administrator Garner stated the two car dealerships (Sidley and Winner) do have business licenses but the barbecue business is now out of business; their business license was in process but now they have gone out of business, he said.

Councilor Pedersen asked about parks and schools mitigation fee ordinances and City Attorney Weed said on the schools, a draft has been submitted to the Planning Commission and they will probably be holding a public hearing soon. He said he was also requested by Reid Shockey for a copy of the school mitigation draft ordinance. On fire and parks mitigation fees, he said Tim McMahon (Grant Weed's partner) is working on these and they will be getting back with Jim Ballew on this.

Councilor Leighan asked about further City Hall meetings and Mayor Weiser said there would be one the first or second week in June.

Councilor Herman noted he will be out of town the third week in June and stated he was also interested in the mitigation fee ordinances. He asked about the City Administrator's position and City Administrator Garner stated it will be discussed in Executive Session later this evening.

Councilor Baxter asked about the 57th St. Committee and Mayor Weiser said he is still working on appointments to this committee.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

1. Save Our Community (SOC)/Expansion of Paine Field.

Bob Stahl, Vice President of SOC, addressed Council and passed around handouts. He explained they are a grass roots group concerned about the community and they started with a small group of 7 people which grew to 650; they have now obtained 13,000 signatures and are close to having raised \$250,000 so they can hire an attorney to help them fight the Paine Field Expansion. He noted they have a single mission--to keep Paine Field as it is, basically, a high employment area with the same amount of air traffic as there presently is. He presented flight pattern projections if Paine Field is expanded, depicting approaches, altitudes, noise levels and how this potentially would impact Marysville, Arlington, Everett and Mukilteo very significantly. He noted that when aircraft are at 5,000 feet above the University of Washington, enough noise is generated to stop classes and so altitudes of 3,000 feet will definitely have an adverse effect on Marysville. He appealed to the Council for their support of the SOC Group efforts.

Mayor Weiser said our main concern is to prevent the expansion of the Arlington Airport and Mr. Stahl pointed out that what you are hearing now at Arlington Airport is state of the art jets with no cargo flights, no passenger flights and brand new equipment. He said what happens with an alternative airport is they use older equipment, have cargo flights, passenger flights, higher noise levels and he pointed out that people just don't like to live around airports. He said he could guarantee Marysville would feel



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crime impacts with a Paine Field expansion. He encouraged Council to talk to people in the schools, noting that kids miss 10% of their education if the school is near an airport because of the noise interfering constantly.

Councilor McGee stated he would like to see this scheduled as an agenda item with a resolution to be drafted and Councilor Baxter said he would be in favor of a resolution being drafted, too. Councilor Pedersen suggested the resolution be similar to the one that was done for Arlington. (Consensus)

2. Brookwood Heights Park.

Rex Walker, 7214 67th Pl. NE, addressed Council regarding the clear cutting along Munson Creek, 300' from 67th in Brookwood Heights. He noted that first of all, it took him and his wife several hours to find out what was going on and then a letter was sent only to the people on the west side of the stream. He said there has been no permit issued by the Department of Fisheries to the City and this clearing is in direct violation, he believes, of the Marysville Municipal Code. Further, he said Jim Ballew sent out a letter explaining that natural brush is to be removed with trees being cut down and left in the streambed and then they would be planting flowers and other natural vegetation. He said he strongly objects to this--they want it left the way it was--private and secluded.

Pat Lee (did not give her address), addressed Council and said she has no problems with a park but it was never explained that the natural streambed was going to be removed and she and her husband are from Burien and this is not what they expected to see in a small town, this is what they moved away from. She noted that they got a letter and the next day practically, the trees came down.

Keith Nelson, 7129 67th St. NE, addressed Council, noting they moved to this property because they thought their privacy would never be disturbed, but the City has taken out a large maple, they took out all the trees and it's not a very nice looking place, anymore.

Mayor Weiser said he had heard several negative comments about this and apologized regarding the timeliness in letting people know what was going to happen. He agreed people should have been notified sooner, but explained the creek area was dedicated to the City for a park because the developer did not want the responsibility of maintaining the greenbelt and Mr. Ballew is going to have all the trees removed from the streambed, he explained. He added that there will be a meeting tomorrow night at 5:00 p.m. in the neighborhood and it will be completely explained at that time. He added that the City will be more than glad to reschedule another meeting, if necessary.

Sr. Planner Bennett added that the City's streambed ordinance does make provision for City parks and with regard to the EIS, this was something that was noted as an impact--dedication of the property and impact to Brookwood Heights, he said.

Mayor Weiser said the City intended that the notices go out sooner than they did.

Mr. Walker quoted from the Environmental Impact Statement/SEPA checklist with regard to the area being kept natural and he said he doesn't believe removing all the trees is keeping it natural.

Councilor Baxter explained the City's liability in the event of a falling tree if it's on City property.

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Mrs. Lee addressed Council again and pointed out that she saw no selection of trees to be taken down, trees were taken out systematically and she said she is in favor of safety, but against removal of all of the trees.

John Scanlon, 7201 67th Av. NE, addressed Council after Councilor Baxter noted that the City took out a couple of trees for him. Mr. Scanlon noted they had asked the City to take trees out that were endangering his house and the City took six months!

Rick Rides-at-the-Door (no address given), addressed Council. He stated they had some real nice privacy back there and what he is seeing is the City breaking their own laws. He said this really "ticks him off".

Jules Lee, 7213 67th Pl. NE, addressed Council, and asked how much more is going to be taken out. He noted that if the trees on the south side are dangerous, the ones on the other side of the road need to be taken out, too.

Parks & Recreation Director Ballew explained exactly where the park will be and noted that it will parallel the maintenance road. He explained that the large maple referred to earlier was actually diseased and would have become a liability. He said he will have a complete site plan at tomorrow's meeting and explained they have pulled out mainly alders, there's been no grading and the area is to be reclaimed and replanted with vegetation indigenous to a creek corridor. He pointed out that the City is having to clean out the creek bed area, there are lawn clippings in there and that needs to be taken out as well as all the wood which the neighbors will be allowed to have for their own use, he stated.

Mrs. Lee asked about small plantings replacing the large trees, the underbrush, where the trail is going to be.

Parks & Recreation Director Ballew explained there would be no seedling trees planted, it would be mainly ground cover and plants other than trees; he explained the maintenance road is the trail and it will integrate with the North Pointe Trail. He said they are putting in a cul de sac on 71st and the City will be getting an easement there; the trail is not planned to go to the south through the cedars.

There was discussion about addresses to receive notices and it was noted that Brookwood III should have received them and didn't. (Brookwood IV apparently did receive notices.)

Kenneth McMahon, 7113 67th St. NE, addressed Council and noted his family wanted to live in a rural area and they hate to see the day when they have a clear cut behind their property like what's happened here.

PRESENTATION FROM M.A.D.D. (MOTHERS AGAINST DRUNK DRIVERS):

Police Chief Dyer explained that because of their tight budget last year, Sgt. Mike Sigman was asked to look for other funding sources in the community and he introduced Sgt. Sigman.

Sgt. Sigman noted the MPD doesn't have a dedicated traffic program and funding sources are consequently limited. He did, however, get directed to the Snohomish County branch of MADD and in turn, Bob Bruce and Norma Thompson, who have responded with some very state of the art equipment, he said. He introduced Bob Bruce, President of MADD and Norma Thompson, First Vice President.

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Mr. Bruce commended Marysville for being a very progressive city as far as getting drugs off the street. He said MADD's number one goal is to get the drunk driver off the street and number two, to help victims of the drunk driver/accidents. He presented the MPD/City with a video camera and state of the art personal breathalyzer unit.

Norma Thompson then presented an additional personal breathalyzer unit from her and her daughter, in memory of her son.

Sgt. Sigman thanked them both and commented that Mrs. Thompson has been very instrumental in getting MADD money into Snohomish County.

Chief Dyer closed by saying how proud he is of Sgt. Sigman, MADD and all the officers who will get good use out of the equipment.

PUBLIC HEARINGS:

1. Rezone, PRD & Preliminary Plat of Serenity Park; Thomas and Norma Ling; PA 9111049.

City Attorney Weed swore in four people who indicated they would be testifying in this public hearing.

Associate Planner Thompson explained the Hearing Examiner has recommended approval of the rezone to PRD 12,500, 49 single family lots on 21 acres. He noted that the applicants have now requested reconsideration of condition #16 and wish to retain ownership of the open space, and that is why tonight's public hearing is being held.

Councilor Wright asked about deeding of the open space tracts and Associate Planner Thompson explained the Lings have had a change in their plans and wish to retain ownership.

Councilor Baxter left Council Chambers at 8:40 and returned at 8:45 p.m.

Councilor Leighan asked about CC & Rs and Associate Planner Thompson said those would be submitted prior to site plan approval.

Public Works Director Zabell said the developer may have to make a change in the turn around and hopefully, right of way is large enough.

Laurey Tobiason, representing the applicant, of McArdle & Murray, Everett, addressed Council, making himself available for any questions. He stated there is no problem with presenting CC & Rs for approval prior to site plan approval nor any problem with the possibility of a change in the right of way for the turn around.

Councilor Leighan asked about improvements to the open space being made as per the Parks Dept. plans/recommendations and Mr. Tobiason said yes, the landscaping as shown would occur.

Councilor Baxter asked about marking of streets and Public Works Director Zabell explained it is marked with black paint and repainted as necessary.

Councilor Herman asked about demarcation of the wetlands under Condition #14 and he said he would like some assurances that the sensitive areas would be delineated permanently.

Mr. Tobiason said they propose a low, two-rail fence and they would be agreeable to that being part of Condition 14.

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Councilor Baxter asked about the homeowners' responsibility for maintenance of the park/open space or up to the fence.

Councilor Herman commented on the pros and cons of dedication of parks and open space tracts to the City.

Parks & Recreation Director Ballew, after being sworn in, stated the Parks Board agreed with the Lings as far as their (the Lings) keeping the open space because it's basically wetland, they have a very good landscape plan and the City hopes they will stick to that plan, he said.

Patty Lervick, 7302 84th St. NE, addressed Council and stated she is opposed to this because of traffic conditions and she read a statement with regard to the recently Snohomish County Housing Authority project going in and noted the only way the Lervicks can get in and out of their property is by accessing 84th (Getchell). She noted it's a very fast and dangerous road and judging by the litter along the roadway, the ditches are full of beer cans and she said she questions how sober the road is. She also noted that the Lervicks' well is on the Ling property--they had to have a well because they were excluded from RUSA six years ago when they moved in and now the Comp Plan has been abandoned, in favor of a low income housing project there, she noted.

Councilor Herman asked if the physical access to the Lervick property has been changed because of the Ling project and Mrs. Lervick said no.

Associate Planner Thompson explained the Hearing Examiner put in a condition with regard to the well/water/easement but said he (Associate Planner Thompson) would have to check the deed further.

Mayor Weiser explained there is another access to the Serenity Park development and Mrs. Lervick said she understands that, but the project will still increase the flow of traffic on 84th (Getchell).

Mike Papa, 9128 58th Dr. NE, addressed Council, stating he is neither for or against the project. He said he does think the entire wetland should be fenced as they tend to "shrink" over time because of people expanding their lawns, etc. He also noted that the DOE found that a 50' buffer is generally ineffective. He said his suggestion, in lieu of an infiltration trench or underground tank/system would be an above ground system, which would be a lot easier to maintain and in the long run, would be much less expensive, he said. He noted it's very difficult to monitor underground infiltration trenches--they fill up with silt and dirt very easily and for the long term, above ground detention systems are much more effective. He said Mike Smith at the County can give some exact figures for what they have to pay for cleaning out the underground systems.

Councilor Herman asked if a retention pond would be cheaper or more expensive and Mr. Papa explained you need to use more square foot area with an above ground retention pond but it's not full of water all the time at all. He submitted photos of a failed underground system and he said an above ground infiltration basin would be much more appropriate in this case.

Mr. Tobiason stated that regarding the traffic concerns, a traffic study was done and reviewed by the City. With regard to detention, he said it's difficult to install a pond on a hillside.

Councilor Baxter asked about the drainage plan and Public Works Director Zabell said there has been no plan as yet; he said he

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appreciates both Mike Papa's and Laurey Tobiason's concerns. He talked about tight line systems near Kellogg Meadows and Cedarcrest Golf Course, water flow concerns, stream corridor, Pond J, large diameter pipes, the new vactor unit being purchased by the City, maintenance for detention ponds (more often but less intense than underground systems).

Councilor Herman commented on the changes to Conditions 4, 16 & 18 and Councilor Leighan commented on Item 2--extension of frontage improvements.

Councilor Herman moved to approve the rezone, PRD and preliminary plat of Serenity Park with 21 conditions, changes to Conditions 4, 16 & 18 as outlined in the agenda bill, clarification of Condition #2 and modification of Condition #14 - 2 rail low permanent fence. Councilor Wright seconded the motion.

Councilor Baxter asked about the private road/maintenance agreement and Public Works Director Zabell said Lots 1 through 6 in the PRD, as per the code, would maintain the private road.

Councilor Baxter commented on that not working too well and there was discussion about the PRD ordinance.

The vote was called and the motion passed 6-1 with Councilor Baxter against.

Mr. Tobiason asked about Conditions 4, 16 & 18 concerning the open space dedication and Councilor Herman read the substitute wording from the agenda bill, which clarified it for Mr. Tobiason.

2. & 3. 60% Petition for 60th Drive and Grove Street Annexations;
Robert Aldridge.

(These two items consolidated with the approval of City Attorney.)

Sr. Planner Bennett explained the applicant has gone back and had 60% petitions signed, subsequent to the 10% petitions. With regard to the 6 acre proposed annexation, there is 100% of the assessed valuation who have signed the 60% petition and the current zoning is 7200. With regard to the 20 acre proposal, 61.8% of the assessed valuation had signed however Mr. Aldridge has obtained more signatures since and that zoning is split between 9600 and 7200 (he gave specific locations).

Sr. Planner Bennett stated staff is recommending approval with acceptance of the City's bonded indebtedness and county zoning, and recommending that this be sent to the Boundary Review Board for approval.

Bob Aldridge, 5420 79th Pl. NE, addressed Council, stating he has been working on this for a long time. He noted they held a public information meeting as requested, but no one from the neighborhood was in attendance. He added that there are two key issues here-- this is an attempt on his part to replat the areas, probably with a PRD format and to infill with affordable housing.

There were no public comments.

Councilor Myers moved that the two 60% Petitions for Annexation be approved as per staff recommendations, to include existing zoning. Councilor Baxter seconded.

Sr. Planner Bennett noted the 9600 zoning is east of 60th and 7200 zoning is west of 60th in the 20 acre piece, with 7200 zoning for the other, which is consistent with the Comp Plan, he said.

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There was discussion with regard to past policies concerning including the zoning in the motion, adoption of a resolution and amending the annexation petition form.

Mr. Aldridge pointed out that at 60th & Grove there is community business zoning for a grocery store and gas station which is also consistent with the old Comp Plan. Sr. Planner Bennett confirmed this.

The motion passed unanimously for these two annexation proposals to now be sent to the Boundary Review Board for approval.

CONSENT AGENDA:

1. 5/26/92 Claims - \$252,978.02.
2. Acceptance of Construction; Downtown Drainage; Phase III.
3. Liquor License Renewals for (4) Applicants.

Councilor Leighan asked about the Lone Star Northwest voucher for Jet Set and Public Works Director Zabell explained it was for quick drying concrete.

Councilor Pedersen moved and Councilor McGee seconded to approve Consent Agenda Items 1, 2 and 3. Passed unanimously.

REVIEW BIDS:

1. 80th Street Improvement Project.

Public Works Director Zabell explained 9 bids were received with Wilder Construction being the low bidder, at \$274,079, with the engineering estimate at \$297,000. He stated staff recommends Wilder Construction, based on prior satisfactory experience.

Councilor Leighan asked if enough right of way has been obtained for improvements and Public Works Director Zabell said yes with the exception of Rowe where they will not put in a parking strip or sidewalks. The proposed start date is 6/8/92.

Mayor Weiser explained that he is working with Maryfest regarding an alternative location for the floats in lieu of the usual bus garage area on 80th for this year's parade.

Councilor McGee moved and Councilor Wright seconded to award the bid to Wilder Construction at \$274,079. Passed unanimously.

CURRENT BUSINESS:

1. Junior Golf Pass.

Parks & Recreation Director Ballew referred to the agenda bill and added that the junior high supports the junior golf program.

Councilor McGee asked about activity and Parks & Recreation Director Ballew said there were 16 junior passes reportedly sold last year but he said it is felt that figure is low and more than that were actually sold.

Councilor Baxter pointed out that there is a Golf Board meeting Thursday and that he doesn't feel comfortable going around them.

Parks & Recreation Director Ballew said he agreed, but that they wished the passes to be available June 1, 1992.

Councilor Baxter pointed out that the Golf Board was created to

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discuss this type of thing and he said he thinks this decision could wait another week.

There was discussion about the Golf Board's role and Parks & Recreation Director Ballew said he could bring Golf Board minutes concerning the junior pass to the Thursday briefing.

Councilor Myers moved and Councilor McGee seconded to continue this to June 1, 1992. Passed unanimously.

It was agreed that City Attorney Weed would draft a new resolution to include the junior pass rates.

NEW BUSINESS:

1. Utility Variance (UV 92-01); 27th Av. NE & 169th St. NE;
Robert L. Johnson.

Public Works Director Zabell noted this property is outside RUSA but inside the Critical Water Study Area and he referred to memos in the packets to Steve Bennett. He stated the decision to grant the variance would depend on the feeling with regard to expanding RUSA boundaries and expanding sewer boundaries. He pointed out there is a sewer line in front of the vacant Johnson lot at 27th & 169th and Mr. Johnson, he said he believes, wants to put in a single family residence.

There was discussion about the history of the property, previous requests, location, expanding RUSA boundaries, perc problems in the area, whether or not this is a buildable lot without sewer, the whole immediate area being served by Marysville sewer, ULID 10, water flow, septic system possibility, capacity of ULID.

Public Works Director Zabell explained that this is a vacant lot and if the ULID comes in at a lesser capacity than projected, there could be more capacity allowed.

Councilor Baxter mentioned prior applications having been refused and the fact that capacity needs to be allowed for Lakewood Commons (250 homes) was mentioned.

Robert Johnson, 3405 172nd NE, Arlington, addressed Council and said one of the reasons he didn't submit a request for sewer a couple years ago (when he got water), was because there was a sewer moratorium on at the time. Also, he said ULID 10 was not made available to a lot of properties. Further, he said he understands that Marysville is not sure where their RUSA boundary is going to be on the west side of I-5. He said he is not sure what Marysville's plans are but the sewer was put under I-5 and the system was primarily for participants in the ULID, however, there is a stub out on every manhole to the south of Mr. Johnson's property, he pointed out. So he said he questions the extra expense there. With regard to putting in a septic system, he said the water table is only 3' (if that) from the surface in the wet season so he doesn't think that would be feasible. He said in some places they don't even have 3'. He gave a little history of the property and the Johnson Tracts, going back to 1946, and he said he gave property to the county for right of way but the county never put in any drainage so that adds to the surface water problem, he said.

Councilor Baxter said the City of Marysville needs to look carefully at what we have in the ground already.

Mr. Johnson said originally it was planned that sewer would be put in there, he thinks.

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There was further discussion about the original intent, perc tests, step systems, septic systems, failed drain fields, capacity, pumps vs. gravity line, undeveloped property makes it hard to predict capacity, that that particular section of the sewer should be reviewed, precedent setting, Mr. Johnson trying to reduce his commuting time and would like to move to his property. Public Works Director Zabell said he would need a couple weeks or so to further review this situation.

Councilor Baxter moved to continue this to 6/22/92, for Public Works to review further. Councilor McGee seconded and the motion passed unanimously.

2. Hearing Examiner's Recommendation; Rezone & Setback Variance; Gary & Jan Carter; PA 9112053.

Associate Planner Thompson reviewed the agenda bill, noting the Hearing Examiner recommends approval of the rezone with side yard setback of 5' from 10' and five conditions. He stated staff recommends affirmation of the Hearing Examiner's recommendation of approval.

Councilor Wright moved and Councilor Leighan seconded to affirm/approve the Hearing Examiner's recommendation with 5 conditions. Passed unanimously.

3. Finance Director and City Clerk Appointments.

City Administrator Garner referred to the agenda bill and said it is his opinion that some of the responsibility of the City Clerk should be distributed to someone other than the Finance Director at this time. He explained the increased responsibilities in the past few years and pointed out that the Assistant to the City Administrator has been maintaining all contracts, supervising licensing activities, putting together the City Council agendas, etc. He recommended Mary Swenson be appointed Administrative Asst./City Clerk, pay grade 13, Step C and Steve Wilson be appointed Finance Director, pay grade 17, Step C. He noted that overtime would be eliminated under the Administrative Asst. position and the Finance Director position is actually being downgraded from grade 18 to 17, with an overall savings to the City of \$2910/mo. for the final six months of 1992. He referred to the AWC salary surveys showing Finance Director and City Clerk salaries for Marysville are slightly lower than average.

Councilor Pedersen suggested the \$18,000 savings could go towards "sprucing up" City Hall.

City Administrator Garner added that the Assistant Finance Director position will be advertised with probably a further potential savings to the City.

Councilor Baxter moved and Councilor Pedersen seconded to accept staff recommendations for the Mayor to appoint Mary Swenson as Administrative Assistant/City Clerk and Steve Wilson to be appointed Finance Director.

Councilor Leighan asked about the overtime being taken away from the City Clerk/Administrative Assistant, where comp time doesn't seem equitable and City Administrator Garner said hopefully her position is going to be slightly less hours for more pay.

Councilor Herman said he would like to see a review of the number of regular and overtime hours worked in the past, as well as a comparison in a couple months, say.

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Asst. Finance Director Wilson pointed out there is an ingrade benefit to her position, as well.

Councilor Pedersen asked about using some of the money saved to spruce up City Hall and there was discussion about the water damaged office, other needs.

The motion was passed unanimously.

4. Temporary Employee; Public Safety Building.

City Administrator Garner explained this would be to cover maternity leave and would amount to about \$3500 for additional help. He explained the costs could be reduced with the use of the AARP employee; the position is for receptionist and is anticipated to start June 27.

Councilor Herman moved and Councilor Myers seconded to authorize a budget amendment for this expenditure. Passed unanimously.

5. Temporary Building Inspector.

Sr. Planner Bennett noted there has been a higher level of activity than predicted, in fact, 86% of the projected revenue for the Bldg. Dept. has already been collected as of April, 1992 for 1992. There are now 10-12 inspections per day as compared to 4-5 per day last year, he said and he is recommending a contract inspector for at least 4 hours a day. He said Mr. Britton knows of someone--Mr. John Dorkess, who has worked as a substitute for Harry Britton in the past. The recommendation is for \$12 per hour, with a minimum of 4-6 hours per day plus part time benefits, he said and he added that Mr. Dorkess was trained with the City a year and a half ago. He also noted that there is the possibility of the hours increasing over time.

City Administrator Garner reviewed the printouts in the packets showing 100% projected income for the Building/Planning Dept. has already come in as of April, 1992 in some areas and he noted 1992 has proved to be a very active year so far.

Councilor Baxter moved and Councilor Pedersen seconded to approve the hiring of a temporary certified Building Inspector on a contract basis. Passed unanimously.

6. Marysville Police Dept.; Conditional Use Permit, Height Variance and City Zoning Designation.

Associate Planner Thompson stated the Hearing Examiner has recommended approval, there have been no appeals and staff is recommending affirmation of the Hearing Examiner's decision and to establish a zoning designation of RS 20,000.

Councilor Baxter moved and Councilor Myers seconded to approve/affirm the Hearing Examiner's recommendation as per staff recommendation. Passed unanimously.

7. Sno-Isle Participation in Library Construction Costs.

City Administrator Garner referred to the letter from the City of Snohomish supporting the belief that Sno-Isle Regional Library System should participate in the financial support for building of community libraries. The request is for a resolution to support this position, he said.

Councilor Pedersen moved that the City of Marysville go on record

as supporting the City of Snohomish position on Sno-Isle Regional Library System sharing the burden of construction and maintenance of city libraries, with the City Attorney to draft a resolution reflecting this position. Councilor McGee seconded the motion and it passed unanimously.

8. S.H.R. Investment, Inc.; Final Plat Approval; PA 9108031.

Associate Planner Thompson referred to the agenda bill and stated staff recommends affirmation of the Snohomish County Hearing Examiner's decision on this property which has been since annexed into the City of Marysville. Authorization of the Mayor to sign off on the mylar would be subject to 3 pre-recording contingencies as outlined in the agenda bill, he stated.

Public Works Director Zabell stated the exception on this would be that PUD still has to do some minor work to the water mains, as discussed in the tech review/staff meeting.

Councilor Herman asked about conditions imposed by the Snohomish County Hearing Examiner.

Bill Roberts, 4129 76th St. NE, addressed Council, stating he is the former owner and now represents the new owner, Mr. Porter. He stated that originally, there was no mitigation requirements but mitigation became effective subsequent to the Hearing Examiner's hearing. He noted that in 1989 the City of Marysville had no school mitigation fees and the applicant is now required to participate in TIP 2 & 3.

Councilor Herman asked about the stream relocation and enhancement condition and Mr. Roberts explained there was a bad portion of the stream created by a backhoe and a fish biologist has designed the rerouting of the stream now for spawning, providing shade and vegetation in order to meet salmon bearing requirements. He said there's a \$2500 balance on the performance bond.

Councilor Baxter moved to authorize the Mayor to sign off the final plat mylar, approving it with the 3 conditions as per staff recommendations. Councilor Wright seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. An Ordinance Amending Ordinance No. 1889 by Adding a Section Providing for Automatic Repeal of the Same.

City Attorney Weed commented that he had a discussion with Steve Holt of the Housing Authority as far as definition of the two years and it was decided the two years should run from the point of issuance of the building permit, with construction to be completed within that two years, effective as of the date of this ordinance. In other words, it would read: "In the event the Housing Authority of Snohomish County fails to obtain building permits for the low income housing project....."

Councilor Pedersen moved and Councilor Herman seconded adoption/approval of Ordinance #1890. Passed. (Councilor Wright did not vote.)

2. An Ordinance Affirming the Decision of the Hearing Examiner and Granting a Conditional Use Permit, Height Variance and Providing a Zoning Designation of RS-20,000, Amending Official Zoning Map Previously Adopted in Ordinance No. 772 to Allow Construction of a 100' Emergency Radio Communications Tower.

Councilor Pedersen moved and Councilor Baxter seconded approval/ adoption of Ordinance #1891. Passed unanimously.

3. A Resolution Affirming the Decision of the Hearing Examiner and Granting a Conditional Use Permit for Marysville School District No. 25, Subject to Conditions.

Councilor Wright moved and Councilor Leighan seconded approval/ adoption of Resolution #1548. Passed unanimously.

LEGAL MATTERS:

1. Supplement to Interlocal Agreement between Tulalip Tribes and City of Marysville.

Public Works Director Zabell explained this is basically amending the scope of work on the 88th St. interchange project and it would include delineation of wetlands, saving the City money in the long run. He offered to have Mr. Cameron make a presentation to City Council.

There was brief discussion after which Councilor Baxter moved and Councilor Leighan seconded to approve the Supplement to the Interlocal Agreement. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 11:00 p.m.

1. Personnel.
2. Real Estate.

RECONVENED AND ADJOURNED: Approx. 11:30 p.m.

Accepted this 1st day of June, 1992.

David Wain

MAYOR

Phillip Dexter

CITY CLERK

Nanda A. Iverson

RECORDING SECRETARY