

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 8, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 8/24/92 Approved

STAFF'S BUSINESS:
MAYOR'S BUSINESS:
CALL ON COUNCILMEMBERS:
AUDIENCE PARTICIPATION: Sarie Creidman/Cacoon House, Thelma Wurd.

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

1. Martin/Walla Annexation PA 9206025 - Approved
2. Potter/Krotke Annexation PA9206027 - Continued to 10/5/92

CONSENT AGENDA:

1. Authorize Mayor to sign Interlocal Agreement for Jail Services with Snohomish County Approved/Authorized

REVIEW BIDS:

1. Playground Equipment Systems for Jennings Nature Park Approved/Accepted

CURRENT BUSINESS: None

NEW BUSINESS:

1. Hrg. Examiner Recommendation - Centex Homes, Parkview Estates Div. 4, Rezone from RS 9600 to PRD 7200 w/Roads Standards Variance Approved/Affirmed
2. Hrg. Examiner Recommendation - Nyblod/King, Shoreline Substantial Development Permit Approved/Affirmed
3. Hrg. Examiner Recommendation - Belmark/Petershagen, Rezone & Prel. Plat Cedarcrest Place Approved/Affirmed
4. Hrg. Examiner Recommendation - Belmark Rezone & Preliminary Plat of Gronning Estates Approved/Affirmed
5. Hebert Research, Inc. Information Only
6. Police Management Salaries Information Only
7. Countywide Planning Policies Information Only
8. Revised Parking Ordinance Continued to 9/28/92

ORDINANCES & RESOLUTIONS:

1. Ord. affirming Hrg. Examiner Dec. re Frank Taylor Rezone Ordinance 1903 Approved
2. Ord. amending MMC re residency requirements for employees Ordinance 1904 Approved
3. Res. authorizing joint application for funding for Mother Nature's Window Resolution 1572 Approved
4. Res. granting utility var. to MSD Resolution 1573 Approved

LEGAL MATTERS:

1. EDC Agreement-Model Land Capacity Approved
2. City Administrator Contract Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 11:45 PM

1. Real Estate
2. Pending Litigation

RECONVENED & ADJOURNED: 12:45 AM 9/9/92

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
Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, Planning Director
 Jim Ballew, Parks & Recreation Director
 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 Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Herman asked that on page 4 in the 3rd paragraph of the 8/24/92 Council minutes, "have any jurisdiction in BN right of way" be deleted and "be able to use the alley" be added, in the last sentence of that paragraph. Also on page 10, near the bottom of the page, in the first paragraph under "Regional Transit Project", he asked that a period be placed after the word "legislation" and "and included in this document will be the taxation structure to pay for the service by a high capacity transit." be deleted. He stated these issues will be decided elsewhere.

Councilor Pedersen made a correction also on page 10 in the 5th full paragraph, asking that "couldn't be done" be changed to "wasn't being done effectively" to more accurately reflect the meaning of her statement.

Councilor Wright moved and Councilor McGee seconded to approved the 8/24/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson reported the next Solid Waste Committee meeting will be Thu. 9/17 at 4 p.m. and he said he has sent out 3 contracts from other cities for the committee to look at. He has also sent out to prospective companies for rates they would be charging and he said the committee will be looking at contracting out services and what would be included in that.

City Administrator Garner reported the deadline is 9/25 for Public Works Director applications, these will be reviewed from 9/28 to 10/2 with an Assessment Center interviewing process to be held 10/15 & 10/16 from which the three top candidates will be chosen for one final selection. The final selection will be made sometime in November, he said.

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City Administrator Garner reported a third answering station has been donated to Dispatch, which will greatly enhance their capabilities and fulfill a critical need there. He asked Councilmembers wishing to attend the upcoming Cities & Towns meeting to contact Mary Swenson.

Councilor Baxter left Council Chambers at 7:05 p.m.

Public Works Director Zabell gave an update on the Outfall progress of the WWTF project, noting that 3.3 million gallons per day will be going into Steamboat Slough at the end of the month. He also stated PUD has inquired about an intertie on Getchell Hill Rd. and he said the City needs to look at associated costs on that.

Councilor Baxter returned to Council Chambers at 7:10 p.m.

Public Works Director Zabell recommended the next RUSA meeting to be on 9/14/92 at 5 p.m., just prior to the Council Workshop at 6 p.m., just prior to the Council meeting at 7 p.m.

Planning Director Hirashima asked for Council direction with regard to an open space tract in Bayview Crest. She noted the plat was approved but the Parks Dept. did not want to accept the open space at that time because its use for recreation was limited although a blanket easement was to be granted to the City, she said. She stated the applicant would prefer the City to take the open space tract and they wish City Council to consider this versus private ownership of the open space. She noted there was a small dedication to the City with trees and slopes in another area; the Parks Dept. removed the trees and it was because of this experience that the Parks Dept. is recommending the City not accept the remainder of the open space tract, she said.

Councilor Pedersen asked about the location of this open space in relation to the part accepted and Planning Director Hirashima said there is a separation. Northpointe is to the south and the City did not accept land on the transmission line and an easement only is recommended on this, as was done on Northpointe, she said.

Councilor Herman asked if there were concerns about liability and Planning Director Hirashima said no, possible maintenance concerns and mainly non-usability concerns are what the Parks Dept. recommendation is based on. She said a blanket easement is recommended if the open space tract isn't accepted, however.

Councilor Wright asked about maintenance responsibility/liability and City Attorney Weed said there could be a difference in responsibility depending on ownership, eg., maintenance to be done in a non-negligent manner.

Councilor Pedersen pointed out that chances are if the City does not accept this, nobody will take care of it.

Mayor Weiser asked if the Public Works Director's concern is with maintenance and Public Works Director Zabell said yes, for drainage maintenance, specifically--they would need to be able to have access onto the property to clean out drainage swales, etc.

City Attorney Weed said he would recommend the homeowners association taking responsibility for the liability of the trees on the property. Discussion followed about consensus of the Council, "junk" property being dedicated to the City, Dept. of Fisheries conflict with property owners who want to clean out an area that is infested with caterpillars, concern about drainage easement

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being constructed in such a way not to limit future development.

City Attorney Weed suggested a reversionary right of the City so the easement is converted to fee ownership, being drafted into an agreement.

Councilor Herman said he doesn't think this is a unique problem and said he would like to see it checked into further for future situations such as this.

Planning Director Hirashima said this particular transmission line could be kept as private ownership with the easement converted into/used for a trail.

Councilor Baxter said he doesn't think public trails belong in people's back yard--they invite too many problems; there are lots of kids and parents who would be concerned about that, he said.

Councilor Leighan pointed out alleys have the same liability as this open space tract but Councilor McGee said because there is quite possibly no future use for the open space tract, he would go along with the previous consensus of just requesting a blanket easement.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the next Fire Board meeting and Councilor Baxter said it was set for 7 p.m. on 9/16, with the retreat being set for 9/17 & 9/18, with the City work day on 9/19. It was decided at this point to change the City work day to the 26th.

Councilor McGee thanked Finance Director Wilson for his report to the City.

Councilor Baxter asked about the next Solid Waste Committee meeting and City Administrator Garner said it has been set for the 17th at 4 p.m.

Councilor Baxter pointed out that conflicts with the Fire Board Retreat and so the date for the Solid Waste Committee meeting was changed to 4 p.m. on Tue. 9/15/92.

Councilor Baxter reported on the meeting today with the Water Quality Committee regarding 7 Lakes/Warm Beach situation. He said it's a very slow, difficult problem and they talked about Marysville providing water to Warm Beach/7 Lakes/Lake Goodwin.

Councilor Pedersen reported on the recent Snohomish Health District meeting she attended. She said the pumper certification program will be going into effect 1/1/93. This is something the (septic) pumpers requested themselves and so all pumper tank companies will become certified. She said the Health District also approved the purchase of computer equipment/software that is tied in with the State to allow accessibility for vital statistics. In other words, if you want a copy of your birth certificate, marriage certificate, whatever, it can be obtained locally rather than having to go to Olympia. She asked for a RUSA/Arlington meeting update and stated she and her spouse will be attending the upcoming Cities & Towns meeting. She asked about the zoning of property on 528 (in reference to letters in packets).

Planning Director Hirashima said she and City Administrator Garner have both met with Mr. McKay whose concern is that he understood his property could come in at General Commercial but that was

changed to Neighborhood Business, the county designation and RUSA designation was Neighborhood Business which would not allow his planned use. She said the Planning Commission has recommended Multi-family, but there is a public hearing coming up. She added that the county designation was actually Planned Shopping Center but Marysville does not have anything comparable to that.

Public Works Director Zabell noted there has been a problem with that property designation and zoning since ULID 63.

Planning Director Hirashima stated when the property was in the county they had a wider assortment of uses that could be put in place however, they needed utilities from the City and so annexed.

Councilor Wright said she and her spouse will also be attending the Cities & Towns meeting. She reported she has been appointed to the Assn. of Washington Cities Legislative Committee whose next meeting is 9/24. She mentioned a problem with funding that precludes firemen from being sent to the state school and she said this is something that should be brought to the attention of the state, she feels. Councilor Baxter agreed wholeheartedly.

Councilor Herman said with the budget process approaching, he would suggest that those with social services requests get their requests submitted for review. He reported that Marysville was included in the Regional Transit Authority Boundary at the JRPC meeting recently held and he passed out some information about this. He asked about the Brookwood Park neighborhood meeting.

Parks & Recreation Director Ballew reported the Brookwood Park neighborhood meeting will be held tomorrow in Jennings Park Barn.

MAYOR'S BUSINESS:

Mayor Weiser brought to everyone's attention Michael Gentry's print, "The Last Wave" which was matted, framed and hung in City Council Chambers.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

* Sarie Creidman, Director of Caccoon House, 2726 Cedar, Everett, addressed Council. She explained Caccoon House is a shelter for teenagers, aged 13-18 who can come there alone, pregnant or with their babies. She said they have just been open a year and so far have had a tremendous response from the community. She is going around to all the City Council meetings to let people know about the facility and that they need funding for transportation (taxi cabs are required to transport residents due to insurance liability reasons), she said and she noted the City of Everett has just put up 10 metal signs which is saving Caccoon House time and money by not having to send out brochures now, which are very costly, she noted. She appealed to Marysville City Council for 2 metal signs and possibly \$1200 per year to help fund their medical clinic/prescription needs. She also said they would be happy to send receipts to justify all money spent and said they have a tremendous problem with these kids needing a shelter so they don't get picked up by pimps, etc. She said they are trying to contact the schools, police departments, she was on Good Morning America recently, trying to get the word out. She noted they only have 6 beds in Everett, 10 in Seattle, but they have a waiver for 9 people during the cold months. As far as the average length of stay, she guessed it would average about 20 days and said about 60% of the kids have no home to return to.

Mayor Weiser asked if the majority of the kids attend school and

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Ms. Creidman^{*} said no, it's about 50/50, with the average age of a resident being 15.

Councilor Herman mentioned that he serves on the committee which reviews block grants and Caccoon House has a very good track record for doing a gret amount of work with very little funding.

Mayor Weiser said he would contact Everett regarding the metal signs and get back to Ms. Creidman.

Thelma Wurd, who owns a business at 1380 State, addressed Council with regard to the possibility of a no loitering or no cruising ordinance being put into place. She complained of all the vandalism in the area of her business and said she is now having to replace the second broken window in about six months. This window is a 6' x 8' tempered glass one worth \$800 and she is quite upset about the continuation of the vandalism, she said. She said she would like to see something done about the kids in the parking lots and had understood people were writing letters about this. She said she lives in Tacoma and came rather unprepared to speak tonight.

PUBLIC HEARINGS:

1. Martin/Walla Annexation; PA 9206025.

Planning Director Hirashima reviewed the agenda bill, noting they were unable to get the property to the north included in the petition for annexation. She stated the recommendation is to approve the annexation subject to assumption of the City's bonded indebtedness and adoption of a temporary comprehensive plan designation of Suburban 1-4 d.u./ac.until final adoption of the City comprehensive plan for the subject area.

Dick Martin, 7414 83rd Av. NE, addressed Council, stating the subject property is within RUSA and within the proposed Urban Growth Boundary.

Mayor Weiser pointed out that the "Interim Urban Growth Boundary" has not been finalized yet, but agreed the Martin/Walla proposed annexation has been included in what's been discussed so far with the county.

Councilor Herman asked about the county designation and Planning Director Hirashima said it's the same as what the City is recommending.

Councilor Baxter moved to approve the annexation as per the staff recommendation/agenda bill and Councilor Pedersen seconded. Passed unanimously.

2. Wayne Potter/Krotke Annexation; PA 9206027.

Planning Director Hirashima reviewed the agenda bill, stating 81% of the assessed valuation and the majority of property owners have signed the 60% petition. She noted the property is outside RUSA but within the interim UGAB and staff is recommending approval of the annexation, subject to assumption of the City's bonded indebtedness and adoption of a temporary land use designation of "Rural 1 d.u./2.3 ac. until final adoption of the City Comprehensive Plan for the subject area and authorize staff to transmit the notice of intention to the Snohomish County Boundary Review Board. She noted that the 20 acres on the north would be zoned Ag (owned by Rollins, containing slopes of 15-20%). She also noted one letter of opposition has been received from the Hunters who own property including the grocery store. She said staff would recommend the Rollins



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property be retained as Ag as existing, although at this time, the Planning Commission is recommending a "suburban" zoning. She showed a map on the board showing the low income housing approved development, the Rollins property, Emerald Development/Estates.

Ross H. Hunter, 8201 84th St. NE, addressed Council, stating he is opposed to the annexation at this time. He said they have a lot of "for sale" signs in the area and he doesn't think this is necessary to be annexed. The property has very steep hills and is not the best for development, he said. He added that he takes exception to the environmental checklist where everything is noted as N/A--this is not taking into account future use, he said. He gave the Allen Creek/Bayview Ridge area as an example of what happens when a hill is developed and he noted he runs beef and horses, Jerry Royal and Krotkes run beef also and that needs to be taken into consideration. That's agricultural use, he pointed out, and the environmental checklist says it hasn't been used as ag to their knowledge (whoever filled it out's knowledge). He said a couple years ago someone was slapped with a stop work order by the county for working in a wetland--the school district or someone was doing work/grading in there, he said and these things need to be considered before annexation.

Rose Hunter, 8201 84th St. NE, addressed Council, stating she strongly opposes annexation because of the environmental concerns, for one thing. For example the steep hillsides that will be impacted with development, what is going to happen to storm runoff and wildlife. Another concern, she said, is the roads--they have no shoulders at this time and there is too much traffic already on them, they are also very steep and require sanding and blading. She said she has been very happy with the way the county has been maintaining Getchell Hill Rd. so far. She said another concern she has is smog that will be created and the ag concerns that Mr. Hunter has already brought up. She asked, "What's the rush to annex?" There are already so many "for sale" signs around and farm lands are rapidly disappearing and once they are gone, they are gone. Also, she said she doesn't think you can accept the annexation as long as there is a wetland violation. Another concern she said, is that they only had two hours to prepare for tonight's meeting because signs were not posted properly on the property.

Planning Director Hirashima stated signs were posted a week ago and the Planning Dept. also did a mailing to the property owners.

Mrs. Hunter admitted she got the mailing but noted this has been vacation time for a lot of people, too.

Wayne Potter, Kent, addressed the Council, representing the Krotkes as well as others, he said. He gave a little history and noted staff/Council had asked that the annexation area be enlarged. He noted the county interim Urban Growth Boundary and proposed Comp Plan has included this property. He said if this annexation is adopted, he understands each parcel accepted must be site specific as far as design, use, future use, environmental concerns for any future development. He said there are some steep slopes within the proposed annexation and he said he would say the average is 20%; any proposal would have to address that as well as other site specific concerns, he said. He admitted he doesn't live in the Marysville area but in the proposed annexation area he said he believes there has been ag use, a Christmas tree farm (Royals) and as far as runoff concerns, a drainage plan will have to be addressed at a later time.

Mike Papa, 9128 58th Dr. NE, addressed Council, asking if the ag

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land is of "long term significance" according to the county.

Planning Director Hirashima said they were not sure if it was included, however it's currently zoned ag.

Councilor Herman said it looked to him like there are currently 3 different zones and he referred to a letter from/to the county in the file, giving the different zoning designations.

Planning Director Hirashima explained that currently it's "rural conservation" with 2 parcels ag. These are actually the comp plan designation, the majority is rural, she said.

Mr. Papa stated the interim Urban Growth Boundary wasn't legal before and asked why it was being mentioned now.

Mayor Weiser explained that at the last meeting that was the first time they had seen those boundaries, the Northwest Annexation was the conflict, not this annexation, this area had been agreed on previously to be included, he said.

Mr. Papa said he would suggest taking the ag land out of this annexation and dealing with it separately.

Rose Hunter readdressed Council, noting District 22 Fire Dept. is one mile away and she said she understands there is some negotiations with the Getchell Hill Dept. but they would prefer to stay within the county as far as police service is concerned.

Ben Butters, 10002 99th Av. NE, addressed Council. He stated his main concern is that they are trying to preserve their area as much as possible with respect to wildlife, ag land, etc. and by developing it, he's not sure what's going to happen. He said he has been there since 1934 and would hate to have runoffs, slides, erosion. He pointed out that there already are problems like that near Cedarcrest Golf Course and he is against this, he said.

Councilor Baxter asked how much area District 22 would lose with this annexation and Mayor Weiser noted it would amount to \$724 in taxes per year.

Councilor Baxter asked about their negotiating for service between the two departments and Mr. Butters said yes, the two chiefs have discussed this. He added he doesn't think they have a mutual aid agreement at this time as yet, they are tied in with Snopac, though, he said.

Councilor Baxter pointed out that Marysville's newest fire station would be less than 5 minutes' response time, up on the top of the hill.

Mr. Potter readdressed Council, stating that as far as the zoning and comp plan designations, currently the two parcels to the north are A10, with the remainder RC. He admitted it's really hard to read the county map. He added that the slopes are 15-20%.

Councilor Herman clarified that it was the 21 acres to the north that is currently designated A10.

There being no further public testimony, the public hearing was closed at 8:35 p.m.

Councilor Herman commented on the county concerns: surface water concerns, traffic mitigation, soil identification, loss of ag land which is "resource significant" and he said perhaps the ag land

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should be dealt with separately as per Mike Papa's suggestion.

Councilor Baxter pointed out that some people's definition of ag land seems to be just raising grass, for example and he said he would like to see the property stay in 5 acre parcels and in that situation, considering all the areas used for raising beef.

Planning Director Hirashima said that currently this area is under review by the Planning Commission under the Comp Plan and would probably be developed at a density greater than 1 d.u./5 ac.; in the county it's 1 d.u./2.3 ac., she pointed out.

Councilor Herman said there seems to be another 10 acres in the southwest corner designated ag and Planning Director Hirashima explained the county map is very hard to read, there is some land within their Ag Preservation Area, with the majority being RC-Rural Conservation.

Mayor Weiser commented on the meetings with the county wanting to include this area in the interim UGB, Marysville's "annexation area". More than likely, the final UGB will encompass this area and the final density will be greater than what it is now, or at least not any less of a density than it is now, he said. He said the boundary that was discussed is Highway 9 on the east. Highway 5 on the west and 152nd to the north. He also mentioned that the Sensitive Areas Ordinance is in the process of being reviewed by the Planning Commission and when that is passed it will allow ag lands within the UGB and will include protection of sensitive areas, steep slopes, etc., but if we include this area within our UGB it's going to be developed at a higher density than 1 d.u./2.3 ac. with the lot sizes probably 9600, he said. He added that the sensitive areas ordinance would protect the sensitive areas and steep slopes from that density, however.

Councilor Herman said he sees a couple issues here--current land use in the county (fuzzy right now) and he said he would like to deal responsibly with prime ag lands. The sensitive areas/ag areas have been designated for preservation and he said he thinks we have to ask if transfer of development rights deals adequately with these issues.

Councilor Baxter said he thinks we are better prepared than the county to deal with ag land--that Marysville has more stringent rules than the county but he said he is not happy with the 2.3 designation. He added that we can't make it 1 d.u./5 ac. now, so the damage has already been done, and he said he believes ag land makes up more than 21 acres, although the annexation wouldn't change any of that, he said. He reiterated that Marysville would have more stringent rules with better access by the people of Marysville.

Councilor Wright pointed out that 81% is in favor of annexation, including the parcels designated as ag.

Councilor Pedersen asked what the county designation is for the Hunter property and Planning Director Hirashima said the zoning is neighborhood commercial, with a rural designation.

Councilor McGee moved to approve the annexation as recommended by staff, with the north 21 acres to be designated 1 d.u./10 ac., the remainder 1 d.u./2.3 ac. Councilor Wright seconded and a roll call revealed:

Councilors McGee, Wright and Leighan for
 Councilors Myers, Baxter, Pedersen and Herman against.

The motion failed.

CORRECTED.
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After brief discussion and consultation with the City Attorney, it was determined that the failure of the previous motion did not accomplish a denial, per se, and that another motion should be made, after one of the Councilmembers who voted against the motion called for reconsideration of the motion first.

Councilor Pedersen moved to reconsider the previous motion, to await more information on the county designations for the area, specifically the ag land areas, with a time limit of 30 days or 10/5/92. Councilor Baxter seconded the motion.

There was further discussion about zoning and comp plan designation and it was noted that Hunters property is actually RC with the grocery store being considered a non-conforming use. Councilor Pedersen pointed out that some of the property designated rural is being used as ag and Planning Director Hirashima agreed, noting the Royals wish to continue ag use and have contacted the City in this regard.

A roll call vote with regard to the reconsideration was taken:

Councilors McGee, Leighan and Herman were against so the motion passed 4-3.

City Attorney Weed asked if the intention was to have the public hearing reopened also and if so, the Council would need an additional motion to that effect.

Councilor Herman moved and Councilor Myers seconded to continue the public hearing to 10/5/92 and to reopen it for public testimony. The motion passed with the only dissenting vote Councilor McGee.

CONSENT AGENDA:

1. Authorize Mayor to Sign the Interlocal Agreement for Jail Services with Snohomish County.

Councilor Myers moved and Councilor McGee seconded to approve Consent Agenda Item 1. Passed unanimously.

REVIEW BIDS:

1. Acceptance of Bid for Playground Equipment Systems for Jennings Nature Park.

Parks & Recreation Director Ballew reviewed the agenda bill and the two bids received. He explained that the low bid did not meet the specs of the playground equipment and that staff is recommending the higher bid from Recreation Resource of Salem, Oregon for \$41,542 plus tax for the playground system. He explained in detail the advantages and superiority of Recreation Resource's system including steel posts, meets safety guidelines, 27 elements of play value, coated decks, punched steel, polymer slides, 65' x 65' play area, rounded caps on posts, etc. He also explained that staff is recommending the bid from Vanco & Assoc. be accepted for surface material in the amount of \$2300 plus tax.

Councilor Herman expressed a concern about what might appear like exclusivity or lack of competitive bids and Parks & Recreation Director Ballew explained that most of the major manufacturers would not complete with this system because of the amount of money the City was willing to spend, the square area restrictions, handicap restrictions/requirements, hinges, decks, etc. He stressed the need for the systems to conform to recent guidelines published by the U.S. Consumer Playground Safety Guidelines and ADA.

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Councilor Baxter moved to accept the bid from Recreation Resource for \$41,542 plus tax for the playground system and from Vanco & Assoc. for \$2300 plus tax for the surface system. Councilor Wright seconded and the motion passed unanimously.

NEW BUSINESS:

1. Hearing Examiner's Recommendation; PA 9203009; Centex Homes; Parkview Estates, Division 4; Rezone from RS9600 to PRD 7200, Binding Site Plan & Preliminary Plat Revision, with Road Standards Variance.

Planning Director Hirashima reviewed the agenda bill, noting the Hearing Examiner has recommended approval of the rezone including another tax parcel, but denial of the street variance request for a sidewalk on one side of the road only. She noted there have been no appeals.

There was considerable discussion about the street code and it was noted that the standard is a 50' right of way with a 32' paved portion and sidewalks on both sides. After studying the Hearing Examiner's recommendation again, it was noted that on page 7 of the staff report, it references the MMC and the sidewalk is optional on one side with a 32' roadway. Councilor Baxter asked what happens with the rest of the right of way and Public Works Director Zabell said the code does not specify that the center of the roadway has to be the same as the center of the right of way.

Councilor Baxter asked about curbing and Public Works Director Zabell stated they are vertical curbs.

City Attorney Weed clarified that the Hearing Examiner is recommending denial of the variance from a 32' paved roadway to a 28' paved roadway only.

Nelson Betty of Centex Homes, Bellevue, addressed Council, stating they had a long discussion with Eric Thompson and the Hearing Examiner, and Centex is trying to look for ways to reduce costs and sidewalks on one side of the road, they feel, is a fair and equitable conclusion for providing affordable housing. He stated their argument for roadways with sidewalks on only one side is that it is basically limited access, not a public thoroughfare, it is in a very safe and protected neighborhood and a loop system is formed with the sidewalk on one side only.

Mayor Weiser determined from the City Attorney that if the Council wished to change the requirement to sidewalks on both sides of the roadway, that would constitute reason enough for a public hearing.

Councilor Herman asked if there are any criteria for sidewalks on one side only, such as limited access, "affordable" criteria, eg. and Public Works Director Zabell stated no, but Suncrest Terrace has sidewalks only on one side and he knows of no problems that have been caused, other than people wondering if they shouldn't have sidewalks on both sides. He pointed out that when it is not a through route, it may not be as important, although he said he is generally not in favor of sidewalks on one side only.

Planning Director Hirashima noted that in the MMC it is provided, with a sidewalk optional on one side; it's not something staff has recommended and may be it's something the City wants to look at, she said.

Councilor Wright pointed out that affordability is important and there are some developments in Marysville that have no sidewalks on either side of the street!



Mr. Betty explained that Eric Thompson had sent him a copy of the 1980 Ordinance #1110 regarding road width, planter section, curbs, etc.

Councilor Herman asked with the emphasis on affordable housing-- what the definition of affordable is.

Mr. Betty estimated between \$80,000 and \$120,000 but said it depends on construction costs, lot sizes, etc. and it's really not hard to produce something that's affordable if everyone works together, but people can't afford (30% are turned away) \$130,000+. He added that because this plat was approved in 1989, there was no school mitigation fees at that time and so school mitigation fees have been strictly on a volunteer basis for the project. He said Centex is not obligated to pay this, according to the hearing examiner's recommendation.

Councilor Myers moved and Councilor Leighan seconded to approve/affirm the Hearing Examiner's recommendation and a roll call vote was taken. Councilors McGee and Baxter were against and the motion passed 5-2.

**2. Hearing Examiner's Recommendation; PA 9205021; Bruce Nyblod/
Dan King; Shoreline Substantial Development Permit.**

Planning Director Hirashima reviewed the Hearing Examiner's recommendation for approval. She noted some of the issues that came up, such as Allen Creek needing to be maintained with a 25' buffer, a biofiltration swale to be relocated outside the 25' streamside protection area (it was relocated adjacent to Bldg. 5, she said).

Councilor Leighan asked about the berm/flood control and Planning Director Hirashima explained grading created the berm and it was recommended the applicant remove the berm because of erosion potential and to replace it with native vegetation/streamside planting.

John Millenaar, architect and Bruce Nyblod were available for questions, in the audience, it was noted.

Councilor Baxter asked about parking and roof drainage.

John Millenaar, 6713 40th St. NE, addressed Council and stated the storm drainage final plan is to be worked out with the Public Works Director and Dept. of Fisheries. Currently, they are in communication with them to make sure their requirements are satisfied, he said and with regard to the berm, the cat created that but it will be leveled off and planted with native vegetation. He added they are adjacent to an existing industrial use (Mulligan's building/property).

Councilor Pedersen moved to affirm the Hearing Examiner's recommendation for approval of the shoreline substantial development permit and authorize the Planning Department to transmit the substantial development permit file to the Dept. of Ecology for final authorization. Councilor Leighan seconded.

Councilor Herman asked about sidewalks being required and Public Works Director Zabell stated that is the code requirement. The motion passed unanimously.

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3. Hearing Examiner's Recommendation; PA 9205020; Belmark Industries/Gary Petershagen; Rezone from RS 12500 to RS 9600 & Preliminary Plat; Cedarcrest Place.

Planning Director Hirashima reviewed the Hearing Examiner's recommendation for approval with 17 conditions, noting there have been no appeals.

Councilor Leighan asked about sewer lines having already been installed on the property and Public Works Director Zabell confirmed this, stating no easement has been dedicated as yet. The easement alignment is being changed because of future use in the plat, he stated.

It was noted that Mr. Petershagen was available for questions.

Councilor McGee moved and Councilor Wright seconded to affirm the Hearing Examiner's recommendation for approval, with conditions. The motion passed unanimously.

4. Hearing Examiner's Recommendation; PA 9205022; Belmark Industries; Rezone from RS 12500 to RS 9600 Preliminary Plat of Gronning Estates.

Planning Director Hirashima reviewed the Hearing Examiner's recommendation for approval, noting that this subdivision would be re-dividing a short plat within a five year period and that is the reason for the request. She stated the Hearing Examiner is recommending 15 conditions with approval and there have been no appeals.

Councilor McGee asked about the existing Gronning Estate on Lot 1 and Mr. Petershagen confirmed this.

Councilor Wright moved and Councilor Pedersen seconded to affirm the Hearing Examiner's recommendation for approval with conditions. Passed unanimously.

5. Hebert Research, Inc.; Dan Root/Annexations.

City Administrator Garner introduced Mr. Root who he said is here tonight with regard to gathering information about annexations from the general public/citizens, basically as information only for the Council.

Mr. Root explained he is a former Des Moines City Councilmember (1985-88) and can empathize with the Council well. He gave a little background on Hebert Research, explaining they have worked with many firms in the health care field and retail firms, for example, to find out what the people want and helping the community better understand what its citizens want. He stated they do a lot of different kinds of research, such as qualitative and secondary and this would augment the decision making process, not replace it. They conduct focus group discussions, market research, research and development and usually try to stay away from direct mailings, he explained because response from direct mail (about 10% of the test group) is too focused/biased and don't portray an accurate cross section of the population. He said Hebert Research mainly uses the telephone which they feel more aptly represents the whole group being surveyed. People are chosen randomly from voters lists, for example, and they are asked lots of open ended questions that can't be asked in a mailing, he noted.

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Public Works Director Zabell asked if Hebert Research could give some examples of other cities they have worked with on issues such as Marysville is dealing with and Mr. Root said yes, Redmond and Issaquah. He said the survey would cover a lot of issues and would keep in mind the appearance of fairness issues. He stated they typically ask about how people feel about what's happening in Parks & Recreation, the Police Dept., Fire Dept., traffic issues, they spend about 20 minutes on the phone with them. It was noted that the Issaquah survey was taken of people within the City limits regarding annexation of outlying areas and Councilor Pedersen asked if people outside the City could be included. Mr. Root said yes, they could and names could be taken from reverse directories, voters lists, etc.

Councilor Herman noted Marysville has a population of 13,000 within city limits and a lot more (20,000?) within unincorporated Marysville. He asked what kind of sample size Hebert Research would typically use, for example, out of the unincorporated area.

Mayor Weiser explained out of 45,000, about 10,000 people live on the Tulalip Reservation, 20-25,000 live in the county and 13,000 live within City limits.

Mr. Root said the sample size is typically 180 which would give you a good predictability, but they can go up to 500, which would give only a 4.1% margin of error. He indicated a cost of about \$10,000 for this size and type of survey to be done.

Councilor Pedersen asked about bringing out the "real feelings" about annexation and Mr. Root explained the process more--using data, variables, correlation with other areas, ideas, misperceptions, benchmark tests, tracking of opinions, pinpointing communication needs. He stated they would be submitted a proposal to the City Administrator and invited any ideas from Council to be submitted to him.

Councilor Baxter said he would be interested in seeing some ideas about improving the public image of the City and Council as he is not sure any headway has been made there.

Mr. Root said they might ask people what source of information they rely on most--newspaper or word of mouth. He said another one of the questions that might be asked is, "What would cause you to feel better about the City?" or "What would you do to relieve traffic congestion?"

6. Police Management Salaries.

City Administrator Garner reviewed the three exhibits in the packets, concluding that the Police Chief and Police Lieutenant's salaries are below average, with Marysville having more services and responsibilities for these positions than almost any other in the county. In other words, the comparison was very difficult because no other city in Snohomish County have all three: Jail, Dispatch and Court to manage. He noted that this issue will be brought up soon when Budget is being considered, as will the issue of comparable worth studies in other departments, so there will probably be some upward budget recommendations.

7. Countywide Planning Policies.

Mayor Weiser noted that we have passed the Growth Management Act deadline of 7/1/92 for having urban growth boundaries in place and there was discussion about the draft 64 page document in the packets.

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Planning Director Hirashima stated the City Planning Advisory Committee is reviewing all drafts at this time. This draft was to be reviewed by all the cities in Snohomish County, she said, but instead was revised by the county council. Drewel and Earl agreed it was not a produce* of the cities and so that is why the City PAC was formed and they will be working on a third draft to include the countywide planning policies, cities' input and will not be accepting the county council draft, she said. She explained the City Pac will be going back to the minimum policies consistent with GMA, not designating land use, putting this in a more general format/planning policies that don't attempt to designate what each city will do.

CORRECTED: SEE
 MINUTES 9/14/92
 S/B Product

Mayor Weiser stated the State Dept. of Community Development has sent out a communication that all cities will have input in the policies.

Councilor Leighan asked about a comparison between the May draft version, the August draft version and the Sept. 2 draft version.

Mayor Weiser said some of the policies were agreed to by the Cities PAC and the more revised version(s) will be available at the retreat. He invited calls from the City Council between now and the weekend to submit their ideas and changes to the draft.

Planning Director Hirashima explained that the May 15 version is the original document, the August document is the county council document and that basically the Cities PAC is working on three areas: UGA Policies, Transportation/Capital Improvement Projects and Housing/Urban Impacts.

Councilor Wright commented on some ideas she had with regard to housing issues.

Mayor Weiser also gave his fax number for Council to submit ideas and commented also that the Sensitive Areas Ordinance is to be discussed at the next City Council meeting/workshop.

Councilor Pedersen commented on the definition of "expeditious" and Public Works Director Zabell commented on the "special purpose district boundary" which would refer to a PUD boundary, for example.

8. Revised Parking Ordinance.

City Attorney Weed summarized the need for "teeth" so the code can be enforced, need to address some other issues not previously addressed. He stated some of the draft in the packets parallels Everett's code, some of it will be enforced on a complaint only basis, some of the impetuous was based on a specific area of town, but the draft attempts to be comprehensive. Some of the areas that have been revised include enforcement, with monetary incentives and disincentives, eg. giving discounts if tickets are paid right away, doubling the amount of the ticket if it is not paid right away, joining up with the Dept. of Licensing who can deny issuance of drivers licenses until parking tickets are paid (Everett is not a member of this reporting system--they have a car booting system), who would conduct hearings--an informal hearing examiner or turn responsibility over to the municipal court judge; it might be less expensive to appoint a hearing examiner, however the municipal court judge does this type of thing all the time, he pointed out and would have more experience, if he is willing to do it. City Attorney Weed said he still needs to contact Judge Wisman and it was noted this draft was for discussion only at this time. He invited Council input.

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It was the consensus to continue the Revised Parking Ordinance to 9/28/92.

ORDINANCES & RESOLUTIONS:

1. **An Ordinance Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Frank Taylor, Amending the Official Zoning Map and Approving a Binding Site Plan.**

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Ordinance 1903. Passed unanimously.

2. **An Ordinance Amending Section 2.50.100 of the Marysville Municipal Code Relating to Residency Requirements for Employees.**

City Attorney Weed explained the main change was for the City Administrator's position. There was discussion about deletion of fire employees but it was decided to leave as is for now.

Councilor McGee moved and Councilor Leighan seconded to approve/adopt Ordinance 1904. Passed unanimously.

3. **Resolution Authorizing Joint Application for Funding Assistance with Snohomish County Parks Dept. for the Acquisition of Properties Surrounding and including the area known as Mother Nature's Window to the Snohomish County Conservation Futures Fund.**

Councilor Herman moved and Councilor Leighan seconded to approve/adopt Resolution 1572. Passed unanimously.

4. **Resolution granting a utility variance to the Marysville School District for property at 152nd & 51st Av. NE**

Councilor Wright moved and Councilor Herman seconded to approve/adopt Resolution 1573. Passed unanimously.

LEGAL MATTERS:

1. **EDC Agreement for Model Land Capacity.**

City Attorney Weed stated he has reviewed this document carefully and felt there were areas that came out of the last discussion that need to be changed, such as making sure there is an independent analysis, this agreement being a funding mechanism only, with no outside influence. He said the new/revised agreement has been reviewed by the Planning Dept. and EDC with one change that has been made to the final agreement being in paragraph 5, on page 2, under the method of reimbursement--the dates were changed to \$2,000 on execution, \$2,000 on 10/1, \$2,000 on 11/1, \$2,000 on completion. He also said the work program has been updated and modified.

Planning Director Hirashima added that the only revision that was requested by the EDC was that they wanted references to the two state EDC documents with regard to the urban growth boundaries.

Councilor Herman thanked the City Attorney for addressing Council's concerns and commented on the total commitment of \$8,000 to be paid to the City.

Planning Director Hirashima said yes, originally it was thought they could fund \$10,000 but other cities may be participating now and City Attorney Weed added that receipts and accounting must be

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submitted for all expenditures. Planning Director Hirashima confirmed that the Planning Dept. will be keeping track of all inhouse and intern time as well as for the consultant.

Councilor Wright moved and Councilor Leighan seconded to authorize the Mayor to sign the EDC Agreement for Model Land Capacity. The motion passed with Councilor Baxter against.

Councilor Baxter explained that his reason for voting against this is because of the northern boundary being at 152nd which has not been officially agreed on. Councilor Herman agreed with the merits of Councilor Baxter's argument but it was also noted that the agreement had to place some kind of boundaries for immediate purposes, with the final urban growth boundaries not decided yet.

Mayor Weiser noted UGB is mainly based on residential areas and there is very little residential zoning north of 152nd, with the exception of Totem Park and Pony Estates.

2. City Administrator Contract.

City Attorney Weed explained a revision has been made to Item 2 under compensation, with it being changed to \$5,000 per month starting 1/1/93 and as of 1/1/94 there would be a minimum increase equal to cost of living adjustments equal to other city administration positions.

Current mileage reimbursement rate was discussed and it was noted there was a change as far as the City Administrator being allowed to use his personal vehicle when it is advantageous to the City, in the event the City vehicle is in for repairs, for example. It was also noted that accrued vacation, sick time and comp time will be transferred from the Public Works Dept. City Attorney Weed recommended approval of the contract with these revisions.

Councilor Baxter moved and Councilor Myers seconded to authorize the Mayor to sign the contract for the new City Administrator (Zabell).

Councilor McGee asked about scope of authority and City Attorney Weed said it was written up essentially the same as it has been in the past, with the City Administrator reporting to the Mayor on a day to day basis with the ultimate authority of hiring/firing being up to City Council.

Councilor McGee asked about the rules for accumulation and taking of Comp Time and City Attorney Weed said there are no requirements that the City provide Comp Time but the City revised their Comp Time policy recently to make it more fair and equitable, i.e., an employee can use up to 4 consecutive days of comp time.

Mayor Weiser explained the present practice and the motion passed. Councilor McGee went on record as being in favor of the contract but said he did not approve of the Comp Time, item #5.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:45 p.m.

1. Real Estate.
2. Pending Litigation.

RECONVENE & ADJOURN: Approx. 12:45 AM 9/9/92.

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Accepted this 14th day of September, 1992.

David Weiser

MAYOR

Mary P. Iverson

CITY CLERK

Wanda R. Iverson

RECORDING SECRETARY