

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 26, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem (Excused)
 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
 Bob Dyer, Police Chief
 Dave Zabell, Public Works Director
 Wanda Iverson, Recording Secretary

CORRECTED SEE 11/2/92
 MINUTES

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 MEETINGS:

Councilor Wright noted that on page 10, in the last paragraph of the 10/12/92 minutes, the information about the '87 and '89 manuals has been reversed.

Councilor Herman moved and Councilor Leighan seconded to approve the 10/12/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:**1. Wastewater Treatment Plant Up-Date.**

Larry Wade of Hammond, Collier, Wade, Livingstone, explained that with the exception of 2 permits, all other permits have been obtained. Also, eight pre-design reports have been submitted to DOE, 90% of the completed plans and specs have been submitted, the diffuser design has been completed, capital facilities have been completed and the outfall has now been completed into Steamboat Slough.

Dave Boyd of Brown & Caldwell reviewed internal treatment, installation of aerators, baffles (curtains), new electrical service, additional piles, floating scum baffle, etc.

Larry Wade noted that the two permits still not obtained are the Army Corps of Engineers Permit 404 which was applied for 12/13/91 (the final permit is expected Jan. 1993) and the Hydraulic permit from Dept. of Fisheries for wetland mitigation. He stated the wetland mitigation plan has been completed now and so a DOF permit will be applied for; they had to wait for the completion of the plan before applying for the permit.

He outlined some of the changes that have occurred since the original WWTF Update was planned a couple years ago:

- west side trunk pump station has been included in the project
- fill of 3 acres of wetland to be included in the project
- laboratory and instrumentation
- maintenance, rip-rap erosion control, fence replacement, dike raising, boat launch

Jon Ives of Jones & Stokes then addressed environmental issues such as water quality. He stated a water quality and outfall analysis was completed and they are now going to be doing some verification and testing to make sure everything is in compliance. He stated that these tests would be based on DOE's requirements which have recently been made more stringent. Also, another new development is the requirement of an NPDES permit which Everett needs to obtain and Marysville must comply with as we will be using their water. It has to do with pollutants in the water and documenting industrial pre-treatment, discharge of any heavy metals, doing an effluent mix study, effluent compliance testing, toxicity level testing and how they affect fish and invertebrates, priority pollutant analysis. The last item would only have to be done once a year, however the other items would have to be done on a more regular basis. He pointed out that this all means more personnel and time to monitor and he noted that Everett has been going through the process of getting their NPDES permit for the last year and a half and things are getting more complicated in the realm of water quality issues.

As far as wetland mitigation, Mr. Ives noted there is a need to put a clause in the deed guaranteeing the 3 acres will be maintained as open space and he stated the City Attorney, Dave Zabell and he will be working on some language for this. One of the other items that will need to be done, he pointed out, is monitoring of wetland mitigation areas and he showed a 10 year proposed monitoring program for vegetation, wildlife, fish, water quality. He noted that by Year 5 there will be good solid data, all to be submitted to DOE, with costs to be borne by the City. For the first three years he said they expect the costs to run about \$40,000 for monitoring with costs for subsequent years possibly less.

Larry Reigert of Hammond, Collier, Wade, Livingstone then showed a schematic of the WWTF and explained the various components: the headworks, pump station, chlorine contact station, filter plant, lab, etc., all designed he pointed out so that they can be added to and upgraded for future increased need. He showed the designs of the west trunk pump station, new lab, effluent pump station, filter plant, storage area (which is in compliance with ADA for handicapped personnel use), chlorine contact station and he mentioned some of the stringent requirements of the DOE with control of effluent into Steamboat Slough, and the telemetry control system for the whole plant which will record information and generate reports for the DOE.

Dave Boyd of Brown & Caldwell reviewed the sand filter/recirculation/pond/lagoon system improvements as far as need, purpose and possible other uses. He noted that with the upgrade, Marysville can now handle 6.1 MGD total effluent. He noted there is room for expansion here also; they have planned 16 cells which can be expanded to 48 cells possibly, which could handle more than 12 MGD, he said. He noted the recirculation pump system operates very efficiently, resulting in no necessity for sludge handling. He briefly mentioned the boat ramp, service bays and rip-rap shoring that are included in this portion of the project.

Councilor Wright left Council Chambers at 7:44 p.m.

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Larry Wade handed out "Construction Cost Estimate of Improvements" sheets.

Councilor Wright returned to Council Chambers at 7:45 p.m.

Larry Wade explained the design for expansion in the various structures. He noted the costs have increased in some cases, for example, with needed additional deep piles. He also noted that these costs are estimates at this point and he, Steve Wilson and Dave Zabell would be developing more definitive figures to present to Council at a later time. He handed out the schedules and highlighted key events such as the DOE submittal (expected Nov. or Dec. 1992), the 30 day review period following (1/93), bidding phase (Feb. or Mar. 1993), start of construction (4/93). He stated after completion he would expect 5 people would be required to operate the facility with an additional 3 people by 1998, 11 people by 2004. Some will be specialized in lab analysis, for example, as a lot of testing will be required, with personnel required to do all this testing and monitoring respectively. He noted the emphasis will soon become "influent" rather than "effluent", that is, determining who are the heavy industrial users, what heavy metals are contained in the influent, how to reduce the load on the system, in order to better protect the effluent being discharged.

Councilor Baxter asked about storage in the lagoon of the present sludge and what the plans are to get rid of it.

Mr. Wade said he believed the plan is to go in with Everett on a common contract for dredging, with a possibility of composting, also.

Mr. Reigert noted that field is evolving rapidly and there may be other alternatives within the next two years.

Mr. Wade noted there is not that much build up of sludge and Mr. Reigert added that in 5-8 years, something will probably have to be done, but probably nothing before then.

Councilor Baxter asked about the new outfall into Steamboat Slough and Mr. Wade stated the manufacturer is still in the process of working out all the "bugs", eg. pressure, testing (they have been given a deadline of 11/1/92).

Public Works Director Zabell said he wished to make it clear that the pressure testing is for a lot higher pressure than is required at this point, that the City is not operating at a high rate and is in fact operating at a very safe level at this point.

Councilor McGee left Council Chambers at 7:58 p.m.

MAYOR'S BUSINESS:

Mayor Weiser explained an Assessment Center was held for Public Works Director candidates 10/17/92.

Councilor McGee returned to Council Chambers at 8:00 p.m.

Mayor Weiser stated four finalists were interviewed out of the Assessment Center for Public Works Director, an offer was made to one of the gentlemen Friday and he accepted today. Ken Winkler will be the City's new Public Works Director and he has public works experience most recently with Snohomish County and previously in Oregon. He will start 11/9 and take over officially 1/1/93 when Dave Zabell takes over as City Administrator.

CALL ON COUNCILMEMBERS:

Councilor Baxter reported the Water Utility Coordination Committee will meet tomorrow from 9-12. He asked about 47th between 80th & 84th and Public Works Director Zabell stated the repaired section Councilor Baxter was referring to was not accepted by the City and will have to be redone. He stated he would follow up further on this.

Councilor Wright reported the Sorooptimists are conducting the census in the Northwest Annexation and she complimented the City Planning & Bldg. Dept. on their organization of getting all the maps ready, etc.

Councilor Leighan, by way of the Parks Board report, showed a video updating everyone on the progress being made in Jennings Nature Park, Foothills Park, Brookwood Park, Northpointe and the area near the Reservoir. The video was about 10-12 mins. long and panned in on a lot of detail, eg. trail systems, shrubbery, park benches and other furniture, hydroseeding, trees removed and planted, other plantings.

Councilor Herman commented on the new name plates and also gave a brief report on his activities as a CT board member. He said he recently had occasion to be at a presentation where Bill Brubaker showed slides on rapid transit in Europe and he was also recently at a Natl. APTA conference in California where he viewed several forms of transit--some rapid and some not (trolley cars). He said in Los Angeles their rapid transit system discussions tend to get completely bogged down with the other inner city problems, unrelated to transit issues and so it is very difficult to bring back any helpful information from LA.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATION:

1. Northward Development Donation; Foothills Park.

Parks & Recreation Director Ballew referred to the excellent video pictures just shown by Councilor Leighan of Foothills Park. He stated the developers would like to make a dedication to the City of the park.

Craig Krueger, representing the developer, addressed Council. He said now that Phase I of Foothills is completed, they have come up with a plan for the park which includes grading, hydromulching, etc.; Northward Development has allocated \$50,000 plus play equipment for this park, which is beyond what has already been dedicated to the City, he said.

Parks & Recreation Director Ballew commented on the improvements and installation of playground equipment to be done by the City and said they can have the park opened about early Spring 1993. He said there is still some border work to be done, entryway bolyards to be installed, etc., but this is one of the nicest dedications they have in the City; it is very "quality" workmanship, he said.

Mayor Weiser thanked Mr. Krueger for their time, effort and generosity in this dedication.

PUBLIC HEARINGS:

CORRECTED: SEE 11/2/92

1. PA 9208038 Rich & Chuck Warbus; Street Vacation.

City Attorney Weed swore in those wishing to give testimony in this matter.

Public Works Director Zabell reviewed the request, noting the applicant's representative (Reid Shockey) as well as Larry Wade will give testimony. It was noted the applicant is pursuing street vacation to enable replacement of his existing office building associated with Quilceda Auto Wrecking. His fence and parking are currently within the right of way.

Mr. Wade noted this request came before the county prior to the property being annexed into Marysville. He showed a cross section of 72' of road improvements from back of sidewalk to back of sidewalk across Hwy. 99, proposed by the county and explained that there is a super elevation/slope/fill problem on the west side of 99 and there has been no specific design for anything as yet. He said on the east side of the road there are structures close to the road which may cause a problem with regard to right of way, also. In the past, the county indicated they would vacate some property (he showed it on the overhead) with a little more being proposed by the City to be vacated, at this point. He noted the letter in the packets indicates a right of way use agreement/provision but he said he is not sure how to solve this problem at this point. He noted the super elevation plus the need for 72' of width for 5 lanes plus sidewalks on both sides is a big challenge.

Public Works Director Zabell added there is some money in the 1993 budget for preliminary engineering/design from 100th to 116th St. on Smokey Point Blvd. for future improvements.

Reid Shockey, 2924 Colby, Everett, addressed Council and gave a little history of the request. He stated Mr. Warbus has been attempting to improve his property for the past 5 years or so, he has recently annexed and being under contract with the Washington State Patrol, he has standards where he is required to provide public access directly off the road. The dilapidated structure on site is to be removed, it was pointed out, and with the new structure to be constructed, Mr. Warbus would require a small part of the right of way. Mr. Shockey stated Mr. Warbus made a proposal to the county originally but the county would not support his total request, however made a compromise. The county is proposing a 5 lane section on Smokey Point Blvd. at that point with an 80' right of way, Mr. Shockey said, with 30' of public right of way on each side of the centerline and the proposal is to move the centerline a bit to the east or an alternative would be 30' to the east of centerline and 50' to the west, which would still leave a 20' setback between the west edge of Smokey Pt. Blvd. and the Warbus building, he said. Any improvement to the roadway would not be allowed to damage an existing business and a bulkhead would be part of the improvements, he noted. Mr. Warbus would like the City to favorably consider the request, he concluded.

Mayor Weiser asked whether a bulkhead would be required whether the building is put in or not and Mr. Shockey said he believed it would be a necessary part of the road improvement and also to accommodate the existing business.

Councilor Herman asked about setbacks and asked why the new office building couldn't just be moved back on the property.

Mr. Shockey pointed out the need for parking and access between the new building and an existing building immediately behind it.

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Rich Warbus, Quil Ceda Auto Wrecking, the applicant, addressed Council. He explained the need for parking and the entrance way.

Councilor Leighan asked about moving the building slightly on an angle, for example and Mr. Shockey said the parking and access still would encroach on the right of way. He added that this prefab building was purchased 5 years ago when they went to the county for the vacation and the county suggested the request be submitted (he showed the blue and green drawing/proposal for street vacation). He noted the county parking restrictions and access requirements, however, interfered with the approved compromise between the applicant and the county at that time.

Councilor Herman said he would like to have an analysis of the elevation as well as more information about the assessed valuation of the property.

Public Works Director Zabell said just from estimating from the drawings at hand, it doesn't look like there's adequate distance from the front of the building to the right of way of the roadway provided for parking, etc.

Mr. Shockey said there is existing parking there and it would be paved, using curbing and formalizing the parking area. He said they have also agreed that if the City request it, in order to enhance access, the applicant would pay for temporary channelization, with the granting of a right of way use permit. Also, Mr. Warbus would agree to parking on the north side but the applicant doesn't think that would be necessary with the room out front, Mr. Shockey said.

There was more discussion about moving of the proposed prefab building, storage, configuration of property, fence opening, slope, traffic, whether or not this is going to stay a state highway (WSDOT design), by turning the building 90 degrees it would encroach too much on present storage, emphasis by Mr. Shockey that there is a large amount of space/parking, it would provide a safety margin that would not jeopardize the road design.

Councilor Baxter asked about the bluff of the creek right on the edge of the property and there was discussed about width of the bridge (narrower than the roadway to the north and south), odd shape of the property, need for 5 lanes but no more, allowing for slope, making an agreement between Warbus and City for participation in the bulkhead if the problem arises.

City Attorney Weed noted the City code allows the City to reserve the right for an easement including a bulkhead; right of way dedications include this wording, he noted.

Councilor Baxter said he doesn't see any problem with vacation of part of the roadway by the City.

City Attorney Weed reviewed criteria/findings including the vacation being for public benefit, that the right of way vacation would not have any adverse affects, that the City would have enough right of way for future public use and no land locking would result. He added there is also the issue of compensation and this would be based either on comparison of similar properties or by the professional appraisal method.

Mayor Weiser pointed out that in the past 50% of the per square foot appraisal would be used to set the value.

Councilor Herman expressed a concern about a lack of information

about the slope.

Mr. Wade pointed out that the problem with slope is in roadway design, keeping it even between the property and the roadway--you could drop the roadway down but it's difficult to tell without more information, he admitted.

Mr. Shockey guessed there might be a 5' bulkhead needed if the roadway is vacated in order to accommodate an existing business which is not an uncommon situation, he said.

Mayor Weiser pointed out that no engineering has been done on it yet and Mr. Shockey added there is about 20' of design area there and the applicant is just asking the City to cut back the 80' road width to 75'. He added that with a right of way use permit, the City would have control and he would rather do that than move the building and lose the storage area.

Mr. Wade noted the legal description correlates with the "blue and green" drawing and Mr. Shockey added that they would be more than happy to bring additional information back to Council.

Councilor Herman said he would be interested in the slope issues, staff recommendations, etc.

Councilor Baxter asked about the rock bulkhead at the new school and Public Works Director Zabell said it is about 3-4' high. Councilor Baxter pointed out that was what he had in mind, that it didn't have to be a concrete bulkhead at Quilceda Auto Wrecking.

Mr. Wade said the county does have a preliminary plan of the improvements and staff could superimpose elevation on this to see whether a bulkhead or fill/taper/grading is required.

There was more discussion about the building, driveway and access flexibility, lineal feet of driveway, Public Works Director Zabell agreeing with Larry Wade's proposal for the staff to work with the county plan and Mr. Warbus, to bring this back 11/23 with a staff recommendation for the appraisal or assessed value method of determining compensation.

Councilor Baxter said he would like a bulkhead agreement looked at also, such as Mr. Shockey was referring to earlier, between the City and Mr. Warbus, with Mr. Warbus paying for part of it.

Public Works Director Zabell guessed the engineering costs would run about \$2500 and should be borne by the person making the request.

There was more discussion about topog maps, how much has been done, what needs to be done, conceptual design, centerline grades.

Councilor Baxter moved to continue this public hearing to 11/23/92 and Councilor McGee seconded the motion. The motion passed unanimously.

2. PA 9207030 Eastwood Hills II Annexation; Belmark Industries.

City Attorney Weed swore in those wishing to testify.

Councilor Baxter left Council Chambers at 9:32 p.m.

Planning Director Hirashima gave a short staff report, referring to the agenda bill, noting this was originally part of the South-east Annexation. She stated staff feels that this proposal could

be approved by the Boundary Review Board as submitted.

Councilor Baxter returned to Council Chambers at 9:35 p.m.

Planning Director Hirashima stated staff recommends approval of the annexation request.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed Council and noted they contacted the Boundary Review Board with regard to what it would take to have a favorable annexation. He pointed out this is under 10 acres, has regular boundaries and they have 100% signatures. He said they also contacted the county previously and it was agreed to construct to City specs as the county recognized this would be probably eventually annexed into Marysville.

This portion of the public hearing was closed at 9:38 p.m.

Councilor Wright moved and Councilor Leighan seconded to approve the annexation request as per staff recommendations, to be sent on to the Boundary Review Board, with assumption of City bonded indebtedness and zoning of Suburban 1-4 dwelling units per acre. The motion passed unanimously.

CONSENT AGENDA:

1. **Acceptance of Construction; 1991 Water Main Improvements; Grants Construction, Inc.**
2. **Acceptance of Project; Highway No. 9 and Kellogg Marsh Tank Recoating; Thomas Steenmeyer Company.**
3. **Approval of October 26, 1992 Claims in the amount of \$388,298.45.**
4. **Authorize Mayor to sign Interlocal Agreement for Dispatch Services.**

Councilor Baxter moved and Councilor Wright seconded to approve Consent Agenda Items 1 through 4. Passed unanimously. (Councilor Leighan excused himself from voting on vouchers 13361 and 13385.)

REVIEW BIDS: None.

CURRENT BUSINESS:

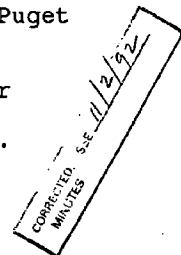
1. **Hebert Research; Use of Citizen Participation in the Decision-Making Process.**

City Administrator reviewed the agenda bill, noting there is a plan in the packets. He noted there has been no money budgeted for this but suggested Council keep this in mind for the future as a tool for doing a survey; it would consist of 600 telephone calls being made to local people. Information Only.

2. **Interlocal Agreement for Regional Planning of the Central Puget Sound Area.**

City Administrator Garner explained the cost for the term 4/93 to 4/94 for Marysville, based on assessed value and population would be about \$4,000, which would be a worst case scenario; it would probably be closer to \$3500, he said. The City was a dues paying member last year, he noted and explained this organization provides very worthwhile information and data for the whole Puget Sound Area.

Mayor Weiser noted that the Mayor of Mountlake Terrace, Roger Burke, had a concern about the weighted votes and Mountlake Terrace will not be joining this year because of that reason.



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Councilor Herman referred to amended language in the interlocal agreement regarding the voting powers and Councilor Baxter said he would be interested in whether Roger Burke has a valid concern.

Mayor Weiser said he could get further information Wednesday night and City Administrator Garner suggested a presentation. It was the consensus that City Administrator Garner line up a presentation for a future meeting.

3. Public Relations Program Status Report.

City Administrator Garner noted this was identified as the number one priority at the Retreat and he referred to the agenda bill which listed six elements and he said he welcomed any input from Councilmembers. The six elements identified at the Retreat were:

- having a Speaker's Bureau
- producing Press Releases
- utilizing Channel 18 for monthly departmental reports
- Community Involvement by elected officials and staff
- expanded newsletter distribution
- input from the general public (referred to Hebert Research survey that could be done)

Councilor Leighan asked for copies of personnel policies and said input should be asked for on an annual basis.

Mayor Weiser said he'd like to see some sort of Town Hall Meeting format used to get public input.

4. Snohomish County Tomorrow.

Mayor Weiser referred to the documents in the packets and said these are the policies that were semi finally agreed to by the Steering Committee a couple months ago, with some changes. He noted that on Wednesday night the Steering Committee will talk more about these policies and try and come to some final agreement so they can send the interlocal agreement to the Snohomish County council who will make changes and then send it on to the cities. He said if the county council makes any substantive changes, the Steering Committee is going to ask that they first be reviewed by the Steering Committee.

Councilor Wright noted some of the policies do go beyond the mandates of the Growth Management Act and Mayor Weiser agreed. He said if there's no consensus, the Steering Committee then calls for a weighted vote and basically there has been a lot of effort put into the document.

There was discussion about fine tuning, comp plan updating, urban areas, respecting character of existing neighborhoods, compatible uses, sprawl and density issues, infill, water and sewer outside of UGA, long range planning.

Planning Director Hirashima said the city planners met last Friday and made several comments. She said she could give these comments to the Mayor before the Wednesday meeting and/or put the comments in the Thursday briefing. It was the consensus that in view of the late hour, she should do that rather than go over them tonight.

5. Interlocal Agreement between Snohomish County and the City of Marysville for Implementation of the Growth Management Act.

Planning Director Hirashima reviewed the agenda bill, noting this

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relates to the interlocal agreement for joint planning which has gone through several revisions. She stated the Mayor has met with Snohomish County over the past several months and in the packets is the final draft including a map. She said on Friday she got word back from the county and they have basically agreed to all the proposed additions. With regard to the Robinett and Belmark properties, including them within the boundaries there was a 200' buffer proposed originally between ag properites and residential properties, however the county is only requiring a 50' setback in other situations, which the parties in question can live with and she said the City Planners did not feel, nor did the other property owners feel, 200' is consistent and therefore propose 50', she said. The county seems to agree with the City Planners that 200' is not acceptable and they can live with a 50' setback, she said. It would be consistent with the GMA; she passed out a new draft including the 50' setback change and posted maps on the board.

Councilor Herman asked about inclusion of Smokey Point and City Planning Director Hirashima said there is no further information either way for them.

Mayor Weiser said there was going to be a meeting for the public to give their input on whether Smokey Point wants to be in Marysville or Arlington but that hasn't occurred as yet.

Councilor Herman expressed a concern about temporary things ending up permanent and if Smokey Point is left out now, it might become a permanent omission.

There was brief discussion about boundaries for Smokey Point, Marysville services of water and sewer, fire district services.

Planning Director Hirashima highlighted changes: insertion of language regarding responsibility for annexed areas, map changes, sunset provision vs. county wording which relates to interim annexation policies and procedures. She noted this agreement will expire 7/1/93 or when the comp plan is adopted, whichever occurs first.

Councilor Baxter noted that there will be no annexation outside of the interim annexation area and said he is concerned bout signing something that's already in force and something we don't need.

There was further discussion about Smokey Pt. boundaries, possibility of holding a public hearing with regard to buffers/setback (50' vs. 200'). City Attorney Weed noted this is an interim agreement however an argument could be made for a public hearing and/or the issue going before the Planning Commission.

Councilor Herman asked about legal ramifications as far as the setback inconsistency, etc. and City Attorney Weed said there will invariably be a number of public hearings that will be held and each will allow people to give testimony.

Councilor Baxter said in some cases a "ditch" may be a stream, for example and he said his concern is that we can end up eliminating a person's property. He said he thinks we need to have a public hearing in order to see what's out there.

Councilor Herman said he is sure the buffers can't be cumulative however the more stringent would apply and he said he shares the concern about the "interim" annexation areas which he thinks should include the Smokey Point area.

Councilor Baxter said he also has a concern about anything that's "interim".

In defense of the document, Mayor Weiser pointed out this is a far cry from where they started, it's an interim annexation proposal which expires 7/1/93, so the City doesn't get into joint planning areas outside of city limits. He also pointed out that the City did sign a letter of intent that we would negotiate this within 30 days and if we find that things are not going well, there's a 60 day withdrawal clause, he said.

Councilor Leighan asked if we use a 50' setback, whether we need to set a public hearing and City Attorney Weed said as long as this is an interim agreement and as long as it's not more restrictive than the county, no.

Councilor Wright asked if the Robinett and Belmark property is to be included in the interim boundaries and Planning Director Hirashima said yes.

Councilor Baxter asked if the City has anything designated as ag within City limits and Planning Director Hirashima said no. She said the first case where we will see this used is the Krotke Annexation. She noted setbacks would be reviewed for that area under the SEPA process should it be annexed; there would be a transition area between residential and agricultural, she said. She added that the county does feel a 200' buffer would protect ag/resource land however she thinks if this area is to be maintained ag land of primary importance, Council needs to establish a policy.

Councilor Baxter said he doesn't see where it the agreement would be accomplishing anything.

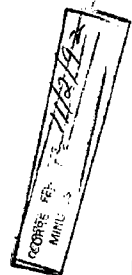
Reid Shockey, 2924 Colby, Everett, addressed Council, representing Mr. Robinett. He said they can live with a 50' setback, inclusion of the areas A & B.

Lawanda Goldthorpe, 10910 Vernon Rd., Lake Stevens, addressed Council, stating they were elated to see that the City had placed their property in as residential however the county didn't agree with this, she said. The county says the property is still in the county, she said but they would like to develop the property (her husband is disabled and elderly) and they feel their chances are better within the City. She said they are contiguous to the Robinett property and would like to be included in the Urban Growth Boundary.

Planning Director Hirashima stated Mrs. Goldthorpe is included in the "yellow areas" depicted on the maps, in other words, included in the current proposal for interim annexation policy area.

Martin Robinett, 4211 200th SW, Woodland, addressed Council, representing Dues Berry Farm off 40th & 152nd. He described the surrounding uses--the school, the Marysville Meadows and Heritage Village mobile home parks, etc. and said they would like to see this area included in the urban growth boundary. He noted that Ordinance 92-100 establishes the urban growth boundary and this property was included but now he said he understands it is not but they wish it to be included.

He referred to Section 4 (b) 10 of the proposed interlocal agreement and explained the document is taking away all rights of the City and makes no sense as far as protection of "proposed ag" land; this would also require farms to be farms for the next 20



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years, he said, whether economics dictate it or not. He quoted from the GMA with regard to ag lands and TDRs within and without City limits, noting there is a distinction between ag lands under the GMA and in this interlocaal agreement.

City Attorney Weed noted you can have ag and forested land within the urban growth boundary under the GMA but you do then have to have TDRs in place.

Mr. Robinett pointed out that Snohomish County now has more ag than it did 10 years ago because of the definition changes; the protection is already there for ag and if you buy into this agreement, he said, you need to have a TDR policy in place. The county has been working on a policy for this for several years and still does not have this policy in place, he pointed out. He added he thinks the City should wait until the county makes the decision as to what is going to be designated as ag for sure and not just "proposed" ag lands.

Mayor Weiser pointed out that Marysville is considering a TDR policy under our Sensitive Areas Ordinance and Mr. Robinett said in this case, Dues are surrounded by everything other than ag, and they may not want to stay ag but TDRs would still limit it to ag and that locks them in for the next 20 years. Given the county's track record, he said he is not sure why the City is giving away their rights, here.

Jack Cole, 13900 48th Dr. SE, Snohomish, addressed Council. He said he also represents Marge & Clarence Due. He stated he has tried to address the Planning Commission to get this piece included in the urban growth boundary however it is not included in the county's maps. He said he was promised by the Planning Commission that he would be allowed to speak on behalf of the Dues and if the Council approves this interlocal agreement tonight he will not be able to give his input. It's very possible the Dues don't want to form for the next 20 years, he pointed out; they would like to be included in the urban growth boundary.

Planning Director Hirashima explained the Planning Commission was holding Comp Plan public hearings but Planning Area 13 has been set aside for further review and the City's position is that this is an interim urban growth boundary with no resolution as yet with regard to the properties in question.

Mr. Cole said he feels the Dues are being discriminated against, compared to the surrounding property owners who have been included in the urban growth boundary.

Mr. Robinett noted that with the county's large staff and so many different departments, they said they thought Dues should be included in the urban growth boundary but it has in fact been excluded again, he said.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed Council. He said that with all due respect to the previous two speakers, Belmark would urge the City to pass the agreement tonight with a 50' setback as discussed earlier.

Planning Director Hirashima said the City has felt, as do the farmers, that the argument is they should have input as to ag land/resource land of long term significance. She also noted that appeals would be before a board and that the City has not put together any arguments for agreeing or disagreeing with the county. She said hopefully there will be more discussion about this on the county and city level as this is one of the most difficult areas to retain ag land in.

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Councilor Wright asked why this section needs to be retained in the interlocal agreement and Planning Director Hirashima said it is felt this is consistent with the GMA and with it being left out it would probably be one decision that would break the agreement. Urban vs. ag current map is based on RUSA and the reason Dues, for example, weren't included, is because they are in the Ag Preservation Map as well as outside RUSA, she said.

Mr. Cole said he talked with Mickie Jarvel and he said he thinks she missed the word "proposed". He said he would suggest "approved" rather than "proposed".

Mayor Weiser said he would suggest leaving that phrase out altogether, with regard to "proposed ag".

Planning Director Hirashima said it was felt it would include future amendments.

Councilor Baxter asked about TDRs and Mayor Weiser said the Planning Commission was going to come back to Council with offsite TDR wording for the Sensitive Areas Ordinance.

There was discussion about the economic feasibility of TDRs, definition of ag land, the problem with the word "proposed" ag, consistency with the GMA, redrafting of the paragraph using wording which is actually in the statute, TDR/UGA/GMA clarification in the agreement, land use, "takings", offsite TDRs being genuinely marketable.

Councilor Herman moved to direct the Mayor to sign the interlocal agreement with revised language under Item 10, page 7 to be consistent with the GMA but clear up ambiguities, Items A & B to be included and to encourage the Mayor to negotiate inclusion of Smokey Point with boundaries not less than 43rd to I-5 (188th on the north) (up to Mayor's ability to negotiate). Councilor Baxter seconded the motion and a roll call vote was taken with the only Councilmember being in favor, Councilor Herman. So the motion failed 5-1.

Councilor Leighan then moved to authorize the Mayor to sign the interlocal agreement with Item 10 to be rewritten to be consistent with the GMA, with the interim annexation area to be squared off using 51st and 152nd (not including Smokey Pt.) and to include areas A & B with a 50' setback. Councilor McGee seconded and a roll call vote revealed Councilors Herman and Baxter against, so the motion passed 4-2.

6. Interlocal Agreement; 88th Street NE/Quil Ceda Creek Bridge Project.

Public Works Director Zabell reviewed the agenda bill, noting this is basically an agreement to agree which was agreed upon about a month ago, relating to the 88th St. Bridge Project. The purpose of the agreement is to establish a relationship between the City and the county, he said; it would become effective immediately and continue until completion of the project, with final payment by the City to the county. He said the project is scheduled to commence in 1993 with a projected local cost of \$700,000 which the City has agreed to split with the County. He said the City did conduct a transportation analysis which showed that trips using that segment by 2002 would be approximately 50/50 City and County based on City limits prior to the Northwest and Quilceda annexations. He noted there would be a 10% cap on the City's 50% proportion unless otherwise agreed by the City and County. The payment schedule would be \$100,000 to be paid in 1993, \$100,000 in

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1994, \$100,000 in 1995 and \$50,000 in 1996. He explained that the '93 funds would have to come out of Growth Management funds and this is an appropriate project to come from these funds.

City Attorney Weed referred to section 6, hold harmless agreement, and said he would suggest this be rewritten to make it reciprocal wording. He added that under paragraph 6 it shows there is joint responsibility for project design and construction decisions.

Public Works Director Zabell explained the county will be the lead agency; it will be a state funded project and the county would represent the state.

City Attorney Weed said in that case, the City should not be jointly responsible for the design.

Councilor Baxter asked about who requested the project and noted that the County can get out of the agreement fairly easily.

City Attorney Weed pointed out that once it gets to a certain point, there should be no way the county can back out.

Councilor Baxter noted the county is the lead agency on behalf of state funds and questioned the county's ability to leave the City "holding the bag."

Public Works Director Zabell said it's possible the 88th St. Interchange may not happen and not get the state funding; in that case, he said he thinks the wording should be cleaned up.

Councilor Baxter agreed the agreement needs some fine tuning and he moved, with Councilor Myers seconding, that the agreement be reworded and brought back 11/2/92. Passed unanimously.

In this case, City Attorney Weed said the City needs to tell the County we need more than the 30 days that was agreed to for negotiation.

**7. PA 9207028 William Roberts/Bud Darling; Preliminary Plat/
Variance/Rezone.**

Planning Director Hirashima reviewed the agenda bill, noting the Hearing Examiner has recommended approval, staff is recommending approval and there have been no appeals.

Councilor Herman asked about emergency access.

Bill Roberts, 4129 76th St. NE, addressed Council and explained the road system. He said it would be blacktopped including an 80' radius turnaround. The paved road surface would be 22', he said.

Councilor Baxter moved and Councilor Wright seconded to approve the request for the preliminary plat, variance and rezone. Passed unanimously.

**8. PA 9109035 Scott Turner/Sunnybrook PRD; Rezone/Preliminary
Plat/Preliminary Site Plan.**

Planning Director Hirashima reviewed the agenda bill, noting the Hearing Examiner is recommending approval. She did note the major issue was wetlands, streams, sensitive areas and slopes. She said there were some concerns regarding construction of the driveways for lots 9-11 along 67th and referred to condition #2 requiring a geotechnical report regarding the driveways with recommendation

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to be submitted to the Public Works Director. She noted also that the recommendation/condition does not allow for a geotechnical recommendation of the change.

Public Works Director Zabell noted the reference to 42nd St. in condition #15 should be 52nd St.

John Friel, representing the applicant, addressed Council. He said regarding the geotechnical report for lots 6-9, the applicant concurs with the condition to prove the soils are satisfactory. He noted they already did this previously on 66th.

Mayor Weiser asked what the grade of the driveway is and Mr. Friel said it would be 10% maximum and he noted HUD allows up to 14%; he believed. He said he would envision these driveways to provide access to homes with split levels/daylight basements and they would agree to a maximum slope of 10%, no problem, he said.

Public Works Director Zabell said he would recommend that condition be added as #18.

Councilor Wright moved to affirm the Hearing Examiner's recommendation with 17 conditions plus the addition of #18 and change on #15 to 52nd St. Councilor Myers seconded and the motion passed unanimously.

BREAK: MIDNIGHT TO 12:10 AM 10/27/92

NEW BUSINESS:

1. Approval of 1993 C.P.I. of 2.8% for Management and Non-Union Salary Increases.

City Administrator Garner reviewed the agenda bill.

Councilor Baxter moved and Councilor Herman seconded to approve. Passed unanimously.

2. Prevailing Wages Issue; WAC 296-127-050.

City Administrator Garner reviewed the agenda bill, noting staff feels the law is unreasonable and asked for direction from City Council.

Councilor Herman passed out large packets to everyone. He noted that the WAC referred to was an update in the law which required employers to file an affidavit to the Dept. of L&I. He noted there are a lot of issues that are contested; federal law was originally passed in 1931, state law was passed in 1945 but when the City pays less than the prevailing wage rate, that could undermine the cost of living in the community, create a false sense of savings and possibly create a cutthroat situation.

Mayor Weiser noted that one of the jobs that brought this issue to light was 28% over what someone else would have charged, the other was 9% over and it is an increased work load to track this. He explained that when things go to bid, there's a file maintained in the office as well as the City Clerk having to maintain a separate set of files which is in fact putting an additional burden on the taxpayer.

Councilor Herman explained the requirements of the law in detail.

There was discussion about the bidding threshold, competitive bids, interpretation of the law, what other cities do as far as

CORRECTED: SEE 11/2/92
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small projects, compliance with the law, seeking legislative reform, amount of paperwork involved, contracts under \$2500, comments about implementing the law.

Finance Director Wilson brought up the point of needing to pay people for replacing a window, for example, and having to determine whether they fall under minimum wage, what classification they belong in, etc., before the window can be repaired.

Councilor Herman explained prefabrication issues are very complicated but that's being simplified now; these other problems are quite easily solved once you understand the law.

Councilor Myers moved to have the City Attorney look into checking with AWC, etc. Councilor Baxter seconded.

City Attorney Weed noted the issue is never addressed generally unless there's an audit or a complaint. He said he is sure hundreds of transactions are not in compliance with the law, that's probably how other cities are handling it, but he can check further on it.

Councilor Herman said in view of the fact, as an elected official, he has sworn to uphold the law, he does not feel right about the City not complying to the law in the strictest sense.

The motion passed with Councilor Herman opposing.

ORDINANCES & RESOLUTIONS:

1. An Ordinance Relating to Parking Regulations.

City Administrator Garner reported that Chief Dyer, Lt. McKinney, the City Attorney and himself have reviewed the proposed ordinance with input having been received from the police dept., the Mayor and other staff.

City Attorney Weed reported the most significant change in this draft from last time is deletion of the Hearing Examiner system with regard to parking tickets, etc. and inserting the judge and court clerk for collecting fines, etc. He said he talked with the judge and it's not anticipated that there will be a high volume of parking tickets. The ordinance would be in place and the code compliance officer would be used on an as needed basis, he said.

Councilor Herman asked about interpretation of parking on a road where there is only a planting strip and no curb, gutter or sidewalk.

City Attorney Weed admitted this language could be clarified and discussion followed about definitions, shoulder areas, elimination of "or the edge of the roadway".

Councilor Myers moved to adopt/approve Ordinance 1912 including the above small wording change. Councilor Leighan seconded and the motion passed unanimously.

2. An Ordinance Rezoning Property Owned by Stephen C. Muller.

Councilor Wright moved and Councilor McGee seconded to approve/adopt Ordinance 1913. Passed unanimously.

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3. A Resolution Segregating Certain Assessments in ULID No. 7.

City Attorney Weed explained this applies to Northpointe, a plat of over 200 lots where they are asking that ULID No. 7 assessment payments would be segregated into three different parcels--Div. I, Div. II and Div. III, in other words, they would pay only one division at a time. They would have to stay within a two year time limit of being current and when they sell the first lot within each division the entire payment for the division would become due and payable, he said.

Councilor Leighan asked if there would be a time element for the whole project and City Attorney Weed said it's 20 years under the code and this is fairly common practice for larger plats to segregate ULID payments like this. He noted Larry Wade has prepared the legal descriptions and prepared the paperwork.

Councilor Baxter noted it will be extra work for the staff.

Councilor Baxter then moved to approve/adopt Resolution 1590 and Councilor Myers seconded. Passed unanimously.

4. A Resolution Regarding Surplus Equipment.

Councilor McGee moved and Councilor Wright seconded to approve/adopt Resolution 1591. Passed unanimously.

LEGAL MATTERS:

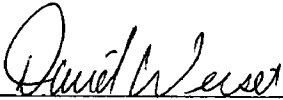
1. 1992 Cracked Sealing Project Award.

Public Works Director Zabell explained the various locations that need repair and stated Eagle Crest Construction was the only one who had submitted a bid, in the amount of \$24,800 which works out to 80 cents per foot. Staff recommends the contract be awarded to Eagle Crest Construction.

Councilor Myers moved and Councilor Leighan seconded to award the bid to Eagle Crest Construction as per staff recommendation. Passed unanimously.

ADJOURNMENT: 12:50 p.m. 10/27/92.

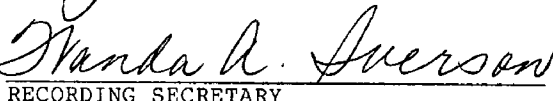
Accepted this 2nd day of November, 1992.



MAYOR



CITY CLERK



RECORDING SECRETARY