

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 11, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter (7:24 p.m.)
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Jim Ballew, Parks & Recreation Director
 Dave Zabell, City Administrator
 Ken Winckler, Public Works Director
 Eric Thompson, Associate Planner
 Bob Dyer, Police Chief
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 1/25/93
MINUTESCALL 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 Pedersen noted that on page 3 of the 1/4/93 minutes, it should be shown that Councilor Wright was elected chair of the Association of Cities and Towns and not Councilor Pedersen.

Councilor McGee moved and Councilor Myers seconded to approve the 1/4/93 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson reported the Final 1993 Budget has been completed and he noted that \$7.6 million has been budgeted for infrastructure improvements: water, sewer and streets.

City Administrator Zabell reported there is a BRB hearing on the Kroetke Annexation 1/12/93 and the countywide planning policies will be discussed at the Cities & Towns meeting 1/28/93. Those wishing to make reservations for the Cities & Towns meeting should contact Mary Swenson, he said. He also reported that Ted Pedersen passed away recently; Ted was a retired long time District 12 fireman.

City Attorney Weed reported that he has received information from the Washington Cities Insurance Authority regarding gang and curfew ordinances and he said he would be preparing a memo for Council on this.

Public Works Director Winckler reported the completion of the tracking system for cost per mile for every of equipment owned by the City with the capability of monthly reports, service requests, etc. to be generated. This was mainly as a result of efforts by Councilor Baxter who felt this to be very important information and a very critical capability for the City to have, he noted.

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City Planner Hirashima reported the Planning Dept. was contacted recently by some property owners regarding an annexation near the Poortinga property and there will be a neighborhood workshop/meeting soon, she said.

MAYOR'S BUSINESS:

Mayor Weiser reported that both he and Councilor Wright will unfortunately be out of town 1/28/93 and will be unable to attend the monthly Cities and Towns meeting. He noted that Councilor Wright is the new chair for the Association of Cities and Towns.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the "short form" public disclosure A-1 form and City Attorney Weed said that was all that was necessary if there has been no substantial change from the previous year.

Councilor McGee asked about the Parkside Estates Park improvements and Parks & Recreation Director Ballew said the bridge will arrive 1/22, the abutments this week and the plumbing is almost done. He said the cold weather has caused a need to wait for the structure to thaw out.

Councilor Pedersen asked what a substantial change would be under the public disclosure law and City Attorney Weed said he would say 2% or more of the total net worth, if there had been any significant real estate transactions, for example.

Councilor Pedersen confirmed there will be a RUSA meeting Wednesday and reported the Board of Health will be having their annual election of officers on Thursday.

Councilor Leighan reviewed the information in the packets regarding a proposed resolution regarding Youth Activities. He said Marysville doesn't necessarily have to have a neutral zone, that was great for Mountlake Terrace but would not necessarily work for Marysville, but the idea was to provide something for the youth to do in Marysville to keep them off the streets.

Mayor Weiser clarified that the resolution would simply be a policy that the City hopes to follow.

Councilor Pedersen said she agrees that a neutral zone is not necessarily what Marysville needs to do and that she doesn't feel that was the intent of the resolution. She said she thinks this is a social issue because there aren't enough places for kids to go and if the City provides more activities it will keep them away from crime, hopefully.

Mayor Weiser pointed out that there are YMCA dances and sports already but Councilor Leighan said he believes the void is from ages 14 to 21.

Councilor Pedersen pointed out that by today's standards, they had "gangs" when she was young, also.

Councilor Wright questioned the City's taking the lead or being the lead agency and discussion followed regarding the City's responsibility here.

Chief Dyer agreed it is a community problem and talked a bit about the SHOCAP (Serious Habitual Offender) program where kids at risk are identified and the thought is to bring many disciplines together: the schools, law enforcement, etc. and the plan is to

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intervene and prevent crime with recreational activities, etc., he said. He said this would also involve networking with the juvenile courts, for example, and he said Kitsap County is using this program but Marysville would be the first city in Snohomish County, if it is adopted. As far as the gang task force, he said Dan Bond, MSW, is involved in both the bang task force and the SHOCAP program.

Councilor Baxter arrived at Council Chambers at 7:24 p.m.

There was more discussion about slightly modifying the proposed resolution with regard to Marysville being the lead agency and City Attorney Weed suggested wording such as "encouraging" youth activities rather than "providing" youth activities.

Councilor Leighan moved and Councilor Wright seconded to have the City Attorney bring back a revised resolution 1/25/93. Passed unanimously.

Councilor Baxter reported we just had another fire at Geddes Marina--a boat fire and as of 1/6/93, the City has had 77 fire calls for the year so far.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Noel Seguin, 7229 73rd St. NE, addressed Council. He said he had a number of concerns and on 12/4/92 he saw Lt. McKinney to report electromagnetic burns on his legs. He said he had been referred by PUD and the MPD took pictures. He said he has been having problems with his house for years, he is 72 years old and is not a prankster, but the teamsters are following him around and placing electronic surveillance devices in his home, contaminating his engine oil, etc.

Mayor Weiser set up a meeting for Mr. Seguin to come in at 1:30 on Thursday.

Mr. Seguin noted that back in Sept. 1991, Sgt. Mount of the MPD did remove electronic surveillance equipment from his garage, such devices having been placed there probably by professionals. He agreed to meet with the Mayor on Thursday.

CONSENT AGENDA:

1. **January 11, 1993 Claims in the Amount of \$205,134.42.**
2. **Bill Binford Final Plat of Northpointe Division 1; PA 9001004.**

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

REVIEW BIDS:

1. **New One-Ton Cab and Chassis.**

Public Works Director Winckler reviewed the agenda bill, noting that 2 bids were received, one from Olympic Ford and the other from Roy Robinson. He stated staff recommends the lowest responsive bid, the one from Olympic Ford, in the amount of \$14,134.17 plus \$225.00 for the optional strobe light. He stated \$20,000.00 had been budgeted for a utility step van which the crew chose not to use; there will be a utility box mounted on the one ton cab and chassis which will be covered under a separate bid, he said.

Councilor Myers moved to approve/accept the bid from Olympic Ford as recommended, including the strobe light option. Councilor Baxter seconded and the motion passed unanimously.

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CURRENT BUSINESS:

1. Use of Fireworks.

City Administrator Zabell reviewed the agenda bill, recommending a public hearing date for 2/8/93.

Councilor Pedersen stated there has been some discussion of this issue at the fire board level and the thinking was to get this process started prior to fireworks ordering time so that everyone is well aware of the law.

Councilor McGee suggested also posting the law on the fireworks stands.

Councilor Leighan asked about the sale of fireworks and Councilor Baxter noted that you don't have much control with the Tulalips having different policies. He also noted this is one of the largest fund raisers for a lot of organizations in Marysville.

City Attorney Weed stated cities do have authority to be more restrictive than the state but not less restrictive than state law. He noted Snohomish has recently passed a similar ordinance for narrowing the time frame for sale and discharge as well as a change in age from 16 to 18 to 16 again. He said he could get more information on this.

Councilor Pedersen moved and Councilor Myers seconded to hold a public hearing 2/8/93.

It was noted that the City Clerk will be sending letters out to all organizations and fireworks vendors notifying them of the public hearing.

2. School Mitigation Fee Ordinance Amendment; PA 9210040.

City Planner Hirashima reviewed the agenda bill briefly. City Attorney Weed added that this ordinance has been modeled after the Snohomish County ordinance, it is SEPA based but Marysville has tried to incorporate GMA required elements so we will have as few revisions as possible necessary in July, 1993. He pointed out that this is an interim ordinance until we are required to have a pure GMA fee ordinance.

Margaret Natterstad, 10532 38th Av. NE, addressed Council. She said she wished to urge Council to adopt the mitigation fees as per the draft ordinance and this way they would be more in line with the county. She said Marysville has a good school system here and we need additional money for the schools; she recognized this may represent a hardship for people buying new homes. She talked about the overcrowded schools and the needs, higher fees needed and the fact that first time home buyers would probably not be affected.

Ward Sayles, 5605 70th St. NE, addressed Council. He pointed out that the fees for single family dwellings actually dropped \$600 because the school district has shown progress in land acquisition and building of new schools. He outlined the present building plan and stated all sites are acquired as of now and this means the mitigation fees will drop over the years. The school district is doing their part in lowering the fees, he concluded.

Mayor Weiser asked him to summarize the plan for the next few years and Mr. Sayles stated there would be 12 elementary schools, two high schools, two junior highs and two middle schools.

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Mayor Weiser asked when the 152nd land was purchased and Mr. Sayles stated it was purchased 10 years ago but the land just adjacent to it was just purchased Tuesday. He noted the two sites on the Tulalip Reservation were purchased several years ago.

Mayor Weiser asked about federal funding and Mr. Sayles said he doesn't know exactly how much it is, but the school district does receive monies from the military and the Tulalip Tribes.

Mayor Weiser asked if the mitigation fees are designated to a specific site and Mr. Sayles said no, they go into the capital investment fund and can be used for playgrounds, buses and schools.

Mayor Weiser pointed out there is a 6 year sunset clause as well as a 1% handling fee to the City. He asked if interest would be returned in the case of a project not being built.

City Attorney Weed said yes, interest would be returned but as far as the 1% fee that the City collected, he said he didn't think they would have to return that to the developer.

Councilor Herman pointed out that in the case of a partial expenditure the 1% fee would probably not have been collected and so would not be returned.

Mr. Sayles added that the money that goes into the fund first is spent first.

Mayor Weiser asked about the policy of the school district for busing and Mr. Sayles said children are bussed if they live more than a mile from the school they attend or if there is a hazardous situation.

Councilor Herman noted that currently voluntary mitigation fees and Title 26 fees are collected and Mr. Sayles said actually none of these fees have been spent as yet but they do anticipate spending funds with the new school for playgrounds, etc. He pointed out that funds are also needed for portables.

Councilor Herman talked about the calculations being based on county calculations and Mr. Sayles stated it is the same formula as the county; that the intent is that both the city and county calculations are the same and also equal as to multifamily and single family.

Councilor Leighan asked about portables at a new school and Mr. Sayles explained the need for a new school is based on unhoused students according to state law. He said you need a certain number of unhoused students before you can build a new school; also the Marysville School District is a 70% match district which means they receive 70% matching funds from the State on local funds, he said.

Mayor Weiser asked if there are any problems with the level of education or administration problems, for example, with students in portables and Mr. Sayles said no, in fact, the portables have the advantage of mobility and can be moved from one school to another as the need arises. He pointed out that the only disadvantage he could see is that some services become very crowded: counseling, library and food services, eg.

Bill Roberts, 4210 63rd Av. NE, addressed Council. He said he has some frustration and concern with housing costs what with the cost of wetland mitigation, delays in process, mitigation fees, etc.

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He gave an example of a house built in Kellogg Meadows 5 years ago which sold for \$77,000 and it now would cost \$130,000. He noted that taxes are paid immediately and part of these taxes go toward a bond issue that was passed for the schools. When a developer pays the mitigation fees, he passes that on to the consumer and he said his kids won't be able to buy their own house now and that is a major concern for him. As far as the county and city having the same calculation, he said he is not sure why Marysville has to have the same fee, because costs in the county are higher. For example, a subdivision plat in the county costs \$12,500 compared to about \$3500 in Marysville and it takes 1-1/2 years to process in the county, 6 months in Marysville, he pointed out. He added that there are a lot of differences in time and cost and he said he thinks Marysville should be working out its own formula and not have to work with the county formula. Right now, it's \$2100 for a single family dwelling, \$900 per multifamily unit and so a retired couple has to pay this fee even though they have no kids--it's just an across the board fee, he said. It is not based on the impact to the school, he pointed out and added that a vacant piece of property has to pay taxes to the school district for 70 years and as soon as you put a house on the property, you have to pay another fee with no credit given for all the years that the property was vacant and taxes paid. He said he would like to see the formula reviewed and not for Marysville to just automatically accept the Snohomish County formula.

Reid Shockey, 2924 Colby, Everett, addressed Council, representing the Marysville School District. He explained this ordinance is an attempt to bring consistency and to provide predictability for developers based on SEPA. He pointed out that before the ordinance, it was arbitrarily decided what mitigation fees to charge and/or voluntarily accept. Without this ordinance, if a development meets the threshold requirements, the developer must still pay voluntary mitigation fees based on the county ordinance, he said. He added that with the ordinance in place, it is updated each year and provides consistency and predictability. He said his office has developed formulas for twelve out of fifteen school districts and are about to develop formulas for the capital facilities under the county GMA.

Councilor Baxter asked if a lot is worth \$50,000 how much of a school mitigation fee would be paid.

Mr. Shockey said it would be \$2100 per single family lot, based on school enrollment deficiency over the next three years. In other words, the formula is based on a total projected number of students, land acquisition cost, school construction costs, per student cost, equipment, per grade level, he said.

Councilor Baxter asked about returning funds if the student projections were high and Mr. Shockey said it is usually not a significant amount of difference and there is always a need for money in educational services--capacity improvements, etc. He added that the formula contains all the key ingredients and is very uniform with the county. He said his office is in the process of developing a new model ordinance based on the SEPA/GMA and they will be allowing credit for taxes paid by vacant land.

Mayor Weiser asked about the projected cost for the Kellogg Meadows School and Mr. Sayles said \$6 million.

Mayor Weiser noted that a situation could occur where there is already \$10 million collected in fees but the voters don't vote yes on a school levy. He asked where the control is.

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Mr. Shockey said he doubted very much the taxpayer would vote no in that scenario.

Mr. Sayles added that the school district has money with the last bond issue to build three more schools but they are going to have to go out for another bond issue within the next few years and they are not getting enough money from mitigation fees.

Councilor Baxter noted the younger people would pay that fee but the school board has the control of how to spend or whether to spend the money.

Mayor Weiser said he feels the school district has done a good job in investing their money and acquiring property over the years.

Mike Papa, 9128 58th Dr. NE, addressed Council. He said he hopes the Council will vote for the mitigation fee ordinance. He said it actually works out to \$2141 for a single family lot and \$941 for multifamily and someone has to pay for the schools; he said he thinks it only fair the development community pays the same as in the county. If it's passed, he said, the City will not pay, the county will continue to pay. He concluded that the ordinance has been a year in the making and should be finalized (passed).

Steve Mueller, 4919 Sunnyside Blvd., addressed Council. He said with his being in the real estate industry, he notes this will affect the cost of new construction and his feeling on mitigation is it's an enhancement fund--to go towards portables, gangs, things that come out of growth and the school district spends a lot of time on the kids. He said he would like to see them invest some on activities to reduce gangs.

Mayor Weiser said his concern about this ordinance is the school district has its own tax raising and spending authority and the ordinance gets the City involved.

Mr. Mueller said he sees too many kids with too little today.

Mr. Shockey added that if this ordinance is not adopted, the collection of mitigation fees would still continue; the ordinance provides more consistency and predictability. He noted that Mill Creek, Everett and Arlington are considering this mitigation ordinance also.

Councilor Pedersen asked about it being a GMA based ordinance and how long that process will take.

Mr. Shockey said they hope to start on the process within two weeks so hopefully it will be 12/31/93 or sooner that a model GMA based ordinance will be done. (It was noted that the deadline is actually 7/1/93 but it was the consensus the deadline will have to be extended.)

Councilor Baxter asked about comparing paying \$2100 per single family lot vs. how much each taxpayer would be paying toward the total for 1993. In other words, he asked what the effect would be over the entire tax base, without a mitigation fee.

Mr. Shockey said there are two philosophies and the legislature deemed that new growth should pay for schools, parks, roads and other improvements and have empowered local cities to collect that.

There was discussion about first time home buyers having to pay a mitigation fee, community responsibility for providing schools,

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spreading the costs, consistency vs. voluntary mitigation, other cities using county formula also--Mill Creek, eg., also they have an interlocal agreement with the Everett School District.

Councilor Herman said he sees real merit in having consistency, in terms of being compared with the county, for example.

Councilor Baxter pointed out it's another upfront fee and he asked why some of the fees couldn't be paid at the time of sale.

Mayor Weiser pointed out that the fees may change by the time something is sold and Councilor Herman pointed out that the fees are not due until the time of building permit.

Councilor Baxter said he feels there's no impact and the home purchaser should not have to pay \$2100 plus interest well before the home is even occupied, especially in view of the time it takes for hearings, etc.

City Planner Hirashima confirmed the ordinance states the fee would be collected at the time of building permit which would be after all hearings and plan checks; the only thing left to do would be construct the house and sell the house, she said. She added that parks and diking district fees are at final plat approval, however it was decided to make the school mitigation fees collected at the building permit stage. The voluntary fee is at the building permit stage, also, she said.

Councilor Pedersen asked how many people attended the public hearing on this and City Planner Hirashima said two; the workshops were not really well attended, either.

Councilor McGee said he is in favor of consistency and the high quality of education that is carried out in the community.

Mayor Weiser said he is not sure there is consistency with the new homeowner having to pay this mitigation fee as well as existing costs.

Councilor McGee said there may need to be some work done on the refund portion of the wording in the ordinance.

Councilor Pedersen asked about Council holding its own public hearing for any changes and City Attorney Weed said not unless there were significant changes.

There was more discussion about the 1% city handling fee, to be clarified in the ordinance, to be reimbursed or not, collection of fees, tracking of expenditures for six years through the building permit process, by month and year, by permit fee number, 1% being a non-refundable fee, clarifying language.

Councilor Pedersen asked about the county formula and Mr. Roberts explained they want a consistent formula between the city and county but he said there is no say from Marysville and that he is not sure the formula is based on Marysville's needs and so that is why he has a lot of apprehension here. He added that he has seen the cost of housing rise because of the past fees levied by the Snohomish County Council, for example, a lot in Marysville had to pay fees of about \$1000 in the past, vs. \$2200 per lot in the county for road improvement, he said.

Councilor Wright asked about a remark Mr. Sayles made regarding the fees actually going down and Mr. Sayles talked about how the formula is based on unhoused kids, lack of sites, tracking expenditures, reporting to the City.

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Councilor Pedersen asked how often the formula would be reviewed and Mr. Sayles said every July and it appears to him to be very fair, he said.

Councilor Herman asked about the 1% fee to the City again and City Attorney Weed said an amendment would be required to page 7 and he suggested adding that the City administrative fee is to be non-refundable. Also, on page 8, a minor change to the 2nd paragraph:

[Councilor Baxter left Council Chambers at 9:18 p.m.]

"Provided however the owner shall not be entitled to the 1% administrative fee."

Councilor Herman moved to adopt/approve the ordinance^{#1932} as per the Planning Commission recommendation with the two additions suggested by the City Attorney. Councilor McGee seconded.

City Attorney Weed said the ordinance would be effective 5 days from Wednesday (when it is published) unless a different date is adopted.

Councilor Baxter returned to Council Chambers at 9:22 p.m. and a roll call vote was taken, revealing Councilor Wright the only one against. The motion passed 6-1.

NEW BUSINESS:

1. Community Development Block Grant Funding.

Parks & Recreation Director Ballew reviewed the agenda bill, explaining the prioritizing process that took place, whereby two projects were submitted this year: 1) Park Improvements of \$51,000 and 2) Wheelchair ramps in Downtown at \$500 each, totaling \$23,000.

Councilor Pedersen asked about the 4th & State wheelchair ramp not being included in the proposal and Public Works Director Winckler noted those ramps are already in place.

Parks & Recreation Director Ballew noted the application for the funding deadline is through 1/15/93.

Councilor McGee moved and Councilor Pedersen seconded to approve/adopt Resolution #1600 establishing the priority of the two projects for the block grant funding. Passed unanimously.

2. Harvey Jubie Conditional Use Permit; PA 9210049.

City Planner Hirashima reviewed the agenda bill, noting staff recommends approval of the hearing examiner recommendation for approval of the conditional use permit. She added there have been no appeals.

Councilor Pedersen moved and Councilor McGee seconded to affirm the hearing examiner's recommendation for approval of the conditional use permit for Harvey Jubie #PA 9210049. Passed unanimously.

3. Gregory Partridge RUSA Variance/Water; UV 92-14.

Public Works Director Winckler reviewed the agenda bill, noting on 12/7/92 Council denied the variance without prejudice pending further information. He stated the county has now approved a septic system.

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Greg Partridge, 7603 63rd Dr. NE, addressed Council. He stated the Health District has sent him a letter stating they have no objection to a septic system and to the City serving him water.

Mayor Weiser asked if the existing well to be abandoned would be filled in and Mr. Partridge said a licensed well driller is to take care of that and the DOE will follow up on that situation.

City Attorney Weed asked where the abandoned well is and Mr. Partridge said it is on the neighbor's property--they are hooked up to City water and don't have a problem with abandonment of the well, he said.

City Attorney Weed explained that the City needs to be consistent with the Health District's requirements.

Steve Mueller, 4919 Sunnyside Blvd., addressed Council. He said the well has been included in the conditions of the development of the property and Councilor Baxter added that he is sure the county will follow up on this with regard to the sewer/septic system also.

Councilor Herman asked about the sewer/septic system and City Administrator Zabell pointed out that the Council may want to consider whether this would be included in a future ULID; he said having the applicant sign a non-protest agreement is pretty standard, too, with regard to a future ULID.

Councilor Baxter moved to approve the variance request, subject to a non-protest agreement for ULIDs for sewer for his area in the event a sewer line was installed across the frontage of his property sometime in the future, including findings of fact 1-4 and conditions as presented. Councilor Herman seconded and the motion passed unanimously.

4. John Taylor Preliminary Plat, Rezone & Variance; PA 9207029.

Councilor Pedersen disclosed she and her husband have rental property in this area and she stepped down and left Council Chambers at 9:43 p.m.

City Planner Hirashima reviewed the agenda bill and noted the variance for lot frontage/width is no longer necessary because of the bulk and dimensional requirements having been recently amended. She explained the use of the wetlands as natural drainage and the fact that an open cell drainage pond is to be constructed to mitigate drainage, also. She stated staff recommends approval of the hearing examiner recommendation to approve the preliminary plat and zoning designation.

Councilor Herman asked about the HPA condition, wetlands fill and fisheries habitat and City Planner Hirashima said the Dept. of Fisheries found no fisheries habitat in the wetlands and the HPA would be the only requirement, with the Dept. of Fisheries having the final approval on this.

Councilor Wright moved to approve the request as recommended with 14 conditions, Councilor Myers seconded and the motion passed unanimously.

Councilor Pedersen returned to Council Chambers at 9:46 p.m.

5. Diane & Larry Grimes Variance to Home Occupation Standards.

City Planner Hirashima reviewed the agenda bill pertaining to PA

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92-45, noting there is a square foot limitation variance request, retail sales on the premises, signage requirement variance. She said the hearing examiner has recommended denial and staff recommends the hearing examiner decision be affirmed. She added that the applicant has requested a Council public hearing for 1/25/93.

Steve Peiffle, P. O. Box 188, Arlington, attorney representing the applicants, addressed Council. He noted a City Council public hearing is requested for the following reasons:

1. The original hearing examiner public notice showed the date as Tuesday Nov. 19th and it should have been Thursday 11/19/92.
2. There are numerous people who have signed a petition, all in favor of the Grimes doing business and staying in business at this location.
3. The hearing examiner decision, it is felt, reflects some inaccuracies.

Mr. Peiffle said he would recommend a public hearing or remand the matter to the hearing examiner (with instructions to focus on certain issues). He said they would prefer it to come before the City Council. He added that home occupation use is lumped under the zoning ordinance; they are not requesting a rezone but a variance under the home occupation use. He pointed out they are not asking for a change for more than the purposes of getting a business license and he commented on a couple things in the hearing examiner report: for example, "denial with conditions" which he said seems contradictory; either it's denied or it's not.

City Attorney Weed said if the notice was defective, the Council should cure that by a public hearing or remand to the hearing examiner.

Councilors Pedersen, Wright and Herman indicated they would be in favor of a City Council public hearing.

There being no further comments, Councilor Pedersen moved and Councilor McGee seconded to hold a Council public hearing 1/25/93. Passed unanimously.

BREAK: 10:00 to 10:09 p.m.

CURRENT BUSINESS:

3. Proposed Countywide Planning Policies.

Mayor Weiser explained the county will be holding their own public hearing on this matter. He has spoken with City Planner Hirashima about the interim Comp Plan in relation with this and one of the major changes since last Sept. is in language which specifies land use density, he said. He noted that right now Marysville has 1.8 du/ac and we have the fifth highest average density in the county. One of the City's arguments, he pointed out, is that we should have the right to do our own planning and how we accomplish our own goals should be up to us and not the county. He said the Snohomish County Tomorrow Steering Committee did not approve the proposed countywide planning policies; they were sent on to the county council knowing they would hold their own public hearing, to air out controversies.

Councilor Baxter asked what the point is in approving Resolution 1-92 and Mayor Weiser explained this is the compromise position; none of us are committing to any of the positions.

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Councilor Baxter expressed a concern about all the cities who have put so much time and effort into our planning process and the county is still going to call all the shots. He added that Marysville has some unique situations and has done a lot of planning over the years--more than a lot of cities--and we are in the same boat as all the other cities. He said he has been involved in 30 years of planning and feels Marysville has done a good job of planning and organizing with good foresight and we need to stick to our original goals. For example, the sewer trunk line from the lagoon to the airport was put in for specific densities and now Snohomish County is trying to reinvent all these years of engineering and planning and not utilizing our information, he said. He pointed out that the original area to be served has not changed in Marysville.

Mayor Weiser said they have tried to incorporate mass/rapid transit needs, for example, and invited more input from City Council, with further comments to be aired 1/25/93.

Councilmembers and staff were reminded to bring the Countywide Planning Policies and Grimes paperwork from this meeting to the 1/25/93 meeting, to save staff time in recopying.

ORDINANCES AND RESOLUTIONS:

1. Ordinance Establishing a Zoning Designation for Property Owned by John & Barbara Facey and Agnes Fallen.

Councilor Wright moved and Councilor Myers seconded to approve/adopt Ordinance 1930. Passed unanimously.

2. Ordinance Rezoning Property Owned by Ted A. Schmelzer.

Councilor Leighan moved and Councilor McGee seconded the approval/adoption of Ordinance 1931. Passed unanimously.

3. Resolution Setting a Public Hearing on 2/1/93 to Consider Vacation of Morgan St. between Cedar Av. and the Burlington Northern Right of Way.

Councilor Pedersen moved and Councilor Leighan seconded to approve/adopt Resolution 1601. Passed unanimously.

4. Resolution Setting a Public Hearing on 2/1/93 to Consider Vacation of a Portion of 75th Avenue NE.

Councilor McGee moved and Councilor Herman seconded to approve/adopt Resolution 1602. Passed unanimously.

5. Resolution Granting a Conditional Use Permit for Property Owned by Clara Atwell, Subject to Conditions.

Councilor Pedersen moved and Councilor Wright seconded to approve/adopt Resolution 1603. Passed unanimously.

Mayor Weiser announced that he would be exercising his option of holding the School Mitigation Fee Ordinance for signature for 10 days.

LEGAL MATTERS:

1. Professional Services Agreement - Hammond, Collier, Wade et al

City Administrator Zabell explained this is for 1993 water improvements on 83rd, 84th, 60th, 64th. He said there is a

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maximum fee under the agreement of \$54,000 for design and 5% for construction fees, the term is 3/31/93 to 7/31/93. He said staff recommends the Mayor be authorized to sign the agreement; he noted Hammond, Collier & Wade are familiar with the Comp Plan and a lot of the alignment work along 83rd is already completed.

Councilor Baxter moved and Councilor McGee seconded to authorize the Mayor to sign the agreement with Hammond, Collier & Wade et al. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:30 p.m.

1. Personnel. 2. Pending Litigation.

RECONVENED AND ADJOURNED: 11:02 p.m.

Accepted this 25th day of January, 1993.

David Weisen

MAYOR

Mary D. Iverson

CITY CLERK

Handa A. Iverson

RECORDING SECRETARY