

MARYSVILLE CITY COUNCIL MINUTES  
SPECIAL MEETING

AUGUST 30, 1993

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:  
Grant Weed, City Attorney  
Dave Zabell, City Administrator  
Gloria Hirashima, City Planner  
Wanda Iverson, Recording Secretary

00217

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

STAFF BUSINESS:

City Administrator Zabell referred to a memo from Mary Swenson regarding the recent cablevision outfall act, giving cities regulatory powers and he said the City will be applying for a rate in order to get locked in to basic rates. He referred to Stan Picklestein's letter with regard to applying for rate certification and service standards and said probably this will be one of the topics discussed at a future Council workshop. He also noted a flat rate for consultants and because Marysville has two cablevision companies presently serving the communities, we may be subject to two consultant fees for studying the whole issue.

City Attorney Weed said several associations are sponsoring an upcoming (Thurs., 9/2/93) water resource management and conservation conference, which he will be attending.

MAYOR'S BUSINESS:

1. Mayor Weiser made particular mention of the new microphones for staff and Councilmembers and said hopefully these will provide better audibility for the audience.
2. He reported he went out with the police on Friday & Saturday nights last and things have calmed down considerably, now that the new ordinances are in place.
3. He attended a ground breaking ceremony at the new Navy facility today; 100+ people were in attendance.

CALL ON COUNCILMEMBERS:

Councilor Herman said one of the biggest things he has concern with has to do with purchasing within public agencies and the credibility of these public agencies. He said it seems like the City should implement a purchasing agent/PO system/centralized purchasing as soon as possible and he added he would like to see a resolution drawn up to implement a PO system in 90 days and a centralized purchasing system within 24 months, at least.

Councilor McGee asked about the present status and City Administrator Zabell said purchasing has been centralized as far as City Hall goes and they are working on an inhouse citywide purchasing system for credibility/accountability now. He noted centralization requires a budget as well as approval by Council.

Councilor Pedersen said in light of recent developments, centralizing purchasing may be more urgent than it had been thought in the past and she added the City needs to have a safeguard in place as soon as possible.

Councilor Baxter said he agreed we need a purchasing system, however he would like more information about the system that didn't work so the City can learn from that.

Councilor Herman said at this point, it's not clear what part of the plan didn't work; there are allegations about another agency and it's not public knowledge at this time.

Councilor Baxter pointed out that it is not known that the City's system is "broke" so maybe it doesn't need fixing.

Councilor Herman reiterated the need for a purchase order system as soon as possible; centralization can take more time to accomplish but it has to be done in an organized manner and that takes time, he said.

City Administrator Zabell stated staff is working on a system to centralize a purchasing system however DSHS is one agency that is actually moving away from that, so we need to study this further.

Councilor Pedersen said she wants to be able to know that we are "covering our bases" and also that we are getting the best buy on things (group discount).

City Administrator Zabell assured her that Steve Wilson is working on that very thing, eg. office supplies, computers, cellular phones.

Councilor Herman said that within the other organization that is being scrutinized right now, there has been a review of purchasing procedures but it's clear that even a well built system can have potential problems; some interim steps have been taken, eg. if an aggregate total will be \$25,000+ competitive bids will be sought, \$2,000 to \$25,000 will have competitive quotes sought.

Councilor Herman then moved to implement a purchase order system for the City within 90 days with the City Attorney/City Administrator recommending what to proceed with as far as a centralized purchasing system/options.

Councilor Baxter said he would not like too much emphasis on centralized purchasing as much as a controlled system.

Councilor Herman said he is willing to look at the options and he added he had an opportunity to talk with several FBI agents, investigators, etc. about white collar crime and they said they generally have problems in organizations that have experienced growth.

Councilor Pedersen said she would second the motion if it were changed from 90 days to 120 days, to coincide with the beginning of the next budget year (1/1/94) and Councilor Herman agreed to amend his motion. The motion passed with Councilor Leighan opposed.

Councilor Herman then brought up the subject of the Planning Commission and City Council tapes of the meetings. He said he recently had an occasion to try and listen to Planning Commission tapes (from about a year ago) and they are almost inaudible. He suggested a set of tapes be made with the new microphones to see if they make a difference. He asked about land use and large scale rezones and with more intense usage under the Comp Plan, eg., whether we would be compelled to take action to be consistent with the Comp Plan.

City Attorney Weed stated he doesn't read in the GMA that we deal with the consistency of the Comp Plan with the areawide plan; DCD may have some different opinions on this, however, he said. He

noted there is some correlation between what the assessor taxes property at and Comp Plan designation and said he is interested in areawide rezones and what the DCD has to say on this, eg. their view of parcel by parcel rezones.

Councilor Herman said he would like to have more input on suggested policy in this regard and City Planner Hirashima said the Planning Dept./Commission is trying to set up more discussions with the DCD planner and hope to have more information by the next Council meeting.

Councilor Wright noted she will be out of town on 9/7/93.

Mayor Weiser noted Councilor McGee will be out of town 9/7/93 also and asked about anyone else being absent. Everyone else indicated they would be in attendance and so have a quorum present.

Councilor Pedersen commented on the extremely helpful building statistics in the weekly briefing and asked if the average lag time for preliminary plats and final plats to go through the planning process, could be put in the next weekly briefing.

City Planner Hirashima noted it varies according to how long it takes an applicant to respond to a request for revisions, eg. It was concluded that City Planner Hirashima would include the longest it has taken in the past and the shortest time it has taken.

Councilor Pedersen asked about the annual vacancy on the Planning Commission as of August 1st and Mayor Weiser stated there are two this year and those will be reported on at the 9/7/93 meeting.

Councilor Baxter reported he has seen several cracks in the asphalt in the streets lately, some with grass growing up, on 47th, eg., from Grove to 6th St., he said.

City Administrator Zabell said he will have Public Works Director Winckler take a look. It was noted the program was suspended due to inclement weather.

Councilor McGee asked if this was also the case with the striping program on streets and curbs as there seems to be a lot of places where it doesn't look like it's finished.

City Administrator Zabell said he would follow up on this also.

Councilor Pedersen asked whose responsibility it is for maintaining the property along a sideyard, between the front sidewalk and back yard fence and City Administrator Zabell said it is the property owner's responsibility although the City can work with these people and will attempt to get these situations cleaned up.

Councilor Baxter brought up the need for the City to help fund the paramedic program. He said this should probably be reviewed; the City and the Fire board both will have to contribute.

Councilor Myers asked about the length of time it takes for a building permit on a single family residence and City Planner Hirashima said she would put some information on this in the weekly briefing also.

Councilor McGee said he will be out of town from 9/2 to 9/14/93.

Mayor Weiser then explained this is a continuation meeting tonight of last meeting, however there is one person who wishes to speak:

Patricia Wright addressed Council and read a prepared statement. She expressed appreciation on behalf of herself and business owners regarding the implementing of the cruising, noise and trespass ordinances and said she feel this is going to really help cut down on many problems that were being experienced in the past. She specifically thanked Councilmembers, the police dept. and the City Attorney for putting in special time and effort to help resolve this matter.

CURRENT BUSINESS:

1. Snohomish County's Proposed IUGA (cont. from 8/23/93).

Mayor Weiser explained the input so far and proposed response to the county.

City Planner Hirashima said this has gone before the Planning Commission and their general comment was that Mar 1 should be included based on Mr. Poortinga's drainage problems. The Ag Advisory Board recommendation is that it be taken out of the IUGA, she said.

Councilor Pedersen asked about water and sewer infrastructure in Mar 1 and City Administrator Zabell explained south of 52nd is PUD water and there is sewer all the way into town. The Sundowner plat is served by PUD water, he said.

City Planner Hirashima said the recommendation is that Mar 2 be included but the Planning Commission recommendation is that Mar 3 be excluded from the IUGA. She said there have been discussions that possibly the City should look at phasing in of areas north of 108th until the water comp plan is completed.

Councilor Pedersen noted comp plans tend to take a long time and asked for a guess at when the water comp plan would be completed.

City Administrator Zabell said it is proposed that it be completed by 12/31/93 but we should know more by November.

Councilor Baxter noted that according to the CWSA, we have to plan for water right up to Arlington's area; he added that the RUSA boundary and water boundary are not the same and a lot of people tend to confuse the two.

City Planner Hirashima said that Mar 3, north of 108th, was recommended by the Planning Commission for low density residential because of topography, etc. She stated Mar 4 & 5 were recommended to be included in the IUGA. She said the discussion was that 67th is a logical boundary, especially in light of input about ag use in that area and so was recommended to be included in the IUGA. The recommendation was also that Dues Berry Farm property be included.

Mayor Weiser invited discussion about leaving ag in or out, especially as it concerns Mar 1. City Planner Hirashima said it was recommended by the Planning Commission to include the entire Mar 1, rather than break it up and include only part of it in the IUGA.

Mayor Weiser asked about the industrial park area on 99 and City Planner Hirashima said it was included in the Planning Commission recommendation.

Councilor Wright asked about east of 67th on 108th and City Planner said that has been designated by the county as ag.

Councilor Wright pointed out that ag can still be included in the IUGA but City Planner Hirashima said it can only be included with a TDR ordinance in place and recommendations for this ordinance will be coming before Council 9/7/93. She added that the Planning Commission has included some changes with regard to designations, etc.

Councilor Herman noted that on site and off site density transfers have pros and cons and asked if it was being suggested that uplands be included with the lowlands not being included, as they are not developable, which would allow evaluation of on site density transfers. He brought up the subject of recipient rights.

City Planner Hirashima said the transfers would not be back and forth between City and county, all transfers would be within the

City and she said she didn't want to get too far into this issue/discussion because it will be brought up next meeting.

Councilor Herman explained the different zoning right now in his neighborhood, with some substandard lots, etc. He said there may be some areas where high densities and small lots may be appropriate but he suggested looking seriously at impacts. Off site transfers, for example, of ag land density to another area is something he would be interested in taking a look at, he said.

Mayor Weiser asked about flood plain transfer of development rights and City Planner Hirashima said the issue of ratios may be something Council wants to explore, eg. what type of density would be transferred for a flood plain to remain unoccupied/vacant? She noted it's actually going to be called a Transfer of Density Ordinance vs TDR which includes onsite and offsite transfers.

Councilor Pedersen said she wonders if this should be on a separate agenda from the Comp Plan public hearing and Councilor Herman suggested only taking an initial look at the Transfer of Density ordinance 9/7/93.

City Planner Hirashima stated staff thought it might be rescheduled until late October however the Herald was going to do a story on it in conjunction with next week's meeting. She added that the ordinance has gone through the Planning Commission public hearing process.

Councilor Baxter talked about appearance of fairness, conflict of interest issues with regard to transfer of densities but City Attorney Weed said because it's a legislative issue it's exempt from the appearance of fairness doctrine unless you get site specific with certain Council people owning property in the vicinity, eg.

There was discussion about whether the Council would be in a position of making a predetermined decision on the matter and Councilor Herman said he didn't think it needs to be on an agenda in order for Council to have the information ahead of time. The consensus was to look at scheduling in the future; it was noted that the Council should be given ample time to look at the ordinance.

Reid Shockey, Shockey/Brent Inc., 2924 Colby, Everett, addressed Council, stating he represents several property owners affected by the IUGA, including Pete Poortinga. He stated they had approached County Council members with regard to including the Poortinga property in the IUGA; the board recommended it to be excluded from the ag preservation designation, he said. He pointed out that Mr. Poortinga can no longer farm that property and he would like to stay in the farming business and would like more appropriate property. He said as far as keeping uplands and lowlands within the IUGA the proposed use seems to be consistent with recommendations. Another one of his clients, Boyden Realty, is concerned about Mar 6 where it is felt several errors have been brought out in a letter to be submitted, he said. He said they would like to propose "residential estate" designation; there is a 10" water line on the property and it could be subdivided into 1/2 acre lots. He said he is also asking that Mar 4 & Mar 6 be included in the IUGA. He then referred to transferring of density to protect the lowland on the east hillside with another one of his clients in favor of this. He agreed there are major differences between the City and county perspectives with regard to the various Mar areas and agreed that Councilor Herman's neighborhood may be appropriate for higher density. He added that the City needs a safety factor and to be "underallocated" is very dangerous, he warned.

Norm Penney, 16329 51st Av. NE, addressed Council. He talked about Option D that was brought up with regard to ag lands. He noted that Montgomery County on the east coast is the only place where TDRs have worked and the TDR concept might not work in Snohomish County. He suggested the 9 cities having ag designation in them join together to repeal findings. He pointed out that County

Planning had 3 public hearings with 250 people testifying and 94% were in support of Option D but because it wasn't put together by the County Planning staff, it was not adopted, however they did include 5 parts of Option D in Option C, he said. He talked about the "right to farm" legislation and said that works when the farmland is still able to be farmed but if it's no longer able to be farmed, and no longer actively being farmed, that does not support the balance of ag in this county, he said and he compared the figures--103 down to 92 dairies now left in Snohomish County. He noted only 2 dairy companies are left in this County--Darigold and Vitamild with no processing plants left. They are going to process the milk in Sunnyside now, he said and added that corn, peas, dairy products, are all looking to Eastern Washington and it's on the decline in Snohomish County. The right to farm legislation is very unfair to those who wish to remain on their land, he said and do not wish to farm their land. He added that he realizes hindsight is better than foresight in this regard but this county is not a friend to agriculture, as evidence by their legislation and the right to farm land that's no longer ag and passing that along to each of the cities with TDR programs, etc., that's a very low level of confidence between the county and the city, he said. He added that there has to be cooperation in these types of things, annexations, for example, and unfortunately, you have to work with the county and they are not doing any of the cities any favors when they come out with the ag preservation designation, etc.

Mayor Weiser invited discussion about the proposed response from staff to the county and he asked City Planner Hirashima what the deadline is for that response.

City Planner Hirashima said the GMCC will be meeting 9/8 in order to respond back to the county by 9/10/93.

Councilor Pedersen asked about Mar 5 and Councilor Herman launched a discussed regarding the Smokey Point area, asking if that is to be an independent planning area.

City Attorney Weed said no, planning is to be within areas currently incorporated and urban in nature. The county may look at this as a separate planning area but not to be included within the IUGA, he said.

Councilor Herman said he thinks it should continue to be kept as a joint planning area and invited public input.

Councilor Pedersen said she felt the Smokey Point area should be decided by people who live in Smokey Point but she agrees it should be retained as a joint planning area between Arlington and Marysville.

Councilor Baxter stated he thinks Marysville should put a moratorium on water and sewer until something is decided; Marysville seems to be excluded from being able to have Smokey Point as part of their IUGA and yet Marysville is providing Smokey Point with water and sewer.

There was more discussion about Smokey Point: joint planning area, input from Smokey Point regarding their own future, joint planning with Arlington or the county, county being the only jurisdiction body, meetings have been going on for many years and the county keeps saying Smokey Point people should determine what they want, revenue from that area is very attractive, consensus to include within joint planning area (Mar 5 and Arl 1 areas).

There was then discussion about Mar 2: future land use, still having public hearings on the Comp Plan, a lot of opposition to commercial use in Mar 2 (near Getchell Hill).

City Planner Hirashima noted that since the Planning Commission has recommended Alternative 2 of the Comp Plan, multifamily and commercial uses have been very controversial, especially when proposed in extremes. There was a proposed version with small nodes of multifamily and commercial in the past, she said and the Getchell Hill area has had mixtures discussed with mainly negative reaction from the public. She said if Council wishes to exclude this from the IUGA, it would be excluded from the Comp Plan and it doesn't matter what the designation. It was noted you are dealing with both issues here, the Comp Plan update and the IUGA boundaries. It was the majority of Council opinion to include this area in the IUGA depending on designation under the Comp Plan.

Councilor McGee left Council Chambers at 8:50 p.m.

Mar 1 was then discussed with regard to drainage issues, including highlands and excluding lowlands on the east side.

Councilor McGee returned at 8:52 p.m.

Discussion continued regarding Poortinga's property, density transfers, drawing the IUGB to concur with property lines, land use factors, excluding this depending on future use, developing a golf course there, eg., density issues, lot sizes, development of further policies, including this area in IUGA does not necessarily mean it has to be developed 100%, sensitive areas ordinance will protect most of that area as they would meet wetland definitions, on site transfers must be utilized before off site transfers, recreation or other ultimate land use does not matter at this point, actually this area is probably not 100% usable, very difficult to bisect, Diking District 3 would continue to exist, City does contribute in kind services to Diking District 3, including this area in IUGA would not change City's jurisdiction or lack of jurisdiction.

City Administrator Zabell noted that whether the property is in or out of the City, there are still flood plain, diking and drainage problems there.

City Planner Hirashima said staff has had a couple meetings with Pete Poortinga and Ken Hilton and the City is studying the drainage problems and will likely bring this back before Council. She said there is also a possibility of the City taking over the diking district.

Councilor Baxter said he thinks the Poortinga farm should be annexed into the City; the City is the one with the most at stake and need to protect the property from being flooded and this would give them some control.

City Planner Hirashima said whether it is left within the IUGA or not, it should not be split as the county suggested, it should be all included or excluded.

Councilor Wright said she would be in favor of it being included within the IUGA.

Councilor Baxter brought up the flood gate issue and who would have jurisdiction over them and City Attorney Weed said the City has authority to deal with drainage issues and would have more flexibility if the property were to be annexed into the City.

Councilor Baxter said the whole area is probably going to end up in the City's lap in the long run and suggested including it in the IUGA.

Councilors Myers and Pedersen were both in favor of including it but Councilor Herman said he wished it excluded or divided, so that the lowlands are excluded and the highlands included within the IUGA.

Regarding Mar 4, City Planner Hirashima stated the Planning Commission recommended to include this within the IUGA. She stated the Planning Commission's Alternative 3 showed an excess compared to population projections for other areas and Vision 2020 would encourage a higher population in major areas such as Lynnwood and Edmonds. She said Alternative 3 was based on existing patterns of growth, eg. in the range of 14,000 to 19,000 projected for the Mar 4 area. She asked about SCT forecasts/discussions/decisions.

Mayor Weiser stated the steering committee still has not made a decision although the figures are to be target figures. He said he was just sent more language this afternoon but has not had a chance to review it. He added there's been a general agreement to let the cities do their own planning within the cities for population forecasts, however.

Councilor Herman commented on the undevelopable ag lands and the fact we don't know how the TDR ordinance is going to work yet. He stated this is a complicated subject, concerning farmers who may want to retire, eg.

Mayor Weiser asked if Mar 4 could be designated as a mixed use and asked how the TDR ordinance would affect this.

City Planner Hirashima said the TDR ordinance can have an affect no matter how this area is designated.

Discussion followed concerning ag land and telling a person that they should continue farming it whether they want to or not, property along 67th, eg. which is not developable, would be more appropriate for commercial (greenhouses), etc., ag accessory use, urban services, farmland will probably remain farmland, possibly industrial use, small commercial uses, business park, job center designation for Marysville, having proximity to a major arterial/railroad, land use issues, philosophies, policies, developing Marysville as a job center, development rights might be the only way to save some ag lands so that they are more appropriately designated, eg. allowance of some kind to have a retail operation, greenhouses vs Boeing aircraft interior plant vs. land use regulations and zoning, main concerns are that people don't want to have their neighbors doing things that annoy them, "resource land of long term significance"--does this area meet the GMA definition of that? That needs to be considered, as well as RUSA boundaries, by including property into the IUGA how soon will it change from ag, for example? What's the vision for different areas?

Councilor Herman said if the bigger criteria/picture sees fit to vote for duplexes in his single family neighborhood, then he will and did, in fact, go along with that. He recommended inclusion of Mar 4 at this time. Consensus.

With regard to Mar 3: City Planner Hirashima stated staff recommends cutting it off at 100th or 108th, the Planning Commission recommends exclusion. There was discussion, she said, related to topog and excluding it would permit the larger parcels that now exist.

Discussion followed regarding infrastructure, larger lot sizes, topog issues, would be a good area to exclude for the time being, boundary at 92nd.

City Planner Hirashima commented that the staff has been looking at the potential of extending 88th and a water line extending down 100th; a major east-west arterial is being extended at the north end and an enormous amount of activity does exist in the area.

When asked why 100th for the extension of the water line, City Administrator Zabell said 100th is the best site for a 6 million gallon reservoir.



Mayor Weiser asked about City owned property, such as a reservoir and the property it's on, outside of an annexation area/IUGA and City Attorney Weed said there is a potential conflict and would be a legitimate argument for including in the IUGA the area that would include a reservoir.

Councilor Baxter stated he had the same argument with regard to the transmission main on 108th.

Councilors Wright, McGee, Myers, Baxter, Pedersen and Leighan all agreed on 108th as being a logical boundary; Councilor Herman said he preferred 92nd.

There was discussion as to whether or not to include south of 108th and east of 67th and the vote was 4-3 to include that area within the IUGA.

LEGAL MATTERS:

1. Contract for Architectural Services; Marysville Library; The Lewis Architects, Inc., P.S. (cont. from 8/23/93).

City Administrator Zabell gave a bit of history of the many issues that have been studied over the last 3-4 years, feasibility study for the library, Sno-Isle annexation, etc. He stated this is Stage 2 and gave a chronological history of events leading up to the Lewis Co. contract and what it covers.

Cindy Lyons addressed Council, stating she has been working with the architects; there was an RFP for the feasibility study and out of 3 architects, the Lewis Co. were preferred. They have worked with the board well, they are very available, with site plans, etc., she said and they gave a presentation and public information meeting which were well received. They have been great to work with she said and added that the library board visited their buildings and preferred overwhelmingly the work of the Lewis Co.

City Attorney Weed explained that the American Institute of Architects (AIA) form/contract that the Lewis Co. has proposed is used extensively with architects. The City identified some areas that might need some modification and so that has been done with an amendment which is agreeable to the Lewis Co., he said.

Councilor Leighan asked about the NTE figure of \$250,961 and City Attorney Weed said that was negotiated with a cap.

City Administrator Zabell explained the consultant, soils engineer and civil engineer responsibilities concerning this project.

Councilor Pedersen asked about reimbursed expenses such as transportation, reproduction, postage and handling and asked if a per mile rate could be included and/or a per copy rate.

City Administrator Zabell explained the reproduction is not really plain copying, but rather reprographics of bid and planning sheets as well as preliminary drawings. He said a 25 cent per mile rate had already been proposed.

Councilor Pedersen asked about the composition of the library building committee and Cindy Lyons said it was made up of two members each from the Sno Isle Regional Library System and the local library board, Sno Isle staff, Marysville library staff and two City Council members.

Councilor Pedersen agreed that Mr. Lewis is very efficient and pleasant to work with. Councilor McGee said he also seems very knowledgeable.

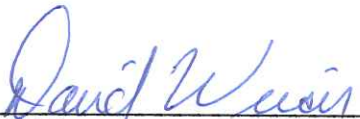
Councilor Pedersen moved to authorize the Mayor to sign the contract with the Lewis Co. Architects, substantially as presented. Councilor McGee seconded and the motion passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:33 p.m.

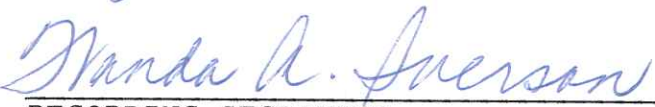
1. Real Estate.
2. Personnel.
3. Pending Litigation.

RECONVENE & ADJOURN: Approx. 11:30 p.m.

Accepted this 7<sup>th</sup> day of September, 1993.

  
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MAYOR

  
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CITY CLERK

  
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RECORDING SECRETARY