

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 25, 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 (7:07 p.m.)
Administrative Staff:
 Dave Zabell, City Administrator
 Gloria Hirashima, City Planner
 Grant Weed, City Attorney
 Ken Winckler, Director of Public Works
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the Council meeting to order and led the flag salute.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

There being no corrections to the Comp Plan Workshop 10/7/93 Minutes, Councilor Wright moved and Councilor Pedersen seconded to approve them as written. Passed unanimously.

Councilor Myers noted in the 10/11/93 minutes, on page 6, the 4th paragraph should read: "Ms. Klein-Bosh ended by requesting that the Council take her property out of the annexation or turn down the rest."

There being no further corrections, Councilor McGee moved and Councilor Myers seconded to approve the 10/11/93 minutes as corrected. Passed unanimously.

Mayor Weiser explained the approximation of times on the agenda and noted it was consensus of Council to limit Audience Participation, Staff Business, Mayor's Business and Call on Council to 5 minutes, otherwise these items should be continued to the next week if they run over the 5 minutes.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Laura Wild, 8830 62nd Dr. NE (Oakwood Estates), addressed the Council. (It was noted there is a letter in the packets concerning this.) She explained that she was billed for 3 months garbage service by the City but she did not use the service as she did not even know the City had taken it over from Waste Management Northwest. She explained that she recycles extensively and because has so little garbage (one small bag a month), the Wilds were actually sharing garbage service with their neighbors. She said she knows now about the mandatory garbage service within the City but she said she feels there should be some way where someone who produces so little garbage could receive incentive, such as the City going by weight of garbage. She explained the Wilds have now signed up for once a month service but she was not aware of the whole situation until she received a billing for \$44.79 from the City for garbage, added to her water and sewer bill. She stated she spoke with Councilor Herman as well as Janet Berg, Asst. Finance Director about this.

Mayor Weiser explained mandatory service in the City and City Attorney Weed confirmed that Marysville does have a law on the

books making it mandatory for everyone to have garbage service but he said if there are circumstances where Mrs. Wild was not aware of the situation, it's possible for the City to make an appropriate adjustment and that Mrs. Wild should speak with the Finance Director.

Mrs. Wild stated she spoke with Janet Berg and Janet said to come to Council. She stated they were just added to the City of Marysville garbage service in August or Sept. she believed but had been sharing the neighbor's garbage can and so was probably not notified.

Councilor Myers said he would like to see her not have to pay the \$44.79 and Mrs. Wild added that because they were not using the garbage service, they were not given any notification that the City was to take over the garbage service.

Councilor Pedersen commented that as a courtesy, new garbage customers, she feels, should be notified as the City takes over the garbage service as it would be hard for a customer to remember exactly five years from annexation date, being the date the City is allowed to assume garbage service from Waste Management Northwest. She said she would certainly be in favor of a reduced rate on the months Mrs. Wild wasn't aware of the situation.

Councilor Baxter said he finds it a little strange that Mrs. Wild was not notified because the City should have all the names and addresses of an area they are going to start garbage service in.

Councilor Myers asked what the lowest per month rate would be and Mrs. Wild responded that that is what she's signed up for now: \$8.07 per mo. which is for a mini can once a month.

Councilor Herman noted Mrs. Wild is to be commended for recycling to the extent she does and agrees that she should be given a break: she should be paying \$24 instead of \$44 and perhaps even less.

City Attorney Weed interjected that the City is allowed to have a mandatory garbage service but in this case, where Mrs. Wild received no notice, he said he thinks it would be fair for the City to adjust the bill down to \$8 per month or even a smaller token fee per month, as suggested by Councilor Pedersen.

Councilor Baxter asked how the Finance Dept. came up with the \$44 for 3 months and City Administrator Zabell explained that is \$14.93 per month for three months which is for a 21-32 gal. can pickup per week.

Councilor Pedersen moved and Councilor Wright seconded to charge Mrs. Wild only \$1.00 per month for the months of July, August & Sept., i.e. \$3.00 for the three months total. Findings were listed as:

1. Mrs. Wild did not use the service at all during those three months;
2. There was no notification from the City regarding starting garbage service to the Wilds;
3. Mrs. Wild was not given the opportunity to choose which service she wished;
4. This reduction to \$1.00 per month would only be applicable for July, August & Sept.

The motion passed with Councilor McGee against.

Councilor Baxter said he would like to know how many others might be involved as this might start a stream of requests.

Councilor Leighan said he would like to make sure notification letters are sent out asking people what level of service they wish. City Administrator Zabell said he would follow up on this.

STAFF BUSINESS:

City Administrator Zabell reported the Chamber of Commerce Candidates Forum held Oct. 22 was taped and is being aired four times a day on the community access channel through Oct. 30th. He also reported that 71st Av. on the east side of LaJoy has now been completed but neighbors will be coming before Council soon to have the "no parking" restriction taken off.

City Planner Hirashima reminded Council of the Comp Plan Workshop tomorrow night at 6 p.m. at Jennings Park Barn, also, Growth Management Coordinating Committee meetings 11/15 & 11/16.

Public Works Director Winckler reported today was the first day of the Getchell Hill closure for 30 days and there is going to be a retirement party 11/15 from 4:30 to 7 p.m. at the Tulalip Inn, for Lloyd Taubeneck, Duke Carrier, Lois McQuarrie and others, cost \$11 per person.

City Administrator Zabell added he checked on the Police Budget for the Safety Fair and last year it was \$2,000.

MAYOR'S BUSINESS:

Mayor Weiser reported on the Snohomish County Tomorrow Steering Committee annual gathering coming up which is to honor some retiring members, to go over actions of last year and to talk about what is expected for next year. He asked Councilmembers to let Lillie know if they will be attending this function. He asked about signage re the Getchell Hill road closure at 67th & 88th and Public Works Director Winckler said he would check on that.

CALL ON COUNCILMEMBERS:

Councilor Myers reported he thought the turnout at the Safety Fair was very good this year.

Councilor McGee reported the 1994 Budget Committee meetings have been proceeding well; he will be out of town next Council meeting 11/1/93.

Councilor Baxter reported the Fire Convention in Spokane will be Wednesday, Thursday and Friday and he will be attending. With regard to the cost of developing a system to divert exhaust fumes out of the fire hall when fire engines start up and run, he reported a system for 2 vehicles was estimated to run anywhere from \$8,000 to \$30,000; the Acting Fire Chief is working further on this need.

Councilor Herman noted Metro's underground bus barn underwent solving of a similar problem, but to a much greater degree. It is a very important concern, he said. He reported on a presentation CT had from Altrans showing, among other statistics, that from 1978 to 1993 passenger driven vehicle miles went up 123% but population only went up 30% in that period of time. It was decided that copies of the report should be included in the next week's Council packets/briefings.

Councilor Leighan reported on the new Northpointe Park that is planned and he put an architect's concept on display in Council Chambers. He told a little about the plans and Parks Dept. role in developing the park.

Councilor Wright noted the Rat on a Rat program is still in existence and was also told the police still do get quite a few phone calls.

Councilor Pedersen reported she represented the City at the Marysville Care Center (formerly Havenwood) grand opening recently

and noted what a beautiful facility it is. She followed up on a thank you letter to go to the Grange who provided dinner for her a month or so ago and she asked the City Attorney to check into the possibility and legality of Marysville following other communities' footsteps in lowering the blood alcohol level to be deemed a DWI, from 1.0 to .08.

MAYOR'S BUSINESS:

Mayor Weiser reported on a recent YMCA dance that he voluntarily chaperoned, along with Councilor McGee, Police Chief Dyer and others. He noted it went well with an off duty police officer being paid by the Y to be on hand; there was very little trouble and overall the kids had a good time and it was an interesting evening, he said.

CONSENT AGENDA:

1. Final Plat of Northpointe, Div. 2; PA 9001004.
2. 10/25/93 Claims in the amount of \$241,717.57.
3. Final Plat of Strawberry Hills; Div. 1; PA 8909052.

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

ORDINANCES & RESOLUTIONS:

1. **Ordinance Annexing Certain Unincorporated Area Known as the State Avenue East Area into the City of Marysville.**

City Attorney Weed explained the Boundary Review Board took final action on this and it was returned to Council, as per ordinance in packets.

Councilor McGee moved and Councilor Myers seconded to adopt Ordinance #1968. Passed unanimously.

2. **Ordinance Rezoning Property Owned by Sally Okada and Approving the Preliminary Plat for the Subdivision of State Avenue East.**

Councilor Wright moved and Councilor Myers seconded to adopt Ordinance 1969. Passed unanimously.

3. **Resolution Approving a Shoreline Conditional Use Permit for Starcom Service Corp.**

Councilor Myers moved and Councilor Leighan seconded to adopt Resolution #1643. Passed unanimously.

4. **Resolution of the City of Marysville Stating Its Intent to Annex Certain Property Known as the Blackburn Annexation into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

Councilor McGee moved and Councilor Myers seconded to adopt Resolution 1644. Passed with Councilor Leighan against.

Councilor Pedersen then stated that her interpretation of when the public hearing would start would not preclude it starting at this time (7:45 p.m.). She noted Mr. Bradshaw in the audience and the fact that he has requested to withdraw the annexation request.

City Administrator Zabell confirmed that it was advertised for 7 p.m. and not 8 p.m. as has been done in the past with other public hearings and so it was decided to hold the Public Hearing at this time.

PUBLIC HEARING:

1. Thomas Bradshaw; East Ridge Annexation (cont. from 8/23/93).

City Planner Hirashima reviewed the agenda bill and explained the City received a letter from Jim Egge asking the City to accept the withdrawal of the petition due to ongoing comprehensive plan discussions and issues created by the County IUGA boundary. The applicant has acknowledged that new petitions would have to be signed but he is asking that the file be left open so that he doesn't have to pay new fees; neighbors have been notified of this request, it was reported.

Councilor Myers asked how long the file can be kept open and City Attorney Weed said that's up to City Council. Procedurally, the question is when does jurisdiction attach to this, he said, i.e. when does the City begin to have jurisdiction over this and the answer is jurisdiction attaches when the 60% annexation has been scheduled for a public hearing, which has been done, he pointed out, the same time/date as when a petitioner's signature becomes cast in stone. He outlined the 4 options Council has here:

- Accept/approve the applicant's request;
- Take further public testimony;
- Deny the request;
- Continue the hearing.

Councilor Herman asked what would happen if the Council were to deny without prejudice and City Attorney Weed said that would have the affect of waiving further fees but that he would suggest a time limit of 12 months.

Councilor Pedersen said she would like to hear from anyone who wishes to speak but thinks the City should somehow recover advertising costs when this public hearing comes up again. Also, she noted she would have preferred Mr. Bradshaw's signature on the request as opposed to Mr. Egge's. (It was then noted that Mr. Bradshaw was in the audience and could address this.)

City Attorney Weed noted that this public hearing was opened when the Mayor called on the City Planner and he then swore in those wishing to give testimony.

City Planner Hirashima added that the County did exclude this property from the Urban Growth Boundary.

Councilor Leighan questioned the figures in the file: \$300,200 assessed valuation signing the petition and \$481,700 unsigned.

City Planner Hirashima explained these figures were not the original ones, that they had been developed by Mr. Dibble since to actually show the current lack of support. Originally, 69% of the assessed valuation had signed the annexation petition, she said.

Tom Bradshaw, 11120 Bonneville, Snohomish, addressed Council. He stated there is a lot of confusion in the Interim Comp Plan and the Comp Plan in general. He added this whole annexation issue got to be an emotional one with him and he feels it better to withdraw the request; he said he is sorry it has taken up so much of Council's time, but he feels the Comp Plan should be completed first.

Mark Dibble, 6605 83rd NE, addressed Council. He stated the figures they came up with were after a neighborhood meeting and now a lot of people would like to take their names off the petition. He noted this property was excluded from the county's Urban Growth Boundary.

Catherine Keiffer, 6505 83rd Av. NE, addressed Council. She said

CORRECTED: SEE 11/1/93
MINUTES delete

CORRECTED: SEE 11/1/93
MINUTES 5/6 figures

she would be in favor of Mr. Bradshaw's request also. She said in the future, however, she would like to see on the petition that goes around the actual plan for the area: it was originally a house, then a house-grocery-gas station and at the end, a strip mall. She said she thinks the neighbors should know this upfront and be able to make an honest decision whether or not they want to be annexed.

Councilor Herman commented that he didn't think there was a formal notification process for each area to be annexed and Ms. Keiffer added there was confusion with the neighbors.

City Planner Hirashima agreed there is more confusion at this time because of the Comp Plan not having been completed; it was a matter of timing in this case, she said.

There being no one further from the audience wishing to speak, the public testimony portion of the hearing was closed at 8 p.m.

Councilor Leighan asked if advertising fees can be separated out from the total annexation fees and City Planner Hirashima stated mailing/postage/advertising cost \$55.00 to date, not including staff time.

It was noted that the applicant had already paid \$500 for the annexation fee plus \$100 for the SEPA checklist fee and to send out the hearing notice originally was \$31.00 in postage.

Councilor Pedersen asked if the SEPA review would still be valid in a year and City Planner Hirashima said some reevaluation may have to be done with UGB and Comp Plan completion in the meantime.

Councilor Leighan stated he would want to make sure enough money is held out for readvertisement, eg., \$75 out of the \$500 and perhaps another \$100 for the SEPA review to be redone.

Councilor Pedersen moved to deny the annexation request without prejudice for 12 months (to 10/25/94) with no further fees to be charged the applicant except advertising, mailing and SEPA review, if necessary, at that time. (It was discussed that the applicant would forfeit the entire fee in the event he decides not to come back in with a new annexation petition.)

After brief discussion, Councilor Herman said he would provide the second to the motion with the provision that a notification be made to all parties of record and Councilor Pedersen agreed to include that in her motion. Passed unanimously.

PRESENTATION:

1. Department of Transportation.

Jim Eastman with WSDOT, P. O. Box 47370, Olympia, WA 98504, addressed Council and stated this rail passenger program has had overwhelming support from the state legislature this year. He also noted they made this presentation to the City of Marysville's planning committee recently. He showed a 14 minute video depicting the Amtrak high speed rail passenger service proposed from Vancouver, B.C. to Eugene, Oregon. It talked about an ultimate goal of 90 mph, utilization of present rail systems, noting this is one of 5 HSR networks in the nation. Mr. Eastman talked about the many improvements to the rail system and crossings in order to accommodate the high speed rail system, safety standards being a very high priority and funding.

Ken Uznanski, Planner with WSDOT, reviewed the handouts which talked about the incremental speed increases in various localities, grade crossing improvements, the differences between the passenger and freight trains. It is calculated that 3 hrs. &

55 mins. from Vancouver to Eugene would make this service feasible, he said.

Councilor Baxter asked about the bridge locks on the bridges south of Marysville as referred to in the handout booklet and how this would affect boat traffic. He also noted the City plans to reopen the 5th St. railroad crossing.

Mr. Uznanski stated the boat traffic was taken into account, that the bridge locks are a safety feature put into effect while the passenger train goes over the bridge and it is only for a few seconds. He stated the City's 5th St. crossing is not included as a crossing in Amtrak's plan but WSDOT will work with the City and to open it the City would have to work with BN.

Councilor Baxter asked about an agreement of some kind and Mr. Uznanski said WSDOT is willing to work with the City and BN; they realize that some adjustments may have to be made with local jurisdictions to come to a resolution of all concerns, he said.

Councilor Baxter mentioned speed lowering within City limits and fire hazards in the drier weather. He noted there have been as many as 25 spot fires in the past when sparks from the brakes are thrown out into dry grass.

Mr. Uznanski explained that passenger trains are lighter in weight than freight trains, they are shorter and have less braking requirement and so there is just not the same fire hazard as with freight trains. He said they are willing to work with the local jurisdiction with regard to the fire hazard and he added he is very familiar with the fire hazard as he is from North Dakota where these types of fires used to be started all the time. He said WSDOT is committed to keeping the fire hazard to a very minimum.

Councilor Baxter guessed that with the improvement of the rail, the freight traffic will increase and hence more trains going through Marysville.

Mr. Uznanski said he thinks that's possible, whether there is a passenger train or not because freight traffic is increasing generally.

Councilor Pedersen had some questions about the map on page 10 and noted that Marysville has a unique situation, with the railroad going right through town with a lot of children living nearby, etc.

Mr. Uznanski said they recognized this, noting Mount Vernon and Burlington are in similar situations but part of their plan is for public education of the higher speeds and that's one of their priorities--education--and the other is safety, he said.

Mayor Weiser asked about the locking devices on the Ebey Slough bridges and explained the bridge tender job now is to put the locks out.

Mr. Uznanski explained the locks would all be operated electronically.

Councilor Leighan asked if there had been any noise study done and Mr. Uznanski said he didn't know of any for Marysville but with the higher speed passenger trains the noise level is very low. Also, they will be making only one round trip per day, he added.

City Administrator Zabell said he has some concerns about upgrades to private and public crossings. He noted there was a fatality about 12 years ago at the 86th crossing and that and the 92nd crossing are both below grade.

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Mr. Uznanski said they are currently studying how to deal with private crossings; the state has no jurisdiction on these crossings and they recognize there are a considerable number of private crossings within the system that they will have to deal with.

Councilor Wright left Council Chambers at 8:45 and returned approx. 8:47 p.m.

Councilor Herman asked about the average speed proposed from Seattle to Vancouver and Mr. Uznanski said 48 mph initially.

Councilor Herman recapped that WSDOT is looking to all the local communities to sign off on the speeds in order to make this plan viable. *He noted the ultimate authority is Washington State Utilities & Transportation Commission to approve or deny the speed change and the City of Marysville has only an advisory capacity in this.* Mr. Uznanski confirmed this to be the case and said WSDOT would like all the local communities' cooperation as well as the counties' and state, for the whole program.

CORRECTED: See 11/1/93
Minutes add sentence

Councilor Herman said he is torn between wanting to see improvement to transit and safety concerns; 90 mph will have a substantial impact on local communities.

Mr. Uznanski said the initial goal is for a maximum of 79 mph by 1999.

Councilor Herman said his concern is whether this is an appropriate speed and he asked about the jurisdiction of the utilities commission, federal funding, anticipated improvements, grade separations.

Mr. Uznanski explained for 90-100 mph gates at railroad crossings are OK, above 100 mph the crossing needs to be enclosed or else have a grade separation and be primarily away from urban areas. He said they hope to have improvements in place by 10/94; Amtrak is committed to rolling stock if the improvements are in place by then.

The consensus was to have a Council Workshop and to get back to Amtrak/WSDOT after the workshop is held.

Mr. Eastman stated the plan was to take the higher speeds to the utilities commission in November and he noted they do have a generic resolution prepared for the City's use. He also presented a poster to the Mayor called "The Future is on Track."

CURRENT BUSINESS:

1. Amendments 7 & 8; James M. Montgomery; Professional Services Contract; Everett/Marysville Pipeline.

City Administrator Zabell reviewed the agenda bill, noting staff recommends approval of both amendments. He noted Council was aware this was going to come up and City Attorney Weed expanded somewhat, noting there are a number of things that the City has to deal with, including audit.

After brief discussion, Councilor Baxter moved to approve Amendments 7 & 8, Councilor Pedersen seconded and the motion passed unanimously.

2. Fagan Annexation; 60% Petition; PA 9306023.

City Planner Hirashima reviewed the agenda bill, noting 100% of the assessed valuation has signed and staff recommends acceptance of the 60% petition with a public hearing to be set for 11/22/93. She noted annexation would include assumption of the City's bonded indebtedness and temporary land use designation of 1-4 du/acre.

Councilor Baxter moved and Councilor Myers seconded to accept the 60% petition as recommended by staff. Passed unanimously.

NEW BUSINESS:

1. Utility Variance; Tom Powroznik; 5612 132nd St. NE; UV 93-016.

Director of Public Works Winckler reviewed the agenda bill, noting the property is outside City limits and RUSA but within the CWSP. He explained wells in the area have been found to contain arsenic as well as high mineral content and a previous variance was granted just north of this property. No new information has come to light since that approval, he said.

City Administrator Zabell added that he attended a meeting with the owner of the Ottercrest system and they incorrectly filled out the form and the county consequently determined this not to be an expandable system and that is why they are having to come to the City now.

Councilor Baxter moved and Councilor Myers seconded to approve the utility variance, based on staff recommendation. Passed unanimously.

2. Utility Variance; HKS Partnership; 2500-2700 169th St. NE; UV 93-015.

Public Works Director Winckler reviewed the agenda bill, noting the property is outside City limits and RUSA but within the CWSP. He noted it had been decided there should be no more hookups until the water Comp Plan has been completed in Dec./93 and also, the sewer system is at its limit. Staff recommends denial of the water request without prejudice until the water comprehensive plan is developed and denial of sewer services due to limited capacity of ULID 3.

Councilor Pedersen referred to past history of the project and surrounding properties and City Administrator Zabell gave some background, noting the property adjacent to this was also denied.

Councilor Baxter said he would like to look at this at the next RUSA meeting 11/4/93 as this is part of the Lakewood water triangle.

Councilor Baxter then moved to deny the water and sewer request without prejudice for up to six months (to 4/30/94) and Councilor Myers seconded the motion. It was discussed that continuing the matter would accomplish the same thing. Passed unanimously.

3. Conditional Use Permit; YMCA & Food Bank; PA 9304014.

Mayor Weiser explained public comment will be accepted but limited to whether or not the Council should hold its own public hearing.

City Planner Hirashima reviewed the agenda bill, noting the plan is for two phases and this would void previous final approval of the site plan. She also stated staff is recommending Condition 11 read: "11. The one year time frame to obtain a building permit shall commence from the date of binding site plan approval for each phase; provided a one year extension may be granted upon written request and upon showing substantial progress towards completion of the project."

Mayor Weiser asked about TIP 2 and the intersection at 67th & 528 and City Administrator Zabell explained these improvements will be covered with growth management funds, developer mitigation fees and some state hazard elimination funds.

Mayor Weiser asked about recovery by the school district.

Bill Roberts, 4129 76th St. NE, addressed Council. He said he is really proud to be part of this project and is Building Chairman. He said with regard to amending Condition 11, they are attempting to build the Y in 2 phases, the first phase would be a full YMCA facility and the second would be to add on to that. He said the timing is extremely important; they expect to take almost a year before they break ground, building would take 6-8 months and when they come back with the second stage would depend on contributions received. He said he would encourage the staff's recommended additional wordage for Condition 11.

Mayor Weiser asked if a site plan had been done as yet and Mr. Roberts said yes, it includes the basic placement of the building, parking lot, etc. and they are now starting to refine that.

Mayor Weiser asked about placement of the facility in proximity to 528 for feasibility of a transit stop and Mr. Roberts said the Y is in favor of a bus turnout on 528 or possibly within the facility.

Mayor Weiser said he could see the possibility of the Y providing a turnout for a trade off of TIP fees.

Councilor Pedersen asked about the significance of Council members who have contributed to the YMCA Building Fund and City Attorney Weed said that could be made public in the event of a public hearing.

Mr. Roberts noted that from the financial standpoint, the Y has the opportunity to close on the property tomorrow and if a public hearing on the bus turnout is deemed necessary, it would probably be to the benefit of the Y and the City and hopefully the Y would not have to pay TIP fees.

Councilor Pedersen moved to affirm the Hearing Examiner's recommendation to approve the Conditional Use Permit with the one change to Condition 11, inserting the words "for each phase". The motion was seconded and passed unanimously.

4. Transfer of Densities; PA 9306022.

City Planner Hirashima reviewed the agenda bill, noting they have received recommendations from the City Attorney and are now recommending a workshop with the Planning Commission and Council.

Councilor Pedersen suggested having this in conjunction with a PRD Workshop.

Councilor Baxter asked for an explanation of the need for a Transfer of Densities ordinance and City Planner Hirashima explained this was brought up during the review of the Sensitive Areas Ordinance and because of the increased buffer requirements, protection of wetlands, etc., transfer of densities would offset the restrictions, was the original intent. Another issue that has promoted this is the Growth Management Act which states that ag and resource land shall not be placed within the UGB unless you have a Transfer of Densities ordinance in place and Marysville is proposing to include ag areas within our UGB/City limits, she said.

Councilor Baxter said he feels this may be opening a "can of worms" and City Planner Hirashima agreed Council needs to examine whether this is the direction the City wants to go.

Councilor Pedersen said she would like to see City Attorney Weed at the workshop and feels the Transfer of Densities is a very "sensitive" ordinance.

City Attorney Weed said there are a significant number of legal

issues involved, it interfaces with the SAO, PRD, etc. and is a very complicated ordinance. He noted the county hired a private consultant on the TDR concept who issued a 100 page report, so it's a very "grey" area right now that needs careful study.

Councilor Baxter moved to have a workshop for the TDR and PRD ordinance, to include the City Attorney to be in attendance. Councilor Pedersen seconded and the motion passed unanimously.

LEGAL MATTERS:

1. Interlocal Comprehensive Youth Gangs Program.

City Administrator Zabell noted this will cost the City 39.4 cents per capital, totalling \$5737 a year, based on a population of 14,570. Staff recommends approval of the interlocal agreement, he said.

Councilor Wright moved and Councilor Herman seconded to authorize the Mayor to sign the Interlocal Comprehensive Youth Gangs Program Agreement.

Councilor Leighan commented on the availability and resources of this program and that the City should be using it as an educational tool.

The motion passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:47 p.m.

- 1. Litigation (Withers & Elveson).
- 2. Real Estate (Right of Way acquisition).

RECONVENED AND ADJOURNED: 10:16 & 10:17 p.m. (No Action)

Accepted this 1st day of November, 1993.

David Weiser

MAYOR

Mary P. Swenson

CITY CLERK

Standa A. Swenson

RECORDING SECRETARY

CORRECTED: SEE 11/1/93
MINUTES 56 Capital

CORRECTED: SEE 11/1/93
MINUTES 56 Volgeson