

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 23, 1994 00 20

CALL TO ORDER: 7:00 p.m.

MINUTES OF PREVIOUS MEETING: May 9, 1994 Approved

AUDIENCE PARTICIPATION: None

STAFF'S BUSINESS:

1. First Quarter Financial Report Information Only
2. Garbage Truck/Fire Truck Funding Information Only

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. Vacation of Alley; Robert Cole Postponed to 6/6/94
2. Brennick Annexation Postponed to 6/6/94

REVIEW BIDS:

1. Multi-Channel Communication Dictaphone Bid Accepted  
Recording System

CURRENT BUSINESS:

1. Comp Plan Public Hearing Date Set for 6/13/94
2. TIP No. 4 - Improvement of 528 Public Hrg. set for 6/27/94  
from 67th Av. NE to 83rd Av. NE

NEW BUSINESS:

1. Utility Var. Bud Darling UV 94-007 - Denied without prejudice  
for one year
2. Utility Variance NORETEP/Peter Denied without prejudice for  
Poeschel UV 94-006 one year
3. Utility Variance Pacific Coast Approved to 11/30/95  
Feathers UV 94-005
4. Police Lieutenant Position Approved  
Proposed 7/1/94 Hire Date
5. Parking Revision 5th St. & Delta - Approved

CONSENT AGENDA:

1. Authorize Mayor to Sign Supple- Approved  
mental Agreement #1 to Reid  
Middleton Prof. Svcs. Contract  
for Grove St. project
2. Liquor License Renewals for Approved  
Billy Bob's, Chevron/PDQ Oil Co.,  
4th St. Market & Deli & Market  
Place of Marysville
3. 5/23/94 Claims - \$293,816.15 Approved
4. Preliminary Plat of Kruse Approved  
Verde; PA 9312038
5. Authorize Mayor to Sign Inter- Approved  
local Agreement for Growth  
Management Planning
6. 6 Mo. Extension of Utility Var. Approved  
Request; HKS Partnership UV 93-015

ORDINANCES & RESOLUTIONS:

1. Subdivision Ordinance. Ordinance #1986 Approved
2. Ord. Amending Table of Permitted Ord. #1987 Approved  
Uses to incl. Miniature Golf Course  
as a CUP in RML, RMM & RMH Zones
3. Ord. relating to Shoplifting Ordinance #1988 Approved
4. Res. Granting CUP for Graham Resolution #1684 Approved

LEGAL MATTERS:

1. Interlocal Agreement for Mayor authorized to sign  
Emergency Veh. Operation Trng.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:35 p.m.

1. Litigation (No Action)
2. Real Estate (No Action)
3. Personnel (No Action)

RECONVENED & ADJOURNED: Approx. 11 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00 27

MAY 23, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Pedersen, Mayor Pro Tem  
Ken Baxter  
John Myers (excused)  
Dave McGee  
Donna Wright  
Mike Leighan  
Otto Herman  
Administrative Staff:  
Dave Zabell, City Administrator  
Gloria Hirashima, City Planner  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director  
Bob Dyer, Police Chief  
Wanda Iverson, Recording Secretary



CALL TO ORDER:

Mayor Weiser called the Council 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 THE PREVIOUS MEETING:

Councilmember Herman noted in the 5/9/94 minutes, near the bottom of page 2, second to last paragraph, that after the words "safety issue" the words "regarding fencing of the lagoon" should be inserted and "as far as protecting adjacent neighbors for the inside property" should be deleted.

Councilmember Leighan noted under Staff Business on page 1, City Administrator Zabell reminded Council of the meeting of Council representatives to the Fire Board not as stated in the minutes.

There being no further corrections, Councilmember McGee moved and Councilmember Herman seconded to adopt the minutes of 5/9/94 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

Finance Director Wilson passed out First Quarter 1994 Financial Reports and noted this is the first time this has been prepared. He referred to the second page where there are 4 columns and he noted the percent column is the percentage of the 1993 and 1994 budgets respectively. He said on revenues, most of them are consistent throughout the year except for property taxes because most of the first half property taxes would be in by June, i.e. received in the second quarter. In the building area, the City is on schedule with permits and other charges but he said to keep in mind the 1993 estimates were low so you will see a higher percentage of the 1993 budget/revenues.

In general, he said the City is on track with revenue projections. With regard to expenditures, there will be higher expenditures in the street dept. during the summer months, not in the first quarter, he said and he added that City Council and Finance are quite high due to insurance, dues, etc. that are due at the beginning of the year. Basically everything is on track with what is expected at this time, he concluded.

Councilmember Pedersen asked about Column C - Surface Water Utility Fund Investment Interest - \$1,000 and the correction was made.

Finance Director Wilson then talked about the Funding of 2 Fire Trucks and a Garbage Truck. He stated he has looked into the City's participation/bonding capabilities, speaking with both Lee Voorhees (bond counsel) and Steve Gaidos of Seafirst Financial Corp. It was noted that payment for the fire trucks would come from joint operations revenue and the total amount of the bonds would be \$695,000 for the three trucks. He noted the councilmatic bond limit will be raised 6/9/94 to a little over \$12 million. With the City's present debt at \$500,000 that will leave a balance of \$700,000 which would accommodate the \$695,000 for the 3 trucks, he stated. He said he doesn't see anything else coming up in the next few years so this is feasible. Also, he looked into how to sell the bond and there are 3 options: 1) conventional bank loan; 2) bond issue at a variable rate; 3) bond issue on a fixed rate. He said the bank offer was 4.15% variable interest or 5.64% fixed but Steve Gaidos said he could offer 3.6% to 5.1% on a tiered rate until the bonds are sold to the market. Finance Director Wilson asked whether the Council wished to opt for the variable rate, sell to the market or opt for the most costly option of 5.64%. Also, whether the bonds should be issued for the full amount and then have the fire dept. reimburse the City and at which rate?

Councilmember McGee asked for Finance Director Wilson's recommendation and he said the variable rate does have a risk and his feeling is when the City gets close to selling on the market, he would opt for the fixed tier rate.

Mayor Weiser asked about criteria for the variable rate and Finance Director Wilson said it's generally based on the primary rate, on a quarterly basis.

Councilmember Pedersen asked who would have ownership of the fire trucks and Finance Director Wilson said under the joint operating agreement it would be joint ownership.

Councilmember Leighan asked about annual payment on the two fire trucks vs. how much the City is paying the fire district.

Finance Director Wilson said the payment on the trucks would be about \$120,000 a year and on a fixed tier rate it would be about 3.6% to 4% the first year and then the interest rates would get higher the second year, approx. 4.1%, with the top end about 5.1% vs. the bank rate of 5.6%.

Councilmember Pedersen asked if the City has an understanding with Fire District 12 that they would be paying some of the costs of the bond issue also and Finance Director Wilson said the money is pooled and the service fees and costs would come out of the pooled funds on a proportionate basis.

Councilmember Herman asked about a combined bond issue and entering into a joint contractual arrangement.

City Attorney Weed said that would be wise in order to meet auditing requirements.

Councilmember Leighan asked about bonding fees and Finance Director Wilson said the total cost would be highest with the bank, the lowest on a variable rate.

Councilmember Baxter noted that in the past the City has always gone with a fixed rate and Finance Director Wilson said yes, the rates are moving but he would look at both bank fixed rate and the tiered rate at the time this goes to issue. He said it will probably be brought back to Council in June with the sale taking place in July and he would like some direction from Council.

Councilmember Herman moved to direct Finance Director Wilson to look at the lowest cost fixed rate bond option for the combination of the 3 trucks with City Attorney Weed to draw up a contract as discussed. Councilmember Baxter seconded and the motion passed unanimously.

City Administrator Zabell reminded Council of the PRD Workshop and tour 5/23, with the tour at 5 p.m. and the actual meeting at 7:00 with the Planning Commission, sandwiches to be provided.

City Attorney Weed spoke about a press release regarding a challenge to Snohomish County regarding wetlands and said he could provide the full wording to anyone interested.

City Planner Hirashima reported there will be a Parkside Manor neighborhood meeting Wednesday at 7 p.m. regarding construction plans.

Director of Public Works Winckler noted the RUSA meeting has been changed from 6/2 to 6/9/94. He reported on the Adopt-A-Street program: There were 2 participants recently, the Moose Lodge and Strawberry Fields Clubhouse. Also, Mike Coles of BN did send a letter to the City officially denying the request for the reopening of the railroad crossing at 5th St.

Public Works Director Winckler also reported Hammond Collier Wade is working on plans for a trail system around the WWTF and have submitted a drawing for roadway, walking path, fence along the toe of the hill, plans for some fence removal.

City Administrator Zabell noted this was a result of the last RUSA meeting and it is felt this is something that will meet the original goals by the lagoon.

MAYOR'S BUSINESS:

Mayor Wieser reported that at the last golf committee meeting they could not come to an agreement so they are going to have a workshop. Several dates were suggested at this time and the one finally agreed on was 6/2/94 at 7 p.m. in the Fire Training Room. He noted the AWC is sponsoring an Energy Facility Siting Seminar at the Seatac Holiday Inn 6/23/94 and for anyone interested in attending to let Mary Swenson know. The third item Mayor Weiser brought up was with regard to the BN speed issue. He said there is a letter to be included in the Council's next briefing and any comments can be submitted to Mayor Weiser who will take them to an upcoming meeting with BN.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen stated that in view of the 5th St. railroad crossing denial she would like the City's comments on BN to be stronger (with regard to the speed issue, etc.). She asked about final plat maps, etc., to be made available at the upcoming Parkside Manor neighborhood meeting. (drainage plans, etc.) and City Planner Hirashima said she would make sure these are available.

CORRECTED: SEE 6/6/94 MINUTES s/b fo

Councilmember Pedersen reported on the safety display recently put on at the high school where they simulated what could happen in a drunk driving accident, complete with 9-1-1 response, helicopter response, medical treatment at the scene of an accident, the medical examiner's role when there is a fatality, etc. She noted the participants included MPHS students, members of MADD, the Washington State Patrol, Marysville Police Dept., Harbor View Hospital (helicopter) and it was hoped this drama might send a message against drunk driving, especially with graduation coming up.

She also reported on her participation in a Fire Arms Safety Training (FAST) Class which is the same training the police officers go through and it included precautions to be taken when stopping a vehicle, prisoner escort, etc.

Councilmember Herman said he regretted not participating in these events and it would help if these weekend events are publicized at least a week ahead of time.

Councilmember Leighan asked about ankle parking on Cedar near the ball field. He reported the Parks Board and Planning Commission will be having a joint meeting 5/31 with the Parks & Recreation component of the Comp Plan to come before Council probably 6/23/94. He asked about odor control by the lagoon and also reported that the Petting Zoo just reopened and is off to a good start this year.

CORRECTED: SEE 6/6/94  
MINUTES s/b Angle

Councilmember Wright reported on her participating in the FAST program also. She asked about the next CHP meeting and City Administrator Zabell stated the Navy hasn't done much as yet but he would announce the next CHP meeting when he knows.

CORRECTED: SEE 6/6/94  
MINUTES s/b CHP

PUBLIC HEARINGS:

1. Vacation of Alley; Robert Cole; PA 9401004.

City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill and noted it was requested that compensation be waived by 3 out of the 4 property owners; Mr. Lindberg has verbally communicated his opposition to the vacation at the planning offices. She stated Mr. Lindberg has a shed in the alley area and would need access by way of the alley. She said staff notes the alley conforms to criteria with regard to vacation; one of the issues is that there is an 8" sewer line in the alley and so staff is recommending that easement be retained by the City with no fence constructed on the vacated area. She stated Mr. Cole wished to include the alley in his overall property area for development purposes and she added City Council needs to determine compensation; also there are 4 abutting property owners and Council would need to determine whether all 4 property owners need to vacate at the same time.

City Attorney Weed referred to the legal description, noting property owners other than Mr. Cole were inadvertently omitted however the public notice did include a map and so he said he believes the other 3 property owners would not be biased because all 4 were included on the map.

Councilmember Herman disclosed that he has had dealings with the attorney representing Mr. Cole in that they sit on the same board but there were no challenges from the audience with regard to this.

Councilmember Pedersen asked about the handout and City Planner Hirashima explained "land assessment" refers to each respective lot and based on that value their portion of the alley would be valued at twice what is under "Vacation/Assmt (1/2)".

Councilmember Herman noted the alley is only 10' and City Administrator Zabell explained the inconsistencies in the older plats.

Councilmember Pedersen asked about Mr. Lindberg's shed and Public Works Director Winckler noted there are some buildings right on the easement and he referred to the photos.

David Duskin, Attorney, representing Pinkstons, Cole and Foster, addressed Council. He said they would like to eventually work toward a multifamily development. He explained the alley doesn't go all the way through, as pointed out by staff and Mr. Cole has obtained access because the curbs cut through. He noted approx. one foot of Mr. Lindberg's shed is on Cole's property, the majority of the shed is in the alley, it's on blocks and it is felt the shed should be removed prior to the alley vacation. With regard to compensation, he said as this property would be unbuildable if the City retains the easement and the property will go back on the tax rolls so no compensation should have to be paid by the adjoining property owners. He noted there is a hedge which

may need to be removed but the shed can be moved out of the alley and still have access to it. He noted Mr. Cole is here if Council wishes further information.

Councilmember Pedersen asked about the multifamily development and Mr. Duskin said all 3 property owners wish to go together in developing potentially a 12 unit complex depending on the new Comp Plan.

Councilmember Baxter asked about room for a driveway for Mr. Lindberg and Mr. Duskin stated the property is flat and he doesn't see any reason why he can't rearrange the shed, driveway, etc. He said he is not sure what the setback is but he thinks Mr. Lindberg would be able to comply.

Councilmember Baxter asked about the sewer line and Mr. Duskin stated Mr. Cole has access to it on 8th, the Pinkston's have access to the sewer in the alley.

Public Works Director Winckler confirmed there is an 8" line the entire length of the alley with a manhole at the end of the alley.

Mr. Duskin said it appears there are a lot of sheds built in the alley; he doesn't think it's ever been platted in the City because it was originally in the county.

There was discussion about where the sewer line is, where the manhole is, whether the sheds are built over the sewer line, the City maintaining an easement for the sewer line, not being allowed to build over an easement, 10' setback from the sewer line, Mr. Lindberg would be able to access his shed possibly with an agreement from the neighbors/City.

City Attorney Weed said he agrees that possibly the shed should be removed first, before the alley vacation issue can be settled but the shed may even have been there for 10 years or more and he said that raises an issue of adverse possession.

Councilmember Baxter asked about taking away Mr. Lindberg's access and City Attorney Weed stated no abutting property owner is to become landlocked, is one of the criteria to be met here.

Councilmember Baxter noted he would have to take out hedges and trees to get to his shed and Mr. Duskin noted Mr. Lindberg already is driving across his yard to get to the shed.

Councilmember Herman asked about the access and Mr. Duskin said the importance here is that Mr. Lindberg stores things in the shed and needs to access the shed once in awhile.

There was more discussion about the shed being on the right of way and moving the shed, as well as retaining access through the alley.

Ole Lindberg addressed Council. He stated as far as the shed, that's grandfathered in and he went through this when he bought the place. As far as giving the City an easement, maybe he could have an easement to access his property in return, he said.

City Attorney Weed said he would have to discuss that with the neighbors.

Councilmember Pedersen asked how long his shed has been there and Mr. Lindberg said since 1906. He said he would like to be able to get into his backyard and added that his renter needs the access.

It was noted that Mr. Lindberg actually has 4 lots and Councilmember Pedersen asked him where the house sits. Mr. Lindberg said the house sits on the majority of 2 of the 4 lots.

Bob Cole, 807 Beach, addressed Council. He stated Mr. Lindberg could have a 10' driveway on the west side of the lot--the shed can be easily moved and Mr. Cole said he could help Mr. Lindberg do that. He added that he has no problem with an access/easement; also, he pointed out the sewer would probably have to be changed out as it's so old anyway, with a new multifamily project, he said.

Mitch Lindberg, Ole Lindberg's son, addressed Council. He asked if the 10' easement is granted to the property owners, why the shed has to be moved.

Mayor Weiser explained with an alley vacation the shed is encroaching on the other property owners and the fences can't encroach either as it's a utility easement.

Mr. Duskin stated he is still concerned about the sewer easement. He said he thinks if it's determined who the sewer is serving, that should clarify the vacation.

City Attorney Weed said that can be addressed at the development stage.

As there was no more public testimony to be taken, this portion of the public hearing was closed at 8:30 p.m.

Councilmember Baxter asked about the sewer project in that area and City Administrator Zabell explained it was begun about 2-3 weeks ago on 10th.

Councilmember Baxter said he would like to know how all these houses are to be served and until that it known, Council can't make a decision on the vacation.

Councilmember Pedersen said she understands what Mr. Duskin is saying--that the storage building issue should be addressed first and she said that would give Council time to check into the sewer issue. Also, she said she would like the compensation issue addressed tonight and would recommend the alley vacation issue/decision be postponed, address the issue of the storage building as well as the compensation issue. She said she feels Council needs to be consistent and that it should be discussed so the applicant has clear expectations.

City Administrator Zabell pointed out that there will still be a sewer easement which could be of value, too.

There was discussion about how many homes would be hooked up to sewer, the need to postpone for more information.

Councilmember Pedersen moved and Councilmember McGee seconded to postpone this hearing until 6/6/94 for further information about where the sewer line begins and ends, the exact location of the shed (with a possible agreement between the parties being worked out prior to the next Council meeting), access options if an agreement is not reached (and/or moving the shed).

Councilmember Baxter noted it is interesting that Council may require Mr. Lindberg to pay compensation plus have to come up with improvements so he can have another access.

The motion passed unanimously.

## 2. Brennick Annexation; PA 9203007.

As Mr. Brennick had not arrived from the School Board Meeting yet, it was decided to hear this matter later in the agenda.

It was noted that Mr. Brennick had indicated he would be late this evening because of important matters at the School Board Meeting.

REVIEW BIDS:

1. Multi-Channel Communication Recording System.

Sergeant Winters, Marysville Police Dept. addressed Council. He explained the only bid they received which met the specifications was the one from Dictaphone for a 16 channel Digital Dat Cartridge recorder/reproducer, cassette rerecord panel, Smart label printer and Dat Storage Container. Their bid came in at \$29,280.62 and with \$30,000 budgeted, Sgt. Winters explained that staff wishes to make up the difference in purchase of long use (reusable) tapes for the equipment. He noted they keep the tapes currently for 90 days but they want to start saving them for a year.

Councilmember Pedersen asked about the label making machine and locating capabilities and Sgt. Winters explained some of the technology involved and how well it will meet their needs.

Karen Towsley, 1516 NW 67th, Seattle, representative for Dictaphone, explained search times used to be 4-5 minutes and with the new equipment search times will be reduced to within 60 seconds. With regard to reliability, the new equipment can go 50,000 hours between maintenance need time and the digital technology is far superior to the present reel to reel technology.

Councilmember Baxter moved to accept the Dictaphone bid in the amount of \$29,280.62 including sales tax plus the balance up to \$30,000 budgeted to be used for tapes. Also to be made part of the motion, that the other bid made (from Firstline Business Systems) did not meet the bid specifications. Councilmember Pedersen seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Set Date for Public Hearing of Comprehensive Plan; PA 9210047.

City Planner Hirashima recommended a public hearing date of 6/13 and said the Planning Dept. would send the notice to the mailing list that they have maintained. She handed out updated maps.

Councilmember Pedersen asked about hearings throughout the month of June and City Planner Hirashima said it depends on the number of participants at the 6/13/94 hearing, whether or not more would be scheduled.

Councilmember Pedersen moved to direct the City Planner to advertise a public hearing for 6/13 only and if necessary to advertise another meeting at a later date, so it won't be confusing to the public. Councilmember Leighan seconded and the motion passed unanimously.

2. TIP No. 4 - Improvement of SR 528 from 67th Av. NE to 83rd Av. NE

Public Works Director Winckler reviewed the agenda bill, noting a fee of \$70.35 per front foot would be charged developments fronting 528 and there would be a \$500.93 peak hour trip fee per lot for lots located beyond 330 feet of the R/W centerline, within the subject boundary, off of SR 528. He stated staff recommends setting a public hearing for 6/27/94.

Councilmember Pedersen asked about the calculations and Public Works Director Winckler stated Council did make the determination (last August) to charge \$70.35/front foot based on discussion and meetings and directed staff to use this figure.

Councilmember Pedersen said she didn't remember the exact discussion and Councilmember Herman said he didn't either and would like a copy of the minutes and some idea of how the number was arrived at.

Councilmember Leighan asked for a map to show the boundaries.



Councilmember Herman asked about communications with the county relating to mitigation fees collected and said he wished this information to be available for the public hearing.

Councilmember Pedersen remembered that was one of the things discussed at one time with the County Council, with regard to 67th.

Mayor Weiser said the City just got a letter from the County Engineer and he will be following this matter up.

Councilmember Leighan moved and Councilmember McGee seconded to set the public hearing for 6/27/94 with information to be included as requested by City Council. Passed unanimously.

2. Brennick Annexation; PA 9203007.

The hour now being past 9:00 p.m., and it being noted that Mr. Brennick had said he would be arriving at 8:30, there was discussion about postponing this hearing. Councilmember Pedersen noted that in the future the proponent should be asked to make sure they have a representative present.

Councilmember Leighan moved and Councilmember McGee seconded to postpone this hearing to 6/6/94 in view of the fact that the proponent was not present. A roll call vote revealed Councilmembers Baxter, Pedersen and Herman against so the vote was tied at 3-3. Mayor Weiser voted in favor of postponing to 6/6/94 and so the motion passed.

NEW BUSINESS:

1. Utility Variance; Bud Darling; UV 94-007.

Public Works Director Winckler reviewed the agenda bill noting staff recommends denial without prejudice for a period of one year. He stated by the time the water comprehensive plan is approved by everyone it's probably going to be a year and that is why staff recommends one year as opposed to the normal denial without prejudice for 6 months.

Councilmember Pedersen said again, we need to look at consistency and this is not within the City boundaries; it is within the Smokey Point/Arlington's area.

Public Works Director Winckler stated a letter has been received from the City of Arlington stating they cannot serve this property.

Councilmember Baxter moved to deny the request without prejudice for one year to allow for completion of our water comprehensive plan. Councilmember Pedersen seconded and the motion passed unanimously.

2. Utility Variance; NORETEP a Washington State General Partnership; Peter J. Poeschel; UV 94-006.

Public Works Director Winckler reviewed the agenda bill, noting this is the same basic situation as the Darling Utility Variance. Staff is recommending the same denial without prejudice for a period of one year.

Peter Poeschel, 19025 8th Av. NW, Arlington, addressed Council. He stated he doesn't believe he is in the same situation as the other proponent because Mr. Poeschel requires the water to do a plat but would not need sewer. The property is in the Arlington service area but the City of Marysville has a line on 35th, he pointed out. He added that they had a binding plat that got turned down as it was in one of the airport's runways but the City of Marysville gave them approval on the water--Arlington has not been able to serve any of this property and they really don't want to have to wait a year, he said.

Councilmember Pedersen said it appears to be the same situation and she thinks the City of Marysville should remain consistent. She then moved to deny the request without prejudice for one year, to allow for completion of the water comprehensive plan update and approvals. Councilmember McGee seconded the motion.

Councilmember Baxter pointed out that Marysville is also awaiting some response from the Smokey Point Planning Advisory Group.

The motion passed unanimously.

### 3. Utility Variance; Pacific Coast Feathers; UV 94-005.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of the request for a temporary utility variance, subject to the Public Works Director, City Attorney and Pacific Coast Feathers representative developing an agreement for the variance which will be brought back to Council for finalization. He noted the trunk line system does have adequate capacity and pressure and does meet criteria.

Joe Crawford, 5509 104th Pl. SW, Mukilteo, addressed Council, as a representative of Pacific Coast Feathers. He stated they have been pursuing the idea of recycling feather waste water and need the 18 months as recommended by the recycling experts. He said some of their customers have been customers for a very long time and they are trying to be competitive during the transition period.

Councilmember Herman noted 18 months as opposed to an indefinite cutoff date for a variance is commendable. He commented on the schedule beginning in 1993.

Mr. Crawford explained they are on schedule and have had Dale Thayer from the City's WWTF come out and do lab tests. He added the prototype works well but they need to transfer the technology to a 300,000 gallon a day system and are trying to give it a realistic schedule.

Councilmember Herman stated he would be very concerned if there is an extension of time requested. He then moved to direct the City Attorney, Pacific Coast Feathers and Public Works Director to finalize an 18 month temporary utility variance, to 11/30/95 at the latest. Councilmember Leighan seconded the motion and it passed unanimously.

### 4. Police Lieutenant Position; Proposed 7/1/94 Hire Date.

Police Chief Dyer stated he had a meeting with Council representatives on the Fire Board concerning this. He passed out organizational charts showing the chain of command, noting the lieutenant would oversee 4 patrol officers, 4 sergeants, the reserve commander and dispatch. He explained this would be funded out of savings in other areas, they would be adding a police officer and would be providing upward mobility which is good for morale, he noted.

Councilmember Pedersen stated she has reviewed this thoroughly and thinks it an excellent move. She then moved to approve the Police Lieutenant Position as recommended effective 7/1/94. Councilmember McGee seconded the motion.

Councilmember Leighan asked about the upgrade and Chief Dyer said the position would be 2 grades above a sergeant and they would be guaranteed not to have to take a cut in pay.

The motion passed unanimously.

### 5. Parking Revision; 5th St. & Delta Avenue.

Public Works Director Winckler reviewed the agenda bill.

Councilmember Pedersen said she has noticed taht some cities have signs next to their City Hall reading "For City Hall Business Only."

CORRECTED: SEE 6/6/94  
MINUTES s/b that

There was discussion about painting over the yellow curb as some people still think they can't park in places, even though the yellow has faded and perhaps the yellow can be removed.

Councilmember Wright moved to approve the recommended 60 min. restriction for 6 parking stalls near City Hall. Councilmember McGee seconded and the motion passed unanimously.

CONSENT AGENDA:

1. Authorize Mayor to Sign Supplemental Agreement #1 to Professional Services Contract (Reid Middleton) for Grove Street (67th Av. NE to 71st Av. NE)
2. Approval of Liquor License Renewal for Billy Bob's, Chevron/PDQ Oil Company #1103, Fourth St. Market & Deli, and Market Place of Marysville.
3. Approval of the 5/23/94 Claims in the Amount of \$293,816.15.
4. Approval of the Preliminary Plat of Kruse Verde; PA 9312038.
5. Authorize Mayor to Sign Interlocal Agreement for Growth Management Planning.

Councilmember Pedersen asked about Billy Bob's liquor license renewal and City Administrator Zabell stated the police dept. felt they should be put on notice however there was not enough activity to warrant their not being renewed.

Councilmember Pedersen moved to approve Consent Agenda Items 1-5. Councilmember McGee seconded and the motion passed unanimously. (Councilmember Baxter abstained from voting on Voucher #19865 and Councilmember Leighan abstained from voting on Voucher #19946.)

6. Approval of Six Month Extension of Utility Variance Request; HKS Partnership; UV 93-015.

Myron Anderson, 16820 NW 9th Place, Bellevue, addressed Council. He stated he is employed by Del Harmson who is one of the developers. He said he has been in contact with Hammond Collier Wade with regard to what is going to change in the Water Comp Plan and from what he understands, this project is not going to affect the Comp Plan at all. He noted they are within the planning area and the RUSA boundary and so are fairly consistent with approving connections. Also, they would actually be increasing fire flow and would be eliminating the need for a pump station and extension in the future, he said, and added he knows they would be benefitting the City budget with the fees they would be paying. Also, he said he understands they are outside the UGB but it looks like the zoning there now will remain in place after the county's comp plan is in place; possibly they would be at an increased density, he said. He noted this is a "Catch 22" because the county always wants to know if they have service before approval of the plat and they would like up to 58 hookups, depending on what they apply for, probably a PRD, he said. He said they know the mobile home park adjacent to them was approved and he thinks it can be proven the ag property is not good for ag--it's hard pan and he said their development would fit in with the growth of the area.

Public Works Director Winckler said this area is within the CWSP but outside RUSA and the UGB and the City has been told they can't serve outside our Urban Growth Boundary, he explained, and so the City has to wait until we get some answers, he said. He suggested HKS Partnership get in touch with the Smokey Point Group.

Councilmember McGee moved and Councilmember Pedersen seconded to extend the request for variance for six months to allow for completion of comprehensive plan as per staff recommendation. The motion passed with only Councilmember Herman against.

ORDINANCES & RESOLUTIONS:

1. Subdivision Ordinance.

Councilmember Herman asked if this includes the boundary line adjustment ordinance and City Planner Hirashima said it does.

Councilmember Herman said he noted it still contains requirement of a licensed surveyor and City Planner Hirashima pointed out there is a waiver clause.

Councilmember Herman said yes, but only for an actual survey, there is a waiver based on the complexity of the case; his concern was with requiring a surveyor to draw up the legal description on a simple boundary line adjustment.

City Planner Hirashima stated an attorney or a title company could write a legal description; that was added in.

Councilmember Herman noted several areas where an individual may be able to draw a map or write up a legal description vs another professional. He suggested determining this on a case by case basis or making some kind of determination with regard to accuracy: if the applicant can convince staff, for example.

Councilmember Leighan argued that would put the onus on the City staff which defeats the purpose.

Councilmember Herman admitted there is a potential for problems but the present wording is more restrictive than he would like to see it.

There was discussion about individuals doing their own legal descriptions, even with today's equipment sensitivity there can still be mistakes, it's not the City's responsibility to check legal descriptions.

City Planner Hirashima noted the City has had several problems with boundary line adjustments, particularly with people without experience having prepared the legal description and so that's why these requirements have been included. She said she knows it is an additional expense but the City needs that assurance that the legal description be accurate.

Councilmember Pedersen suggested a compromise when, for example, the boundary line adjustment is up to 2'.

Councilmember Herman gave the example of if his neighbor and he go in and convince staff that they have the expertise to draw up the legal description accurately then they should be allowed to do so.

City Attorney Weed noted there may not be recourse between property owners but if the City has waived requirements there might be a possibility of City liability. One of the things found in recording documents is that some departments miss small things, he said.

Councilmember Wright moved to adopt and approve Ordinance 1986 as written (Subdivision Ordinance). Councilmember Leighan seconded.

City Attorney Weed pointed out there was one change concerning appeals under the definition of an aggrieved person. Also, City Planner Hirashima noted on page 26 and 27, section M, under street design criteria, steepness/topography was not repealed.

The motion passed with Councilmember Herman against.

2. Ordinance Amending the Table of Permitted Uses as Specified in MMC 19.16.010 and Establishing Miniature Golf Courses as a Conditional Use in the RML, RMM and RMH Zones.

Councilmember McGee moved and Councilmember Leighan seconded to adopt/approve Ordinance 1987.

Councilmember Herman asked about the basis for this ordinance and legitimatizing a specific use. He said he feels uncomfortable with this.

Councilmember Pedersen stated she also feels uncomfortable with this situation.

City Planner Hirashima stated it is a problem and it was built without permits; the owner of the property is not totally sympathetic either, however, the use would not be out of line with permitted uses as recreational uses are permitted within residential zones, for example, the batting cage, she said. She added there is probably the same impact with a miniature golf course and a batting cage--a miniature golf course would have to have a conditional use permit. If they are not approved for that and still are determined to operate, the City could have the City Attorney write a letter to them, she said but the City really doesn't have a fine or enforcement procedure there other than the court system.

City Attorney Weed stated many cities will adopt a civil penalty/procedure and that might be something we could look at, he said.

There was discussion about penalty provisions in the permitting process, in the business license process, the message that's being sent to the community when someone builds an illegal business and then the City changes the table of permitted uses to allow the illegal use.

The vote revealed the motion passed with Councilmember Herman against.

Councilmember Pedersen commented that ~~that~~ if it had been any other use, she probably would have voted against it, but it does have the same impact probably as the batting cage right next to it. She said she hoped the City takes some action to prevent this type of thing in the future.

City Planning Hirashima said she would check further into fining provisions that could be added to the City's code.

3. Ordinance Repealing Section 6.42.020 of the MMC Relating to Shoplifting.

City Attorney Weed explained this is not now allowing shoplifting in Marysville but rather because the state statute is stronger, this would repeal ours and replace it with the state's wording. He stated the state statute allows up to one year in jail, \$1000 fine, classifying shoplifting as Theft III, it's easier to prove under the state statute and the City prosecutor recommended the change.

Councilmember Herman moved and Councilmember McGee seconded to adopt and approve Ordinance 1988. Passed unanimously.

4. Resolution Granting a Conditional Use Permit for Property Owned by Thomas and Helen Graham Subject to Conditions.

Councilmember Baxter moved and Councilmember Herman seconded to approve/adopt Resolution 1684. Passed unanimously.

CORRECTED: SEE 6/6/94 MINUTES *delete*

LEGAL MATTERS:

1. Interlocal Agreement for Emergency Vehicle Operation Training.

Councilmember Pedersen moved and Councilmember Wright seconded to authorize the Mayor to sign the Interlocal Agreement. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:35 p.m.

1. Litigation. (No Action)
2. Real Estate. (No Action)
3. Personnel. (No Action)

RECONVENE & ADJOURN: Approx. 11 p.m.

Accepted this 6th day of June, 1994.

*David Weisen*

MAYOR

*Mary D. Swenson*

CITY CLERK

*Wanda R. Swenson*

RECORDING SECRETARY