

Original

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 1, 1994

CALL TO ORDER:

7:08 p.m.

05115

ROLL CALL:

Councilor Myers absent

MINUTES OF PREVIOUS MEETINGS:

7/25/94 Approved

AUDIENCE PARTICIPATION:

Cal Reed & Dan Sawyers

STAFF BUSINESS:

- 1. 1994 Budget Update

Continued to 8/8/94

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

None

PUBLIC HEARINGS:

- 1. 6 Yr. Transportation Improvement Program

Approved - Res. #1700

REVIEW BIDS:

None

CURRENT BUSINESS:

- 1. Agreement w/JAK Engineering for Professional Services
- 2. Regional Airport Siting in Sno. Co. (cont. from 7/25/94)

50 Hr. Extension - Cont. to 8/8/94
Res. 1701 Approved

NEW BUSINESS:

- 1. Snohomish County Community Devel. Subrecipient Contract 1st St. Alley

Approved

CONSENT AGENDA:

Approved:

- 1. Authorize Mayor to Sign WSDOT City/County Agreement and Project Prospectus for 136th St. from State Av. to 45th Av.

ORDINANCES & RESOLUTIONS:

- 1. Ord. exempting state licensed massage practitioners performing services within scope of practice from regulation under MMC Chap.5.72
- 2. Ord. vacating portion of 56th St. NE & 73rd Av. NE
- 3. Res. adopting Interim Growth Management/Comp Plan for City of Marysville & Superseding Existing Policies in 1978 General Plan

Ord. 2000 Approved
Ord. 2001 Approved
Res. 1702 Approved w/ some language modification

LEGAL MATTERS:

None

ADJOURNED INTO EXECUTIVE SESSION:

10:10 p.m.

- 1. Litgation

No Action

RECONVENED & ADJOURNED:

Approx. 10:30 p.m.

MARYSVILLE CITY COUNCIL MINUTES

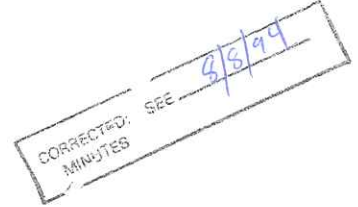
00116

AUGUST 1, 1994

7:00 p.m.

Council Chambers

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



CALL TO ORDER:

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

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilmember Herman noted on page 6 of the 7/25/94 minutes, the spelling of Mr. Pius' name should be "Pias" in the 3rd paragraph. At the bottom of page 8, "discussed" should be "discussion".

Councilmember Pedersen noted that also on page 8, 2nd line, "by" should be "be" in the last paragraph of that page.

Councilmember Herman noted at the top of page 11, it takes Mrs. King at least 40 minutes every day to commute to Seattle.

Councilmember Bartholomew then moved and Councilmember Pedersen seconded to adopt the minutes of 7/25/94 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Cal Reed, 6611 103rd St. NE (Pilchuck Estates), addressed the Council. He stated he lives in the county but is on City water and 3 months ago he paid \$1300 to hook up to City water and now has no water pressure. He said he keeps calling the City and the Fire Dept. says there is no water in his line. He said the City told him the water comes from Lake Ky, he is the last one on the line, but nobody has water in the whole development. He said someone at the City suggested they take showers at 2 a.m. which is impractical; the state suggested the residents come to the City Council meeting and be heard.

Mayor Weiser explained the City has been trying to do some things; they are looking at looping the line, for example.

Public Works Director Winckler stated Mr. Reed is on the end of the line and the permanent solution will be addressed when the City puts in a 6 million gallon reservoir. In the meantime, they have tried to give the residents as much pressure as possible on the present system, he said and added they are looking at a 2" line from the Kellogg reservoir with a booster pump but the City is going to have to get easements and will have to expend a minimum of \$20,000 in order to get the water in.

Mr. Reed stated he talked with Gary Olsen and the thing is the problem is going to get worse this winter; Mr. Olsen said it's going to take 2-3 months to get any water. Mr. Reed reiterated that he paid \$1300 for water and nothing the City has done has brought any water (pressure) in for 3 months. Mr. Reed admitted they can get 25 to 30 lbs. of pressure in in the middle of the night but when they need it, they only have 10 lbs.; they are supposed to have 60 lbs. at the hydrant and there are more homes coming in all the time. He asked how long they have to wait; they are getting the state involved and they said the City has to come out with a pump truck and supply the residents with water. He pointed out they can't flush their toilets, wash their dishes or take showers.

Public Works Director Winckler noted typically, Pilchuck Estates has three hours a day of high use time when they have no pressure and Mr. Reed said that's not acceptable to them. He noted they just bought a jacuzzi tub and can't even use it.

Councilmember Baxter said there are 9 homes there and he thinks the City needs to run some surface PVC lines with a pump there and take care of the problem on a temporary basis. He noted it will have to be fixed before winter so the line doesn't freeze, but the City needs to take care of this within the next two days, take a 2" PVC line with a pump, lay the line on top of the ground and in the meanwhile, work on getting this resolved permanently.

Councilmember Herman said he would support that. Public Works Director said the temporary fix could probably be accomplished by Friday and Councilmember Bartholomew said she thinks this could be classified as an emergency health problem and needs to be taken care of immediately.

Public Works Director Winckler pointed out there is some steep terrain, easement problems to work through, but they can do everything possible to make it happen. He said they would have to come from Kellogg Marsh reservoir for the best pressure.

Councilmember Bartholomew asked if the roads the line would have to cross would be City or County roads and Councilmember Baxter said he thinks the City could probably take the lines across private property; this has been done before, he noted.

Councilmember Pedersen asked about the 5 new houses under construction and whether they would be coming to the City for water. City Planner Hirashima said yes, they would be. Councilmember Pedersen noted they should be notified of this situation.

It was the consensus that the work should be started immediately and to do whatever it takes to accomplish the temporary fix by Friday. Mr. Reed asked about how long the permanent fix would take and he pointed out that the "steep terrain" there is really non-existent. It was estimated that it would be about 1000' of line for a permanent fix.

City Administrator Zabell clarified there would be a temporary fix, an interim fix and a permanent fix. The interim fix would probably have to be in place for about 2 years.

Dan Sawyers, 6532 103rd St. NE, addressed Council, noting there is another concern--there is another development going in on the west which is going to increase the water problem. He said Boyden is the developer and City Planner Hirashima said she would contact the county and let them know there is a water issue there.

CORRECTED: SEE 8/8/94
9/5
The developer who should be notified

Mr. Sawyer said with regard to the water tower fix, Gary Olsen said that could happen within 2 weeks, not 2 months, but the residents have had problems with no one calling them back from the Water Dept. at the City. He said it takes a couple days sometimes for them to return calls.

Public Works Director Winckler said they do make it a priority to return phone calls so he will check on this.

STAFF BUSINESS:

1. 1994 Budget Update.

Finance Director Wilson referred to the handouts and it was decided, in order to give Council more time to review, this will be discussed further next Monday.

City Administrator Zabell reported a force main break at Fred Meyer over the weekend with no injuries. The Golf Committee Meeting will be 7:30 a.m. Wednesday and the RUSA Committee Meeting at 7:30 a.m. Thursday.

Loree Parker, Director of MSAC (Marysville Seniors Against Crime) handed out packets of information and gave an update. He reported they now have 16 members and at \$7.50 per hour, that works out to \$8,000 worth of donated time since the program's inception. He reviewed the different projects the volunteers get involved in, such as block watches and reported they will have 20 areas signed up in the block watch program by Sept. He also noted the video that was produced has been shown on the public access channel and it has aroused a lot of interest. He stated Lake Stevens is going to be putting together a Neighborhood Block Watch program like Marysville's, based on a recent presentation MSAC did in Lake Stevens.

It was noted that both Finance Director Wilson and City Attorney Weed will be on vacation next week and will not be attending the 8/8/94 Council meeting.

City Planner Hirashima reported the Planning Commission has completed their deliberations on the UGB/GMA plan so sometime within the next 2-3 months, there will be a public hearing. She noted there are going to be a lot more changes, she believes, based on the county's comments. The Marysville Planning Commission has also completed the animal code however they are still working on the small farms ordinance, she stated. The Planning Commission is also working on the housing element of the Comp Plan and will be working on the transportation element after that, she said.

Public Works Director Winckler gave details of Change Order #12 for the WWTF, including a 36" in diameter outlet gate being replaced. He noted Change Order #11 is for the structural modification to the west pump station and the cost of the project will be fully refunded to the City by Hammond, Collier & Wade's insurance company who will be here next week to give a presentation on this. With Change Order 12, the total project has been increased by 2.13%.

He reported there will be a Traffic Advisory Committing meeting at 10:30 8/11/94 in the Public Safety Building.

MAYOR'S BUSINESS:

Mayor Weiser reported that on 8/10/94 he and Councilmember Pedersen will be doing the City Administrator's evaluation. There was discussion regarding private citizens making presentations to the RUSA Committee and City Attorney Weed said in cases where there is going to be a public hearing (a quasi judicial matter),

the City should refrain from having any kind of presentation that could sway Council; if it's to inform the Council about inter-facing with the fire district, for example, that would be OK, he said.

After a couple more Council comments, City Attorney Weed said any time you are privy to information when there is going to be a public hearing specifically on the matter, there is a potential conflict of interest.

Councilmember Bartholomew asked about a staff report, where the staff might have contract with the developer and City Attorney Weed said that should not be a problem.

Mayor Weiser reported that with the RUSA meetings at 7:30 a.m. on Thursdays, that has caused him problems with being unable to attend and so he has asked Councilmember Bartholomew to replace him at those meetings.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew talked about a House Bill rectifying solid waste flow control, stating she recommended a letter be sent to Congressman Swift in support of this bill. City Administrator Zabell stated he had already drafted a letter to be sent. She commented that she thinks the new format of the City Council minutes makes them more readable.

Councilmember Herman said he likes the new format of the minutes also (in abbreviated form). He talked a bit about the Regional Transit Area, commuter rail options, getting traffic across the rails, looking at other commuter options and said he would like to see rail traffic as a future agenda item.

Councilmember Wright reported the CHIP Committee toured the Navy facility at 136th, noting the Navy is going to have a variation of architecture, with the facility to be completed in June, 1995. She asked about the temporary Country Clock Shop structure.

City Planner Hirashima stated a building official did talk with them and they are going to move the trailer back a bit for better sight distance.

Councilmember Pedersen reported the Library Building Committee will be meeting at 3 p.m. on 8/10. She asked about the Sunnyside/Poortinga annexations and City Planner Hirashima stated there is an interlocal agreement being worked on now and if an ILA is signed she understands the BRB will not have a hearing or invoke jurisdiction.

Councilmember Pedersen asked for input from Council regarding City Administrator Zabell's evaluation.

Councilmember Baxter reported there are 6 people from the Marysville Fire District in Eastern Washington; it will be 7 people by Wednesday, along with some equipment and they are setting up a team of mechanics and service people to service all the fire equipment over there. He noted Paul Hodges, a long time Marysville firefighter, just died of a heart attack while fighting fires in Eastern Washington. He said it is hoped personnel will be back in a month.

In response to one of the Councilmember's question, Public Works Director Winckler reported the grand total of all change orders on the WWTF has amounted so far to \$156,559, less the Change Order 11 reimbursement of \$67,364, equals \$89,193.

CORRECTED:
MINUTES
SEE 8/8/94
S/B contact

PUBLIC HEARINGS:

1. Six Year Transportation Improvement Program.

Public Works Director Winckler reviewed the agenda bill and attachment showing revenue and expenditure projections. This document was also made available for the public.

Mike Papa, 8127 54th Dr. NE, addressed Council. He stated he can't support the six year plan because when he came before Council previously he was given to understand a landscape component was to be included and now it is not. He said he made a presentation along these lines but note that in the transportation plan there is no reference or requirement for landscaping either. He noted the Globe refers to the Comp Plan as a "trust me" plan and he said he believes a couple weeks ago Council directed landscaping be included and unless it is included, it is probably not going to be enforced, he said. He noted that 14 months ago there was a code for landscaping and now it is gone; he doesn't want Marysville to be a mediocre looking city with no streetscaping or landscaping.

Councilmember Baxter asked for Mr. Papa's ideas for funding and Mr. Papa stated the City has to decide on this and make a commitment; he personally would not object to paying more taxes for streetscaping, he said, although he does not quite live within City limits at this time.

Councilmember Baxter pointed out that landscaping would take additional manpower to maintain and Public Works Director Winckler said there was no separate code for landscaping; WSDOT deleted landscaping and Marysville simply used their form.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed the Council. He said a couple years ago he understood there was an increase in a tax allocation and he asked if this goes toward capital facilities.

City Administrator Zabell explained it's up to a 1/2 of 1% now.

Mr. Petershagen asked if a transportation mitigation fee plan would eliminate the need for RIDs in the future and City Administrator Zabell said that's something that will come up during the transportation plan hearings.

There was discussion about streetscaping along 528, one businessman who moved here because he found a lot in the City and there were no landscaping requirements, landscaping around the businesses on Evergreen Way in Everett, median plantings in Spokane, corporate landscaping policies, heavy responses that people are willing to pay for streetscaping (per Oct/89 Comp Plan survey), streetscaping and landscaping having an impact on people's perceived quality of life. It was pointed out that in 30 years, there will be tall trees where you see only rooftops now, they need to have time to grow.

There was further discussion about hanging plants and planters already in place in downtown Marysville, looking at landscaping opportunities along the north part of State, addressing the issue in the zoning and building codes, one of the Comp Plan sections being the landscaping section, changes in the parking code, industrial park revisions, minimal landscaping requirements, some existing businesses are complaining about having to install landscaping, the Comp Plan does envision requirement of a landscape plan, designation of landscape requirement/developing a new form, discussing this further in October budget workshops.

Public Works Director Winckler warned about planting trees in sidewalks; Councilmember Herman said he would just like some kind of landscaping plan implemented and it would be up to staff to check into what kinds of trees to plant. Councilmember Baxter commented on his concern that the businesses always seem to be expected to subsidize a beautification program; that's a very expensive proposition and it's unfair to require a building owner to pay for beautification/landscaping.

Councilmember Herman noted taxes can pay for streetscaping but there needs to be some standards in our community; he said he doesn't like to hear that businesses locate here because Marysville has no landscaping requirements.

City Administrator Zabell explained the landscaping issue is separate from the Six Year Transportation Improvement Program and there was further brief discussion regarding dedicated funding vs discretionary funds.

Councilmember Baxter then moved and Councilmember Bartholomew seconded to adopt Resolution #1700 approving the Six Year Transportation Improvement Program as recommended by staff. Passed unanimously.

It was then moved by Councilmember Bartholomew and seconded by Councilmember Pedersen to direct staff to come up with beautification types, funding sources, looking at the zoning and building codes. Passed unanimously.

CURRENT BUSINESS:

1. Agreement for Professional Engineering and Related Services with JAK Engineering.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends renewing the contract for another 200 hours.

After lengthy discussion about the dollar value of grants Mr. Kresge is obtaining, how many hours he has worked for the City this year, the possibilities of hiring a full time grant writer, discussion about the diversity required of this person, possibility of a yearly retainer, legal/expert witness fee at \$100/hr., whether this is a reasonable fee, concerns about cost control, Councilmember Pedersen stated she would like staff to come back with data as to how many grants have been written, how much has been received, Mr. Kresge's success rate. Public Works Director Winckler stated he could get more information by next Council meeting; he did note that Mr. Kresge has exceeded 200 hours by about 10 hours and is working on 3 projects at present.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to continue this to next Council meeting to allow time for staff to compile data, look at reapplications of grants, etc.

There was a tie vote: Councilmembers Herman, Leighan and Wright against; Councilmembers Pedersen, Bartholomew and Baxter for.

Councilmember Herman moved and Councilmember Leighan seconded to authorize an additional 50 hours with information to be brought back next Council meeting, with the intent being not to have Mr. Kresge interrupted on the projects he is now working on. Passed unanimously.

2. Regional Airport Siting in Snohomish County (continued from 7/25/94).

Mayor Weiser referred to handouts, noting "Market Potential" is to be changed to "Access Analysis". It was noted the 12 sites have been divided into the top 6 and bottom 6 with the top 6 to be evaluated further, and the bottom 6 to be evaluated further if any of the top 6 are dropped.

Resolution 1521 (copy in the packets) was discussed, limiting Arlington Municipal Airport to a general aviation facility. There was also discussion concerning liability issues, problems different facilities are facing, Arlington being one of the few general aviation facilities left in Puget Sound. Mayor Weiser stated Lake Stevens and Arlington want to meet with Marysville 8/16/94 in the Public Safety Building. He has also contacted Stanwood and the Tulalip Tribes although it has been noted the Marysville West site is not an expandable site nor is it ecologically feasible.

Councilmember Baxter moved and Councilmember Bartholomew seconded to adopt/approve Resolution 1701 setting forth definitive language on this issue. Passed unanimously.

NEW BUSINESS:

1. Snohomish County Community Development Subrecipient Contract for First Street Alley.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends the Mayor be authorized to sign the contract as proposed.

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve and authorize the Mayor to sign as recommended.

Councilmember Herman asked about conditions of the block grant and City Administrator Zabell explained. The motion passed 5-1, with Councilmember Herman against.

CONSENT AGENDA:

1. Authorize Mayor to Sign WSDOT City/County Agreement and Project Prospectus for 136th St. from State Av. to 45th Av.

Public Works Director Winckler handed out documents prepared late this afternoon, explaining there is an immediate deadline on this.

Councilmember Baxter moved and Councilmember Wright seconded to authorize the Mayor to sign the WSDOT City/County Agreement and Project Prospectus for 136th St. from State Av. to 45th Av. as recommended by staff.

City Administrator Zabell explained the county is the lead agency under the 136th St. project on State but the City would be the lead agency on 136th St.

The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance to Exempt State Licensed Massage Practitioners Performing Services within their Authorized Scope of Practice from Regulation under MMC Chapter 5.72.

City Attorney Weed briefly explained the need for this ordinance is to be in line with state legislation recently passed.

Councilmember Bartholomew moved and Councilmember Herman seconded to adopt/approve Ordinance #2000. Passed unanimously.

2. Ordinance Vacating a portion of 56th St. NE & 73rd Av. NE in the City of Marysville.

Councilmember Pedersen moved and Councilmember Baxter seconded to adopt/approve Ordinance #2001. Passed unanimously.

3. Resolution Adopting an Interim Growth Management Comprehensive Plan for the City of Marysville and Superseding Existing Policies Contained in the 1978 General Plan.

Councilmember Herman stated he would like to see stronger language ("shall" vs "should") because there is no way language such as "encourages" can be enforced.

City Attorney Weed explained that in reviewing the Comp Plan, the hearing examiner would look at several factors and make a determination whether a proposed project would meet the total intent of the plan.

Councilmember Pedersen explained that some of the softer language was in deference to other jurisdictions that the Planning Commission/City did not feel had the right to tell the other agencies what to do.

Councilmember Herman argued there is a preponderance of "encourages" and "shoulds" language and he said he was wondering if it would be sustainable. City Attorney Weed noted a Comp Plan is more of a force of law vs general guidelines and the elements in the Comp Plan do need to be met and as long as there is sufficient testimony to support a Council decision, it would be sustainable.

City Planner Hirashima noted with regard to the SW corner of 528 and 67th, policy has been inserted on page 145 and on page 90 there are neighborhood community development standards.

Councilmember Herman stated he wanted to see "screening and buffering shall be used to separate new commercial development from existing designated residential uses."

City Planner Hirashima noted there was also discussion regarding the forested corridor along I-5 and on page 173 it has been defined as 50' outside of state right of way along I-5.

There was discussion about how the Councilmembers' votes would be interpreted, noting that an affirmative vote for the overall plan does not mean the Councilmember is in 100% agreement with every item in the Plan. It was noted this is an interim plan.

Councilmember Wright then moved and Councilmember Leighan seconded to adopt/approve Resolution 1702, accepting the Comp Plan with no changes. Councilmembers Herman, Pedersen and Baxter were against and so the motion failed 3-2.

Councilmember Herman then moved for adoption of Resolution 1702, with inclusion of the language: "screening and buffering shall be used to separate new commercial development from existing designated residential uses". Councilmember Pedersen seconded and the motion passed 4-1, with Councilmember Baxter against.

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

1. Litigation. (No Action)

RECONVENE & ADJOURN: Approx. 10:30 p.m.

CORRECTED: SEE 8/5/94
MINUTES 5/6 4-1

Accepted this 8th day of August, 1994.

David Weiss

MAYOR

Lillie Lein

DEPUTY CITY CLERK

Wanda R. Iverson

RECORDING SECRETARY