

MINUTES RECAP

MARYSVILLE CITY COUNCIL MINUTES APRIL 10, 1995

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETING: 4/3/95 Council Meeting  
Minutes Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

- 1. Approval of April 10, 1995 Claims in the amount of \$316,795.09. Approved
- 2. Approval of March, 1995 Payroll in the amount of \$534,470.30. Approved
- 3. Affirm Hearing Examiner Decision to approve Police Communication Tower Height Variance. Approved
- 4. Authorize Funding for the 100 ft. Tower on Pub. Safety and Lake Goodwin Transmission Site. Approved
- 5. Affirm Hearing Examiner Decision to approve Cond.Use Permit for a duplex, Jeanette Schultz. Approved

STAFF BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

- 1. YMCA Fireworks Proposal. Continued to April 24
- 2. Traffic Problems in Brookwood 3 & 4. Sent to Traffic & Safety Com.

PUBLIC HEARINGS: None

REVIEW BIDS:

- 1. Lloyd Taubeneck Bldg. Roof Replacement. Approved

CURRENT BUSINESS:

- 1. H.D. Fowler Utility Variance Request. Approved

NEW BUSINESS:

- 1. Tom Lucas Utility Variance Request. Denied w/o prejudice

ORDINANCES & RESOLUTIONS: None

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 8:15 p.m.

- 1. Personnel (No Action)
- 2. Real Estate (No Action)

RECONVENED & ADJOURNED: Approx. 8:50 p.m.

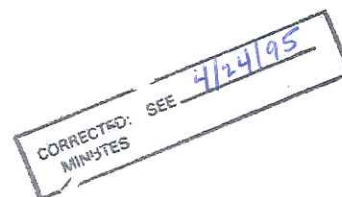
MARYSVILLE CITY COUNCIL MINUTES

April 10, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Steve Wilson, Finance Director  
 Grant Weed, City Attorney  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Dave Zabell, City Administrator  
 Lillie Lein, 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.

MINUTES OF PREVIOUS MEETING:

Councilmember Myers noted on page three in the second paragraph, second sentence where it states that Becky Foster "sent out letters" it should read "made phone calls". Councilmember Pedersen moved and Councilmember Baxter seconded the motion to approve the minutes as corrected. Passed 6-0 with Councilmember Herman abstaining.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of April 10, 1995 Claims in the Amount of \$316,795.09.**
2. **Approval of the March, 1995 Payroll in the Amount of \$534,470.30.**
3. **Affirm Hearing Examiner Decision to Approve Height Variance for Police Communication Tower, PA 9501001.**
4. **Authorize Funding for the 100 Foot Tower on the Public Safety Site and the Lake Goodwin Transmission Site.**
5. **Affirm Hearing Examiner Decision to Approve Conditional Use Permit for a Duplex, Jeanette Schultz, PA 9412046.**

Councilmember Herman referred to the Staff Recommendation Exhibit No. 2 under Consent Item 5 and asked if, in the future, something closer to a street address could be included under location. City Planner Hirashima said she would include a block number. On this same item and in response to Councilmember Leighan, City Planner Hirashima explained that the parking code does allow single family duplexes one parking space in the driveway. This is not allowed for multi-family apartments.



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Councilmember Herman moved and Councilmember Leighan seconded to approve the consent agenda with Councilmember Herman abstaining from voucher 23753 and Councilmember Baxter abstaining from voucher 23875.

CORRECTED: SEE 4/24/95  
MINUTES Vote was  
Unanimous to approve.

**STAFF BUSINESS:**

Finance Director Wilson reported that the City will be receiving a tax refund on water and sewer utilities of approximately \$82,000 from the Department of Revenue for over-paid taxes during the period 1991-1993. He noted that he had applied for this refund over a year ago and should be receiving it soon. He also noted that he will be meeting with Consultant Eileen Enos to work on finalizing the purchasing manual and start some training.

City Administrator Zabell alerted Council that the takings initiative is still being considered in Olympia with no action taken in the Senate yet but he will continue to watch this. Also, Administrator Zabell informed Council of an RTA Roundtable meeting to be held Monday, April 17, 5:00-7:30 p.m. in Edmonds City Council Chambers. All elected officials have been invited to attend. Administrator Zabell announced a two hour public hearing on Vision 2020, April 20, 5:30 p.m. in Everett, the announcement will be in this week's weekly briefing.

City Attorney Grant noted that the Attorney General's Office has put out an updated paper that outlines areas of potential concern and provides a checklist for cities as required by the GMA. Several councilmembers expressed an interest in receiving a copy and Mr. Weed said he would make it available to the whole Council.

City Administrator Zabell announced that the skateboard meeting was changed to Wednesday, April 12, 7:00 p.m., Jennings Park Barn. He noted the change was necessitated by a conflict in the meeting room. The media has been contacted.

City Planner Hirashima noted that in regard to the North Annexation, there are three petitioners who are actively contacting property owners within the annexation and staff sent out a mailing to property owners in the area listing contact persons if they are interested in receiving a petition. The City has been contacted by Pacific Coast Feathers and Evergreen Mobile who have indicated they are interested in annexing into Marysville. A general information meeting has also been scheduled for May 3, 6-8 p.m., to be held at Marshall Elementary. This will be an opportunity for the public to ask questions of city staff and officials. In response to Councilmember Pedersen, Ms. Hirashima said she was not aware of anyone requesting to have their names removed from the Arlington petition. She has requested that copies of any forms received be sent to her but she has not received any yet.

Public Works Director Winckler reminded Council of meetings Thursday, April 13 in the Public Works Conference Room - RUSA at 7:30 a.m. and Traffic Advisory 10:30 a.m.

Public Works Director Winckler informed Council that his staff has reviewed areas requested by Council and noted City Engineer Berg and the Maintenance Supervisor believe the area at Third and State can be addressed by repainting



the area with lane stripes and delineation. In response to Councilmember Pedersen's concern for painted areas being covered by cars, he said he would also look into some overhead signs. He referred to Fourth and Delta noting that many turn violations were observed and that his department will ask WSDOT to review this area and will suggest an island be installed to prevent illegal left turns at that corner. Councilmember Leighan requested that WSDOT also review the Corner of Cedar and Fourth noting a concern for the flow of traffic and back-up of cars created at that corner.

Public Works Director Winckler stated that in the process of providing paperwork for the Washington State Patrol, it was determined that capital improvement fees for water connection would be \$21,250. He noted that this is a temporary connection and is not a fire line and asked Council for authority to handle this administratively as residential which would substantially lower their fee. After discussion of fire protection and concern for setting a precedent for other businesses/users, Councilmember Herman moved and Councilmember Bartholomew seconded the motion to authorize Public Works Director Winckler to administratively calculate the fees as suggested based upon this being a temporary connection for a public facility and conditioned that this is for use only by the Washington State Patrol. Motion carried unanimously.

**MAYOR'S BUSINESS:**

Mayor Weiser stated he attended a special meeting held last Thursday by the Arlington Planning Commission regarding the land use portion of their Comp Plan. City Planner Hirashima had submitted a letter denoting Marysville's concerns especially on water and sewer issues and the Mayor basically reiterated those concerns and suggested the bulk of that area be left as is until after the master plan that the County has proposed is either acted on or not acted on. The Arlington Planning Commission agreed with that and approved their plan. It will be considered before their City Council on Monday, April 24.

Mayor Weiser also reminded Council of the Workshop on zoning and utilities service for the North Annexation is Thursday at 6:00 p.m. in the Fire Training Room.

**CALL ON COUNCILMEMBERS:**

Councilmember Pedersen noted that the Health Board would be meeting tomorrow and explained the current situation of cities contributing to the Health Board and the problem created if the governing of the Health Board were to change. The Health Board has devised a calculation to determine percentage of ownership which would determine return of any profits should the building be sold. Consensus was this would be fair.

Councilmember Myers noted that the Friends of the Library was interested in purchasing artwork for the new library and had inquired if Council approval of artwork was needed before purchase. Council indicated an interest in reviewing the artwork. He also stated that the Library Board had discussed having volunteers give tours of the new library for about six months after opening. They also inquired about a dedication and open house. City Administrator Zabell said the City would be planning this probably through the Parks Department and they would be contacted for input. Friends of the Library wanted Council to know their next meeting is May 1 at 2:00 p.m. in the Log Cabin Room.



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Councilmember Myers also inquired about the corner of Grove and 51st regarding right hand turn lanes for three directions and asked Public Works Director if he could look into a right hand turn land for Eastbound traffic as cars were using the shoulder for making those turns. Also, on 57th Street he noted that persons are blocking the emergency access to Parkside Manor and asked if signs could be posted that this is illegal.

Councilmember Herman noted that he had two Community Transit meetings Thursday and, although he expected to be on time for the workshop, wanted the Council to be aware of these meetings which could cause him to be delayed.

Councilmember Leighan announced the Easter Egg Hunt will be Saturday at Jennings Park, 10:00 a.m., sponsored by Rotary.

Councilmember Leighan also referred to a recent newspaper article on Costco and asked if anyone from the City has contacted them recently. City Administrator Zabell said he had talked with them about a year ago but would contact them again. Councilmember Pedersen noted they have a new land acquisition person, Don Becca, and suggested Mr. Zabell contact him.

Councilmember Leighan mentioned concern for and a short discussion followed regarding above-ground utility lines being installed on Grove.

PETITIONS AND COMMUNICATIONS:

**1. YMCA Fireworks Proposal.**

Cheryl Deckard, Administrative Assistant to YMCA, 1632 Ninth Street, Marysville addressed the Council referring to a letter to Mary Swenson requesting a 10 minute fireworks display during the opening of the YMCA. She noted that this would be a low-ground display, not an aerial display. She explained this opening was by invitation only for donors and contributors to the YMCA and due to their extreme generosity the YMCA wanted to end this opening with a "big bang". They had considered a laser light show but it will not be dark enough at 9:00 p.m. for this.

Councilmember Pedersen was interested in what the response was from the Fire Marshall and Councilmember Bartholomew was concerned about traffic control on this State Highway. Ms. Deckard said Assistant Chief McKinney did not feel additional police would be needed and noted the YMCA would have eight adult parking attendants for added security.

Mr. John Fisher, President of Port Gardner Fire Works Company, 1819 Hoyt, Everett addressed Council. He explained that they would be using low-level, class B fireworks, i.e., Roman candles, fountains that would be mostly colors not noise. Fire Marshall Jacobsen and he will be visiting the site for his review and approval. He also noted that the fireworks rise less than 50' and listed the Everett Giants and Bellingham as references of his work.

In response to Councilmember Bartholomew's concerns, City Attorney Weed explained that, because the City was not sponsoring the event, they did not need special indemnity insurance.

Councilmember Pedersen expressed concern for the confusion which may be caused by the close proximity in time (less than one month) to the Fourth of July and the current code restrictions.



City Attorney Weed referred to a provision for special events in the City of Everett ordinance and Councilmember Baxter noted that he felt the City should be able to do something on special occasions.

Councilmember Herman moved to make this an agenda item for April 24 with feedback from the Fire District Board at that time. Councilmember Pedersen seconded the motion. Because Ms. Deckard indicated that she had additional information to give, Councilmembers Herman and Pedersen withdrew their motion.

Ms. Deckard noted that the "big bang" she referred to earlier was not intended to be noise. She said the community gave a lot of money to building this building and the donors deserved a "big pat on the back". They have three openings planned. This one, one for charter members, and one for the public. She said they have a meeting planned with the Fire Marshall, Police Department, and a representative from Allen Creek Elementary since it is located right next door. She stated that they had not given any thought to contacting the State Patrol because they have eight adults scheduled to be in the parking lot, one of whom is a State Patrol Officer.

Councilmember Herman restated his earlier motion to bring this back to Council as an agenda item on April 24 with feedback from the Fire District Board. Councilmember Pedersen seconded the motion. Motion carried unanimously.

**2. Traffic Problems in Brookwood 3 & 4:** Mayor Weiser noted the petition received regarding traffic problems in Brookwood 3 & 4 and stated that it is being sent on to the Traffic and Safety Committee for their recommendation.

**Review Bids:**

**1. Lloyd Taubeneck Building Roof System Replacement:** Public Works Director Winckler reviewed a memo from Public Works Superintendent Larson recommending the apparent low bidder, Ron Loop Construction at \$36,765.00 plus tax. Councilmember Pedersen asked for all names of bidders and their bids. Public Works Director Winckler noted the other four bids before tax: Residential Construction - \$41,500.00, North Shore Sheet Metal, Inc. - \$42,000.00, SQI, Inc. - \$48,226.00, and Son Construction Company - \$49,500.00. Councilmember Baxter inquired about the time frame for completion of work. Director Winckler said 21 days with Administrator Zabell noting that the contractor would have to secure the roof at the end of each day. Councilmember Bartholomew asked if Ron Loop Construction was licensed and bonded and if they had done work for the City before. Director Winckler replied in the affirmative to all three questions further noting that this is a local company. Councilmember Bartholomew moved to approve the budget amendment request for \$39,800.00 and award the bid to Ron Loop Construction Company in the amount of \$39,779.73. Councilmember Baxter seconded the motion. Motion carried unanimously.

**Current Business:**

**1. H.D. Fowler Utility Variance Request - UV 86-003:** It was noted that this is a very old issue and Councilmember Baxter asked if there has been any change in conditions. Administrator Zabell said that it was for the same piece of



property and under the same conditions and explained the cause for such a long delay for this utility variance. Councilmember Baxter moved to approve utility variance UV 86-003 for H.D. Fowler. Councilmember Bartholomew seconded the motion. The motion carried unanimously.

New Business:

**1. Tom Lucas Utility Variance Request - UV 95-004:** Public Works Director Winckler stated that this request is for one water connection to a new construction. It is outside RUSA, CWSP, and the UGA but is within the proposed Marysville water comp plan boundary currently being considered. It would be a mainline connection. He recommended denying the variance without prejudice until the CWSP and urban growth boundary is determined.

A discussion of direct connections to mainlines followed with it being noted that Everett has a policy which flatly refuses these types of connections. Mayor Weiser asked if there weren't connections to the main line to Edward Springs and Director Winckler said there were but they were emergency situations.

Twila Lucas, 815 - 124th Street S.W., Space 99, Everett stated that in researching this, she found that RUSA had abstained from discussing the variance. She noted that this property is in the growth management plan for the County but that they hoped to start building before the six months it will take to pass the GMA plan. She said she would appreciate the City Council looking at this and looking to the future and added that she would not fight annexation into the City.


Administrator Zabell inquired about access to her property and she replied that they will have to build a short plat road into it. Administrator Zabell asked if the house was higher than SR528 and she said it was basically aligned with it or a little higher. A discussion of pressure problems followed with Councilmember Baxter noting that each connection along a short plat road would probably still require a booster pump. Councilmember Pedersen moved to deny the variance without prejudice for a period of 12 months. Councilmember Myers seconded the motion. The motion passed unanimously.

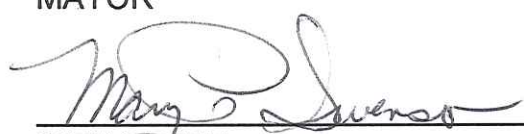
Adjourned into Executive Session: 8:15 p.m.

- 1. Personnel. (No Action)
- 2. Real Estate. (No Action)

Reconvened and Adjourned: Approximately 8:50 p.m.

Accepted this 24<sup>th</sup> day of April, 1995.

  
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MAYOR

  
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CITY CLERK

  
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RECORDING SECRETARY