

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	AUGUST 7, 1995	00182
<u>CALL TO ORDER:</u>	7:00 p.m.	
<u>MINUTES OF PREVIOUS MEETINGS:</u>	7/17/95 & 7/24/95 Approved	
<u>AUDIENCE PARTICIPATION:</u>	Jerry Rumsey, Greg Roth	
<u>CONSENT AGENDA:</u>	Approved:	
1. Approval of 8/7/95 Claims in the Amount of \$1,008,181.45; paid by check nos. 25317 through 25532.		
2. Approval of July, 1995 Payroll in the amount of \$569,572.66; paid by check nos. 17721 through 18061.		
3. Authorize Mayor to Execute the Contract Documents for the Grove St. Project.		
4. Acceptance of the Signal at SR 528 & 67th Av. NE and Begin 45 Day Lien Period.		
5. Approval of Liquor License Renewals for El Rinconcito & Msvl. Deli & Video.		
<u>STAFF'S BUSINESS:</u>	2nd Quarter Financial Rpt.	
<u>MAYOR'S BUSINESS:</u>	Bill Roberts reappointed & John Carroll appointed to Planning Commission	
<u>CALL ON COUNCILMEMBERS:</u>		
<u>REVIEW BIDS:</u>	None	
<u>PUBLIC HEARINGS:</u>		
1. Van Assche Annexation	Approved	
<u>CURRENT BUSINESS:</u>		
1. Wright 60% Annexation	Public Hearing 9/5/95	
2. Continued Discussion of 6 Year Transportation Improvement Prog.	Cont. to 8/14/95	
<u>NEW BUSINESS:</u>		
1. Planning Comm. Recommendation; Industrial Code	Final Draft to be prepared by City Atty. for Council (Approved)	
<u>ORDINANCES & RESOLUTIONS:</u>	None	
<u>LEGAL MATTERS:</u>	None	
<u>ADJOURNMENT INTO EXECUTIVE SESSION:</u>	9:35 p.m.	
1. Personnel.	No Action	
2. Real Estate.	No Action	
3. Litigation.	No Action	
<u>RECONVENED & ADJOURNED:</u>	10:02 p.m.	

AUGUST 7, 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

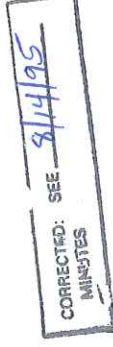
Thom Graafstra, City Attorney Pro Tem

Gloria Hirashima, City Planner

Ernie Berg, City Engineer (for Public Works Director)

Dave Zabell, City Administrator

Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led us in 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 Myers moved and Councilmember Bartholomew seconded to approve the 7/17/95 Council Workshop & Special Meeting Minutes as written. Passed unanimously.

Councilmember Pedersen noted in the 7/24/95 minutes on page 2, paragraph 5, line 4, it should be "home" not "hom".

On page 3, in the second paragraph from the bottom, it was noted it should be changed to the two RUSA Committees rather than simply "Arlington and Marysville" that have been negotiating on utilities.

There being no further corrections, Councilmember Pedersen moved and Councilmember Leighan seconded to approve the 7/24/95 Council Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Jerry Rumsey of Anacortes addressed Council regarding the Callan property on 67th again. He said it basically boils down to (according to a letter from Gloria Hirashima) that they can put a mobile on the property or short plat the property. It was noted the Planning Dept. is willing to defer curbs, gutters and sidewalks but Mr. Rumsey stated that the family just can't financially afford the short platting process. The would like the present residence declared a temporary residence with the proviso that it be torn down when their mother dies.

City Administrator Zabell recapped the situation, noting Mr. Rumsey has been speaking with the Planning Dept. He said he has also spoken with City Planner Hirashima and talked with the City Attorney about this and basically if they brought in a mobile home, it could be declared a temporary dwelling.

Councilmember Pedersen noted that in the county, a temporary residence can be justified for someone with a medical condition if they provide an annual letter from the family physician to the county.

City Attorney Pro Tem Graafstra stated a temporary dwelling can be for "continuous care and dwelling" but the Marysville code will not allow the existing residence to be classed as the temporary

dwelling. He added they could bring in a mobile, however, as a temporary dwelling.

City Planner Hirashima noted the City has had these types of houses applied for by others and the Planning Dept. expects to have something before Council at the next Council meeting and she said they will probably be recommending that a conditional use permit not be required. She stated she has advised Mr. Rumsey of this and he did not wish to short plat; they are proposing to build a second residence which would be a permanent dwelling and were hoping to remove the existing residence when their mother dies but that would be creating an illegal situation, she said.

Councilmember Herman said he understands what is being said but the question in his mind is whether there is a way to guarantee that the residence would be temporary and to remove the residence in order to follow Marysville's code, possibly a bond or something that would guarantee removal.

City Attorney Pro Tem Graafstra talked about the definition of a temporary structure, the fact that the Rumseys have the order backwards, possibly revising the ordinance.

Councilmember Baxter asked about short platting the property and Mr. Rumsey said they could not do it while their mother is alive; she would not put up with the construction.

Councilmember Baxter talked about the option of a mobile home and Councilmember Pedersen stated her only concern is building a permanent residence and calling it a temporary residence and what would happen if the mother gets better and no longer needs it.

Councilmember Bartholomew asked about zoning code changes and City Planner Hirashima stated the Planning Commission is looking at accessory apartments but this is a different situation; they are looking at building a second residence on a single lot in a single family zone which is not permitted under Marysville's code. She added that an accessory unit is usually not out in the open and not considered a second principal residence; it's a unique situation and the Planning Commission is not working on this particular situation.

Councilmember Bartholomew said she agrees there should be some kind of bond or guarantee and the Council needs to show some compassion here.

Councilmember Herman said he thinks there could be a bond that would guarantee the removal of the second residence ~~within 18 mos.~~ *of mom's passing, for example, with change of ownership or occupancy.*

Councilmember Leighan asked about short platting costs and time frame and City Planner Hirashima stated it would probably take about 3 to 4 months; a permit for a mobile would be the fastest. For a short plat they would need a surveyor to draw up a legal description and that could cost as much as \$5,000. She added that the property will be assessed under the ULID on 67th and that's something they are already participating in.

Mr. Rumsey said in addition to the surveyor's fee and utilities, they have to come up with an access for emergency vehicles, he believes. He asked about the short platting 5 year rule.

City Planner Hirashima stated he would not be able to short plat under the 5 year rule but he could do a formal platting.

Councilmember Herman asked how long it would take for them to just divide the property in half and City Planner Hirashima said about a month; it would not go through the hearing examiner but a mobile home permit would.

Councilmember Leighan mentioned a situation where Council granted

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a conditional use permit to allow a commercial use and now the property is up for sale as a commercial property.

Councilmember Wright read the definition of "temporary uses" wherein it would be removed after one year and asked about extending the one year.

City Attorney Pro Tem Graafstra said the temporary residence would have to be removed before the one year was up. Mayor Weiser spoke in favor of a bond and that we should have an agreement and/or restrictions in writing.

There was more discussion about demolition costs, bonding, existing buildings, proof of poor health of mother, need to have an agreement reflecting the intent, for example when mom ceases to live in the residence, sale of house or any change in occupancy.

City Attorney Pro Tem Graafstra asked for Council direction because the code would have to be changed to allow the exception being referred to by Council at this time.

Councilmember Pedersen stated she would like to see a variance granted and City Planner Hirashima noted the sewer line will not be completed until next year so the Rumseys will have to put in a drainfield to use until then.

Mr. Rumsey stated he understands that and is willing to do that.

Councilmember Myers said he would prefer to see a mobile home put in but in lieu of that, he would go with the bonding as discussed for guaranteeing removal of the house.

Councilmember Bartholomew stated she feels the Council needs to help these people, by changing the code if that's what it takes, because we are going to see more and more people trying to take care of their parents rather than putting them in nursing homes. She said in this case, there could be an agreement that one of the residences will be demolished when the mother is no longer a resident.

City Attorney Pro Tem Graafstra stated the Council will have to either amend the code or have these people apply for a variance; the hearing examiner may not grant the variance but these people may then appeal to the Council, he explained.

Councilmember Myers also noted "medical conditions" should be clearly defined.

Councilmember Baxter asked about the condition of the present structure and Mr. Rumsey stated it's about 1930's vintage and of no advantage to retain the footprint or remodel the house.

There was more discussion about changing the code, the existing house is not valuable enough to keep once a second residence is built, asking the City Attorney to draft amendment to the code along with bonding agreement that will be tied into change of occupancy, demolishing one of the structures, alternatives, variance criteria, rewriting temporary occupancy code, building a new house with an accessory apartment, need to start allowing this type of thing, drafting of new variance criteria.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to direct the City Attorney to draft new variance criteria to reflect the above discussion and for the process not to have to go through the hearing examiner. Passed with Councilmember Myers against.

Greg Roth, 6427 66th Pl. NE, addressed Council. He said he was here at the suggestion of the Marysville Police Dept. and he presented a petition which 13 of his neighbors had signed regarding activity in the vicinity of 56th Pl. NE & 64th Av. NE in the Sunny-side Hills area in which they believe there is drug dealing and

they are having problems with young adults, etc. and the suggestion was that possibly they could get the MPD bike patrol out there because having patrol cars in the neighborhood is too conspicuous. He stated the MPD said they are aware of the situations but it is very difficult to catch these people with a patrol car. Mr. Roth stated this problem actually started last summer but they have just recently been annexed into the City and so they are appealing to City Council to help.

Councilmember Myers said he would suggest their starting a block watch program with an actual sign on the street. Councilmember Pedersen stated she would like City Administrator Zabell to talk to the Chief of Police.

Mayor Weiser asked to speak to Mr. Roth privately out in the hall and Mayor Pro Tem Pedersen then took over the meeting. There was brief discussion about the MPD patrol, public interest being shown here.

CONSENT AGENDA:

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Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2, 3, 4 & 5. Motion passed unanimously with Councilmember Leighan abstaining on Voucher #25523 and Councilmember Baxter abstaining on Voucher #25453 under Item #1.

Mayor Weiser returned to Council Chambers.

STAFF BUSINESS:

Finance Director Wilson stated the Purchasing Manual has been reviewed and parts have been rewritten; it will be presented to Council after his return from vacation in two weeks. He noted the 1996 Budget process has begun and they have been looking for equipment needs for 1996. The budget will start to be reviewed in Sept., in October there will be Council workshops and the preliminary budget is due Nov. 1st, he explained, with budget hearings in the latter two weeks of November with part of the hearings addressing revenues this year for the first time, in accordance with a new state law. He stated he is still checking into the Liquor Board profits that were mentioned a couple weeks ago by Councilmember Pedersen.

Second Quarter Finance Report. Finance Director Wilson reviewed the information in the packets and noted the Growth Management Fund income has slowed because of a slowing down of real estate sales. He noted this fund provides money for street and park projects and if revenues do not come up to what they should be, some projects may be curtailed. Retail sales tax and building permits revenues are also down a bit but expenditures are up approximately 9% in the Water & Sewer Fund, he reported. There has been reduction in the expenditures because the state tax when down 1% and there has also been a delay in purchase of a new truck, he noted. Most of the other funds' revenues and expenditures are right on target except the revenue is a little low for the golf course, he reported. He said he would be getting further information about restaurant payments and rounds played, etc. for Council.

City Administrator Zabell stated he will be out of town for the next 6 working days.

City Planner Hirashima reported the Planning Commission is currently working on the final Comprehensive Plan Draft and she invited the Council to submit comments. She said workshops with the Council and Planning Commission can be set up whenever the Council wishes to discuss the Comp Plan and she noted the transportation section captures the information from Transpo and that the Comp Plan represents a lot of work by a lot of separate city departments, committees and consultants.

MAYOR'S BUSINESS:

Mayor Weiser referred to the information in the packets wherein he wishes to reappoint Bill Roberts and appoint John Carroll to the Planning Commission. John Carroll was introduced to the Council.

In response to Councilmember Myers' question, Mr. Carroll explained that he was in charge of Communications as a Navy Chief.

Councilmembers Pedersen and Herman spoke in support of Mr. Carroll.

Councilmember Bartholomew moved and Councilmember Baxter seconded to reappoint Bill Roberts to the Planning Commission. Passed unanimously.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to appoint Mr. Carroll for a term that expires 8/2/96 to the Planning Commission. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Baxter asked about the golf course architect report and City Administrator Zabell said he would follow up on this.

Councilmember Myers asked about the lawnmower shop that has now turned into commercial property and City Planner Hirashima reported Paul Rochon has been in touch with the real estate companies in question to let them know that this is in fact not commercial property that they have been advertising.

Councilmember Bartholomew reported the train gates were stuck down on 116th today and backed up traffic onto the freeway. She noted it was a real mess this morning what with 88th, 116th and the construction at 4th and I-5. Mayor Weiser said he would be following up on the train issue.

Councilmember Bartholomew received a letter from Mr. & Mrs. Brian Emery regarding a rezone issue which she referred to City Planner Hirashima and she also noted there is an upcoming Superfund Hearing 8/22 which City Administrator Zabell said he would include information about in the weekly briefing.

Councilmember Bartholomew stated she was passing along appreciation from Wes & Marian Chandler for Marysville's graciousness and hanging flowers along State.

Councilmember Herman stated he will be out of town for the grand opening of the new library. He talked about CT service expansions, increasing usage rates and he noted one of the routes that has increased is around the Arlington Airport. He noted there is a new transit development plan in the works as well as CT looking for a new bus staging/parking area for which it has been estimated that maintenance operations and construction costs will be about \$38 million, exclusive of land acquisition, so they are looking for grant funding and other methods of funding.

Mayor Weiser talked about ISETEA funds, regional projects vs. local projects, \$239,000 coming to Marysville.

Councilmember Herman stated the message is clear that our gas tax needs to go up in order to meet needs.

Councilmember Leighan talked about the vehicle maintenance program and asked about the bus stop at the new library. It was noted that yes, there will be a bus stop built but as yet there is no bus service at the new library.

Councilmember Wright asked about the cost of the new hanging flower baskets and was told they cost about \$100 each which includes the post, basket, flowers and maintenance.

Councilmember Pedersen reported the Snohomish Health Dept. meets tomorrow and Rick Mockler will be speaking at the Cities and Towns meeting as well as Dr. Ward Hinds. She also reported there will be a meeting with the Tribes 8/11 which she will be attending however she will be out of town 8/18 for the library opening also. She asked about the status on Acro Machining & Over the Hill Car Sales.

City Planner Hirashima reported Acro is continuing to work on their application and the Planning Dept. is in regular contact with them. The car dealer is apparently out of business and so she guessed the whole matter will probably come up again with the next business that wants to go in there.

Councilmember Pedersen asked if the City Attorney could follow up on the Acro situation and she also talked about the illegal parking at the emergency vehicle access near the park on 57th.

PUBLIC HEARING:

1. Van Assche Annexation.

City Attorney Pro Tem Graafstra swore in one person who wished to testify.

City Planner Hirashima reviewed the agenda bill and stated the Planning staff recommends acceptance of the annexation area.

Steve Godwin, 12228 47th Av. NE, addressed Council and stated he was speaking in opposition to the petition for annexation. He said he is fairly new to the area and this came as a complete surprise to him. To regress, he stated he is impressed with this City Council as compared to others, for example, where he lived in Alaska previously, but he sees no benefit to his being part of Marysville as he sees it costing him money and so he doesn't know why he should do it.

Mayor Weiser gave some history about this annexation and pointed out that the people to the north started a new petition for annexation, that taxes would only be slightly higher in Marysville than in the county, water & sewer rates are less in the City, there is a utility tax in Marysville, police respond slightly faster as Marysville as one officer for every 800 people and the fire service would be about the same.

Councilmember Herman added that the quality of life can be improved by people who live in the City and participate in City Council meetings. He also commented on the non-protest agreements/covenants and how they can represent a surprise to people.

Mr. Godwin said he was impressed with the compassion shown the Rumsey family with their mother but at the same time, he doesn't like having that close of contact with the City and he said he would rather take his chances with the county.

City Administrator Zabell mentioned some differences between City and county government.

Mr. Godwin stated he has been involved with many incorporated and unincorporated cities and the only difference he noted was that his taxes increased when he was annexed into the City.

There being no one further wishing to address Council, the public hearing was closed at 8:55 p.m.

There was brief discussion about MSD property remaining outside the City limits, that this is a separate upcoming issue, the non-protest agreement percentage that signed.

Councilmember Myers moved and Councilmember Bartholomew seconded to accept the annexation area subject to the City's bonded indebtedness, zoning and comprehensive plan and authorize the City Attorney to prepare a resolution transmitting the proposed annexation to the Snohomish County Boundary Review Board for approval. The motion passed 6-1 with Councilmember Herman against.

CURRENT BUSINESS:

1. Wright 60% Annexation.

City Planner Hirashima reviewed the agenda bill, noting this was once included in the Southeast Annexation four years ago, it was denied by the Boundary Review Board but 4-5 similar proposals have come in and been approved since. She stated the Planning Staff recommends a 9/5/95 public hearing date with the annexation subject to the City's bonded indebtedness, zoning and comprehensive plan.

Councilmember Bartholomew moved and Councilmember Myers seconded to set a public hearing date of 9/5/95 as recommended by Planning staff. Passed unanimously.

2. Continued Discussion of 6 Year Transportation Improvement Plan.

City Engineer Berg reviewed the TIP document, explained funding requirements and asked for Council input. He referred to DOT requirements and talked about cross referencing with other City projects.

Councilmember Baxter asked about the 1st & State signalization project and City Engineer Berg stated it is in the plan and the City is in the permitting process on this project.

Councilmember Pedersen moved and Councilmember Wright seconded to continue this to 8/14/95. Passed unanimously.

NEW BUSINESS:

1. Planning Commission Recommendation; Industrial Code.

City Planner Hirashima reviewed the agenda bill and staff report/concerns. She said the Planning Commission recommends consolidation of Light Industrial/General Industrial and Business Park zoning for consistency and part of the recommendation also is to revise landscaping standards and address accessory retail sales of items manufactured on site, eg. Milgard and Pacific Coast Feathers. She stated the main area referred to would be north of 152nd. She referred to the permitted and conditional uses for each of the three zones, information contained in the packets.

Councilmember Bartholomew asked about adult entertainment conditional use and City Attorney Pro Tem Graafstra said the fact that they need a conditional use permit is not too well accepted legally, however, the adult entertainment uses are currently under a moratorium. The adult entertainment review committee will be making recommendations to Council this spring, he said.

Councilmember Herman asked about the deletions with regard to signs and City Planner Hirashima said this needs to be subject to the MMC sign code to be consistent with other zones; they need to all be subject to the same sign code.

After brief discussion, Councilmember Herman moved and Councilmember Bartholomew seconded to direct the City Attorney to prepare a final draft of the Industrial Code to be presented to Council for adoption.

There was further brief discussion and City Planner Hirashima noted in the area north of 122nd the Planning Commission is studying land use, etc., with a public hearing proposed for 8/23/95.

The motion passed unanimously.

ORDINANCES & RESOLUTIONS: None.

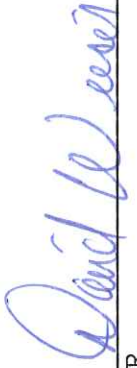
LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:35 p.m.

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

RECONVENED & ADJOURNED: 10:02 p.m.

Accepted this 14th day of August, 1995.



MAYOR



CITY CLERK



RECORDING SECRETARY