

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JUNE 3, 1996 208

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

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS: 5/28/96 Approved

AUDIENCE PARTICIPATION: Wade Eldridge

CONSENT AGENDA: Approved:

1. Authorize Mayor to Sign Final Plat Mylar for Tuscany Ridge; PA 9309031.
2. Affirm Hearing Examiner Decision/Recommendation to Approve the Rezone to Low Density Multiple Family (6-12 du/acre) - Alpha Subdivision Pro's; PA 95120582.

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Flag Day Proclamation
6/14/96

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

1. Marysville Middle School Leadership/Life Skills Class.

PUBLIC HEARINGS:

1. Barr Annexation; PA 9509046. Approved - to be submitted to BRB
2. Vinish Annexation; PA 9506039. Approved - to be submitted to BRB

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

1. Belmark/Reed & Belmark/Olson Pub.Hrg. set for 6/24/96.
Variance to Substandard Lot Code.

ORDINANCES & RESOLUTIONS:

1. Ord. 2078 Approved amending Chap. 7.08.033 and 7.08.111 of MMC pertaining to rates for yard waste collection and adding a new section pertaining to commercial recycling rates.

LEGAL MATTERS: None

ADJOURNMENT: 9:36 p.m.

EXECUTIVE SESSION: 9:46 p.m.

1. Litigation No Action
2. Real Estate Action (See Minutes)

RECONVENED & ADJOURNED: 10:42 & 10:43 p.m.

MARYSVILLE CITY COUNCIL MINUTES

209

JUNE 3, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem

John Myers

Ken Baxter

Donna Pedersen

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator

Steve Wilson, Finance Director

Gloria Hirashima, City Planner

Grant Weed, City Attorney

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance at 7:00 p.m.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

Councilmember Leighan noted on page 2, 2nd paragraph from the bottom in the 5/28/96 Council minutes, "MTDs" should be "MDTs."

Councilmember Herman noted, also on page 2, in the 2nd paragraph under Call on Councilmembers, the word "take" should be inserted between "would" and "this matter up".

There being no further corrections, Councilmember Myers moved and Councilmember Bartholomew seconded to approve the 5/28/96 City Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Wade Eldridge, 7931 108th St. NE, addressed Council regarding placing "No Parking" signs for use during the Strawberry Festival for the float staging area and 3 on 3 basketball tournament. He said he has discussed this with Larry Gessner of Public Works, Walt McKinney of the Police Dept. and Grant Weed. The signs would go up on 7th and 3rd and would apply after the parade on 6/15/96 and all day 6/16/96. He explained the exact locations and that they would put the signs up in time to give people 24 hours advance notice. He showed a sample of one of the signs and noted they are reusable so they can be used during each Strawberry Festival with a simple change of date on the sign.

Councilmember Bartholomew asked if the code permits these signs and City Attorney Weed said yes and he has discussed this with Assistant Police Chief McKinney. It would basically be a temporary street closure with approval by City Council and MPD would assist with enforcement.

Councilmember Wright asked how many signs would be put up and Mr. Eldridge stated they plan to spread 20 signs out on 3rd from Columbia to Alder and on 7th from State to Delta, also by Taco Bell.

Councilmember Pedersen asked about possibly putting an RCW reference on the signs but City Attorney Weed said he didn't think that was necessary; most people will know and recognize that this is for the Strawberry Festival.

Councilmember Bartholomew moved to authorize the no parking signage as requested. Councilmember Myers seconded and the motion passed unanimously.

CONSENT AGENDA:

1. **Authorize Mayor to Sign Final Plat Mylar for Tuscany Ridge; PA 9309031.**
2. **Affirm Hearing Examiner Decision/Recommendation to Approve the Rezone to Low Density Multiple Family (6-12 du/acre) - Alpha Subdivision Pro's; PA 95120582.**

Councilmember Leighan asked about tree retention requirements under Item #2 and after brief discussion, Councilmember Bartholomew moved and Councilmember Leighan seconded approval of Consent Agenda Items 1 & 2. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson reported the 1995 Annual Financial Report has been handed out and there will be a memo to Council to follow. He said the report will be audited this summer, that he expects no problems and he thanked the financial staff for all their assistance in putting the report together.

City Administrator Zabell talked about the utility rate increase that was mentioned in the newspaper. He said this increase has been brought up before in connection with the Comprehensive Water & Sewer Plan and a definitive proposal will be presented 6/20/96. The tentative plan is for a 7/96 workshop with an implementation date for the increase sometime in August or September, he said.

City Attorney Weed advised Council on the status of the cruising ordinance, noting a recently decided case in Wisconsin was found to be constitutional and valid. Regarding the adult use ordinance, a memo will be handed out to Council later this evening, he said.

MAYOR'S BUSINESS:

Mayor Weiser reminded Council of the change in Council meeting dates: No meeting 6/10 but a meeting on 6/17 because of the majority of Councilmembers going to AWC Conference. Also, there will be a 6/25/96 workshop on the Mixed Use Code at 6 p.m., location TBA.

Flag Day Proclamation 6/14/96.

Mayor Weiser read and signed a proclamation declaring 6/14/96 annual official "Flag Day" in Marysville, coinciding with the national event.

CALL ON COUNCILMEMBERS:

Councilmember Baxter noted there are problems with tree roots along 4th & 5th near Seafirst in the sidewalks, etc. and that this should be kept in mind when planting trees along the streets for "beautification." He talked about the Ground Water Advisory Committee Meeting recently held and a memo that came out of that. Apparently not all Councilmembers have received the memo yet and so this will be rectified. He noted there is a RUSA Committee meeting scheduled for 6/20/96.

Councilmember Myers noted the Regional Services Meeting was scheduled for 6/11/96 7 p.m. and most of the Council will be out of town. Mayor Weiser said he would follow up on this and possibly have the meeting rescheduled.

Councilmember Bartholomew talked about the report submitted by the Finance Dept. 5/31 to Olympia with copies to City Council and she extended congratulations to Finance Director Wilson, staff and administration for a job well done.

Councilmember Herman commented on the usefulness of the upcoming educational session on ESHB 1724 at 6 p.m. 6/18/96, put on by the Dept. of Trade & Community Development, at the Marysville Library. He had a question about 67th & Grove and 71st & Grove parks and it was noted Parks & Recreation Director Ballew would comment on this later.

Councilmember Leighan reported the 6/5/96 work release meeting has been changed to 6/19/96. He asked for more information on the utility rate increase and City Administrator Zabell referred to a memo from Larry Wade which went out several months ago.

Councilmember Pedersen said she would like a status report on the boat ramp. She asked about when the Northwest Annexation would go to the BRB and then to the voters; she asked about the process.

City Attorney Weed explained there is a resolution in the process of being drafted for the next Council meeting.

Councilmember Pedersen then explained she has been approached by a business person in the community with regard to visibility of his business. Apparently there are an increasing number of trees that block Olympic Ford's visibility from the freeway and if these trees are not removed, the owner is considering having to move. Because the visibility of Olympic Ford is key to his business, Councilmember Pedersen would like to see the Mayor and Council sign a letter to WSDOT/DNR on behalf of Olympic Ford regarding removal of the trees.

There was discussion about the various issues involved and it was the consensus that the Mayor and Council would sign the letter which had already been prepared.

PRESENTATION:

1. Marysville Middle School Leadership/Life Skills Class.

Parks & Recreation Director Ballew explained that Mrs. Dionnes and Mrs. Niece's classes have been working in conjunction with the Parks Dept., developing a plan for a park at 67th & Grove which has been funded from a recent grant. He introduced the three girls who gave the presentation and it was noted the classes developed the whole design themselves, the presentation, came up with possible names for the park and will be volunteering their time to implement the plan, if approved by Council tonight. The three girls who gave the presentation were Jessica Clark, Lisa Howell and Crystal Beebe.

They first read statements talking about the criteria used and how they went about designing the park. Then they named all the elements in the drawing to both Council and the audience including bolyards, bike racks, pine trees, wetlands, recycling cans placed strategically, mulch trails, arbors, wishing well in the middle of the pond, birdhouses, memorial painting, benches, arch bridge, pond, gazebo, sanicans. They concluded they plan for this to all be done and ready by this fall.

They also talked about Phase II which would include addition of a swing set, electricity, mural tile wall.

There were questions and discussion about fencing, the pond, entrances, access, right of way, adjacent houses/easement, improvements, cost of \$7,000 from Urban Renewal Partnership grant, deeds all need to be recorded and then construction can start in about 2 weeks, kids are willing to help and the grant is basically for the youth.

Parks & Recreation Director Ballew explained the grant is actually from the Dept. of the Interior and is designed for school kids and volunteers to get involved in design, implementation and maintenance of the park.

There was discussion about the hold harmless agreement and a letter going out to thank the kids, school, teachers, etc. The students then presented the three possible names for the park, based on their established criteria:

Youth Peace Park
Serene Memorial Park
Corner Park

They invited City Council and staff to the official groundbreaking ceremony tomorrow at 10 a.m.

After brief discussion, Councilmember Pedersen moved to approve the design as presented and that the students select the name from the three presented. Councilmember Myers seconded and the motion passed unanimously.

PUBLIC HEARINGS:

1. Barr Annexation; PA 9509046.

City Planner Hirashima reviewed the agenda bill, noting Planning staff recommends approval of the annexation subject to the City's bonded indebtedness, RS-9600 zoning and city comprehensive plan and preparation of a resolution transmitting the annexation to the Snohomish County Boundary Review Board.

Rick Barr, 8270 NE Blakely Hts. Dr., Bainbridge Island, WA 98110, addressed Council. He stated they have been working with City staff on this annexation for some time and have spent quite a bit of time getting a petition signed and have a map indicating who has signed the annexation petition, marked in yellow. He presented this for the record.

Jack McCullough, 2025 1st Av. #1130, Seattle, WA 98121, addressed Council. He said he has spent about the last year or so working with Rick on this annexation petition. He noted things have changed with the Growth Management Act, the proposed annexation is within the UGA, the City would be the provider of utilities and it has already been dediced that this is to remain urban. He noted they will be back in front of Council for a rezone to commercial use with a traffic study, etc. once this is approved.

Ed Maychrzak, 8200 38th Dr. NE, addressed Council, stating he has 3 acres within the annexation area and is against the annexation. He said he does not want to be taxed or zoned out of that area, he has animals (pigs and chickens) and wants to remain there and feels like he was railroaded into this annexation, even though he did not sign the petition. He showed where his property is on the map and noted he would have preferred the small area surrounding his property have been left out of the annexation petition.

Norman Olson, 8103 38th Dr. NE, addressed Council. He asked what percentage of signatures on the petition it takes to approve the annexation and Mayor Weiser said it takes 60% of the assessed valuation to bring it back before Council and then Council decides whether to accept it and send it on to the Boundary Review Board. The Boundary Review Board can accept/approve it and send it back to City Council and City Council then makes the final determination on whether it wants to approve or disapprove the annexation.

Mr. Olson stated a neighbor of his has made it known that he wants to bring in multifamily use; also, he said he wishes the Council could slow down the railroad trains!

Juanita Schrock, 8619 36th Av. NE, addressed Council. She pointed out that a number of the people within this area are on limited income and this annexation is going to make it impossible for them to continue to live there, especially with taxes increasing \$500 a year as was told to them that would happen.

Mayor Weiser explained \$500 a year is a totally incorrect figure; the difference in the tax rate this year is about \$4.00 per year on a \$150,000 house--sometimes it's \$4.00 higher in the City and sometimes it's higher in the County. This year, it's \$4.00 more taxes in the City.

Mrs. Schrock asked about benefits to her if she were to annex.

Mayor Weiser said there would be faster police response because the City has a higher ratio of officers to citizens than the county, City water rates will go down, government officials are easier to get ahold of.

Councilmember Bartholomew asked about the annexation flyer the City has published getting mailed to residents and City Planner Hirashima said the Planning Dept. could mail out a petition method annexation flyer; the other one that was distributed was mainly for the election method of annexation.

Bob Armstrong, 8018 38th Dr. NE, addressed Council. He said he elected not to sign the petition and is not sure if that's why he did not receive a notice of hearing or not. He said he wonders if the boundary could be changed so that the objection of the few people could be reflected.

Mayor Weiser explained they try to make reasonable boundaries for police and fire protection, with what signatures were available, eg.

Mr. Armstrong suggested the boundaries could have gone further north.

City Planner Hirashima said she met with the proponents originally and the boundaries chosen were chosen because they felt they could reasonably expect a positive response and that was the area they felt they could reasonably go door to door and talk to people about signing a petition. Right now the police dept. serves part of the area, it's confusing to Quil Lane Tract property owners and not all wanted to be annexed, she said.

Mr. Armstrong asked about the rezoning issue and City Planner Hirashima explained the applicants own or have an option to purchase property along 88th and they wish to rezone it to commercial.

Mr. Armstrong asked if that could include multiple family along 80th and City Planner Hirashima explained the Comp Plan does designate along 80th by the railroad tracks as multifamily.

Mr. Armstrong asked if they would have access from 80th and City Planner Hirashima said yes.

Mr. Armstrong said he thinks a different design of annexation might have been adopted to overcome objections.

City Planner Hirashima said the Planning Dept. is generating a list of small farms and can send out a copy of the small farms ordinance once it's developed.

Mr. Armstrong said he was not interested in being classified as a small farm as much as he would like to see the large lots left as is.

There being no one further wishing to address Council, the public testimony portion of the public hearing was closed at 8:24 p.m.

There was discussion about the Comp Plan designation, existing zoning, rezoning, multifamily designation, annexation recommended at existing zoning so applicant would have to go through a rezone hearing if they wish to develop their property commercially, Comp Plan policies/text, conditions, City being in the process of

updating the zoning code, City services are basically all available immediately with the exception of garbage services where there is a 5 year transition, education process regarding annexations needs to be worked on, come up with a specific tax breakdown.

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve the annexation subject to the City's bonded indebtedness, RS-9600 zoning and city comprehensive plan and preparation of a resolution transmitting the annexation to the Snohomish County Boundary Review Board. The motion passed unanimously.

2. Vinish Annexation; PA 9506039.

City Planner Hirashima reviewed the agenda bill, noting Planning staff recommends that the annexation should be subject to the City's bonded indebtedness, existing zoning and comprehensive plan and that a resolution be prepared transmitting the proposal to the Snohomish County Boundary Review Board. The applicant can submit the zoning application prior to final annexation and assuming the proposal is consistent with the comprehensive plan text, policies and designation, be annexed in with the desired zoning at the time of the final annexation ordinance, it was noted.

Ed Vinish, 8515 State Av., addressed Council. He said he has lived at Twin Cedars Mobile Home Park for 9 years and would really like to move. He said he and his wife have been involved in the community for many years and are here to support the annexation, looking forward to moving into condos that they have planned to build for their family. He stressed that these are going to be owner occupied. He said they have read the City attorney's letter and would like a new public hearing and would like this annexation to go through as soon as possible.

Robert Pell, 14321 2nd Av. NW, addressed Council. He said they have been planning and working on this project for the last 2 years. It was to be something for their future and they have made a lot of sacrifices waiting for this annexation/condo to go through, including living in a 400 sq. ft. home with his wife and baby. He said they realize there are those who want to take advantage of the City and the bureaucracy but there are six families involved here that are making some supreme sacrifices, waiting for a suitable place to live and they would like Council to eliminate the bureaucracy here and expedite this process.

Frank Shockman, 4303 113th Pl. NE, addressed Council. He said he has lived there for about 10 years in a mobile home and this is a family affair; they have been working on this for about a year. He said it would be advantageous to him because he would have larger living quarters and it would help all the families. He said he doesn't have much of a view any more and he really wants to move into the new living quarters; they would like to be annexed into the City so they can get this going as soon as possible.

Jan Shockman, 5020 110th Pl. NE, addressed Council, stating he has lived here for about 20 years. He said every one has been very cooperative but they have been working for the last year under the understanding that this would be annexed at the Comprehensive Plan zoning but they just found out at the last meeting that was not the case. He pointed out that they had 60% in favor right up front but did not submit the 60% petition because they were expecting the zoning to go through and wanted to follow the process. They do need sewer for the 6-plex, worked out an agreement with Albertson's to hook into their sewer line but they made it difficult for them at the last minute, he said; the agreement says they have to be in the City so they can have the same easements and they were waiting for the Comp Plan to be approved. He said they have now lost their agreement with Albertson's, they still need easements from Addington and that property is now

undergoing a change in ownership. They have also lost the cooperation from the Marysville School District and the whole thing was because of a misunderstanding regarding the Comp Plan, he said. Perhaps the Comp Plan zoning can be adopted as per City Planner Hirashima's presentation, he said.

Councilmember Baxter asked about the negotiations with Albertson's and the City's sewer line and Mr. Shockman said they had 3 options --the City suggested the Vinishes go in with Albertson's, Marysville School District or the Tulalip Tribes sewer line.

Kirk Vinish, 8319 53rd Dr. NE, addressed Council. He submitted copies of his statement which he read, discussing three issues:

- 1) Special Treatment;
- 2) Inconsistencies with Comp Plan;
- 3) BRB process.

He summarized there is an ethical reason to adopt the zoning consistent with the Comp Plan and he is in favor of the annexation.

Shirley Miller, 4329 116th St. NE, said she had a few questions. As far as splitting an area between city and county, across the street would be in the county so there would still be a mix of jurisdictions if this area were annexed. Also, they did not receive a notice and they also did not sign the petition because they did not feel the City had anything to offer: They do not need garbage service, for example. She said they figured if everybody wants it, they would go along with it; the Addington property is going to be the new Ernst and now the Millers are the only ones on the block left residential! She asked if the Vinishes want to build multifamily.

City Planner Hirashima explained one of the considerations in selecting the boundaries was the school district boundaries, i.e. they wanted Marshall Elementary within City limits. She also noted that if annexed, the City would take responsibility for the whole street, not just half of the street.

There was discussion about the boundary, annexation of the school, rezoning to multifamily medium density only for the Vinish property, the whole area being designated multifamily.

Councilmember Pedersen asked about City Attorney Weed's response to Kirk Vinish's attorney and City Attorney Weed said he quoted the RCW in his response, among other things.

Councilmember Herman commented on recommendation of a concurrent process and said he wants to be on record that this is not the way he remembers it at the last Council meeting when this was on the agenda.

Councilmember Baxter said he thought there would be a concurrent action also.

City Attorney Weed stated the statute does allow for designation of zoning at the same time as annexation and in his letter to Kirk Vinish's attorney, he pointed out 3 reasons why it's generally not been the practice for the City to designate zoning at the same time as annexation: 1) The City is working on its zoning code at present so there could be some inconsistencies with the county zoning; 2) This is no different from the other annexations; 3) There was a misunderstanding by Mr. Shockman but at no time did the City intend for them to believe that there would be zoning concomitant with the annexation. He added that the applicant can apply for a prezone.

Councilmember Baxter said what he remembers about the pre-zoning is that he thought it was the conclusion of the Council that this would go through with the zoning for the multifamily.

Mayor Weiser said the motion did go through, with the applicant being given the option of rezoning with a binding site plan.

City Planner Hirashima said that was staff's understanding.

Councilmember Herman said he remembers that the rezoning and annexation time lines would not be that different and said he is glad to see the staff having followed up on this. His recollection is Council encouraged the applicant to apply for a rezoning in order for them to meet the desired timelines and this can still be done, as he sees it, he said. He said he also recalls that the City's options as far as adopting land use are legally to adopt the Comp Plan or the county designation at the time of annexation but there are some other factors, eg. regarding the whole annexation area of 6 different ownerships. There was some discussion about how to implement annexation, adopting the Comp Plan designation, rezoning, Comp Plan policy, impact fees paid by developers under the GMA, SEPA provisions, protection for people as a result of mitigation fees, he said and he added he doesn't see how the Council can accommodate this request without these changes and requirements that usually accompany this type of request, i.e. the people apply for a rezoning and the Council moves forward with it quickly. He said he thinks this can be accomplished to the benefit of all.

Councilmember Wright asked about the steps the applicant was told he could take and there was discussion about rezoning with a binding site plan, one of the issues is a consistent process, that staff and Council are comfortable with the interpretation of the Comp Plan.

City Planner Hirashima talked about Albertson's SEPA hearing and how the public does have input with regard to buffer requirements, eg. and to help interpret the Comp Plan. She talked about putting the zoning code in place and implementing the Comp Plan; she said they tried to get more detail into the Comp Plan and with the rezoning and binding site plan process she thinks it can be accomplished fairly quickly.

Councilmember Myers moved to accept the annexation subject to the City's bonded indebtedness, existing county zoning and comprehensive plan and that a resolution be prepared transmitting the proposal to the BRB. It can be rezoned under the City's Comp Plan with a binding site plan prior to final annexation and assuming the proposal is consistent with the comprehensive plan text, policies and designation, be annexed in with the desired zoning at the time of the final annexation ordinance.

Councilmember Baxter seconded and the motion passed unanimously.

NEW BUSINESS:

1. **Belmark/Reed and Belmark/Olson Variance to Substandard Lot Code.**

Mayor Weiser stepped down.

City Planner Hirashima reviewed the agenda bill and said staff is recommending a public hearing be set for 6/24/96, the same date as another connected matter will be heard.

Councilmember Herman moved and Councilmember Myers seconded to set a public hearing for 6/24/96. Passed unanimously.

Mayor Weiser returned at 9:35 p.m.

ORDINANCES & RESOLUTIONS:

1. Ordinance amending Chap. 7.08.033 and 7.08.111 of MMC pertaining to rates for yard waste collection and adding a new section pertaining to commercial recycling rates.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2078. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:36 p.m.

EXECUTIVE SESSION: 9:46 p.m.

1. Litigation. (No Action)
2. Real Estate. Action - See Below.

RECONVENED: 10:42 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to authorize the Mayor to sign a Purchase & Sale Agreement for property and conditions as discussed in Executive Session. Passed unanimously.

ADJOURNED: 10:43 p.m.

Accepted this 17th day of June, 1996.

David Weiser
MAYOR

Lucie Lein
Deputy CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY