

Original

MINUTES RECAP

00295

MARYSVILLE CITY COUNCIL MEETING DECEMBER 7, 1998

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

ROLL CALL: All present

19800

MINUTES OF PREVIOUS MEETINGS:

- 1. City Council Meeting 11/23/98 Approved
- 2. City Council Special Mtg. 11/17/98 Approved
- 3. City Council Special Mtg. 12/1/98 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

- 1. Acceptance of 84th St. NE Sidewalk Improvements Project as Complete and Begin 45-day Lien Filing Period.
- 2. Acceptance of Highway 9 Reservoir Modifications Project as Complete and Begin 45-day Lien Filing Period.
- 3. Acceptance of Street Overlay Project as Complete and Begin 45-day Lien Filing Period.
- 4. Acceptance of Crack Sealing Program; State Ave. (Grove to 88th Streets) as Complete and Begin 45-day Lien Filing Period.
- 5. Authorize Mayor to Sign Final Plat Mylar for Cedarcrest Park; PA 9707022.
- 6. Reimbursement for Oversizing Watermain Installed Offsite to Marysville East, 132nd St. NE.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

- 1. 1999 Budget (contd. from 11/23/98) Approved
- 2. Hilton/Belmark St. Vacation; PA 9806035 (contd. from 11/23/98) Approved
- 3. DGR Construction Rezone Closed Record Appeal; PA 9805027. Appeal Denied; Hrg.Exam. Decision upheld 6-1
- 4. Comprehensive Sanitary Sewerage Plan; PA 9711054 Approved - Resolution to be brought back before CC

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

- 1. Husby Annexation; Notice of Intention 10%; PA 9811064. Approved

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2215 Approved 6-1 Remanding Condition No. 12, Amending Condition No. 13, & Otherwise Affirming Hearing Examiner Decision for Preliminary Plat & Rezone of Valley View Estates.
- 2. Ord. 2216 Approved 7-0 Vacating a Portion of 75th Avenue NE.
- 3. Res. 1908 Approved 7-0 Granting a Utility Variance for Paul Jones for Property located at 14725 Forty-five Rd., Arlington.
- 4. Res. 1909 Approved 5-1 Granting Utility Variance for Gary Pettis for Property located at 1016 Ash Ave., Marysville.
- 5. Res. 1910 Approved 6-1 Requesting Retroactive Franchise Fees from TCI of Washington.

LEGAL MATTERS: None

ADJOURNMENT: 9:53 p.m.

EXECUTIVE SESSION: 10:00 to 11:25 p.m.

- 1. Litigation No Action
- 2. Personnel No Action

RECONVENED & ADJOURNED: 11:25 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MINUTES NO. SEE 12/14/98

DECEMBER 7, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem
 Brett Roark
 NormaJean Dierck
 Donna Pedersen
 Mike Leighan
 Otto Herman, Jr.
 Shirley Bartholomew
Administrative Staff:
 Grant Weed, City Attorney
 Dave Zabell, City Administrator
 Ken Winckler, Public Works Director
 Ed Erickson, Finance Director
 Gloria Hirashima, City Planner
 Mary Swenson, City Clerk
 Dennis Peterson, Commander M.P.D.
 Wanda Iverson, Recording Secretary

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CALL TO ORDER/FLAG SALUTE:

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

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Meeting; 11/23/98.

Councilmember Pedersen noted on page 2, 5th paragraph from the bottom, Councilmember Leighan was in fact referring to parking in the downtown area and merchants and their employees getting parking tickets inadvertently.

She also noted on page 4 under Call on Council, in the paragraph starting "Councilmember Pedersen reported there have been several meetings" - this should read "there have been two meetings....." Also, on page 5, "Chavez" should be "Chavis" and in the 4th paragraph, "Hinton" should be "Hilton."

There being no further corrections, Councilmember Roark moved and Councilmember Dierck seconded to approve the 11/23/98 Council minutes as corrected. Passed unanimously.

2. City Council Special Meeting; 11/17/98.

Councilmember Bartholomew noted in the third paragraph of page one, at the end of the 4th line, the word "above" should be "able."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the Special Meeting minutes of 11/17/98. Passed unanimously.

3. City Council Special Meeting; 12/1/98.

Councilmember Dierck moved and Councilmember Bartholomew seconded to approve the Special Meeting minutes of 12/1/98 as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

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CONSENT AGENDA:

1. Acceptance of 84th St. NE Sidewalk Improvements Project as Complete and Begin 45-day Lien Filing Period.
2. Acceptance of Highway 9 Reservoir Modifications Project as Complete and Begin 45-day Lien Filing Period.
3. Acceptance of Street Overlay Project as Complete and Begin 45-day Lien Filing Period.
4. Acceptance of Crack Sealing Program; State Ave. (Grove to 88th Streets) as Complete and Begin 45-day Lien Filing Period.
5. Authorize Mayor to Sign Final Plat Mylar for Cedarcrest Park; PA 9707022.
6. Reimbursement for Oversizing Watermain Installed Offsite to Marysville East, 132nd St. NE.

Councilmember Leighan noted he would not be voting on Item #5 as he has a conflict.

After a couple clarifications, Councilmember Pedersen moved to approve Consent Agenda Items 1, 2, 3, 4 & 6. Councilmember Wright seconded and the motion passed unanimously.

Councilmember Pedersen moved and Councilmember Roark seconded to approve Consent Agenda Item 5. Passed 5-1 with Councilmember Dierck against and Councilmember Leighan abstaining.

STAFF BUSINESS:

City Administrator Zabell reminded Council of the meeting tomorrow morning with the Tulalip Tribes, for Council to meet at 8:15 a.m. at City Hall first and then go over to the Tulalip headquarters.

City Planner Hirashima noted there will be 10 issues being presented at a public hearing tomorrow evening before the Planning Commission: Reconciliation process with Snohomish County for the area south of 152nd plus 9 individual Comp Plan amendment requests.

Public Works Director Winckler reported there is a snow alert for 500' and above and the Public Works Dept. has sanders and personnel ready. He noted they have an annual training program now. There was brief discussion about emergency 4x4 vehicles the City owns.

MAYOR'S BUSINESS:

CORRECTED: SEE 12/14/98
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Mayor Weiser reported the legislative session will be starting January 12 and he was recently able to speak with people in Olympia. The consensus is that the highest priority will be the Endangered Species Act impacts and Mayor Weiser was asked to be on an AWC Committee regarding water quality and water supply issues/ impact of the Endangered Species Act. He said everyone is anxiously awaiting the Governor's draft plan to be released.

CALL ON COUNCILMEMBERS:

Councilmember Leighan said he wished to thank publicly Parks & Recreation Director Ballew and staff for all their efforts in putting on Merryville for the Holidays last weekend, including the new laser show.

Councilmember Wright noted Housing Hope's Beechwood Housing is having its Grand Opening Saturday, 12/12/98 from 10 to Noon.

Councilmember Pedersen said she would be attending and asked who else would be. She asked about the 12/1 Herald article about a tax break for business locating and revitalizing downtown Everett and said she would like someone to look into this for Marysville.

City Attorney Weed said there is a state statute that gives a tax break for revitalization and he will get a copy for Council.

Councilmember Dierck asked about any applications for the Library, Parks and/or TV Advisory Boards.

Mayor Weiser said Mrs. Tipton and Dorothy Stanton are interested in serving on the Library Board, Suzanne Smith has expressed an interest in the Parks Board and no one has indicated an interest as yet in the TV Advisory Board. He will be making his recommendations at next meeting, he said.

Councilmember Bartholomew noted she will be attending an upcoming HUD Policy Board meeting this Thursday afternoon.

PUBLIC HEARINGS:

1. 1999 Budget (continued from 11/23/98).

Mayor Weiser reviewed his memo dated December 7, 1998, outlining budget changes, noting a net total potential revenue available for reallocation of \$40,877. He also reviewed 3 options:

Option I: Approve budget as amended by subsequent memoranda. Utilize unrealized expenditures to enhance unencumbered Current Expense Fund Reserves.

Option II: Modify and approve the Nov. 23 proposal with the revenue and expenditure changes as outlined in 12/7 memo and reduce City property tax levy lid to a 5% increase rather than the 6% proposed.

Option III: Maintain proposed levy lid increase at the full 6% proposed, modify and approve the Nov. 23 proposal with the revenue and expenditure changes outlined in the 12/7 memo and fund the televising of City Council meetings for \$40,300.

City Administrator Zabell explained that expenditure/budget cuts were made based on input from department heads.

Finance Director Erickson reviewed his memo of 12/7/98 outlining unfunded liabilities and what the City should be planning for in terms of LEOFF1 long term care costs, the new DUI laws, 800 MHZ system, Endangered Species Act impacts, Y2K preparation, Compensated Absences, Equipment & Computer Replacement, Contract Settlements.

There was considerable discussion about whether or not to approve the full 6% increase in property taxes, in view of the long list of unfunded liabilities. Councilmembers were in agreement that the \$50 per diem could remain the same and not be increased as originally planned to \$70.

It was explained that for every percentage point of tax increase, it means \$30,000 in revenue for the City and about \$6.00 per year to a homeowner who owns a \$200,000 home.

Councilmember Wright said she would like to hold it to the 5% increase if possible. Councilmembers Roark and Bartholomew agreed.

Councilmembers Pedersen and Leighan both felt the 6% is necessary in light of essential services and unfunded liabilities.

There was discussion about the cost of televising Council meetings, noting it was possible to do this in conjunction with use of school district equipment, at a considerable savings to the City.

It was noted a super majority is needed for the levy amount to pass; a simple majority for the budget itself to pass.

Councilmember Wright moved to accept Option II, reducing the property tax levy lid to a 5% increase rather than the 6% proposed.

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Councilmember Roark seconded and the motion passed 5-2 with Councilmembers Pedersen and Herman against.

CORRECTED: SEE 12/14/98
MINUTES Marysville

School District

Councilmember Herman asked about the Capital Facilities Plan being approved and to be made part of the budget ordinance. City Attorney Weed said that would be brought before Council at next Monday's meeting with separate funds to be established.

CORRECTED: SEE 12/14/98
MINUTES

Finance Director Erickson clarified that he would be establishing separate growth management funds for mitigation fees for parks, schools and traffic.

Councilmember Wright then moved to adopt the 1999 Budget with the input by Finance Director Erickson and City Attorney Weed, and as per memo of 12/7/98, as outlined, to include the school impact fee ordinance. Councilmember Bartholomew seconded and the motion passed unanimously.

2. Hilton/Belmark Street Vacation; PA 9806035 (continued from 11/23/98).

City Planner Hirashima reviewed the agenda bill, referring to overheads depicting floodplain at 9' and Category II Wetland. She said the right of way being vacated is not sufficient to provide legal access and referred to information in the packets, regarding 75' proposed/conceptual buffer. She noted no property would be land locked; there will be a public improved right of way for all three properties in question. It was noted Mr. Crane, property owner, was not in the audience.

Councilmember Pedersen moved to approve the vacancy as per staff recommendation with compensation to be paid based on half the assessed valuation method. Councilmember Bartholomew seconded and after brief discussion about the City's long range plan in terms of which streets are to be extended, the motion was passed unanimously.

3. DGR Construction Rezone Closed Record Appeal; PA 9805027.

Mayor Weiser outlined the procedure for a closed record appeal, noting there would be no testimony allowed on any issues not already brought up at the Hearing Examiner Hearing. He noted the appellant and applicant would each be given 5 minutes to give their respective summation.

City Attorney Weed asked for conflicts, disclosures, any challenges.

Councilmember Bartholomew disclosed she grew up in the subject neighborhood but did not have any conflicts of interest.

There were no challenges from the appellant or the applicant.

City Planner Hirashima gave the staff report, reviewing the agenda bill and information in the packets. She noted the primary issue is the location of the 40' private road adjoining Mr. Seibert's property. She said the Hearing Examiner included a condition of a fence in response to Mr. Seibert's concern as well as responding to the City Engineer's comments, Finding & Conclusion #6, agreeing there would be an impact and so recommending a 6' privacy fence. She noted letters in the packets from the appellant and City Engineer and added that Mr. Carter had recommended access off 80th as it has the lower volume as opposed to 51st. It is anticipated volume will increase and signalization would be recommended, she said.

Councilmember Herman asked about the drainage issue and City Planner Hirashima said the drainage would have to be entirely within the applicant's property; the fence would be place along the property line.

City Administrator Zabell noted the fence is to go along the open space, about 123'.

Councilmember Leighan noted the open space is not to be used for detention and asked about the street runoff.

City Planner Hirashima noted the drainage swale runs along the open space with an infiltration trench for the subdivision.

There was discussion about 51st, future expansion, infiltration trenches, improvements on 51st and 80th (sidewalks).

Mayor Weiser opened the hearing at 8:53 p.m. and asked Mr. Seibert to make his 5 minute summation.

Jeff Seibert, 5004 80th St. NE, addressed Council. He said his objection is the location of the private road. He said the drawing is deceiving and 51st is not wider than 80th. He said his house is right at the bend and traffic generated from six houses is going to be quite a bit of impact on him. He said he assumes that area will be annexed in the future but both 80th and 51st basically have the same volume, he feels. He noted the location of this private roadway will be impacting his quality of life and he can see what the City is trying to do but he is going to have a lot of cars going by his house, more than the houses the road is actually supposed to be serving and he doesn't see why he should be the one who is impacted by this, he said.

Don Reynolds, representative of DGR Construction, 315 Vernon Road, Everett, addressed Council. He said the proposed road has been changed three times and this is what the City came up with. The open space was just left over, not big enough to build on, and the infiltration trench placement can be adjusted, if necessary. He said he did everything he could to move the road but this is what the City came up with.

Councilmember Leighan asked about drainage from the street and Mr. Reynolds said it is his understanding it is to drain into the filtration; they don't have a final plan as yet.

City Planner Hirashima stated there is nothing in the MMC about the open space but a 30' long infiltration trench would be required which will take care of street runoff. It would be located along the backs of the property; the City does not have exact sizes as yet on the infiltration trenches, she said.

City Administrator Zabell noted within the 40' roadway there is 18' to locate drainage.

Councilmember Dierck asked if Mr. Seibert is totally against the development or just the road.

Mr. Seibert said mainly he is opposed to the location of the road; it was originally proposed in a different location but now he is bearing most of the burden, he feels.

Councilmember Dierck asked if relocation of the road would satisfy Mr. Seibert and Mr. Seibert said yes, he would like to see it as far as possible away from his home to lessen the impact.

Councilmember Wright asked whether it was located at this point to provide more safety on 51st and City Administrator Zabell explained the road had to be located a certain distance from the intersection, to lessen traffic congestion and to comply with the Access Management Plan which calls for 125' from an intersection.

City Planner Hirashima pointed out that if the intersection was signalized, the distance of the road from the intersection would be required to be 230'. She noted the original plan was submitted with access to 80th, then it was recommended to be moved as far

west as possible. She said the Hearing Examiner did recommend the fence to prevent glare, noise, etc. She also pointed out that impact from 6 lots is less than a full public roadway. She added there will be an open space tract next to the site.

City Administrator Zabell noted there is an existing fence just to the north of Lot 6 and the Hearing Examiner recommends a fence that would tie into that existing fence.

Mr. Seibert confirmed the existing fence is next to Lot 6, about where the open space is and it's 6' high, cedar, with no gaps in it.

After brief discussion/deliberation, Councilmember Leighan noted he did not see where the Hearing Examiner had erred and he therefore moved to affirm the Hearing Examiner's decision. Councilmember Roark seconded and the motion passed 6-1 with Councilmember Dierck against.

NEW BUSINESS:

1. Husby Annexation; Notice of Intention 10%; PA 9811064.

City Planner Hirashima reviewed the agenda bill and it was noted this would square up the City boundary. There was brief discussion about expanding the annexation area.

Councilmember Roark moved and Councilmember Bartholomew seconded to approve the proposed boundary and authorize the applicant to submit annexation petition. The annexation to be subject to the City's bonded indebtedness, comprehensive plan designation of High Density Single Family and zoning of R-6.5. Motion passed unanimously.

PUBLIC HEARING:

4. Comprehensive Sanitary Sewerage Plan; PA 9711054.

Public Works Director Winckler, Larry Wade and Randall Samsung(??) reviewed the plan at length, discussing various options and alternatives for upgrade of the Wastewater Treatment Plant. There was discussion about sand filters and cleaning of same, work that can be done inhouse, Larry Wade recommending Alternative 1 at present with expansion down the road such as filters and aerators.

Councilmember Bartholomew asked about sludge removal and cost for same and Mr. Wade said it is anticipated that will need to be done in the year 2000. Public Works Director Winckler said there is an area on the south end that needs to be done first and it can be done a segment at a time so they will have a pretty good idea of how much it will cost at that time. He noted they have not had to remove sludge since the lagoon was put in.

Mr. Wade added that it was projected 5500 tons of sludge will have to be removed in the year 2000, at a cost of \$1.65 million.

Councilmember Dierck asked what the GMA deadline was for getting this plan adopted and Mr. Wade noted the City is actually beyond the deadline; it is to be adopted in conjunction with the sewer design and City's Six Year Plan.

Councilmember Bartholomew moved and Councilmember Herman seconded to have the City Attorney draw up a formal resolution adopting the Comprehensive Sanitary Sewerage Plan as recommended (Alternative 1), to be brought back before Council as soon as possible. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **An Ordinance of the City of Marysville Remanding Condition No. 12, Amending Condition No. 13, and Otherwise Affirming the Decision of the Hearing Examiner for the Preliminary Plat and Rezone of Valley View Estates.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Ordinance 2215. Passed 6-1 with Councilmember Dierck against.

2. **Ordinance Vacating a Portion of 75th Avenue N.E.**

Councilmember Bartholomew moved and Councilmember Roark seconded to adopt Ordinance 2216. Passed unanimously.

3. **Resolution Granting Utility Variance for Paul Jones for Property Located at 14725 Forty-five Road, Arlington.**

Councilmember Bartholomew moved and Councilmember Dierck seconded to adopt Resolution 1908. Passed unanimously.

4. **Resolution Granting a Utility Variance for Gary Pettis for Property Located at 1016 Ash Ave., Marysville.**

Councilmember Pedersen moved and Councilmember Wright seconded to adopt Resolution 1909. Passed 5-1 with Councilmember Dierck against and Councilmember Roark abstaining.

5. **Resolution Requesting Retroactive Franchise Fees from TCI of Washington.**

Councilmember Wright moved and Councilmember Pedersen seconded to adopt Resolution 1910. Passed 6-1 with Councilmember Roark against.

ADJOURNMENT: 9:53 p.m.

EXECUTIVE SESSION: 10:00 to 11:25 p.m.

1. **Litigation.** No Action.
2. **Personnel.** No Action.

RECONVENED & ADJOURNED: 11:25 p.m.

Accepted this 14th day of December, 1998.

David Weir
MAYOR

Mary Swenson
CITY CLERK

Wanda K. Swenson
RECORDING SECRETARY