

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
APRIL 24, 2000**

000171

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Pedersen absent.
MINUTES OF PREVIOUS MEETING 1. April 10, 2000 city council	Approved as presented.
AUDIENCE PARTICIPATION 1. Jeff Seibert 2. Tri-county ESA update; Steve Holt and Meg Moorehead from Snohomish County.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Special events permit, Davis Amusement Cascadia for amusement rides, food booths and midway games (continued from April 10, 2000). 2. Sunnyside Boulevard design report, consultant agreement - Entranco. (Continued from April 10, 2000).	Approved. Approved.
NEW BUSINESS 1. Non-exclusive franchise, Black Rock Cable, Inc. 2. Street vacations - methods of compensation. 3. Replacement of dump truck #205 and combining purchase with truck budgeted for 2000. 4. Wastewater treatment plant Capital Facilities Plan; professional services agreement with Tetra Tech/KCM, Inc. 5. Strawberry Fields Biological Assessment, supplement No. 1 to professional services agreement.	Information only. Changed text of MMC 12.32.050 + directions to staff. Approved. Approved. Approved.
CONSENT AGENDA 1. Approve April 24, 2000 Claims in the Amount of \$377,603.40; Paid by Check Nos. 51670 through 51928 with Check No. 51794 and 51262 Void. 2. Approval of Liquor License Renewals for State Street Market, 7-Eleven Store 2306-32834A, Kuhnle's Tavern, Maxi's Restaurant, and La Hacienda #4. 3. Approval of New Liquor Licenses for 4 th Street Market, Stella Mia Ristorante Italiano, and 88 th Street Texaco Food-Mart & Car Wash. 4. Approval of Utility Variance Subject to Conditions for Steven J. Brown, 6420-19 th Avenue N.E., Marysville; UV 2000-05. 5. Approval of Utility Variance Subject to Conditions for Michael Martin; 6710-19 th Avenue N.E., Marysville; UV 2000-06. 6. Approval of Utility Variance Subject to Conditions for Olga Bjorn; 17028-19 th Drive N.E., Arlington; UV 2000-09. 7. Approval of Utility Variance Subject to Conditions for Jesse A. Perrault; 4930 72 nd Drive N.E. Lot 7, Marysville, UV-2000-08.	Approved. Approved. Approved. Approved. Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. A Resolution of the City of Marysville, Washington stating its intention to annex certain unincorporated area known as the 164 th Street Annexation into the city and transmitting the matter to the Snohomish County Boundary Review Board for approval.	Approved Resolution 1979.
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN REGULAR SESSION	10:40 p.m.
EXECUTIVE SESSION To discuss three items.	
RECONVENE No action taken.	
ADJOURN	11:11 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
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CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
David Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Gloria Hirashima, City Planner
Shirley Bartholomew	Grant Weed, City Attorney
Jim Brennick	Ken Winckler, Public Works Director
Norma Jean Dierck	Mary Swenson, Assistant to City
Suzanne Smith	Administrator/City Clerk
John Soriano	Jim Ballew, Parks & Recreation Director
	Ed Erickson, Finance Director
	Roger Kennedy, Fleet & Facility Manager

Mayor Weiser advised that Councilmember Pedersen was ill.

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, April 10, 2000.

MOTION by Dierck, second by Leighan, to approve the minutes of the April 10, 2000 meeting as presented. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION

Jeff Seibert, 5004 80th Street,

- thanked Public Works for the paving on 47th.
- asked if the recommendation from the Planning Commission regarding zoning that would be coming to the council would be on council's consent agenda. Mr. Weed responded that the recommendation was for a plan amendment and was not a quasi-judicial matter. The council had discretion to accept the recommendation or hold its own public hearing, although it was not required to do so.
- Requested that council consider an ordinance or resolution that required developers to file their drawings with the city before any streets or sidewalks were dug up. The problems with 80th and 51st would have been avoided if that had been required.
- Someone told his neighbor that the reason the project in his area was not completed was because Mr. Seibert had held it up by refusing to give a PUD easement. He denied that he had held the project up.

Tri-County ESA update, Steve Holt and Meg Moorehead from Snohomish County.

Ms. Moorehead, Snohomish County's Endangered Species Project Manager, gave a presentation on what the County was doing in response to the listing of Puget Sound Chinook salmon and bull trout as "threatened." Pierce, King and Snohomish Counties are cooperating to generate an early action plan plus a commitment to watershed plans that would equal an ESA-compliant program to be recognized by the federal government in its 4(d) rule. The plan would show how the counties would be in compliance. Providing this plan would allow the counties to have predictability in continuing to provide local services and give the federal government predictability as to what they could count on. Local governments would have two years to get early action plans in place, then 5 years to complete those plans based on science. The primary areas of focus are road maintenance practices, stormwater, and riparian management zones. This effort had been ongoing for about a year and a final rule was expected in June, with a delayed effective date of December. Generic language would be used in each program area that would allow specific plans to be approved later. She distributed copies of the Early Action Program, noting it was a 67-point plan of action. The highlights included instituting a 24-hour grading violation reporting hotline, building several projects to improve salmon habitat and fish access in portions of the watershed, and adopting the Administrative Rule under the critical areas regulations that provides additional protection on land adjacent to waters that have the endangered fish.

Steve Holt, Snohomish County Director of Planning and Development Services, talked about the Administrative Rule and its impact on developing properties in light of the two "threatened" listings. The county adopted its critical or sensitive areas regulations in 1995, before the listings. It set out regulations for any threatened or endangered

species and was actually written for the bald eagle. When the Endangered Species Act became effective in 1999, the county used its rule-making authority and drafted the Administrative Rule for Habitat Management which spoke to the two listed species of fish. He noted the rule was fairly simple and only 7-1/2 pages long. It defined what the priority habitats were for the two fish in the unincorporated portions of Quil Ceda and Allen Creeks. These priority habitats became critical areas by definition under the county's code, thus subject to additional protections. There were two ways to meet those additional protections: the prescriptive path or a biological assessment of the impacts of the development project on a particular body of water and its fish. A developer who followed the prescriptive "menu" was deemed to be protecting because those standards were fairly high. This had been done so it could be presented to the federal government and the county could give assurance that a particular project would do no further harm to fish. The prescriptive path called for 150' critical area buffers on each side of a stream. In that area almost no development would be allowed; it could not be used for buildings, or retention purposes but some limited roadway extensions were allowed. There was an additional 150' buffer strip per side where there were limitations on development, particularly as to impervious surfaces. A house could be built there, but all the water on the site must be infiltrated. Under the second option, the county allowed a developer to go into a biological assessment to identify the impacts of a project on the habitat. The resulting Habitat Management Plan would be reviewed by Washington State Department of Fish and Wildlife. When the plan was approved, a developer could proceed without following the prescriptive path. When the Administrative Rule was put in place in 1999, there were no projects vested under the old rules. It has had some effects on development where they lost lots, but the county still did 34,000 permits in Snohomish County and a little over 3,000 lots were approved in subdivisions, so it had not shut down development.

Councilmember questions and comments included:

- Did the county put the Administrative Rule in place to give immediate protection until the 4(d) rule came out? Mr. Holt responded that the county already had had its critical areas requirements in place. The 4(d) rule for Chinook had not been published in final form and the county was not in the arena of formally seeking protection until it was published. For bull trout, he believed the county's rules provided the best in the state for fish habitat.
- What was the status of the tri-county work? Ms. Moorehead noted that two organizations were unable to continue participation because of lack of funds but the work of the coalition was continuing.
- Could a jurisdiction sign a contract now and not be under the umbrella of the tri-county effort? Ms. Moorehead responded that National Marine Fisheries would review any proposal, but if jurisdictions come in individually it would take a long time due to their limited staff resources. They supported the tri-county effort because many jurisdictions would come in under one review. She noted that Kitsap County and Portland had submitted their own plans.
- Had there been any litigation over the Administrative Rule? Mr. Holt replied in the negative.
- How was the taking of property avoided when allowing the biological assessment alternative? Mr. Holt responded that the biological assessment was done which identified what the effects would be and what could be done to mitigate the impacts and still allow development to proceed. If the county and developer could not figure out how to proceed, it went into review with the prosecuting attorney to review takings. The resulting development was usually not what the applicant originally proposed but was some compromise so development could go forward.
- If a developer could show that a 25' buffer was adequate protection, would the county accept that? Mr. Holt stated the county would take that and consult with State Fish and Wildlife and federal services and if they agreed the county would not hold the developer to the 150' buffer.
- How was this a different approach? Ms. Moorehead explained that in the past the rules had been written in "vanilla," leaving it up to local governments or private developers to figure out if they were harming or not. It left a lot of uncertainty for local government and National Marine Fisheries Service and the rules only became defined through enforcement and citizen lawsuits. This approach of working with local governments ahead of time would give more predictable actions.
- Were jurisdictions being treated unequally? Ms. Moorehead responded that it appeared some were, but eventually everyone would be held to the same standard and that would be addressed in the final rule by defining one standard.
- How does the Administrative Rule affect property taxes? Mr. Holt stated there was no clear answer. To the degree that land was restricted from achieving its highest and best use, there could be negative impacts on the value of land and the taxes collected. But there were studies which showed that some of the highest valued land was where they had paid attention to the environment and protected it, because that provided a good environment for both nature and people. There was nothing conclusive.
- What were the impacts on farms and farming? Mr. Holt noted that the application to farmland had been the toughest issue. It impacted activities such as cleaning of

ditches, clearing brush along streams, and livestock. On the other hand, the county had another strong policy to preserve farmlands, so there was a collision of good policies. So far, the rule applied only to development, so farm uses were carefully reviewed as to normal agricultural practices versus farm action. Building a barn would trigger this rule, but no farmer had been required to set aside 150' buffers because most of what they did was routine ag practices. These were interpretations at this point; there were no council policies.

- Was the buffer always 150' or 300' per side? Mr. Holt answered that some averaging was allowed depending on site circumstances.
- Were other jurisdictions using and Administrative Rule? Ms. Moorehead said Kitsap County used a similar approach. King county administered a 150' buffer in some portions but not universally. The total management zone in Kitsap County was 200'.
- Would the Administrative Rule change when the 4(d) rule came out? Mr. Holt responded that the county had committed to the tri-county process. If they came up with a fish management zone, as was being proposed by NMFS, the county would go back and look at the Administrative Rule.
- Does the Administrative Rule apply to headwaters, because as streams get smaller and smaller fish can't get up there? Mr. Holt said the rule had been applied to areas where they know there are fish and also areas where they presume there is a habitat for fish. It could apply to headwaters, but they would be looking for blockages that prevented the fish from getting there. In some cases there were natural blockages. So whether or not the rule applied would be based on site specific conditions. If fish could not get to the headwaters because of a steep elevation change, the Administrative Rule would not apply to those headwaters.
- If the Administrative Rule might be changed because of the outcome of the tri-county process, had the county put developers on notice who have permits in the pipeline that the rules are subject to change? Mr. Holt stated they had done developer breakfasts and other outreach to get the word out.
- Early in the tri-county meetings there was mention of federal dollars available to help local jurisdictions with their plans; if there are no funds to help cities implement the tri-county proposal, they may have to do a "plain vanilla" rule which would mean the standards would be different. Ms. Moorehead said the costs had only recently been easier to estimate because the proposal had been floating before. Each jurisdiction would need to assess what their risks might be. One city might look at its operations and decide they didn't have much risk. Others might say they don't have new development so they would focus on road maintenance. It would be risk assessment - what are your operations and what do you think you need to do.
- Quil Ceda and 7 Lakes complexes ultimately affect the Tulalip Tribes; have they bought off on this? Mr. Holt responded that they did share the Administrative Rule with the Tribes and they had positive comments. The county and Tribes have been in partnership in support of the tri-county discussions regarding the fish management zone or something like it. The Tribes are an active participant in the tri-county process.

Mayor Weiser thanked Mr. Holt and Ms. Moorehead for their presentation.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

None.

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business.

1. Special events permit, Davis Amusement Cascadia for amusement rides, food booths and midway games (continued from April 10, 2000).

Ms. Swenson noted the carnival would be held at Asbery Field (7th and Alder) from August 3 to 6. Staff recommended approval with several conditions, which were set out in the agenda and which she reviewed.

Councilmember questions and comments were:

- Did the city have a copy of the insurance policy, not just the certificate of insurance? Ms. Swenson stated it would be requested.
- Would adequate restrooms be provided? Staff would work with the Health District to ensure that whatever they required would be in place.
- Would a permit be taken out prior to the function? Yes.
- The permit application had a section on Fire District inspection, but they were not specifically listed in "Departmental analysis" in the code. Ms. Swenson explained that the Fire Department was a separate entity, but staff worked closely with them and their review was a normal part of any application.

Jim Dreeves, 706 Mill Street, Snohomish, spoke on behalf of the applicant. He was a Boeing employee and also the Director of KlaHaYa Days in Snohomish. He became associated with Davis Amusement, which went from festival to festival, community to community. He noted this was a private, for-profit company. A portion of the ticket sales would go to the city, a substantial fee would be paid for use of the site, and the school district would receive \$2,500. The insurance policy went up to \$10 Million; Snohomish and the county required \$2 Million. Regarding noise and music at night, he stated it was possible to lower the music by 10 p.m. and noted the property owner was on site and was conscientious about being a good neighbor.

Public comments.

Dennis Kendall, 6518 56 Dr. N.E., stated he chaired the carnival for the Strawberry Festival for 20 years. He recalled there was a clause that prevented any other carnival operating in the city for 60 to 90 days on either side of the Festival. He was surprised the carnival had been allowed to use Asbery Field because of the sprinkling system. Ms. Swenson responded that she had talked with a representative of the Strawberry Festival; the exclusion had been in past contracts but did not exist now.

Jeff Seibert asked if an electrical inspection permit would be required. Mr. Dreeves noted that electrical and L&I were covered in each community. The company must have some type of inspection sticker on each ride before it began operation.

MOTION by Dierck, second by Leighan, to approve the special events permit to Davis Amusement Cascadia with the conditions as set forth. Motion carried unanimously (6-0).

2. Sunnyside Boulevard design report, consultant agreement – Entranco. (Continued from April 10, 2000).

Mr. Winckler gave the background information, noting a traffic study had been done that showed three lanes would adequately serve this area. Part of the purpose of this report would be to verify that three lanes would be adequate for the next 20 years, to full grow-out. He felt the two days called out for wetlands site evaluations was adequate for the task. There was no indication of wetlands, but this review would show if there were. A biological assessment would need to be done.

MOTION by Leighan, second by Brennick, to approve the professional services agreement with Entranco in the amount of \$52,344.10. Motion carried unanimously (6-0).

New Business

1. Non-exclusive franchise, Black Rock Cable, Inc.; information only.

Mr. Weed introduced the topic, noting Black Rock Cable had approached several cities in Snohomish, Whatcom and Skagit Counties to provide an open video system. A draft ordinance had been prepared by a consultant for several cities in support of their granting a franchise for use of public rights-of-way. The open video concept enabled an operator to provide multi-channel video, but was subject to a different set of federal regulations than a regular TV provider. The regulations are drastically reduced. In exchange, the operator must allow 2/3 of its fiber capacity for unaffiliated programs. Because of this, there are limitations on what cities could ask for. Negotiations were continuing and a final agreement would come back to council in a few weeks. The city would be entitled to a franchising fee of 5% of gross revenue. There was a possibility

that when Black Rock had entered into all of the franchise agreements, it would package them and sell the rights to other providers.

Council questions and comments:

- Who was Black Rock? Mr. Weed explained they were a corporation that operated out of the Bellingham vicinity. He noted this was a unique process because once they applied to the FCC and were granted a certificate, the cities didn't have any latitude to question their financial health, technical ability, prior experience, etc. Black Rock was certificated in the eyes of the FCC and the city was mandated to work with the company to develop a franchise agreement.
- Was this a broad band service? This service could provide all the same capabilities that cable TV could but could transfer almost any sort of electrical data through their fiber optic network.
- Why the short term on the franchise? It was staff's intent to have it renew at the same time as the franchise for the TV cable operator so both renewals could be negotiated at the same time.
- Will the city require Black Rock to wire the entire city? The city was not allowed to require that, but some negotiations are going on to have them provide some "dark" fiber that could be lit up with the city desired. The commitment that Black Rock had made was to meet the city and schools half-way and provide overland up to 2 strands of fiber to a point of connection; the city would run it to the source. There are discussion about them providing fiber for public use. Ms. Swenson added that the city was interested in having the dark fiber.
- Was the TCI franchise non-exclusive? Yes, and this one would be also.
- Do they actually come through and install cable? Yes, but the company is discussing pole usage directly with the PUD.
- Would roads be torn up to install cable? Ms. Swenson thought most would be overhead.
- Why was no bond required? Under the federal regulations, the city could not require a bond of this type of operator.
- Indemnification. Elected officials should be specifically named.
- Would the city's standard franchise agreement apply? Many of the provisions regarding construction codes and working in the city's streets will apply to this cable operator.
- Remediating default - how much is in the letter of credit and how would the city access it? The city would require the franchisee to provide that in advance of approval.

Mr. Weed added that the city would be able to regulate how and where and when they conduct business in the city's rights-of-way and ensure they replace and repair any construction activity. He did not know what 5% would mean in terms of revenue to the city. The company was not yet in the process of installing conduit or fiber optics but was simply entering into franchise agreements.

2. Street vacations - methods of compensation.

Ms. Hirashima gave the background information from the agenda packet, noting Tumwater used a separate method for smaller vacations and many of the vacations the city did were fairly small.

Councilmember Leighan suggested changing the wording from "appraisal" to "assessed value" to more accurately reflect where the values came from. He asked how the city tracked whether it had paid. Mr. Zabell said the ones the city didn't acquire would be part of the plat, as in the old one-acre and two-acre subdivisions. The city vacated some property about a year ago that had been part of old Military Road. This did need to be followed up and put in the GSI system, but he questioned how far back they should research. Ms. Hirashima noted the \$50 fee the city charged was not adequate to cover the cost. Mr. Weed added that if the fee were raised it would not have to go before a vote of the people as that part of the act had been declared unconstitutional.

Councilmember Brennick supported the language change as suggested and using appraised values.

Councilmember Smith supported using appraisals, noting a recent vacation had allowed two houses to be built on the footprint of the vacated property, which was much more valuable than the assessor's assessed value. Mayor Weiser recounted two instances where the city had asked for the appraised value and had been turned down. Consequently, nothing had been done and the city lost out on years of property taxes. Councilmember Dierck cited an example of a vacation in her neighborhood and suggested the city needed to be cautious about always requiring appraisals and generally making them so expensive people could not afford to do them.

Mr. Zabell noted that this topic was raised initially over some language in the city's ordinance. Staff had done research which went far beyond what council had asked for.

MOTION by Leighan, second by Dierck, to revise MMC 12.32.050 from "the appraised value" to "the assessed value," set up a tracking method for existing rights-of-way purchased at public expense, and direct staff to come back with a recommendation on a right-of-way vacation fee that covered the actual cost. Motion carried unanimously (6-0).

The Mayor called for a short recess, then reconvened the meeting.

2. Replacement of dump truck #205 and combining purchase with truck budgeted for 2000.

Mr. Winckler introduced the topic and Mr. Kennedy answered specific questions about the transaction.

MOTION by Brennick, second by Dierck, to authorize the Fleet/Facilities Manager to go to bid for a dump truck to replace #205, using the \$50,000 budgeted amount plus about \$20,000 from next year's vehicle replacement fund. Motion carried unanimously (6-0).

4. Wastewater treatment plant Capital Facilities Plan; professional services agreement with Tetra Tech/KCM, Inc.

Mr. Winckler noted this was an extensive plan and it would take nearly a year to accomplish the total review. The sludge management plan was deleted for financial considerations but also because it was one of the lesser options.

Councilmember Soriano asked about the screening workshop. Mr. Winckler stated the study would look at treatment and discharge; the screening would narrow the scope to the final options the city wanted to consider.

Councilmember Dierck asked if staff had discussed the population projections with the City of Arlington and the Tulalip Tribes. Ms. Hirashima responded that the city's task was to provide population projections. The city was working with Snohomish County on developing these for the region as part of the city's and county's transportation plan. The county had devoted a lot of time to this and it was almost completed. Staff was also working with Arlington and Tulalip planning documents. Mr. Winckler added that there had been discussions with Arlington in the past and they were not interested in doing a study at this time. They had done some additional work on their WWTP. There had been a number of conferences with the Tribes to discuss options, including deep water outfall or using the city's treatment plant. Arlington would probably not be involved in work with the consultant; the Tribes would be.

MOTION by Smith, second by Leighan, to approve the professional services agreement for the Tetra Tech/KCM, Inc in the amount of \$194,000.00, and authorize the Mayor to execute the agreement on behalf of the city. Motion carried unanimously (6-0).

5. Strawberry Fields Biological Assessment, supplement No. 1 to professional services agreement.

Mr. Ballew explained this was for an extension of the contract with Adolfson for continued study and wetland plans. The wetland report done three years ago was outdated as to ESA. The contract amount covered all tasks listed, but after all the work through 4.1 was completed, there would be a re-evaluation to determine whether to proceed on 4.2 through 6.

Councilmember Dierck supported waiting for the 4(d) rule or having the county help put something in place right away rather than spending money to study the site more, as the future of that area might be as a natural habitat. The Administrative Rule protected the county in the federal register and she wanted the city to have that protection also.

Councilmember Leighan asked how the city could defend itself as to adequate buffers if it did not have a biological assessment that spelled out what those buffers should be. A biological assessment was allowed by the county when a developer did not want to follow the prescriptive path and set aside 300' on each side of a stream.

Councilmember Smith added that the biological assessment had to go through a rigorous review. She asked about timelines. Mr. Ballew noted the city had a grant due by Monday. 75% of this project had been funded with someone else's money and to

keep this going and leverage those funds, decisions needed to be made. Councilmember Smith asked if the study could be done with the idea that the parameters might change again. Mr. Ballew noted that this consultant was very familiar with the Corp, NMFS, State Fish & Wildlife which was an advantage to the city. Councilmember Smith stated she would prefer to spend the money on redesign rather than a report; Mr. Ballew emphasized it was necessary to get the wetland report current.

MOTION by Brennick, second by Bartholomew, to authorize the Mayor to sign Supplement No. 1 to professional services contract for Adolfsen and Associates in the amount of \$46,715.10 on behalf of the city. Motion carried 5-1 with Dierck voting nay for the reasons she stated above.

CONSENT AGENDA

Mr. Erickson explained that check number 51835 had been used to purchase meals for employees of another city, when the Police Chiefs met. There was no authority in the city's code for such an expenditure, but if the council approved it, that would make it a legal expenditure. Mr. Zabell noted staff was preparing a policy to cover such expenditures so they did not need to be brought to council each time.

1. Approve April 24, 2000 Claims in the Amount of \$377,603.40; Paid by Check Nos. 51670 through 51928 with Check No. 51794 and 51262 Void.
2. Approval of Liquor License Renewals for State Street Market, 7-Eleven Store 2306-32834A, Kuhnle's Tavern, Maxi's Restaurant, and La Hacienda #4.
3. Approval of New Liquor Licenses for 4th Street Market, Stella Mia Ristorante Italiano, and 88th Street Texaco Food-Mart & Car Wash.
4. Approval of Utility Variance Subject to Conditions for Steven J. Brown, 6420-19th Avenue N.E., Marysville; UV 2000-05.
5. Approval of Utility Variance Subject to Conditions for Michael Martin; 6710-19th Avenue N.E., Marysville; UV 2000-06.
6. Approval of Utility Variance Subject to Conditions for Olga Bjorn; 17028-19th Drive N.E., Arlington; UV 2000-09.
7. Approval of Utility Variance Subject to Conditions for Jesse A. Perrault; 4930 72nd Drive N.E. Lot 7, Marysville, UV-2000-08

MOTION by Leighan, second by Bartholomew, to approve consent items 1 through 7. Motion carried unanimously (6-0).

Legal

None.

Ordinances & Resolutions

1. A Resolution of the City of Marysville, Washington stating its intention to annex certain unincorporated area known as the 164th Street Annexation into the city and transmitting the matter to the Snohomish County Boundary Review Board for approval.

MOTION by Bartholomew, second by Soriano, to adopt Resolution 1979. Motion carried (4-2) with Dierck and Smith voting nay.

DISCUSSION ITEMS:

None.

INFORMATION ITEMS:

1. Mayor's business.
 - Two locations had been secured for the town hall meetings of May 15 and June 14. Following these, council could decide if it wanted a third one. Chris Passey and Jim Scharf would serve as emcee.
 - Last week the county's mayors met to discuss animal control. When the Arlington shelter was rehabbed and open, it would work for one to two years to allow time for a regional solution to be worked out. Everett had been attending

the meetings and was willing to be part of the regional solution. It was not certain that contracts with Everett would be cancelled next month, but their facility was at capacity.

2. Staff's business

Mr. Zabell said the first quarter financial highlights included good news regarding revenues.

Attorney Weed reported he and the Mayor would be attending the 5th annual Water Law Conference at Lewis & Clark College. This would cover the Endangered Species Act and 4(d) rule issues.

Mr. Erickson reported his department sent the annual report to Olympia last week; it was not due until May.

3. Call on councilmembers

Councilmember Leighan:

- The Easter Egg Hunt went well and was a good event.
- He asked about the Volunteer Dinner. Mayor Weiser advised it was still under discussion; no date had been set.

Councilmember Smith:

- Thanked staff for bringing the street vacation issue forward.
- Distributed information on the county's pilot plan for alternatives to development that would stem water erosion.
- Requested that school impact fees be on the September ballot. Mayor Weiser advised Snohomish County was reviewing the school district's capital improvement plan and based on that a determination would be made if those fees should be changed. Mr. Erickson said it would cost the city about \$9,000 for its share of election costs for an issue on the September ballot. Mr. Weed noted there was an aura of uncertainty if fees were raised now, only to have the Supreme Court determine they must go to a vote of the people.

MOTION by Smith to revisit school impact fees. No second.

MOTION by Smith, second by Dierck, to start the review process of the school district's revised capital facilities plan. Soriano, Smith and Dierck voted aye; all others voted nay; the Mayor voted aye. Motion carried (4-3).

Councilmember Dierck:

- Mentioned a problem with the gravel that was used on a gas line project in her neighborhood. Mr. Winckler agreed to follow up.
- On May 4 the DOE was hosting a workshop on TMDLs. Ms. Hirashima stated her department would be represented.
- Two people contacted her regarding a failed septic system which had allowed raw sewage to run down the hill for 1-1/2 years. Mr. Winckler stated the septic system was damaged when the developer constructed the house. The city's system was considerably to the south of that. DOE had been directly involved and gave the property owner a time period to make connection onto the city's system. The city's system was now up and running. He agreed to follow up on this.

Councilmember Bartholomew:

- Complimented the Finance Director for the informative quarterly report and for getting the annual report to Olympia early. She suggested this reflected the good health of his department and the community.

Councilmember Brennick:

- With the temporary closure of 528, there was lots of traffic taking Getchel Hill Road but at commuter speeds. He requested heightened enforcement of the area.

ADJOURN INTO EXECUTIVE SESSION

Council adjourned into Executive Session at 10:40 p.m. to discuss three matters.

Council reconvened at 11:01 p.m.

MOTION by Brennick, second by Bartholomew, to extend the meeting to 11:15 p.m. Motion carried unanimously (6-0).

Council reconvened into Executive Session at 11:02 p.m.

ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:11 p.m.

Accepted this 1st day of May, 2000.

David Weiner
Mayor

Mary J. Swenson
City Clerk

Ann M. Swenson
Recording Secretary