

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 8, 1993

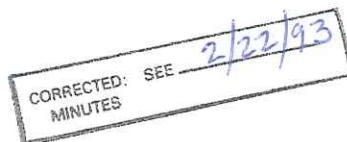
7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (excused)
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman

Administrative Staff:

Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Dave Zabell, City Administrator
 Ken Winckler, Public Works Director
 Jim Ballew, Parks & Recreation Director
 Doug Ronning, Fire District Chief
 Jerry Jacobsen, City Fire Marshal
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Pro Tem Pedersen called the meeting to order at 7:00 p.m. and Councilor Leighan led the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above. It was noted that Mayor Weiser is out sick this evening.

MINUTES OF PREVIOUS MEETINGS:

Councilor Myers noted on page 2 of the 2/1/93, in the last paragraph, the playground is for community use not for the library's use.

Councilor McGee moved and Councilor Myers seconded to approve the 2/1/93 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson informed Council staff is progressing well on the bond presentation for updating of our bond and GO bond ratings, with the presentation to be made in San Francisco 2/19. He stated he would put something in the upcoming briefing for Council on this.

City Administrator Zabell mentioned organization of legislative contacts.

Public Works Director Winckler reported a roll over accident this morning involving a City garbage truck; that the accident is being investigated especially concerning the possibility of cracks in the vehicle. There were no injuries, it was reported.

City Planner Hirashima announced the first growth management coordinated meeting will be held 2/18/93 in the Fire Training Rm.

CALL ON COUNCILMEMBERS:

Councilor Herman reported that the Mission Statement and City Motto Committee did meet, they reviewed other cities' mission statements and there is a possibility of a contest for a City motto. Next meeting will be 2/18/93, he said.

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There was discussion about offering a \$100 prize for the winner of the motto contest, that it should be open to anyone in the community, not restricted to school involvement, the City Attorney stating he would double check on public funds (\$100) being used for prize money.

Councilor Herman asked for direction from Council, stating it was his idea to bring the committee's recommendation for a mission statement back before Council for approval. Also, the committee would review motto input and bring back the top 3 or 4, he said. He noted the committee is made up of community members, City Council members and some staff members. There was consensus that this would be the direction to go.

Councilor Leighan reported he rode with the MPD Saturday night. He reported he actually got out and talked with some of the kids cruising and hanging out on State and was very surprised to learn that only about 1/3 of the kids are from Marysville, the rest are from the surrounding area and a lot of them are comingling, he said. He reported a malfunctioning street light behind the bowling alley on Columbia and asked that the Public Works Dept. report it to PUD. He also reported that the street sweeper needs to make its rounds in Bayview Ridge to clean up the residue of sand before it all gets washed into the catch basins up there.

Councilor Wright reported she received at least 10 calls in the north area opposing the work release facility and she said she recommended they write letters expressing this opposition. She said she received no phone calls from people in favor of the facility.

Councilor Baxter said he talked to the City Administrator today about security alarm calls with a bill from the MPD if you go over a certain amount. He said he thinks the City needs to review that ordinance because you can't prove if a call is a false alarm for one thing and for another, \$50 for more than one call in six months does not seem reasonable to him, he said.

City Administrator Zabell promised to put this on an upcoming City Council agenda.

Councilor Herman noted it would be useful to know how many bills have been sent out, their disposition, concerns, etc.

Councilor Baxter stated he has already asked for a report to be put together by staff concerning how many times the alarms have gone off. He reported on a recent Critical Water Study Group meeting and that the confusion of boundaries is under review, i.e. Interim Growth Boundary, RUSA Boundary, CWSA Boundary, Snohomish County Planning Boundary, Marysville City Limits, etc. He stated we need to have some coordination with our utility being so extensive and a lot of people are not familiar with the boundaries, it's very confusing and hard to make any decisions. He said he is looking for ideas and one thing that came up was that sewer lines should not go through ag areas, but we already have some lines up to ag.

City Administrator Zabell stated the Thu. RUSA meeting will be addressing this.

Councilor McGee reported on the Community TV Advisory Committee which met this morning; they discussed live broadcasting and in 2 weeks will have a report brought before Council by Roger Kelley. He stated TCI is looking at a basic package with Channel 18 also being moved to Channel 2, 6 or 8 so more people will be able to

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receive the community channel. He asked for a golf/parks update.

Parks & Recreation Director Ballew reported the bridge has been installed in Jennings Nature Park and golf rounds are up at Cedarcrest.

Councilor Baxter said he had several questions regarding the golf course that Mayor Weiser was going to address tonight, but it will have to wait until next meeting with Mayor Weiser being out sick.

Councilor Myers asked about the gate in the park to come down and Parks & Recreation Director Ballew said probably it will come down in about 3 weeks; that work has been delayed but they are trying to shoot for an April 10th grand opening.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Nancy Thatcher, 5900 64th St. NE #148 (Glenwood Mobile Estates), addressed Council. She stated she has a letter and signatures for Council requesting a temporary 4-way stop at 67th & 64th as an interim until the traffic signal has been installed. It was noted that a lot of people exceed 35 mph at that intersection, making it very dangerous and she said she was able to gather 80 signatures in two hours because of a high rate of interest in the 4-way stop.

City Administrator Zabell explained the City went through this exercise before and unfortunately, DOT has jurisdiction, not the City, at that intersection. He offered to write a letter to DOT and forward a copy of Ms. Thatcher's petition but said the City can't take any action on its own. He added that the City is hoping for the signal to go in this summer, one piece of right of way has held up the road widening project and that is one of the reasons for delay.

Ms. Thatcher explained the signal was promised two summers ago and there are a lot of people who won't let their kids play in the park because they don't want to let them cross the street. Also, with the school going in, it's going to be dangerous, she noted.

Councilor Baxter said he saw a state patrol in that vicinity not too long ago and they seem to be very interested in working that section of 528, so maybe we could get them to move down to the intersection of 67th & 64th and maybe that's all we need for a little while, he suggested.

City Administrator Zabell agreed that was a good idea and said either he or Ken Winckler would write a letter to DOT and contact the Washington State Patrol.

Councilor Baxter reported the 4th & Columbia parking lot is under construction.

PROCLAMATION:

Mayor Pro Tem Pedersen and Councilmembers read the Proclamation proclaiming February 15-22, 1993 "PTA Week" and it was presented to Connie Kukull, local PTA president.

PUBLIC HEARINGS:

1. Proposal to Amend Fireworks Regulations within the City Limits

City Attorney Weed reviewed the current and proposed regulations, noting that several cities have reviewed their fireworks ordinance recently. He stated Chief Ronning is here to address this issue.

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Chief Doug Ronning stated that in the past few years MFD has had a great concern regarding fireworks and this last year was of greatest concern because of the long dry spell in the county. He said some statistics from the State Fire Marshal's office have been received and the fire dept. has put together some recommendations to the City and County to adopt amendments to the current ordinance, with sales to remain the same as state law: Sale of fireworks to be restricted between June 28 and July 6 and restriction for discharge to be from July 1 to 11 p.m. July 4. He noted discharge used to be the same as sales.

Jerry Jacobsen, Marysville Fire Marshal, addressed Council and presented statistics from the State Fire Marshal's Office, Fire Protection Services Division, Olympia. They surveyed 80% of the hospitals and 50% of the fire service agencies between 6/25/91 and 7/6/91 with the following results: 352 fireworks related injuries, 617 fireworks related fires, mostly non-structural and \$2 million worth of fire loss directly related to fireworks. He noted that the major problems and reasons for wanting to be more restrictive are dry weather, increased population growth, piggy back calls where fire equipment has to respond from a fire call already in progress, numerous complaints from property owners and pet owners and public education has always been teaching children not to play with fire or matches, so fireworks is contradictory to that.

City Administrator Zabell noted staff is concerned that allowing sales after legal discharge dates would cause confusion so the recommendation is that sales and discharge dates be the same: Noon 7/1 through 11 p.m. 7/4. He added he thinks it more important to end them at the same time than to start them at the same time.

John Fails, 5506 92nd Pl. NE, addressed Council, representing the Marysville Council of the Knights of Columbus. He stated his group sells only safe and sane fireworks every year but he said he really doubts the safe and sane fireworks contributes towards the fires the fire marshal reported and said he would like to see the actual break down there of what type of fireworks caused what type of fire damage. He said he has a feeling the fire damage reported was all caused by illegal fireworks and he said he doesn't agree with the 7/1 to 7/4 dates because they have so much in presales. As far as complaints, he said all of the organizations such as Knights of Columbus, Soroptimists, etc. stress safety, there's no sales to little kids, eg. and he said he thinks the M80s and M100s are what people are mainly complaining about, which are not safe and sane fireworks.

Fred Chriscaden, 4808 Meridian Av. N., addressed Council, also from Knights of Columbus. He stressed these sales are how they can give money to the community, Holy Cross Hospital, Marysville Foodbank, etc. and he said the first 3 days help them raise a lot of money and it's important to start on June 28.

Councilor Herman noted it seems like the primary area of contention is the first 3 days and he asked the Fire Chief what impact would occur with sales only on these three days.

Chief Ronning stated the fire dept. would really like fireworks banned entirely but they are recommending at least a reduction in the number of days they are sold and discharged.

There being no one further who wished to address this topic, the public hearing was closed at 7:45 p.m.

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Councilor Myers said he would be in favor of sales from Noon 6/28 to 7/4 with discharge 7/1 to 7/4 allowed.

Councilor Baxter pointed out that you end up with that many more people going out to Boom City to purchase illegal fireworks, the more they are restricted in town.

Councilor Pedersen asked what the current state law is and City Attorney Weed said it's the same for sales and discharge: from Noon on 6/28 to 11 p.m. 7/6.

Councilor McGee pointed out the intent of the Fire District Board was to change the discharge dates only.

Councilor Leighan asked if the City has to give one year's notice to the state if we change and City Attorney Weed said no, but the City has tried to give vendors and organizations notice to prepare them for this years fireworks season.

Councilor Baxter pointed out that Marysville is one of three cities in the state who has a large volume of sales in its "back-yard" and he said he thinks the City should give them all the latitude possible, otherwise people will just go over to the reservation and buy illegal fireworks.

Councilor Myers said he would be interested in knowing what the sales are from 7/4 to 7/6 and Councilor Leighan said it would probably depend on when the 4th falls and the state statute probably goes to the 6th to allow for that. He added he would agree with sales from 6/28 to 7/4.

Councilor Herman suggested this whole matter be revisited in August to see how the change has worked for organizations and Councilor Wright said she agreed also with sales from 6/28 to 7/4 with discharge from 7/1 to 7/4.

Councilor McGee moved to change the sale dates from 6/28 to 7/6 with discharge dates from 7/1 to 7/4, 11 p.m., as per the fire district board recommendation, with a review of what happens on 7/5 and 7/6, to see if those two dates are necessary for sales. Councilor Baxter seconded, adding that if these two dates are not necessary, they could be eliminated the first week in August for next year.

Councilor McGee asked how much the Knights of Columbus generate on 7/5 and 7/6, for example and Mr. Fails said they don't operate their sales booths at all on those dates, they close down on 7/4. Mr. Fails added that he would like to see better records kept as to what people are complaining about -- is it M80s? He said he would like to know which kind is breaking windows and causing grass fires, for example.

A roll call vote revealed Councilors Herman, Leighan, Wright and Myers all against sales from 6/28 to 7/6 and discharge from 7/1 to 7/4. The motion was defeated.

Councilor Wright moved that the ordinance be amended to restrict sales of fireworks from Noon on 6/28 to 7/4 with discharge dates from 7/1 to 7/4, 11 p.m. Councilor Herman seconded and the motion passed 4-2 with Councilors McGee and Baxter against.

It was the consensus that Council would like to review this in August with a report from the Fire Marshal and Fire Chief with regard to types of fires, reasons, etc.

CONSENT AGENDA:

1. Approval of January, 1993 Payroll in the amount of \$459,116.27
2. Approval of February 8, 1993 Claims.
3. Approval of Marysville Park Advisory Board Appointment.
4. Approval of Construction of Model Homes for Brighton Park; Geonerco/Edward Kring.
5. Angle Parking; Fifth St. Parking; North Side 1400 Block.

Councilor Herman moved and Councilor Myers seconded to approve Consent Agenda Items 1 through 5. Motion passed with Councilor Leighan abstaining on voting on Voucher #14574 under #2 above.

REVIEW BIDS:

1. Wastewater Treatment Plant - 1992 Improvements.

City Administrator Zabell noted this is the largest public works project in the history of the City. He turned the floor over the Larry Wade, consulting engineer.

Mr. Wade reported 6 bids were received and then proceeded to outline the basic bid including everything except the west trunk pump station, dike rehabilitation, boat launching ramps, aerator servicing bays and miscellaneous site work. He noted the lowest bid was from PK Construction of Spokane for \$6,684,794 plus the west side pump station additive amounting to 370,000 plus the dike rehabilitation additive in the amount of 300,000

Total	<u>\$7,354,794</u>
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He noted this was very comparable with other bids, with three or four in the range of \$7,200,000 base bid and the engineering estimate was \$7.4 million plus the additives, so PK came in about \$1.2 million below the engineering estimate, he said. He stated PK Construction's record was checked, they finish their jobs in a timely manner, they are the construction contractor for storm water separation for the City of Everett and they would be looking at starting construction in 45 days. The first work would be to put in wood pilings and then concrete pilings for the effluent pump station and wetlands/mitigation, he said. They foresee no problems with the bid and had no comments regarding scheduling, it was noted. He said Hammond, Collier, Wade's recommendation is to award the bid to them for the basic bid plus 2 additives. He pointed out these additives would cost considerably more if left for any more time; he said it's a question of doing it now or in the future, it does need to be done.

Councilor Herman pointed out that PK Const. is actually the high bidder for the dike rehab and asked if the award could be broken up between 3 bidders.

Mr. Wade said yes, but PK was the low bidder on all the combinations. He said the total construction time would be 450 days, to be completed approx. 5/94 and the WWTF would be in operation for a month or so in time for the summer of 1994. With regard to the dike wetlands mitigation, the engineers have written in an allowance for settling which might have to be delayed some but that has no effect on the water quality testing, etc., he said.

Councilor Baxter asked what was involved with the west side pump station and Mr. Wade explained the existing one (built in 1958) would be abandoned and filled in with sand as well as abandoning the existing grit chamber and building a new pump station. There would be fill brought in and electrical installed, all at the NE

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corner of the existing lagoon, he explained. He said the old pump station needs to be replaced and needs to be filled so it doesn't become a hazard; it would just be filled with sand (it's all below ground), he said.

Councilor Herman noted that Additive 1B seems to be more separable than 1A and he asked Mr. Wade to explain the advantages and disadvantages of separating out the additives from the basic bid/project.

Mr. Wade stated they pulled fencing out, so it would be included under earthworks or landscaping but electrical might not be easily separated out completely, it might be connected to other parts of the project. He also noted that if 1B were bid on its own, it would still probably be around \$300,000 if you count in mobilizing and demobilization (which you would have to account for if it were a separate job).

City Administrator Zabell agreed, noting that the sub bids can't be broken out.

Councilor Baxter said he can't see any practical reason for not doing the whole project together and he said he would also not like to see any maintenance put off; any time delay this time of year could lead to a disaster and it would be nice to have someone like this on the job, he said.

Councilor Baxter then moved to approve the bid and award it to PK Construction on the WWTF Improvements in the amount of \$7,354,794 plus tax, to include additives 1A & 1B. Councilor McGee seconded.

Alan Vander Lugt, 214 114th SW, Everett, addressed Council, noting he is very much in favor of local craft workers working on local projects. He noted he has seen a lot of projects where out of state workers are brought in and local people have to step aside and watch and he said he would encourage the City to put in a word for hiring of local craft workers on this job.

Councilor Herman said that sounded like a reasonable message.

Councilor Baxter agreed that it never hurts to convey that to the contractor and he added to his motion the recommendation of City Council to encourage hiring of local crafts people. The seconder agreed and the motion passed unanimously.

NEW BUSINESS:

3. Proposed Street LID #64 and Sewer ULID #16; 67th Avenue N.E.

Public Works Director Winckler reviewed the agenda bill, noting the sewer LID would be separate and that they have held two neighborhood informational meetings on this so far.

Councilor Leighan asked for an explanation of the resolution method of forming an LID or ULID.

Larry Wade explained this is one of two methods for forming a ULID and you start with a petition to get a sense of who is in favor of a ULID. You then proceed to a resolution, with the City Attorney preparing a resolution setting a public hearing. The resolution also sets forth the description and amount of the ULID and the consultant is instructed to prepare the assessment roll. People are notified and are allowed to let Council know whether they are in favor of the ULID or not. If not sufficient protest, an ordinance is prepared to form the ULID. He concluded the City has

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prepared the petition and we are at a stalemate now.

Mayor Pro Tem Pedersen asked if there was hesitation voiced at the informational meetings.

Mr. Wade stated some people do not believe the City is participating enough in the project; two years ago there was a discussion regarding the City's participation and it was decided that the City would participate on the frontage along the golf course with curbs, gutters and sidewalks, also, as well as retention facilities. He said from a sewer standpoint, sewer services were brought to the golf course already under ULID 12, but the major concern was not enough participation on behalf of the City. He explained the zone and termini method of assessment, noting it is a combination of the square footage method and frontage method of assessment.

Councilor Herman asked about the eastern boundary of the golf course and Mr. Wade showed it on an overhead, noting \$100,000 was added to the City's assessment of \$380,000, with the eastern boundary now being equidistant with the western boundary away from 67th. He said that also along the 100' border along Munson Creek a 25% discount has been given for private properties.

City Administrator Zabell noted this ULID was authorized three years ago but the City got its notice of violation from the DOE at that time (one day after the ULID was approved) so there was no incentive to put sewer in once we were under the sewer moratorium.

Cheryl Yunge, 8112 67th Av. NE, addressed Council. She stated she is in favor of the road improvement but against the concept of a few people having to pay for the whole project. She noted there have been many wrecks and damage to property and the road does need to be improved as it has no shoulders, ditches alongside, bad traffic, the school has definitely affected the volume of traffic on 67th. She noted she has to drive her children to school only a couple blocks away because she won't let them walk on 67th. There are a lot of new homes going in but she said she does not see why just a few property owners have to pay for the road improvement; she said she thinks it should come from the City who receives all the taxes.

Doyle Parks, 8026 67th Av. NE, addressed Council. He showed on the overhead where his property is located and noted that most people on the road are opposed to having to pay so much. He noted the golf course (City) and Marysville School District are in favor but not the majority of people along there. He pointed out that he has lost 80% of the use of his property (now designated as wetlands along Munson Creek) and he said he doesn't think he should be charged for land that can't be used because of the 100' setback from the creek. He noted he can't run cattle on it or anything and it used to be only a 25' setback; someone said it would be rezoned 7200 but now he is losing \$300,000 worth of property and being charged for 42,000 sf of land--he only has 18,000 sf of usable land.

It was noted that some adjustments have been made to the assessment roll, so that Mr. Parks' road improvement assessment would be \$8100 and sewer improvement assessment would be \$3,000.

Mr. Parks agreed that was lower than when he first learned about this at the informational meeting and asked when the property owners would be notified.

Mayor Pro Tem Pedersen explained it depends on the decision made tonight to go ahead or not.

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Bernie Siegler, 626 128th SW, Everett, addressed Council and said he has heard no comments regarding funding sources for road improvements, other than the property owners on 67th.

City Administrator Zabell stated the City applied for TIP funding to the county but did not get it and this project is not eligible for state funds either.

Victor Rodriguez, 6719 Grove, addressed Council, representing the Free Methodist Church at 67th & Grove. He said they know the improvements on 67th are needed but are in opposition to the method of funding also. He pointed out that Armar Rd. (67th) connects Marysville to Arlington and to Highway 9, it serves the City and the county and the responsibility of its improvement should not rest on the main residents along 67th. He added that the church also participates in a ULID on Grove and are in opposition to having to participate in another ULID for 67th.

Mayor Pro Tem Pedersen asked about ICETEA funds and City Administrator Zabell said he didn't think Marysville would get any substantial amount from that source; the total ICETEA funding is only \$80,000.

Mike Appleby, P. O. Box 51, Everett, addressed Council. He stated he is also a property owner on 67th and everyone knows it needs improvement and what with annexation proposals and the Comp Plan update, he has been to many informational meetings. He said he understands the school has to help with improvements.

City Administrator Zabell explained on 88th at 67th there is a sight distance problem the school district has to correct and they will also be a participant under the LID on 67th as well as 88th.

Mr. Appleby said he questions the formula used for the assessment; it shouldn't just be for local homeowners because 67th is for the use of people going to Arlington, etc., that's a highway not a cul de sac, it's through traffic and the assessment amounts don't make sense, he said. He said he calculated out what it would actually cost for his frontage and it's about half of what his assessment is. He asked if the City park (at 67 & Grove) was included in the assessment and Mr. Wade said it wasn't.

Mr. Appleby asked if the property owners were the ones who initiated the LID/ULID in 1990 and City Administrator Zabell explained they were agreeable if the City participated, which they are doing now at a total assessment of \$480,000.

Mr. Appleby said it seems like a very expensive undertaking for a few property owners.

Councilor Herman asked about the sewer ULID and whether Mr. Appleby took issue with both the ULID and the LID and Mr. Appleby said yes, he was. He added he doesn't know how the calculations were made; he noted he has interest in Cedarcrest Partnership-- Lots 4-031 and 4-043. He said he would like to see a formula that makes more sense; he agreed the street needs repair as soon as possible but the cost is too high.

Councilor McGee pointed out that the residents are paying \$300,000 out of the total project of \$1,160,448 (LID).

City Administrator Zabell stated the last time a street LID was put together was for SR 528--there was no property on 528 at that time, the City paid \$100,000 with the remainder paid for by vacant property owners and compared to that project, the City is far more generous on the 67th LID.

CORRECTED: SEE 2/22/93
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Mayor Pro Tem Pedersen said she thinks people are interested in pursuing this with a little more understanding of the situation. She suggested the possibility of their having been given or their having gotten some misinformation or possibly, missing information, which needs to be clarified for them.

Councilor Herman said he thinks a significant point has been voiced regarding the street improvements with traffic attributable to others other than property owners and that's why he said he has been in favor of mitigation fees. He said he would not be opposed to taking another look to see who and what property benefits with this proposal.

Councilor Baxter said that in looking at the map on the west side of 67th, there is property which sets back 200' from 67th but he is not sure the east half of the golf course has been assessed.

Councilor Herman agreed and Mr. Wade explained the entire golf course was not assessed, but they went the same distance east as they did to the west from 67th.

Gary Petershagen of Belmark Industries, 505 Cedar, addressed Council. He asked what level of service is at 88th & 67th and City Administrator Zabell said he didn't know but he does know it's not "F".

Mr. Petershagen asked what happens if the LID doesn't go through and City Administrator Zabell said eventually you would have something similar to what you have on 528 between 53rd & 67th.

Mr. Petershagen asked about the possibility of a TIP No. 4 and City Administrator Zabell responded that that's a possibility but with no development, you won't get any mitigation fees in. He said you might get \$4,000 in one year at a time and you would have to wait about 20 years to pay for the project.

Mr. Petershagen clarified that the property owners are looking for some way to spread the cost out over a greater area and City Administrator Zabell agreed there is certainly the need for a development moratorium because of the poor site distance, the dangerous roadway at present being very unsafe for pedestrians, etc.

Doyle Parks noted that 100% of his property is being assessed but only part of the golf course is being assessed and they are both being serviced by the same road.

Mr. Wade noted this is a very difficult project to piecemeal, there are differences in soils, differences in grades to match 67th with adjacent properties, there's a portion of 67th that needs to be cut down at 88th regarding the site distance problem; there's more to it than putting curbs, gutters and sidewalks in front of someone's home: fill is needed, drainage needs to be designed, engineered, constructed, etc. He said modifying the assessment to include the whole golf course is easy to change but it's not going to make that much difference in the distribution to the other property owners. On 64th, he noted, they came up with a formula so the City would pay for the 5th lane and a similar scheme could be looked at for 67th where turning lanes are required. As far as the sanitary sewer expense, he said at one time the City was looking at sewer to the club house but that plan was abandoned, so there would be no relief under the ULID formula.

Mayor Pro Tem Pedersen reminded Council of the 3 possible actions: 1) Resolution method; 2) Wait for the petitions to be signed or 3) Abandon the LID/ULID process.

There was discussion about tax money being paid to the county, not abandoning the LID/ULID process, unfortunate that the people have to pay for the whole project, Councilor McGee expressing that he would like to see 100% of the golf course included in the zone and termini method of assessment.

Councilor McGee then moved to continue this matter with 100% of the golf course recalculated under the zone and termini method. There was no second.

Councilor Herman agreed with the motion but suggested adding a 5th lane subsidization by the City and also indicated he would like more information about that; he agreed that the ULID & LID process should not be abandoned.

Councilor McGee agreed with Councilor Herman's suggestion for subsidization of the 5th lane, restating his motion but it still was not seconded.

Mr. Appleby asked if the park at 67th & Grove could be included in the assessment but it was pointed out that that was not owned by the City.

Mr. Parks pointed out that two other pieces of property were not included originally but Mr. Wade said they are now. Mr. Wade explained that the thinking was that the majority of the property on 67th will be developed, the 2 or 3 lots on the south would remain single family (north of Cedarcrest Manor).

It was the consensus that property west of Grove to 77th Place as well as the park at 67th & Grove would be included in the revised calculations, along with the entire golf course.

Councilor McGee moved to continue this matter to 2/22 to await recalculation of the assessment roll as per this discussion. Councilor Baxter seconded and the motion passed unanimously.

1. Surplus Property.

City Attorney Weed reviewed the agenda bill, explaining that public auction would net the most money for the City probably.

City Administrator Zabell explained "Tract E--Kellogg Meadows" is a sliver of land which you need to access through Div. II to get to, it's 80' wide and was donated to the City by Burl Tudor several years ago. There is interest from a property owner in Tract E, it was noted.

City Attorney Weed recommended separating out the real property (Tract E) and auctioning it separately.

Councilor Herman noted that most of the other items on the list are dumpster items and asked if City staff couldn't make the decision to just throw these items away and not have to go through the process of public auction.

City Attorney Weed said he thinks there should be a certain amount of discretion, for example, if the item is put up for auction and there are no bidders then it could be recommended to allow the City Administrator to use the best method to get as much money as possible in order to generate some revenue for the City. He added that another option is to pool items together with another City in a public auction. City Administrator Zabell pointed out that the firearms (police property) on the list, for example, do have some value and could be pooled.

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Councilor Herman asked about giving discretion to the City Administrator to dispose of "junk" and City Attorney Weed said we do need some way to verify "no value"; everything can be gotten rid of in a "package deal" but Council may want a qualified auctioneer to look at the list with regard to value, he said.

Councilor Herman said he would be comfortable with a minimum bid requirement at public auction and he moved that the City Administrator be authorized to sell items, using the method he deems best in order to receive the highest price, except for the real estate item and 1978 Ford LTD and including the police property, all to be sold "as is". Councilor Baxter seconded and the motion passed unanimously under Resolution 1607.

Councilor Herman then moved that the fair market value be identified for the real estate by the assessed valuation method and that the City Administrator report back to Council on prospective bidders/amounts. Councilor McGee seconded and the motion passed unanimously.

Councilor Baxter moved to allow the City Administrator to call for salvage bids on the 1978 Ford LTD. Councilor Wright seconded and the motion passed unanimously.

2. Sound System; Council Chambers.

Parks & Recreation Director Ballew explained the original system was set up for the court and not Council; the system is being challenged and adding on unfortunately has become an expensive item. He noted that Cascade Music is familiar with the Council Chambers room and they are on the small works roster. He reviewed the proposed in the packets with regard to new speakers, recording equipment, a new mixer, retaining lapel mics. He added that the present system is out of balance for Council; the court system would be independent and would remain in place; it would be about a 2 day job, he said.

There was discussion about the quality of the desk mics, lapel mics saving \$2,000, lapel mics for the staff an option, gay manager, phantom power, intelligence maximizer.

Councilor Baxter moved and Councilor Myers seconded to authorize the purchase as presented, retaining the lapel mics and thus saving \$2,000. The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Prohibiting Persons from Leaving Children Under the Age of Seven in a Parked Vehicle.

Discussion regarding state vs. City wording, potential for conflict, state ordinance would have to be repealed if new City ordinance approved, this is for children under 7, state ordinance covered children under 12. Question was asked about leaving kids in a vehicle while parents go in to pay at a self-serve gas station where the adult still can keep an eye on children.

City Attorney Weed said that where children are within eyesight for the greater percentage of the time would probably be OK, leaving the car running might be a different proposition: Title 46 of the RCW prohibits leaving a minor (under age 7) in the vehicle while it's running. There was further discussion about changing it to age 12, time limit such as half an hour, after which the police should be called, enforcement, upper age limit. Consensus was to leave proposed ordinance as written/proposed.

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Councilor Herman moved to approve/adopt Ordinance 1937, Councilor Wright seconded.

Councilor Baxter asked about the definition of "unattended" and City Attorney Weed said his guess would be more than 15-30 mins. but it would depend on the circumstances, age of children, etc. Councilor Baxter asked about a police office writing a ticket in the middle of the Fred Meyer parking lot and City Attorney Weed said he would want to see the totality of the circumstances, eg. is it totally out of line? Is the child crying, is it hot weather and unreasonable to leave children in the car unattended? He concluded that he would not recommend locking into a time limit.

The motion passed unanimously.

2. Resolution Granting a Variance to the City's Home Occupation Standards for Property Owned by Diane and Larry Grimes.

Councilor Wright moved and Councilor McGee seconded to approve/adopt Resolution 1608. Passed with Councilor Baxter against.

3. Disclosure of Conditions and Covenants Relating to Resolution Granting a Variance to Diane and Larry Grimes.

City Attorney Weed explained this would be as a condition of the variance granted under #2 above.

Councilor Leighan moved and Councilor Wright seconded to approve. Passed with Councilor Baxter against.

City Attorney Weed added that he forwarded copies of the resolution and covenants to Grimes' attorney and there has been no response so it is assumed they are in favor.

LEGAL MATTERS:

1. Interlocal Agreement for Animal Shelter Services and Office Space.

City Attorney Weed explained the City doesn't have its own animal shelter and this is renewing the agreement with Arlington to use their animal shelter and to provide support services as well as office space for Noah. The cost is \$7,000 per year payable in 12 monthly installments for the year of 1993, he said, adding the reason this didn't come before Council at the beginning of 1993 is that there was some holdup with the City of Arlington.

Councilor McGee moved and Councilor Baxter seconded to approve and authorize the Mayor to sign the interlocal agreement. Passed unanimously.

2. McConnell/Burke Letter Agreement.

City Planner Hirashima explained this refers to the planning services through McConnell/Burke who have been planning consultants for the City for the last 3 years. She said the money has been budgeted for 1993 and this would be a formal agreement for their services.

Councilor Wright asked about the visual preference survey and City Planner Hirashima said she believed it would be completed in a couple weeks.

Councilor Herman moved and Councilor Leighan seconded to approve and authorize the Mayor to sign the agreement. Passed with Councilor Baxter against.

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ADJOURNED INTO EXECUTIVE SESSION: 10:10 p.m.

1. Real Estate.

RECONVENED AND ADJOURNED: 11:20 p.m.

Accepted this 22nd day of February, 1993.

David Weiser

MAYOR

Ms. D. Iverson

CITY CLERK

Standa A. Iverson

RECORDING SECRETARY