



MARYSVILLE CITY COUNCIL MINUTES

00186

OCTOBER 24, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Hermann  
 Shirley Bartholomew

CORRECTED: SEE 11/7/94  
 MINUTES

Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Grant Weed, City Attorney  
 Jim Ballew, Parks & Recreation Director  
 Walt McKinney, Asst. Police Chief  
 Mary Swenson, City Clerk  
 Doug Buell, Public Information Coordinator  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETING:

Councilmember Wright noted on page 2 of the 10/10/94 minutes, in the 2nd paragraph, she was referring to those who had not helped or worked on the skateboard park project instead of "out of towners."

Councilmember Leighan noted on page 5 just above Ordinances & Resolutions, Councilmember Bartholomew mentioned there might be owls on the property. Councilmember Bartholomew clarified that Council had received a letter addressing the issue of owls on the property.

Councilmember Herman moved and Councilmember Bartholomew seconded to approved the minutes of 10/10/94 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. 10/24/94 Claims in the amount of \$309,263.67.
2. Mayor to be authorized to sign Interlocal Agreement for the Snohomish County Interlocal Youth Gangs Program between Snohomish County and Participating Jurisdictions.
3. Mayor to be authorized to sign Final Plat; Grove Court; PA9303007.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously. (Councilmember Baxter abstained from voting on Voucher 21635 and Councilmember Leighan abstained from voting on Voucher 21772.)

STAFF BUSINESS:

Public Works Director Winckler had several items:

1. The City has received notification from PUD with regard to the monthly charges for Luminaires - \$43.63 per mo. for 4 street lights however Mr. Terry Buckridge would like a street light

omitted because of the endangerment of a tree (near Jennings's Park). It was noted that the Marysville PD have recommended a street light be placed for security reasons.

There was discussion about hazardous activity that may be encouraged without the light, comments regarding changes that are going to be made at the entrance of the park, tree trimming, gate to be moved, diagram showing where the lights are to be placed, questions as to why the City is responsible for paying for the lights, alternatives, this item to be put on the agenda at a later date, including an explanation of how this fits in with the park and other plans.

2. Public Works Director Winckler reported FEMA has notified the City that we will be the recipient of a \$144,000 grant to address the traffic problem at 100th & State; it has been deemed that this project qualifies because of the high accident rate at that corner.

3. He presented the 13th change order for the WWTF which outlined 9 items totalling \$11,299.40. He noted the total of all the change orders for the WWTF amounts to a 2.28% total increase in the original cost for the project.

4. He announced the RUSA meeting on 10/27 and the WWTF open house 10/28.

5. With regard to the 4 way stop at 51st & Grove the City Engineering/Street Dept. has looked at this and the ratio of Grove to 51st is a traffic volume on Grove of 6.5 times that on 51st. Accidents were also reviewed at that corner and in the first 3 mos. of 1994 there were no accidents and the highest year in the past was 1993 with only 4 accidents and so he said a 4 way stop is not recommended because these two tests do not warrant it and in fact, a 4 way stop may actually increase rear end accidents on Grove.

*P.W. Director to CHECK WARRANTS AT 47th & GROVE and 51st and GROVE. City Attorney to look into legal issues.*

There was discussion about traffic increasing on 47th because there is a 4 way stop there, trial of a 4 way stop at 51st & Grove, more investigation, liability issues because this corner doesn't meet the volume and number of accident warrants, 67th & Grove 4 way stop working out well.

CONNECTED MINUTES SEE 11/7/94

6. Regarding the jake brake ordinance, Public Works Director Winckler reported RCW 46.36 pretty well covers the situation in Marysville however King Co. has an ordinance that Council may want the City Attorney to take a look at. He noted 528 does need to be posted and it might be possible to reduce the speed at the top of 528 so trucks don't have to use jake brakes coming down the hill.

Parks & Recreation Director Ballew announced Northpointe's open house/fundraiser for the Food Bank 10/29 at 2 p.m. Also, he mentioned an After School Program meeting on 10/31 and an upcoming Skateboard Park meeting Wednesday night at 7:00 p.m. at Jennings Park.

Asst. Chief McKinney reported the availability of a 1986 Chev "Paddiwagon" with 56,000 miles on it from Columbia County Sheriff's Office. The vehicle can hold 8 prisoners and the asking price is \$4,000 (although they will go as low as \$3600)--this just came to the Police Department's attention Friday, it was noted.

After brief discussion, Councilmember Bartholomew moved and Councilmember Myers seconded to authorize the Marysville Police Dept. to purchase the van subject to inspection by Asst. Chief McKinney. Passed unanimously.

MAYOR'S BUSINESS:

Mayor Weiser commented on the success of the Oct. 22 Safety Fair at the Mall. He then administered the Oath of Office to newest Marysville Police Officer David Hayes.

Mayor Weiser noted that as a result of the Council Retreat Friday and Saturday, there will be some minor procedural changes in Council meetings such as elimination of interruption when Councilmembers are speaking.

He reported the City has received the following 3 Communications:

1. Communication from the Puget Sound Regional Council changing the Airport Feasibility meeting 10/27 to the Mountaineers Building in Seattle, which has larger capacity than where it was previously scheduled.
2. A communication regarding a "Making Cities Livable" Conference in Carmel, California.
3. King County Cities Assn. invitation to their dinner in Tukwila 11/9/94.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen noted there isn't much parking at the Mountaineers Building and she encouraged people to carpool. She said she felt a lot was accomplished at the Council Retreat this past weekend.

Councilmember Myers reported on the residency of the 55 skateboarders who were at the last Council meeting: 45 have a Marysville address and the rest are from Lake Stevens, etc. He noted these skateboarders are all committed to making the park work.

Councilmember Herman asked if Council could be represented at the upcoming Stillaguamish Senior Center housing facility lunch and dedication 11/4 because he would be at a CT Board meeting. He mentioned there is a SCRAP meeting tonight and also, he would be unable to make the WWTF open house coming up.

Councilmember Leighan stated he would like to see the issue of Dispatch discussed further.

Councilmember Wright stated she will be out of town 11/3 to 11/7 but will be attending the Navy Homeport Update meeting 11/2. She commented on the well attended Safety Fair Oct. 22 and asked about the 4 way stop at 67th & 528.

Councilmember Pedersen then explained that it was discussed at length at the Retreat about the use of the current library building once the new one is moved into. She noted the main thrust of the discussion was whether it is feasible to move City Hall into the current library building and at the Retreat it was the consensus that \$25,000 should be expended for an RFP for someone to look at the current library as far as feasibility for City Hall to be housed.

She then moved and Councilmember Herman seconded to pay up to \$25,000 out of the 1995 budget, if necessary, to have a feasibility study done to determine whether the library building is usable, what the costs would be and how long it could house City Hall, eg.

It was noted that discussion at the Retreat included everything except how much it will cost and a projection for how long the facility will last before being outgrown. There was further discussion about the source of funds for the \$25,000 study (Finance Director Wilson said it could come out of current

reserves), do citizens want to see City Hall moved? Should a survey be done? Councilmember Pedersen noted the intent of the motion is that the study would only be determining what the old library building could be used for and the motion did not include the cost of a survey.

Mayor Weiser commented that there would have to be a limited amount of needs analysis done as far as City Hall needs, being specific about using the old library building and Councilmember Pedersen said the intent is to just find out if the building is usable for City Hall and at what cost. She pointed out that Council can look at other uses also but first needs to find out if it's practical for City Hall.

Councilmember Herman said his mind is not made up about housing City Hall in the current library building; the desire is to find out just how much it will cost to improve the electrical, for example, if that's something that needs to be done in order to upgrade the building for the computers, say.

Councilmember Bartholomew asked if the feasibility study would include alternatives at the old City Hall building, for example, expanding, building a new building, etc. and there was discussion about just finding out what's reasonable/feasible, other cost factors, seeing the feasibility as the first step, having other options, comparing costs.

The motion passed 6-1 with Councilmember Baxter against.

A contract will be drawn up by the City Attorney.

REVIEW BIDS:

**1. Computer Network/Executive and Finance Departments.**

City Clerk Swenson explained although two bids were received, the one from Communication Specialists did not meet the bid specifications. The one from North Sound Computers did and was for \$38,062.75. She noted 15 total requests for bid were sent out, specs were sent to 4 companies and these were the only two bids received; staff is recommending acceptance of the North Sound Computers bid as per the information in the packets.

After brief discussion and questions about monitors, 16 bit vs 32 bit systems, it was agreed that this will be a very worthwhile system which will save the City lots of time and money.

Councilmember Herman moved and Councilmember Pedersen seconded to authorize staff to confirm hardware and software in the North Sound Computers bid meets the City specs for Fileserver and to proceed with the acceptance of the bid. Passed unanimously.

CURRENT BUSINESS:

**1. Dally Homes - Strawberry Hills Request for Comprehensive Sign Plan; PA9405023.**

City Planner Hirashima reviewed the agenda bill and stated the request is that the height of the current sign be approved. It was noted that the developer is given a copy of the sign code/specs prior to building.

Jim Miller, 6824 280th St. NW, Stanwood, addressed Council, representing Dally Homes. He stated he is very appreciative of the conditional approval they received 8/22/94 from Council however they tried to reduce the height of the sign and they had many objections. He produced two large photographs and explained they had to shorten the posts on either side of the sign; the other alternative was to take the whole top off. He produced a letter from 20 residents who do not feel the entry sign should be altered as it does not affect safety or view of anyone.

Mr. Miller added that the sign is an architectural statement vs "just a sign" and is an enhancement to the development.

After brief discussion, noting the sign does not pose a sight hazard, Councilmember Baxter moved to approve the request as recommended by staff, for the additional height to be allowed. Councilmember Bartholomew seconded the motion and it passed 5-2 with Councilmembers Myers and Leighan against.

NEW BUSINESS:

**1. Consultant - Cable Rate Study.**

City Clerk Swenson explained it was decided that the City needs a consultant to do this study; 3H Cable Consultants presented the lowest bid (\$5,000) and have a lot of experience in this field. Their bid was presented to the TV Advisory Committee this morning and the recommendation was because of past experience, etc. 3H should do the study for the City. It was noted the City has a good working relationship with them and while they are doing the study, they can be looking at several items in the franchise agreement that the City wants reviewed, things that possibly should be included in the contract.

There was discussion about the City Attorney reviewing the City's cable contract vs 3H and it was pointed out that the consultant is very knowledgeable about franchise cable agreements and this would be a more cost effective method vs using the City Attorney to do the same thing. City Clerk Swenson gave some examples of what has happened in other cities with their cable contracts. She stated the committee recommended 3H Cable to do a rate study and review the existing franchise agreement (their rate is \$125/hr.).

Councilmember Pedersen moved to authorize the Mayor to sign the contract with 3H Cable Consultants up to \$5,000 and Councilmember Leighan seconded the motion. Passed unanimously.

**2. Holiday Decorations.**

Parks & Recreation Director Ballew reviewed the agenda bill and passed around a colored picture of the trees and 8 car fantasy train. He described it as animated, not specifically Christmas oriented but "holiday oriented" and would go 100' around the water tower. It costs \$7339 including tax and shipping, \$2,000 to come out of the Parks budget and \$5339 to come out of the General Fund, he said. He noted there would be a 360 degree view/impact and the train would be suspended on the rail of the tower. He added that it makes no noise and he saw one of these fixtures on display in another city and was very impressed. He indicated that replacement of C9 bulbs would be made as soon as they burn out, just as is already done in the case of the water tower lights during November and December every year.

Finance Director Wilson stated the current reserves to have enough in the General Fund for this expenditure, if approved by Council.

After further brief discussion, Councilmember Myers moved and Councilmember Bartholomew seconded to approve the request, including the budget amendment included in the packets. Passed 6-1 with Councilmember Herman against.

Parks & Recreation Director Ballew noted that after the Torch Light Parade, Tim Noah will help dedicate the new train decoration in Comeford Park.

**3. Part Time Public Works Clerk.**

Public Works Director Winckler reviewed the agenda bill, noting staff recommends Council approve this position at a Grade II salary level. It was explained the recycling coordinator functions will be distributed among other employees as well as the part time clerk.

There was discussion about U.S. citizenship requirements and utilizing the remarks column on the agenda bill.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve the position as per staff recommendation. Passed unanimously.

**4. Interlocal Agreement; Poortinga and Sunnyside Annexation.**

City Planner Hirashima reviewed the agenda bill, noting the Boundary Review Board review period now ends 11/18/94.

In response to a question about the parks element/impact City Attorney Weed explained the new language on the bottom of page 2 is in conflict with the county language.

Mike Papa, 8127 54th Dr. NE, addressed Council and stated he feels the revised interlocal agreement is a lot better than he expected and it's even consistent with the Comprehensive Plan. He congratulated staff on their good work putting the agreement together.

City Planner Hirashima reviewed the changes in the interlocal agreement for the benefit of members of the audience, for example, providing reciprocal parks mitigation between City and county.

Les Eddy, 10861 W. Kingston Rd., Kingston, Washington, addressed Council, stating he represents investors who want to propose a 27 hole golf course in the flood plain. He said they would like to see the Poortinga property brought into the City as they are familiar with the City flood plain ordinance and would prefer to come in under that ordinance vs. the county flood plain ordinance. He said his group plans to help solve the City's filtering storm water project which can be done in conjunction with construction of the golf course, for example, when they import sand. He said they have a problem with the City adopting the County's flood plain policy on a long term; they have been waiting for 2 years now and don't want to have to wait too much longer. It's going to take Mr. Poortinga about a year to move and it's getting close to the time where the investors need to finalize investments, decisions, etc., he said.

Councilmember Pedersen noted the BRB deadline is 11/18.

City Planner Hirashima explained the county requirements and the reason for this interlocal agreement, that the Memorandum of Understanding the City signed with the county contained 3 conditions: one to do with parks reciprocal mitigation, another concerning county flood hazard plan adoption and another regarding urban growth boundary agreements.

Mr. Eddy commented further on the county flood plain/interlocal agreement requirements and said he would like some encouragement from City Council on their project. He said they would like to see this property in the City; that the proposed project consists of a golf course and residential lots and as far as the storm water filtration issue, they can help solve that problem.

Councilmember Herman said he did not realize the annexation was being done to avoid shoreline/environmental requirements and he added that he knows the City does have the reputation of processing applications in a very timely manner.

Councilmember Bartholomew disclosed that she works part time for the corporation who owns Kayak Golf Course and it sounds like Mr. Eddy is requesting preapproval for a land use here.

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City Attorney Weed stated in his opinion it's inappropriate for any discussion until the City has an application before them which they can't get until the interlocal agreement and annexation is finalized and he said it needs to be made clear that the City is contemplating adopting the county's flood plain requirements so if

there is an anticipation of significant dollars being invested prior to annexation and permit approval, that should be reconsidered.

The consensus was that this discussion is premature and there was discussion about postponement. It was noted Mr. Eddy would check into the county's flood plain requirements further.

Mr. Eddy clarified his group did not want to convolute the process; they are just asking for a word of assurance that the City's interpretations are more lenient than the county's when it comes to the flood plain and they would like to work with the staff and do whatever they need to in order to comply.

Councilmember Bartholomew stated Council could not give him any commitment at this point, prior to a public hearing under the State Appearance of Fairness Act.

Pete Poortinga, 5904 46th St. NE, addressed Council. He explained the Poortingas are trying to move their dairy and grow corn at Island Crossing and they are having a lot of problems. They have water problems and the City promised to help, he said, or the Poortingas will have to go out of the dairy business in Marysville. He noted they have waited 2 years now and they need to get something done soon. The City needs to buy the Poortingas out or else solve the problem, he concluded.

Councilmember Bartholomew moved to authorize the Mayor to sign the revised interlocal agreement with one more change: At the bottom of page 2 (Section 3), the sentence beginning "At such time as a city wide parks mitigation program is adopted....." to be deleted in its entirety. Councilmember Wright seconded and the motion passed unanimously.

**5. Economic Development Element; Consultant Agreement with Economic Consulting Services.**

City Planner Hirashima reviewed the agenda bill, noting staff recommends approval of the contract.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve the contract, NTE \$10,000. Passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Jess Darling, Amending the Official Zoning Map Previously Adopted in Ordinance No. 772.**

Councilmember Pedersen moved and Councilmember Leighan seconded to adopt/approve Ordinance 2007. Passed unanimously.

**2. Resolution Granting a Conditional Use Permit for Property Owned by Leghorn Enterprises Subject to Conditions.**

Councilmember Wright moved and Councilmember Leighan seconded to adopt/approve Resolution 1710. Passed unanimously.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:40 p.m.

**1. Personnel.**

RECONVENED: 10:14 p.m.

Councilmember Pedersen moved and Councilmember Myers seconded to approved the 1994 Management/Non-Union Salary Schedule. Passed unanimously.

ADJOURNED: 10:16 p.m.

Accepted this 7<sup>th</sup> day of November, 1994.

David Weiser

MAYOR

Lillian Leir

DEPUTY CITY CLERK

Standa A. Iverson

RECORDING SECRETARY