

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

NOVEMBER 28, 1994

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilmember Herman excsd

MINUTES OF PREVIOUS MEETINGS:

11/14/94 Minutes Approved
Retreat 10/21-22/94
Minutes Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Authorize Mayor to sign Code Publishing Company Contract.
2. Approval of 11/28/94 Claims in the amount of \$492,720.62.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Yarnell Family Day Proclamation December 23, 1994

CALL ON COUNCILMEMBERS:

PRESENTATION:

None

PUBLIC HEARINGS:

1. 1995 Budget Hearing, Continued Ord. 2008 Approved

REVIEW BIDS:

None

CURRENT BUSINESS:

1. YMCA Y-Zone, cont. from 11/14/94 Approved for trial period w/Gaming Money funding

NEW BUSINESS:

1. Bonnell Annexation; PA9410042 10% Stage Approved
2. Wright 10% Annexation Petition Continued to 12/5/94
PA9406027
3. Utility Variance for Maxine Penix Approved
UV94-011

ORDINANCES & RESOLUTIONS:

1. Ord. Levying Taxes Upon All Property - Ord. 2009 Approved
Real, Personal & Utility subject to
Taxation within the Corporate City
Limits for 1995
2. Ord. Affirming Hearing Examiner Ord. 2010 Approved
Decision Rezoning Walla Property

LEGAL MATTERS:

1. PUD Distribution Easement for Approved w/conditions
Marysville Library
2. Recovery Contract - Erik Olson R.C. #177 Approved

ADJOURNMENT INTO EXECUTIVE SESSION:

9:30 p.m.

1. Litigation No Action
2. Personnel No Action

RECONVENED & ADJOURNED:

10:24 & 10:25 p.m.

00212

MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 28, 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 Herman (excused)
Shirley Bartholomew
Administrative Staff:
Steve Wilson, Finance Director
Dave Zabell, City Administrator
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Chief Bob Dyer & Lt. Dennis Peterson, MPD
Ernie Berg & Larry Larson for Director of Public Works
Tara Mizell for Parks & Recreation Director
Wanda Iverson, Recording Secretary

CORRECTED: SEE 12/5/94
MINUTES Approved AS
Written

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:

In the Council minutes of 11/14/94, page 5, where there is a reference to upgrading 911, it was noted the City is currently ADA compliant and the upgrade in Feb. or March is only an enhancement.

There being no further corrections, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the 11/14/94 minutes as corrected. Passed unanimously.

There being no corrections to the Retreat minutes of 10/21-22/94, Councilmember Leighan moved and Councilmember Pedersen seconded to approve them as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Authorize Mayor to sign Code Publishing Co. Contract.**
2. **Approval of 11/28/94 Claims in the amount of \$492,720.62.**

Councilmember Myers moved and Councilmember Baxter seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

STAFF'S BUSINESS:

City Administrator noted the Library Furniture Committee met last Wednesday with recommendations to come before Council 12/5/94 or 12/12/94.

City Attorney Weed reported on the interviewing and selection process for a new Public Defender, noting he will probably be bringing a contract back before Council 12/5/94.

With regard to the Initiative/Referendum process, he outlined the process with regard to new legislation where voters can come in

with a petition and with regard to previously adopted legislation, voters can change an ordinance/resolution. He said the City would need to receive a petition of "Notice of Intent to Adopt the Initiative/Referendum Process" signed by 50% of the voters who voted in the last general election or the City can adopt and put this on the next ballot themselves. Emergency ordinances, LIDs, taxation, appropriations of money, compensation of employees are not included in this process, he said. He suggested a Council workshop as there are other issues such as how often these powers could be used, cost issues of putting something on the ballot, etc.

Councilmember Bartholomew moved and Councilmember Wright seconded to look at this further at the first of the year in a work session. Passed unanimously.

City Attorney Weed commented that the Code Publishing Company software will help with legal services for the City tremendously, in streamlining the Marysville Municipal Code process.

Councilmember Pedersen suggested moving on to Mayor's Business at this point and continuing Staff Business afterwards. There were no objections.

MAYOR'S BUSINESS:

1. Yarnell Family Day Proclamation.

After Mayor Weiser read the proclamation, proclaiming Dec. 23, 1994 Yarnell Family Day, Councilmember Bartholomew moved and Councilmember Pedersen seconded to authorize the Mayor to sign it. The motion was passed unanimously and Mr. Yarnell spoke a few words of thanks and told of some of the problems with the kidney transplant and dialysis the family is going through.

STAFF BUSINESS, Continued:

City Planner Hirashima reported 12/13/94 will be the first County General Policy Hearing with more hearings to be held in January. Also, she noted the annual joint Council/Planning Commission is usually held in January, for the Council to be thinking of a mutually agreeable date.

City Engineer Berg reported on the 528 & 67th traffic signal and said it is "very close" to becoming a reality. He presented change orders regarding this project which have already been completed and said with regard to the 88th & State sidewalks, there will be 5' sidewalks on both sides of State and 88th.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen asked about the fence being moved at Jennings Park and it was noted Jim Ballew would be available for comment later this evening.

Councilmember Baxter reported on his attendance at the PUD WUCC meeting regarding the water system for North County and it was noted PUD wishes to meet with the City soon with regard to the surrounding area utilities, interties, etc. He asked about the Library Furniture Committee meeting he missed.

Councilmember Myers reported on the Arlington City Council meeting he attended.

Councilmember Bartholomew asked about the MPD's newly acquired

van and Lt. Peterson reported it's in use every day.

Councilmember Leighan noted there is a public nuisance section already in the MMC under 6.54.020, #8 & #9, which is a duplication of the public nuisance section in the Animal Code.

City Planner Hirashima responded that this is to be combined with the Animal Code under Section 10.

Councilmember Wright asked about the new train decoration for the park, to be part of the lighting ceremony this coming Saturday and she was assured that it has arrived in time.

PUBLIC HEARINGS:

1. 1995 Budget Hearing. (Continued from 11/14/94)

Finance Director Wilson explained a budget amendment of \$7,000 to be charged to the Surface Water Fund to pay for 50% of the vehicle for the Code Enforcement Officer; the other 50% is out of the Planning Dept. budget, he said.

Councilmember Bartholomew asked about the allocation for police honor guard/uniforms and it was noted this had been cut.

There was discussion about how much mileage the Code Enforcement Officer puts on a vehicle, personal mileage being reimbursed, multi use vehicles.

City Planner Hirashima explained the Planning Dept. has 4 vehicles for use by 2 building inspectors, one building official and the Code Enforcement Officer and they are trying to replace the Malibu which is only valued at \$700 because of its age and high mileage (140,000).

Lengthy discussion followed about vehicle inventory, what they are used for, how many miles, maintenance costs for each vehicle, paying mileage for personal vehicle use vs buying a new vehicle for someone who only uses it for 1000 miles per year, mileage for each person assigned a City vehicle, importance of using an official vehicle when on City business such as inspections and code enforcement, ER & R fund, fleet management, system to provide information at a moment's notice, setting up an equipment rental fund, system to be set up next year, use of personal vehicles--IRS rate is 29 cents per mile for reimbursement.

Councilmember Leighan asked about streetscapes and whose responsibility it is for maintenance and there was discussion about cost of trees, urban forestry study, landscaping, the Executive Dept. need for personnel and personnel summary by dept.

There was no one wishing to give public testimony.

Councilmember Bartholomew moved to adopt/approve Ordinance #2008, accepting the 1995 Budget but to include a breakdown of salaries by dept., mileage update of 29 cents per mile and for staff to pursue the ER & R issue. Councilmember Myers seconded the motion and after a brief discussion about whether this should be continued to next meeting, the motion passed unanimously.

NEW BUSINESS:

1. Bonnell Annexation; PA9410042.

City Planner Hirashima reviewed the agenda bill, noting this is the first of 2 annexations in the southwest corner of Marysville, it is 35 acres and has a 66.7% sufficiency of petition, being within the IUGB and having a contiguous regular boundary with the City. She noted there are several people interested in annexation in the area.

After brief discussion and there being no one in the audience wishing to speak, Councilmember Wright moved and Councilmember Leighan seconded to approve the 10% annexation subject to the City's bonded indebtedness and Comprehensive Land Use Plan for the subject property.

The motion passed unanimously.

2. Wright 10% Annexation Petition; PA9406027.

City Planner Hirashima reviewed the agenda bill, noting this is the second annexation and consists of 4 acres; there is not too much interest in annexation in the surrounding area, she said.

There was discussion about non-protest agreements, some of them not having been recorded, Jefferson and Pinegreen Grove plats, discussion about access, boundaries, if annexed there would be no City road to access the property in question, discussion about enlarging the annexation to include parcel 3-001.

(No one in the audience wished to speak.)

Councilmember Pedersen moved to continue this hearing to 12/5/94 to give staff the opportunity to get information regarding non-protest agreements in Jefferson Estates and Pinegreen Grove, etc. Councilmember Bartholomew seconded the motion and it passed unanimously.

3. Utility Variance for Maxine Penix; UV94-011.

Utilities Supt. Larson reviewed the agenda bill, noting the property is outside RUSA but within the CWSP, Mrs. Penix has a problem well, there is a supply main in front of the property however it is not adequate to service this address because of low pressure and often there are shutdowns. He said staff recommends denying a permanent connection but recommends a temporary connection with an agreement addressing various issues such as maintenance, low pressure, not being on a reservoir, requirement of an owner maintained booster pump, frontage fees.

There was discussion about the agreement running with the property, whether this is within our service area, low pressure, either the City gets an iron clad agreement with regard to all issues or we deny the connection, this being a health issue also, whether this property may be subsequently subdivided.

Maxine Penix, 5623 83rd Av. NE, Everett, WA 98205, addressed the Council and stated she has thought about drilling another well but there are a lot of wells that are no good in that area and so you don't know what's going to happen--whether it will supply enough water and whether the water will be drinkable. She said the Getchell Fire Dept. has delivered another full water tank but that will probably only last until the drier weather again. She added she thinks because of more wells and population, that may have a bearing on it. She explained she has 5 acres with two wells--one

45' deep (a dug well) and the other a 20' deep dug well. The second one has never been used except for irrigation, she said and it's not drinkable. She said Well #1 was recently tested unsatisfactory for drinking also so she is hauling drinking water.

Councilmember Bartholmew noted DOE has put a premium on hydraulic permits for digging wells so Mrs. Penix's chances of digging another well are probably remote.

Councilmember Myers said he would like a non-protest agreement signed if the utility variance is approved.

Councilmember Baxter explained about the Highway 9 well and others and that the water is not drinkable. He said he doesn't believe she is going to have any better luck digging a third well--it's high in iron manganese and he said he would like to see a contract drawn up as per staff's recommendation.

Councilmember Baxter then moved to approve the utility variance with an agreement drawn up and that this be for one dwelling unit only. Councilmember Myers seconded the motion after clarifying that the booster pump would run about \$300 to \$500.

The agreement to be drawn up (part of the motion) to include:

- booster pump to be installed and maintained by owner
- agreement runs with the land
- non-protest agreement to be signed
- to service one dwelling unit only
- anticipation of maintenance shut downs, low water pressure problems, hold harmless language
- 490 pressure zone hookup as it becomes available.

Mrs. Penix stated she has been talking with a well driller and he told her she already has an adequate pump and pressure tank. After Mayor Weiser clarified what is to be included in the agreement, she agreed and said she understood.

City Attorney Weed noted that in addition, the RUSA code requires at least 2 findings of fact and so the following were provided:

- granting of the variance will not materially be detrimental to the public interest nor the environment
- granting of the variance will not be inconsistent with the City's long range plans for utility availability
- subject property is within CWSP
- information from the packets.

The motion passed unanimously to grant the variance, subject to the aforementioned.

CURRENT BUSINESS:

1. YMCA/Y-Zone; continued from 11/14/94.

City Administrator explained that the Y, MPD and City had had a meeting. Chief Dyer stated they changed the hours, there will be no shuttle buses and he said he thinks they have a good agreement now.

Gary Vangen, YMCA Executive Director, 5705 Grove #9, addressed Council. He explained the rules and program have been simplified and he feels strongly that they want to be part of the solution. He said Cheryl Fryberg of the Tulalip Tribes is happy with the agreement and the Y is looking forward to working with them.

Councilmember Myers suggested Rule #8 be changed to "Tobacco Free" from "Non-Smoking" and #9 be changed from "Parking Lot" to "the surrounding area" and Mr. Vangen readily agreed to these changes. He added that a "pool/splash program" is a possibility at the new Y, but right now, they have geared their programs to the old Y. He reiterated that they want to be part of the solution and not part of the problem so they have changed the hours from 8-11 and they want it to be a positive thing for that age group. He noted they have \$15,000 in grants so far and would like to get the program started as soon as feasibly possible.

Councilmember Bartholomew asked how much the request is for and there was discussion about temporary funding, left over Human Services money, three hours vs. five hours per police officer, staffing for Dec. 3 or Dec. 10, running a trial period--\$240 for 2 officers for 3 hours each, ability to supply uniformed police officers, 10 weeks trial suggested, gaming money possibly to be used, run it for 10 weeks to 2 mos. and see how it works out.

Tara Mizell of the Parks Dept. stated timing was their biggest concern and that has been taken care of now. She said they think the City would get a better idea of a trial after the holidays and that she would recommend the MPD have flexibility as far as need for officers because you don't know how many kids are going to show up.

Mayor Weiser said he would like an update from the Y & MPD on how the program is working in a couple weeks or so and there were more comments about security and the trial period.

Diane Berkheimer, 1925 2nd St., addressed Council, stating she has visited the Mountlake Terrace Neutral Zone and she pointed out it took them a year to get their program up and running well. She said she has a concern about how Marysville is choosing their volunteers and she pointed out that Mountlake Terrace has a very well run program. She asked about busing kids to and from Tulalip.

Mr. Vangen said they are screening volunteers with the aid of the Highway Patrol and DSHS with thumb printing and interviewing by Y personnel who have spoken with Mountlake Terrace Neutral Zone people as to how their program is run. He said they are also working closely with the Tulalip Tribes and want to keep the program simple. The bottom line is that they are counting on the MPD to help out, he said; the Y volunteers do have some training and they are very concerned that there is a cross section involved. He said they have about 10-15 volunteers so far and are hoping to get a good turn out of youth.

Councilmember Pedersen asked about hot meals and Mr. Vangen said yes, they have people with food handlers permits and are hoping for food donations from the community as well as other types of donations from TCI, etc.

Diane Berkheimer asked specifically how fights will be handled and Mr. Vangen said the volunteers will be "eyes and ears" but they anticipate MPD will be able to handle fights, etc.

Councilmember Pedersen moved to appropriate no more than \$2400 from the Tulalip Tribes gaming funds for overtime for police officers up to 10 weeks with an update no later than the last meeting of February. Councilmember Bartholomew seconded.

There was discussion about Human Services Funding vs Tulalip Tribes gaming funds, criteria of the Human Services Fund, balance going into reserves, etc.

The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Levying Taxes Upon All Property, Real, Personal, and Utility, Subject to Taxation within the Corporate Limits of the City of Marysville, Washington for the year 1995.**

Councilmember Myers moved and Councilmember Baxter seconded to adopt/approve Ordinance 2009. Passed unanimously.

2. **Ordinance Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Keith & Ruth Walla.**

Councilmember Pedersen moved and Councilmember Baxter seconded to approve/adopt Ordinance 2010. Passed unanimously.

LEGAL MATTERS:

1. **P.U.D. Distribution Easement for Marysville Library.**

City Attorney Weed stated he had reviewed the easement agreement and recommends approval subject to PUD's agreement to make the following changes:

- give a better definition/identification of the location of the easement
- change language with regard to trimming brush - "by mutual agreement"
- hiring preference paragraph to be deleted
- relocation of easement in the event City wishes to change location and to keep options open.

City Attorney Weed said he would write a letter to the PUD.

Councilmember Baxter noted that if this is underground wiring, brush cutting may not need to be included in the agreement. He agreed the location of the easement/legal description needs to be clearer and that they need another drawing.

Councilmember Pedersen moved and Councilmember Myers seconded to authorize the Mayor to sign the agreement with PUD with inclusion of the above stipulations, as per the City Attorney. Passed unanimously.

2. **Recovery Contract; Erik M. Olson.**

City Administrator Zabell reviewed the situation on this recovery contract and recommended approval.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve/adopt Recovery Contract 177. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:30 p.m.

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

RECONVENED AND ADJOURNED: 10:24 & 10:25 p.m.

Accepted this 5th day of December, 1994.

David Weaver

MAYOR

Lillie Lein

DEPUTY CITY CLERK

Standa A. Iverson

RECORDING SECRETARY