

MINUTES RECAP

00095

MARYSVILLE CITY COUNCIL MEETING MAY 1, 1995

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilmembers Baxter & Pedersen excused

MINUTES OF PREVIOUS MEETINGS: 4/24/95 Council Meeting Minutes Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATIONS: None

PUBLIC HEARINGS: None

REVIEW BIDS: None

CURRENT BUSINESS:

1. Boulton Annexation; 60% Petition; PA 9503019 PH set for 5/22/95
2. Wheeling Agreement between City of Msvl. & Tulalip Tribes To be continued
3. Smokey Point Annexation Status & Public Information Request Information Only

NEW BUSINESS: None

ORDINANCES & RESOLUTIONS:

1. Res. amending City Personnel Rules, Chap. VI, Sec. 6, Preference given to existing employees Res. 1735 Approved

LEGAL MATTERS:

1. Ord. affirming Hearing Examiner Decision re Novastar Rezone Ord. 2023 Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 8:50 p.m.

1. Potential Litigation (No Action)

RECONVENED & ADJOURNED: 9:20 p.m.

MARYSVILLE CITY COUNCIL MINUTES

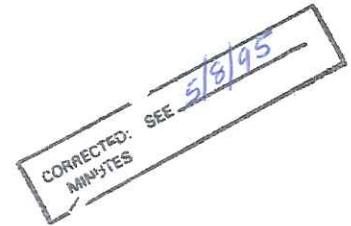
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MAY 1, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Pedersen, Mayor Pro Tem (excused)
John Myers
Ken Baxter (excused)
Donna Wright
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Steve Wilson, Finance Director
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Ken Winckler, Director of Public Works
Mary Swenson, City Clerk & Asst. to City Administrator
Dave Zabell, City Administrator
Wanda Iverson, Recording Secretary



CALL TO ORDER:

Mayor Weiser called the 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 PREVIOUS MEETING:

Councilmember Herman asked that the 4/24/95 Council minutes be amended at the bottom of page 4 and top of page 5, to reflect that he originally contemplated a motion to set a policy to negotiate the smoking ban in City vehicles. After brief discussion, he then moved to authorize the City Administrator to research whether this is a mandatory bargaining issue and if not, to implement a smoking and chewing ban in City vehicles. (Strike word "arbitrarily".)

Councilmember Bartholomew moved and Councilmember Herman seconded to adopt the 4/24/95 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA: None.

STAFF'S BUSINESS:

City Administrator Zabell announced the AWC Annual Conference 6/28 to 6/30/95 in Seattle this year. Also, there will be a critique to the disaster response tomorrow at 1:30 in the Fire Training Room. He gave an update on the new library, noting the building exterior is substantially complete, interior drywall is up, there are landscape materials ready to be installed and the Friends of the Library may have some funding for artwork.

City Attorney Weed noted the Prosecuting Attorney's office will be holding a meeting this Wed. regarding the "takings" bill, its interpretations and impacts.

City Planner Hirashima stated the Planning Commission has recently reviewed the capital facilities portion of the Comp Plan and next Tuesday will be reviewing the economic development portion which was recently presented to the Chamber of Commerce. She said there will be a public meeting 5/3/95 regarding the North Marysville Annexation for information purposes only and this issue will come back to Council with regard to boundaries in the near future. This could be held off until after the BRB hearing, she noted--it's up to Council.

Public Works Director Winckler reported there will be a RUSA meeting Thu. at 7:30 a.m. in the Public Works Conference Room. He reported that he and Mary Swenson went to Camp Murray at the invitation of General Natterstadt and received a lot of good information about earthquake preparedness. He announced that 8 bids have been received for the pipeline in conjunction with the reservoir project and this agenda bill will be brought before Council next week.

Public Works Director Winckler reported the 136th & State signal will be turned on at 9 a.m. tomorrow, including pedestrian signals.

He reviewed Change Order #2 to the 528 & 67th signal which will need Council approval because Change Orders 1 & 2 are now up to 13% of the total project. Change Order #2 is for asphalt overlay required by WSDOT, striping, junction boxes, wiring, etc. and comes to \$11,750.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve Change Order #2 as per staff recommendation. Passed unanimously.

MAYOR'S BUSINESS:

Mayor Weiser reported an anonymous phone call was received at City Hall from a male who supported the thinking and work that had gone into the opposition of the increased train speed through Marysville.

CALL ON COUNCILMEMBERS:

Councilmember Leighan stated he has seen traffic backing up at 67th & 84th and also at 88th & 67th and would like this brought up at the Traffic Advisory/Safety Committee meeting. He reported he has also seen the new library gate left open a couple times and this should be checked on for security reasons. He noted there are no street lights on 528 from 51st to 67th.

City Administrator Zabell stated the City did not meet the WSDOT criteria for street lights along 528 at the time it was improved; to improve it now will require aluminum poles with underground power. Regarding 88th & 67th, he said part of that will be addressed under the 67th LID.

Councilmember Wright complemented those responsible on a job well done in making the economic development presentation to the Chamber of Commerce. She mentioned she had attended the Tulalip Recovery House open house as well as the Eagle Scout Honor Corps of Jason Bradley.

Councilmember Myers complimented everyone on the way the disaster drill went last Wednesday and Thursday.

Councilmember Bartholomew asked if there are going to be any more Chamber of Commerce/Economic Development presentations planned.

City Planner Hirashima stated the Planning Commission will be holding a public hearing May 9th.

Councilmember Bartholomew remarked on the Tulalip Recovery Center opening and said she was deeply impressed with the whole ceremony and event. She asked about replacing the light at Grove and Alder and Public Works Director Winckler stated they have this under control now.

Councilmember Herman reported on the 4/17 Regional Transit meeting as well as an unofficial meeting after the Stillaguamish Senior Center open meeting, discussing a possible North County Metro System.

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He talked about his concern about utility rates in the future, communities that have planned infrastructure vs cities who have not planned infrastructure and he asked about Marysville's role as a purveyor as well as sharing in bond expense. He also asked about non-depreciated utility improvements.

Mayor Weiser noted that he was the one who originally talked about a metro system because at that time we had a capacity but not as a centrally/shared responsibility.

Councilmember Bartholomew stated in 1986 or 1987 metro was discussed and suggested by Bruce Agnew to activate the county's authority to establish a metro but that was not done.

Councilmember Herman stated Marysville citizens have made investments and should not be asked to invest in other cities' infrastructure.

CURRENT BUSINESS:

1. Boulton Annexation; 60% Petition; PA 9503019.

City Planner Hirashima reviewed the agenda bill and recommended a public hearing be set for 7 p.m. 5/22/95 with the annexation subject to the City's bonded indebtedness, zoning and comprehensive plan.

Councilmember Bartholomew so moved and Councilmember Myers seconded. The motion passed unanimously.

2. Wheeling Agreement between City of Marysville and Tulalip Tribes.

Public Works Director Winckler reviewed the agenda bill.

Larry Wade reviewed Draft #10, discussing alternate wording, infrastructure, service area, alternatives. He said the Tribes' position is to leave all existing agreements as is; one alternative for the City is to sell the infrastructure to the Tulalip Tribes, he said.

There was discussion about current service, restrictions of the present agreements, master meter, JOA, RUSA boundaries, why water variances have been granted on the west side, the "settlement area" being only 33 acres, what about sewer service/infrastructure in the future, need more input from Tulalip Tribes, rates to be charged, 4.09 MGPD to be supplied to the Tulalips, "demand" charge based on storage construction costs, 20 year bond issue, etc., Tulalips having the capability of wheeling and storing their own water, Engineering News Record Index to cover inflation factor to be added into the agreement, Tulalip Tribes' plan to buy homes in Marysville West as they become vacant and whether the new owners would be responsible to help pay off the bond/ULID, whether the infrastructure would be sold to the Tulalip Tribes.

Larry Wade pointed out that another issue is using depreciation in the formula: In the event of replacement of mains and the depreciation has been paid, would the City be solely responsible for the new replacement mains?

There was discussion about interpretation of the depreciation formula, charging the Tulalips depreciation on the whole wheeling system.

Larry Wade referred to page 12 and noted initial water rates go to 12/31/96 at which time they would be renegotiated.

There was further discussion about the settlement area (part of the Sam property), more research needs to be done with regard to RUSA, variances granted, another draft to be drawn up and taken to the Tulalip Tribes.

3. Smokey Point Annexation Status & Public Information Request.

City Attorney Weed reviewed the agenda bill and he pointed out that information that is to be public just has not been available. It has been very difficult for staff to provide analysis/information for City Council because of this situation, he stated.

City Clerk/Asst. to the City Administrator Swenson added events that occurred since that outlined on the agenda bill, including a phone call with Tom Meiers, Arlington City Administrator. Cheryl Dungan from the Marysville Planning Dept. then went up to Arlington and was able to obtain a copy of the 10% and 60% petitions on Thursday and on Friday, further information was still not available to Marysville. It was promised Monday and they did provide more information Monday but not the full set of minutes regarding the 10% petition as well as power of attorney information, she said. She said our City Attorney sent a letter to the City of Arlington today. She noted Marysville did receive minutes where Arlington accepted the 60% petition; we have received the majority of the items now.

In clarification about the 60% petition, City Planner Hirashima said apparently they added new signatures to the existing petition --dated the 20th and 21st, so Arlington knew they did not have 60% over a week before they notified Marysville.

City Attorney Weed stated Arlington returned the petition to the proponents to go and gather more signatures in order to get 60%; there is no clear direction in the state annexation ordinance about having to start over or if they can add signatures to the original petition, he said.

Councilmember Myers noted it was published in the newspaper that Arlington did have 60% when in fact they did not and City Administrator Zabell added that there were folks who did not realize they could get off the petition at that point.

There was discussion about the law, whether this is something to be taken to the Attorney General or the courts vs BRB, discussion about jurisdiction, overlapping area between Marysville and Arlington, abrogation of right to decision on the part of people to sign a particular petition.

City Attorney Weed noted this would be an appropriate subject for Executive Session tonight.

Councilmember Myers asked about enforcement of the law with regard to providing (or not providing) public information.

City Attorney Weed stated he has sent a letter out to the City of Arlington requesting the balance of the information and apparently all the information has not come in to Arlington. He pointed out that we can take this to Snohomish County Superior Court but he said he would hope there is a good faith effort to provide the rest of the records; his letter did reference the state statute, he said.

There was discussion about the fact that it's been almost 2 weeks since our original request for public records.

ORDINANCES & RESOLUTIONS:

- 1. **Resolution amending City Personnel Rules, Chapter VI, Section 6, Preference given to existing employees.**

Councilmember Herman moved and Councilmember Bartholomew seconded to adopt Resolution 1735. Passed with Councilmember Leighan against. (4-1)

LEGAL MATTERS:

- 1. **Ordinance affirming Hearing Examiner Decision re Novastar Rezone.**

Councilmember Leighan moved and Councilmember Wright seconded to adopt Ordinance 2023. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:50 p.m.

- 1. **Potential Litigation.** (No Action)

RECONVENED & ADJOURNED: 9:20 p.m.

Accepted this 8th day of May, 1995.

David Weiss
MAYOR

Mary A. Iverson
CITY CLERK

Ganda A. Iverson
RECORDING SECRETARY