

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JULY 10, 1995

~~00139~~ RLCALL TO ORDER: 7:00 p.m.

00152

MINUTES OF PREVIOUS MEETINGS: NoneAUDIENCE PARTICIPATION: NoneCONSENT AGENDA:

Approved:

1. Approval of June/95 Payroll in the amount of \$575,205.51 paid by check nos. 17279 thru 17720 with check no. 17279 void.
2. Authorize a Budget Amendment in the amount of \$4,289 for the Executive & Finance Dept. Computer Network.
3. Approval of 7/10/95 Claims in the amount of \$644,406.26 paid with check nos. 24991 thru 25172 with check nos. 23763 & 24601 void.
4. Authorize Mayor to sign Consultant Agreement; 136th St. Project; Perteet Engineering.
5. Authorize Mayor to Sign the Amendment to the Janitorial Svcs. Contract with P & P ProGuard Janitorial and Approve a Budget Amendment in the amount of \$9,000 to Cover the Addl. Costs.

STAFF'S BUSINESS:MAYOR'S BUSINESS:

Reminder 7/17/95 4 p.m.
Council Workshop P.S.Bldg.
& Public Hearing 7 p.m.

CALL ON COUNCILMEMBERS:REVIEW BIDS:

1. Grove St. Improvement Project Approved

CURRENT BUSINESS:

1. Van Assche Annexation; 60% Petition; PA 9505029 Approved PH 8/7/95
2. Tax Tools (cont. from 6/26/95) Approved
3. City Hall Feasibility Study (cont. from 6/6/95) City Hall to be moved to Old Library Building

NEW BUSINESS:

1. Part Time Clerk; Executive Dept. Approved
2. Vinish Annexation 10% Petition; PA 9506039 Approved
3. Prelim. Plat/Rezone; Park Creek Estates; PA 9404019 Remanded to Hearing Exam.
4. Draft Enforcement Code; Nuisance Code; Procedures Manual Cont. to 7/17/95

ORDINANCES & RESOLUTIONS:

1. Ord. Affirming Hearing Examiner Decision & rezoning Fry Property Ord. 2035 Approved
2. Ord. Affirming Hearing Examiner Decision & rezoning Campbell Property. Ord. 2036 Approved
3. Ord. Annexing Bonnell Annexation area into City of Marysville Ord. 2037 Approved
4. Res. Affirming Hearing Examiner Decision & Granting Shoreline Substantial Development Permit & Variance for Welco Lumber Co. to Allow Construction of a 15' wide Gravel Road for the Purpose of Log Transport. Res. 1740 Approved

LEGAL MATTERS:

1. Consultant Agreement for Professional Svcs., Shockey Brent, Inc. Approved
2. Consultant Agreement for Prof.Svcs. Perteet Engineering, Inc. Approved
3. Consultant Agreement for Prof.Svcs. Economic Consulting Services Approved

ADJOURNMENT INTO EXECUTIVE SESSION:

1. Personnel. 9:50 p.m.
2. Real Estate. No Action
3. Litigation. No Action

RECONVENED & ADJOURNED:

11:31 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00140 LJ

JULY 10, 1995

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
 Shirley Bartholomew
Administrative Staff:
 Steve Wilson, Finance Director
 Grant Weed, City Attorney
 Gloria Hirashima, City Planner
 Ken Winckler, Director of Public Works
 Dave Zabell, City Administrator
 Mary Swenson, City Clerk & Asst. to City Administrator
 Paul Rochon, Code Enforcement Officer
 Wanda Iverson, Recording Secretary

00153

CORRECTED: SEE 7/24/95
 MINUTES

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETING: None.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

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4. Authorize Mayor to sign Consultant Agreement; 136th St. Project; Perteet Engineering.
5. Authorize Mayor to Sign the Amendment to the Janitorial Svcs. Contract with P & P ProGuard Janitorial and Approve a Budget Amendment in the amount of \$9,000 to Cover the Addl. Costs.

After brief discussion, Councilmember Bartholomew moved and Councilmember Myers seconded to approve Consent Agenda Items 1 thru 5. Passed with Councilmember Baxter abstaining on Voucher #25105 under Item 3 above.

STAFF BUSINESS:

City Attorney Weed reported the I-164 Task Force met last Friday for 2-1/2 hours and the next meeting will be this Thursday (7/13/95) when they will explore options to be discussed further at the 7/17/95 public hearing. He said they are monitoring Everett's process as they are one of the cities keeping tabs on what is happening and they have two upcoming hearings on this issue: 7/12 at 8:30 a.m. and 7/19 at 7 p.m. He added the deadline is July 22 for signatures on the referendum petition, it needs certification before being put on the ballot but it goes into effect 7/23/95. Marysville's workshop and public hearing is scheduled for 7/17/95.

City Planner Hirashima gave an update on the Grove & 67th NW corner park and stated letters have been sent to all homeowners in the subdivision. She explained there are 50 owners within the subdivision and the City has received 49/50 owners response and

they are interested in having ownership transferred to the City. She will be following up further but noted the City needs to receive a petition signed by all the owners and she has been working with the City Attorney on this.

Public Works Director Winckler noted there will be an EWUC meeting 7/11/95 and a Traffic Safety Committee meeting on 7/13/95. He reported the Luminaires from PUD for Parkview Manor should be installed in a month or so. There was a problem with all the holes for the poles having to be relocated and that is what caused the delay on this.

MAYOR'S BUSINESS:

Mayor Weiser reminded Council of the Monday, 7/17/95 workshop and public hearing concerning Initiative 164. The workshop to begin at 4 p.m. and the public hearing at 7 p.m., in Council Chambers.

CALL ON COUNCILMEMBERS:

Councilmember Herman announced that starting tomorrow there will be a 3-day, 3-county Transportation Summit to which he has been invited to attend, in Bellevue and he will be reporting back to Council on this. He also thanked City Administrator Zabell for the nice letter sent to DOT on behalf of the City of Marysville concerning the traffic congestion at the 4th St. Exit on I-5.

Councilmember Leighan asked about the 88th St. Extension and Public Works Director Winckler stated the consultants are working on another neighborhood meeting. He talked about the extension going through the Tuscany Ridge Plat.

Councilmember Leighan asked about the Borseth rezone appeal process and City Attorney Weed stated that would be discussed in Executive Session.

Councilmember Leighan asked about a hypothetical situation, if there were ever any excess water and sewer revenue, whether it would be returned and to whom.

Finance Director Wilson stated if that ever happened it would be distributed back to all ratepayers.

Councilmember Wright asked about the leash law in Marysville Parks because someone called her and said he consistently saw people with unleashed dogs every day in the park when he walks his dog.

Mayor Weiser stated the Animal Control Officer is going to start rotating his shifts because it has been noted there are no violations during his normal shift in Marysville.

Councilmember Pedersen noted the Health Board and Fire Board both meet tomorrow.

Councilmember Myers asked about the curb getting repainted yellow on the east side of Armar because people are parking there illegally. (The paint has faded.) Public Works Director Winckler said he would follow up on this.

Councilmember Myers noted he had some people from the Tulalip Reservation thank the City for allowing the 4th St. Bypass to open because it makes it very convenient now for them to come over to the park and ride and pick people up around 5 p.m.

Councilmember Bartholomew asked about referendum petitions coming in with regard to the GMA; she said she understands the petitions have actually suspended the county GMA but asked if it suspends also Marysville's GMA that's directly affected by the county's GMA.

City Attorney Weed concluded after some discussion, that he would

assume the IUGA boundaries are suspended now, especially with regard to the Smokey Point area.

REVIEW BIDS:

1. Grove Street Improvement Project.

Public Works Director Winckler reviewed the agenda bill and additional letters submitted. He stated staff is recommending acceptance of the Wilder Construction bid.

Councilmember Baxter moved and Councilmember Myers seconded to approve and award the bid to Wilder Construction in the amount of \$559,605.00, as recommended. Passed unanimously.

(It was noted this is Marysville's TIP #1.)

CURRENT BUSINESS:

1. Van Assche Annexation; 60% Petition; PA 9505029.

City Planner Hirashima reviewed the agenda bill, noting 97% of the assessed valuation have either signed the 60% petition for annexation or there is a non-protest agreement/covenant on file. Planning staff is recommending a public hearing be set for 8/7/95.

Councilmember Myers moved and Councilmember Bartholomew seconded to set a public hearing for 8/7/95 with the annexation to be subject to the City's bonded indebtedness, zoning and comprehensive plan.

The motion passed unanimously.

2. Tax Tools (continued from June 26, 1995).

Finance Director Wilson reviewed the agenda bill, stating Microflex has agreed to the hold harmless agreement as requested by the City Attorney. He talked a bit about the audit cost provision.

Councilmember Pedersen asked about the City's increasing the business license fees and City Clerk Swenson stated that has been considered for new licenses but it was thought the renewals should be left at \$20 as they have been since about 1986.

Councilmember Pedersen moved and Councilmember Wright seconded to authorize the Mayor to sign the one year agreement with Microflex Taxtools, as recommended by the Finance Dept. The motion passed 6-1 with Councilmember Baxter against.

NEW BUSINESS:

1. Part Time Clerk; Executive Department.

City Administrator Zabell reviewed the agenda bill.

City Clerk Swenson explained that some of the basic functions have been falling behind; there's a time lag and things are not being filed in a timely manner, for example. She compared the number of business licenses in 1990 (640) with the current number of 1300; also, City Hall has doubled in the number of computers and networking equipment since 1990, which takes a great deal of time from the Systems Coordinator and that position is being overloaded in basic clerical functions, she said. She added there are also a lot of new personnel procedures that need additional filing, etc. and she explained they would like this position to be flexible as far as hours--something from 16 to 40 hours a week, eg., with the average to be 20 hours a week. This position can be shared; it would be a basic roving clerical position at Grade I (comparable worth study done), base pay including benefits would be \$5205. Also, it would be a union position with medical included for the individual only, not their dependents.

Councilmember Myers moved and Councilmember Pedersen seconded to authorize the hiring of the Executive Dept. part time clerk as recommended by staff. Passed unanimously.

2. Vinish Annexation 10% Petition; PA 9506039.

City Planner Hirashima reviewed the agenda bill, noting this is adjacent to the Van Assche and Strawberry Vista property. She stated they have 87% of the assessed valuation represented on the 10% petition and Planning staff is recommending acceptance.

Councilmember Leighan asked about parcels 1-034 and 1-032 and whether they should be included in the annexation. City Planner Hirashima stated the Planning Dept. has a signed covenant on file for lot 1-034 but the owners of 1-032 have indicated they are not interested in annexation.

There was discussion about annexation of the school and PUD properties.

Councilmember Leighan moved and Councilmember Myers seconded to approve the 10% petition as presented with the addition of lots 1-034 and 1-032. Passed 6-1 with Councilmember Herman opposed.

3. Preliminary Plat/Rezone; Park Creek Estates; PA 9404019.

Councilmember Pedersen stepped down and left Council Chambers because she disclosed she has had previous dealings with R & D Partnership.

City Planner Hirashima reviewed the agenda bill, noting the Hearing Examiner has recommended approval but since that time the City has received an additional letter from the Breilings regarding access and development. The Breilings did not receive notice of the hearing and the Hearing Examiner decision was already rendered, she said, adding the Assessor's office had the wrong address on the tax record. She stated the Council may want to remand this back to the Hearing Examiner in order to consider the additional issue raised by the Breilings.

There was discussion about extension of 61st and 60th, access for the Breilings and Bosa's property, how City roads connect with county roads and engineering problems that can be created, how long is "temporary" referred to in the Hearing Examiner's report for the "temporary" road.

Councilmember Wright moved and Councilmember Bartholomew seconded to remand this matter to the Hearing Examiner for consideration of the following:

- definition of a specific time frame for "temporary"
- connections/existing and future street grid
- interaction of roads and accesses with adjacent developments
- 67th Pl., 60th St., eg.
- Breiling's and Bosa's accesses
- adjacent property owners to be notified

The motion passed 6-0.

Councilmember Pedersen returned to Council Chambers at 8:18 p.m.

4. Draft Enforcement Code; Nuisance Code; Procedures Manual.

City Planner Hirashima reviewed the agenda bill, stating they are simply looking for Council input with a final review proposed 7/24/95.

City Attorney Weed noted a lot of time has been put into this draft and they would like Council's feedback.

There was discussion about this matter possibly needing to be discussed at the 7/17 workshop in conjunction with Initiative 164 impacts and City Attorney Weed agreed. It was also noted there are adult entertainment issues that may be impacted by I-164 but this should be reviewed as a separate item.

There was considerable discussion about the fines, how they would be enforced, the cost of an appeal, giving the Hearing Examiner the authority to issue a final order and levy a fine consistent with the code. There was discussion about infractions that would fall under the nuisance code, hearing examiner jurisdiction, fire marshal jurisdiction, compliance, consistency, and cooperation being main goals of the nuisance code.

It was noted there could definitely be crossover discussion here with the I-164 issues, for example, the definition of "nuisance", complaints coming in from the Code Enforcement Officer or on a citizen complaint basis.

Code Enforcement Officer Rochon stated the odds are that this code would only be used 5% or less of the time. He said mainly, the goal is to expedite compliance and cooperation with the City.

Councilmember Bartholomew cited an incident in the county where one property owner refused to comply and the fines kept adding up. She asked how that could be enforced.

Code Enforcement Officer Rochon stated the intent is not to put people in jail or to put liens against property; the goal is for the code to help the City enforce the 2% that are not cooperative.

City Attorney Weed talked about situations where the City could go on to the property to abate a lien and clean up the property and haul away junk but it's expensive and would only be done in an extreme situation, he said. He talked about the need for a manual, standard language to be added to the MMC.

Councilmember Myers asked about the condemnation process for dangerous buildings and City Attorney Weed said that would be for safety reasons and the City would have the right to then go in and demolish the building. He noted there are also "nuisances" covered under I-164.

Councilmember Myers moved and Councilmember Baxter seconded to continue this to 7/17/95. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Dwight Fry, Amending the Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Baxter moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2035. Passed unanimously.

2. **Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by John and Dollie Campbell, Amending the Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Pedersen moved and Councilmember Baxter seconded to approve/adopt Ordinance 2036. Passed unanimously.

3. **Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Bonnell Annexation Area into the City of Marysville.**

Councilmember Wright moved and Councilmember Leighan seconded to approve/adopt Ordinance 2037. Passed unanimously.

4. Resolution of the City of Marysville Affirming the Decision of the Hearing Examiner and Granting a Shoreline Substantial Development Permit and Variance for Welco Lumber Company to Allow the Construction of a 15-Foot-Wide Gravel Road for the Purpose of Log Transport.

City Administrator Zabell brought Section 6 to the attention of Council, noting it has been reworded.

There was discussion about the rewording, boat ramp, haul road, deleting last sentence or last 2 sentences.

Councilmember Myers moved and Councilmember Wright seconded to approve/adopt Resolution 1740 with Section 6 amended as follows:

6. Welco shall not significantly impede the use of the boat ramp or the area between the proposed haul road and the proposed bypass road.

The motion passed unanimously.

LEGAL MATTERS:

1. Consultant Agreement for Professional Services; Shockey Brent, Inc.

City Attorney Weed stated he has reviewed the agreement and there was a change with respect to the limitation of liability up to the amount of the contract (this was deleted).

Discussion regarding changing the limit of reimburseable mileage to 29 cents per mile and 10 cents per copy as well as renumbering to correct items 10, 11 and 12.

Councilmember Baxter moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the Consultant Agreement between the City and Shockey Brent, Inc. with the above four changes. Passed unanimously.

2. Consultant Agreement for Professional Services; Perteet Engineering, Inc.

After brief discussion, Councilmember Bartholomew moved and Councilmember Pedersen seconded to authorize the Mayor to sign this agreement, changing the mileage reimbursement to 29 cents a mile and the copy reimbursement/charge to 10 cents a copy. Passed unanimously.

3. Consultant Agreement for Professional Services; Economic Consulting Services.

Councilmember Wright moved and Councilmember Baxter seconded to authorize the Mayor to sign this agreement, changing the rate of pay for the research associate to \$55 per hour. Passed unanimously.

CURRENT BUSINESS:

3. City Hall Facility Feasibility Study (cont. from 6/6/95)

Mayor Weiser summarized that the library is in the process of moving and should be completely moved into the new building by the end of the month. Cost of a feasibility/use study was budgeted, he noted and the life expectancy of the building was looked at and an appraisal was ~~to be~~ done. He noted the Council needs to look at figures and make a decision about whether they want to use this building for City Hall; figures will be discussed further in Executive Session, he said. He added the Council can also look at other possible uses for the old library building but the focus tonight should be on the feasibility study and the appraisal of the old library building. He noted also that some sources of revenue have been looked at.

CORRECTED: SEE 7/24/95 MINUTES delete "to be"

City Administrator Zabell commented that City Hall staff have recently been experiencing severe difficulties at City Hall with power brown outs, a hot circuit breaker panel and there have been problems when the weather gets hot as far as air circulation plus keeping all the electronics/computers going.

There was discussion about making one decision at a time, i.e., focusing on whether or not to move City Hall to the old library building; new window openings in the old library building, discussion about the appraisal value and prices from architects, park property being used for park use, i.e., not extending the existing City Hall into an existing park, expansion of parking, adequate parking at the old library building, time it would take to move.

City Clerk Swenson stated it has been estimated it will cost \$5,000 to upgrade the electric service at the present City Hall. Also, she noted they have unplugged the old phone system and done some other minor things to help alleviate the overburdened electrical system.

Councilmember Myers asked about records storage and City Clerk Swenson stated they really need a fire proof vault but the records are in "2 hr." rooms now, which is satisfactory.

Councilmember Pedersen asked about portable fire proof units and City Clerk Swenson said they may be able to rent or lease something like that but she doesn't have any figures.

Mayor Weiser noted there was a savings with portable units vs. a fireproof vault at the old library building.

There was further discussion about the advantages of moving City Hall to the old library building being the public perception of not building a very expensive new City Hall and not having to replace park property.

Councilmember Baxter noted that if City Hall is moved, you don't want to try and save money on the fire proof vault, that needs to be included even though it carries a high price tag.

There was more discussion about the impetus/motivation to move City Hall to the old library building, 45 to 60 day construction time, actually with the whole process, more like 4-6 months, very poor working conditions at present City Hall, future use of present City Hall, Historical Society or Chamber of Commerce might want to use, under management of the Parks Dept., many options including demolishing. It was noted if the use changes, there may need to be more parking but if it stays office use, parking could stay the same and it would remain a legal non-conforming use, availability of old library building is very attractive.

Councilmember Pedersen moved to authorize staff to proceed with the transition of City Hall to the old library building, including engineering studies, bidding, final design work. Councilmember Myers seconded the motion and there was brief discussion about the remodel cost and life expectancy of the old library building (about 20 years).

A roll call vote indicated all in favor except Councilmembers Baxter and Leighan and so the motion passed 5-2.

There was further brief discussion about cost containment and the appraisal, to be discussed further in Executive Session.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:50 p.m.

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| 1. Personnel. | (No Action) |
| 2. Real Estate. | (No Action) |
| 3. Litigation. | (No Action) |

RECONVENED & ADJOURNED: 11:31 p.m.

Accepted this 24th day of July, 1995.

David Waser
MAYOR

Mary J. Iverson
CITY CLERK

Shanda A. Iverson
RECORDING SECRETARY