

MARYSVILLE CITY COUNCIL MINUTES

00298

December 4, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
Ken Baxter, Mayor ProTem
Mel Schank
Dave Weiser
Donna Pedersen
Bob Lashua
Lee Cundiff (excused)
Administrative Staff:
John Garner, Outgoing City Administrator
Carolyn Sanden, Incoming City Administrator
Phil Dexter, Finance Director
Jim Allendoerfer, City Attorney
Dave Zabell, Public Works Director
Mike Corcoran, City Planner
Jim Ballew, Parks & Recreation Supt.
Bob Kissinger, Utilities Supt.
Lloyd Taubeneck, Street Dept.
Jerry Jacobsen, Fire Marshal
Doug Ronning, Fire Chief
Wanda Iverson Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua noted on page 9 of the 11/27/89 minutes, in the 4th paragraph, the words "grant from Exxon" should be changed to "refund from Exxon".

Councilor Schank noted on page 7, in the fourth paragraph from the bottom of the page, the word "doen" should be "done".

Councilor Schank moved that the minutes be approved as corrected and Councilor Lashua seconded the motion. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PETITIONS & COMMUNICATIONS:

1. Letter from U.S. Senator Brock Adams, U.S. Senator Slade Gorton and Congressman Al Swift dated 11/21/89.
2. Report on Crime in Washington Cities.
3. Proclamation of "Cities Fighting Back Against Drug Abuse" - Week of 12/3/89 through 12/9/89.

PUBLIC HEARINGS:

1. 1990 Budget.

Finance Director Dexter noted this is the final public hearing and he outlined changes that have been made since the last meeting --as per the Agenda Bill in the packets. He reviewed the four options available: continue the hearing, change and adopt ordinance at 12/11 meeting, adopt ordinance tonight, a combination of the first two options.

Councilor Schank noted that with regard to the mileage rate for personal vehicles, there is a typo in the Agenda Bill--it should be 1989 not 1990 rate has been 22 cents.

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Councilor Baxter asked how many departments exceeded their 1989 budgets and Finance Director Dexter said 3 or 4 departments came in just under last year's. He said there will be a few changes and these will be brought in next Monday night (12/11/89), which will be the last City Council meeting for 1989.

Public input was requested regarding the budget and Bill Walker, 5802 70th St. NE, addressed the Council, representing the YMCA. He referred to the packets and specifically to page 6 of the budget appropriations, Section IV and expressed a concern that the youth of this community are not being appropriated as much as the elderly (through the Stillaguamish Sr. Center). He said they are asking that the youth be supported in a like amount--\$7500 because we are in a youth crisis. He explained the many problems of youth dropping out of school, not becoming useful, taxpaying citizens and stressed the need for support of the Y's early childhood programs which they feel goes a long way towards saving many down the road. He said it has been estimated that for every dollar donated toward youth programs, \$7.00 will be saved in the future by not having to subsidize these people with welfare and unemployment programs, eg. He cited some statistics on juvenile runaways, suicides, pregnancies, dropouts and explained that we need to try and save tomorrow's leaders and taxpayers.

Betty Robertson, 10424 2nd Av. NW, principal of Liberty Elementary, addressed the Council and read a statement regarding the drop-in program at Liberty Elementary which is sponsored by the YMCA. She noted it is an excellent program with scholarships available for those unable to afford it, it provides a place for the kids to go (child care), gives them a variety of educational things to do, is very beneficial to the community, and it is hoped to eventually have this program in all the elementary schools.

Councilor Weiser asked about the present participation and Mrs. Robertson explained they are still in the communication stage of telling parents about this program but it is an excellent program for after school kids.

Councilor Weiser asked about user fees and Dee Ellison, Director of the Y, stated there are scholarships available based on how much people can or cannot afford for the program. These scholarships come from community donations, she explained.

Mayor Matheny stated that she was able to collect \$1,000 for the Y from the Everett Firefighters and that she is on the United Way board also. She noted that the City of Marysville also gives to youth through the Parks and DARE programs.

Mr. Walker stressed that the Y tries to get to the kids before they "get out on the streets", through educational programs at an early age that teach values, etc.

Councilor Lashua asked about the supervision in the child care program at the schools and Dee Ellison explained that Y supervisors are placed at a ratio of 1:10. She noted the program is run entirely by the Y with the Marysville School District as a facility only, the school district does not provide staffing. She said during the summer the kids can go to Y day camp.

Councilor Pedersen asked about the kinds of activities provided and Dee Ellison explained the Y provides all kinds of activities, that they are a licensed day care facility and provide K-6 games, songs, crafts, tutoring, etc.

Councilor Schank asked about the main source of Y funding and Mr. Walker noted there are several sources--United Way, the Marysville City and community and Ms. Ellison pointed out that the Y does their own "Invest In Youth" campaign each year and even donates 6% of their income to the Everett Y. She noted other sources of income are program user fees, membership dues, day camp income.

Mayor Matheny asked Parks & Recreation Supt. Ballew to enumerate the programs the City sponsors and provides for youth through the Parks & Recreation Dept.

Parks & Recreation Supt. Ballew outlined some of the many youth programs through the Parks Dept. such as the special event program, sports, health fair, etc.

Councilor Schank commented on the fact that the Y has never been part of the City's budget and perhaps if they submitted a request sooner, the City could include them formally in the budget process.

City Administrator Garner stated that another avenue is reviewing the budget in the spring and if there is excess revenue at that time, that may be used for the Y programs and donated to them.

Councilor Schank explained that the budget is only estimated--estimated expenses as well as estimated/anticipated revenues and he said he concurred with staff's suggestion for the Y to come back before City Council after the first of the year. Councilor Baxter agreed.

Mr. Walker reiterated that the Y is only asking for the same amount as is given to the senior citizens.

There was a brief discussion regarding whether or not there are available funds, the fact that the senior citizen center does not charge a membership fee or user fee as the Y does.

Barry Lamont, Executive Director of the Stillaguamish Sr. Center, addressed the Council and stated that the \$7500 that's been allocated to the senior center is specifically for the Elderscreen program which is a total 100% scholarship program, a free service to the seniors. He noted the center receives United Way money but it is not used directly for Elderscreen. The City of Arlington and Snohomish County also donate to the Stillaguamish Sr. Center and they get some participant donations, he said but basically \$7500 would cover screenings for Marysville residents, it would not cover drop ins or specific screenings, eg. blood pressure, eye, foot.

Councilor Pedersen said she would like to see the Y given some guidelines for requesting funding for next year and Mayor Matheny explained there were federal funds in the past, a lot of communities just put these funds in their general fund but Marysville chose to donate federal funds, of which 1988-89 was the last year these were given by the Federal Government and subsequently to the YMCA by the City of Marysville. She reiterated that the Y will be considered if we have extra money after the first of the year.

Councilor Baxter moved that Ordinance #1742 be approved for the 1990 Budget as presented. Councilor Schank seconded and the motion passed unanimously.

Councilor Baxter moved that the 22¢ mileage rate be adopted for use of personal vehicles. Councilor Weiser seconded.

After a brief discussion regarding a higher amount encouraging more use of personal vehicles, the motion passed unanimously.

CONSENT AGENDA: None.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. L.I.D. No. 63 Bond Ordinance.

City Attorney Allendoerfer explained that this was voted on at last City Council meeting; that the rate of interest needs to be filled in as well as the number of annual installments, delinquency rate would be 8%.

Finance Director Dexter noted that the financial consultant has recommended an 8% interest rate; that participants in the LID can pay 30 days interest-free and when the bonds are sold in the spring that's when the official interest rate is set.

Councilor Baxter noted that the location is incorrect in the ordinance--it was changed to Council Chambers, not City Hall.

Councilor Schank moved that Ordinance 1743 be adopted regarding LID No. 63, at an interest rate of 8% and to be paid in 15 annual installments. Councilor Baxter seconded and the motion passed unanimously.

2. Sign Code Appeal - Pacific Power Batteries.

City Planner Corcoran stated that Pacific Power Batteries has requested that they be allowed to change their portable reader board to one that is not portable and he referred to their design in the packets. He pointed out that electrical/safety problems were the main reason in the past for disallowing portable reader boards and said that compliance with the electrical standards would be a minimum requirement if this request is approved.

There was discussion regarding liability, possibility of placing the sign up higher so there would be less sight obstruction, definitions of "portable" vs. "not portable", noting that portable reader boards are not allowed under the present sign code ordinance.

City Attorney Allendoerfer explained that Billy Bobs nailed their reader board down in order to make it "not portable" and suggested that the Council make findings of fact and have the applicant prove by design and electrical standards that the Pacific Power Battery reader board is no longer portable. Discussion followed regarding 10' setbacks being required, permanent vs. portable, design, vision/sight distance, requiring the sign to be approved by building inspector. There was also discussion regarding the electrical code, that the applicant has removed the flashing arrow, aesthetically pleasing, specifications of sign, clearance.

Councilor Lashua moved that the sign code appeal/amendment be approved as long as the applicant meets electrical code, setbacks as per sign code ordinance, building permit requirements. Findings of Fact would be that this sign is distinguished from a portable reader board in that it has a permanent, underground foundation; it would meet sign code setbacks, electrical and building code requirements.

Councilor Baxter seconded the motion and it passed unanimously.

NEW BUSINESS:

1. Sprinkling System Modification Request.

James Buchanan of Cosco Fire Protection, addressed the Council and referred to the correspondence in the packets regarding a multiple family Belmark development. He noted that the NFPA 13-R standard was adopted by the State in 1988 and in his opinion does satisfy the intent of the fire code. 13R offers a less costly prinkler system without compromising the life safety of the resident or a firefighter should a fire occur, he said.

City Attorney Allendoerfer asked him to clarify the requirements of sprinklering a multiple family building of 15 or more units or of 3 or more stories.

Mr. Buchanan explained he has been in the business of selling sprinkler systems for 28 years and he gave some history of the fire code, noting that the NFPA is the basic standard, with various modifications for various uses having been published since 1974--NFPA-13, NFPA-13D, NFPA-13R, eg. He noted that multiple family complexes do not have as high a risk as commercial buildings and so a more relaxed ruling came out for them--NFPA-13R and it is

this ruling under which Belmark wishes to comply in the case of Liberty Arms with the exclusion of having to sprinckler attics and walkways. He noted that NFPA-13 would require Belmark having to install larger water pipes as well as the cost of the sprinckler heads, etc., which will result in an extra cost of \$25,000 if they have to conform to NFPA-13. He said he agreed this may be setting a precedent and that's why it has been brought before Council, but Marysville is more restrictive than the surrounding county.

Councilor Schank asked if the UBC is more severe than 13-R and Mr. Buchanan said they have not made a decision and have not made any modifications with regard to 13-R.

City Attorney Allendoerfer explained that 13-R is a little more flexible and Belmark/Cosco/Zurn is asking if City Council will allow that discretion.

Councilor Schank asked about the adoption of the City Fire Code and Fire Chief Doug Ronning addressed Council, noting that the MFD strives to protect life and property and in the case of Liberty Arms they had to consider:

1. life safety
2. property loss
3. MFD capabilities - which mainly are volunteer.

He noted that the potential with regard to loss of life is greater and with our limited equipment, MFD has difficulty in meeting the potential also. He explained that further, there is a history of extensive fires in Marysville where they have started in the attics. He said they concur with NFPA-13 which recommends complete sprincklering of buildings.

City Fire Marshal Jacobsen handed out some information from the Life Safety Code Handbook regarding automatic sprinckler systems and addressed the Council. He noted that Marysville operates under minimum uniform codes and with regard to apartment structures, the requirement is that they be sprincklered throughout. He explained the state did lower the building code with NFPA-13R but MFD requires NFPA-13 as a minimum, i.e. the attic must be sprincklered, with the sprinckler system design and specs being sent to the rating bureau. He said the Public Safety Building is an example (altho commercial) of a building built with the stringent requirements. He mentioned some of the standards, good history, levels of protection, that are compromised somewhat with 13-R and he added that without sprincklering, this may cause some "untenable" spaces adjacent to spaces which are sprincklered. He read more from the various codes and handbooks, noting that it's "risky" not to completely protect all areas including stairways, attics, sub-flooring, walkways, etc. and concluded that the Marysville Fire Dept. recommends no deviation from NFPA-13 code.

Councilor Weiser asked what kinds of fires start in attics and Chief Ronning said mostly electrical fires, which have not caused loss of life.

Councilor Weiser asked about safety checks for sprinckler systems and Fire Marshal Jacobsen said they are tested annually by a certified sprinckler testing company.

City Attorney Allendoerfer asked if by adopting the Uniform Fire Code, the City automatically adopted the other portions and Fire Marshal Jacobsen said yes.

City Attorney Allendoerfer asked if the Life Safety Code was adopted also and Fire Marshal Jacobsen said yes, that's included in the NFPA standards by reference also. The handbook is a reference only, he noted.

Councilor Weiser noted that Marysville only has two multifamily complexes that are sprincklered but Fire Marshal Jacobsen noted another is going in on 528.

There was discussion about the sprinklering requirements, flat roofs vs. pitched roofs when a sprinkler system is involved, a flat roof needing more maintenance, air vs. water systems, insulating the roof in order to continue with a liquid system (Grandview Village).

City Attorney Allendoerfer pointed out that Belmark is objecting to the requirements of NFPA-13 because they would have to install 300 more sprinkler heads to include the closets, attics, walkways, etc. at a total additional cost of \$25,000.

Fire Marshal Jacobsen stated that NFPA-13 does have exceptions for closets and bathrooms but Mr. Buchanan stated NFPA-13 does not have any exceptions, that the City would have to allow NFPA-13R in order to allow exceptions.

City Attorney Allendoerfer asked for a response with regard to Marysville being a "lone ranger" in requiring complete sprinklering and Fire Marshal Jacobsen noted that Lynnwood does not accept 13R and Kirkland used to but no longer does either. Snohomish County does allow 13R, he admitted, but the consideration is personnel and equipment and the Marysville Fire Dept. has limitations there and so would strongly recommend continuing with the NFPA-13 requirements.

Tom Powroznik, 419 Rhodora Hts., Lake Stevens, representing Belmark, addressed the Council and said it sounded like Liberty Arms is being compared to a commercial occupancy when in fact it is dwelling units. He noted that they can change the design back to 12 units per building with no sprinklering, response time would not be that long, and they would save a tremendous amount of money required under NFPA-13 for additional risers, larger piping, more sprinkler heads, etc. He said Belmark is trying to keep costs down and that it is ironic that they could build Liberty Arms on 67th Av. (in the county) and save \$24,000 to \$25,000; both locations are within Fire District 12.

Councilor Baxter asked if there is a difference in insurance costs between NFPA-13 and NFPA-13R requirements and Mr. Powroznik said there would not be a significant drop in insurance premium for the added fire protection under NFPA-13.

Councilor Schank asked over how many units the \$25,000 could be spread and Mr. Powroznik stated it would be for 30 units however they could change the design to two 2-story buildings plus a duplex but they would have no open space and lose some parking.

Councilor Baxter asked about putting in a dry vs. wet system in the attic space and Mr. Buchanan explained that in some cases it would not make any difference which system is installed in the attic, that an air system takes too long to open and would not be effective with a roof fire which gets up to 1000°F. He outlined the additional costs for a wet system--putting in a 6" pipe vs. a 2" pipe at \$50 per foot for digging a trench, etc.

Councilor Baxter asked about the possibility of an antifreeze system and Mr. Buchanan stated it's the water purveyors responsibility then to make sure no antifreeze backflows into the water system, but there are some antifreeze systems still in use.

Councilor Baxter asked about the walkways/breezeways and Mr. Powroznik stated the buildings are 130' long and have short breezeways between them on the 2nd and 3rd levels. Mr. Powroznik added that according to NFPA-13 requirements, storage units, attics and breezeways must all be sprinklered. He went into depth about the fire protective types of walls that would be used for the structures including a 5/8" sheetrock fire containment wall that would extend up into the attics. He said they felt the fire rated walls were meant to offset the need for a larger, more expensive water supply to be available, and noted that Belmark has gone beyond construction standards in designing Liberty Arms.

Councilor Pedersen commented that the decision here goes beyond just this complex; she said she feels this will establish a precedent.

Councilor Baxter asked more questions about the wall construction and Mr. Powroznik explained the partitions or "parti walls" between units that are fire rated.

Mr. Buchanan added that 13-R stops at four stories; 13 is a good start and 13-R is an appendix which they feel does not compromise life safety.

Councilor Weiser asked if there had been any legal interpretation of 13-R and Mr. Buchanan noted there are 132 units in Kirkland sprinklered under 13-R and anything not over 12,000 sq. ft. in Renton can be sprinklered under 13-R but there have been no fire losses yet and no legal challenges under 13-R.

Councilor Weiser asked if Marysville has had any fires in buildings with sprinkler systems in them and Chief Ronning said a couple years ago there was one in the Pay N Save employee lounge, a sprinkler head was activated and they ended up with 2-3" of water on the floor in that one room.

Councilor Weiser related a story about a sprinkler system in Everett that had been touted as one of the best systems. It was checked twice a year and then the company who checked them went out of business and another company found the water pipes were half filled with sludge. He concluded that sometimes sprinkler systems can give people a false sense of security because what is a great sprinkler system, can be defeated by the lack of water.

Chief Ronning noted that most sprinkler systems in Marysville seem to freeze up every year and burst and so there is no problem with sludge in the pipes!

Bob Wicks, Architect, addressed the Council, noting that he had designed Liberty Arms so it would have extra parking and play area, that they could have gone with 14 units in two buildings with no fire protection except for smoke detectors. He said Belmark is asking for 13-R in order to allow for the amenities that the Planning Commission and City Council has recommended and also noted that 13-R is allowed in many other jurisdictions and is not all that "relaxed" of a code.

City Planner Corcoran reiterated that the Planning Commission is in the throes of revising the Comp Plan to accommodate issues such as this with criteria being looked at for apartments such as architectural variety in design, enclosed balconies, breezeways to be included in the square footage for a bonus, and he asked if not allowing 13-R would eradicate that incentive.

There was further discussion about two exits per floor being provided, the problem of whether aesthetics should be promoted at a risk of slightly less fire protection, setting a precedent for future apartment complexes, the possibility of the fire department getting more equipment soon, the fact that these apartments (of Belmark's) will certainly be better than the ones on Cedar, the main concern being for life safety.

City Attorney Allendoerfer reminded Council that the issue is not the plans specifically, but rather whether the City will accept NFPA-13R for apartment complexes.

There was more discussion back and forth and Councilor Lashua noted that there were very strong arguments for both sides and Councilor Schank noted that it comes down to the value of a life. Chief Ronning noted that the Fire Dept. will enforce whatever City Council decides on, adding that Snohomish County allows 13-R, that Marysville only has three 3-story buildings and they chose to sprinkler their attics.

There was discussion regarding attic fires, having a sprinkler system, smoke detectors in the attic, tentative interim agreement in Mountlake Terrace and Redmond with regard to sprinklered protection. Councilor Baxter stated that as a 13 year volunteer fireman, he could not consciously allow 13-R.

Councilor Lashua pointed out that \$25,000 for 30 units is less than \$1,000 per unit. There was further discussion and Bob Wicks noted that he would appreciate some direction from the City Council also, direction as to mix, stories, parking, changes in code, that he can pass along to his clients.

City Planner Corcoran noted that Tom Withers wants to change some of his three story buildings to two story buildings now and 13-R may be a consideration (cost). Councilor Pedersen noted that the question is whether the two story or three story building is more desirable.

Bruce McKinnon, 7307 71st Av. NE, addressed the Council and said 13-R is a new revision, that he would prefer its being allowed in order to maximize open space, etc. for Liberty Arms. He said he believes that is why they brought in 13-R, to encourage this type of building, it's not a matter of safety, the building will be adequately sprinklered, it's just that it's a new concept.

Councilor Baxter said he liked the idea of a combination of alarms and a sprinkler system, with smoke detectors.

Chief Ronning agreed that would be something to be considered but the smoke detector would have to be a more sophisticated type than a stick on type.

Councilor Pedersen suggested allowing 13-R on this project with a workshop and/or Planning Commission study of both systems and Councilor Lashua said he would consider 13-R with monitored smoke alarms in hallways, breezeways, attics.

Chief Ronning noted that the Fire Dept. has not seen the plans and the Fire Dept. would like to do a little more studying of the situation and gather more information.

Councilor Schank moved that a committee be put together (Mayor Matheny named Councilors Weiser, Pedersen and Baxter) in addition to the Fire Marshal and Fire Chief, to study the plans and come back next week with recommendations either for NFPA-13 or 13-R. Councilor Baxter seconded and the motion passed with Councilor Weiser opposed.

2. School Crosswalk at 49th & Grove.

City Administration Garner referred to the packets, noting that a letter had been received from Frank Carlson of the Marysville School District regarding crosswalks and signage in the vicinity of the Middle School. It was noted that Lloyd Taubeneck anticipated the rainy weather and has gone ahead with the painting of the crosswalk already. He said the motion would be to retain the Street Department's action.

Councilor Schank moved and Councilor Baxter seconded to approve the crosswalk at 49th & Grove. Passed unanimously.

3. Waste Water Treatment Facility Expansion - Value Engineering Study.

Public Works Director Zabell reported that he met with the firm that did Everett's waste water treatment facility, which is similar to Marysville's facility, and they have given a second opinion and will also be looking at secondary treatment costs. He asked that a contract be prepared for review by the city attorney, the cost of which would come out of the professional services budget.

Councilor Baxter moved and Councilor Lashua seconded to authorize the mayor to sign a contract, after review by the city attorney, with Brian Caldwell, at a cost of \$13,000. Passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. RUSA Negotiations with City of Arlington.

City Administrator Garner referred to Thom Myers' letter in the packets, noting that they are asking for Marysville's written commitment as per approval of conditions in Sept./89 by Marysville City Council. City Administrator Garner recommended that the City Attorney draft a RUSA contract with Arlington before the end of the year.

City Attorney Allendoerfer said there has been some concern on Arlington's part that Marysville may be delaying on this agreement but he pointed out that settlement cannot be implemented until the critical water study is done and RUSA boundaries approved. He noted that Arlington is mainly concerned as to Marysville's intentions.

After a brief review of the situation, Fred Poyner, on behalf of the City of Arlington, addressed the Council, stating that he would like to go back to the Utilities Committee with boundaries Marysville and Arlington agree on; that the boundaries need to be ratified at this point.

Councilor Baxter moved to continue to support the RUSA agreement with Arlington as far as boundaries and positions and directed the City Attorney to prepare a contract reflecting same. Councilor Schank seconded and the motion passed unanimously.

2. Ordinance Relaxing Residency Requirements for Citizens Who Serve on the Parks & Recreation Board & the Golf Advisory Board.

There was discussion regarding the majority being within City limits as is the case with the Planning Commission, whether school district boundaries would be appropriate, Board of Adjustment will no longer be meeting and ex-members could fill vacancies on the Planning Commission, Parks Board, Golf Advisory Board.

Councilor Lashua moved that the Parks & Recreation Board and the Golf Advisory Board be composed of five members, the majority of whom must be residents of the City of Marysville.

The motion was changed to a concensus and the City Attorney was directed to bring a revised ordinance back next week.

3. Resolution Expressing the Intent of the City of Marysville to Participate in the "Snohomish County Tomorrow" Growth Management Program.

City Planner Corcoran reported that he and Councilor Lashua attended the Snohomish County Tomorrow Growth Management presentation at which a long term work program establishment was discussed. He noted the proposed resolution is similar to the City of Everett's and requested that Marysville staff keep track of the Snohomish County plan, that it's not a bad concept and some cooperation needs to be attained.

Mayor Matheny appointed Councilor Lashua and City Planner Corcoran to continue representing Marysville at Snohomish County Tomorrow Growth Management Program meetings.

Councilor Lashua moved that Resolution #1391 be passed with recommended attendance at meetings as proposed. Councilor Baxter seconded and the motion passed unanimously.

4. Resolution Amending the Personnel Rules Relating to Family Leave & Child Care Leave.

It was noted that this resolution would bring the City's code in concurrence with state law but can have some major impact; this would amend the personnel manual.

There was discussion regarding medical verification, the state law being effective 9/1/89, AWC position not being fully in favor of this new ruling, possible child care leave abuse, sick leave accrual being important to City employees as the bottom line.

Councilor Weiser moved and Councilor Pedersen seconded to approve Resolution 1392. The motion passed with Councilor Lashua abstaining and Councilor Baxter opposed.

5. Resolution Honoring John Garner.

After the resolution was read aloud, Councilor Schank moved and Councilor Weiser seconded to pass Resolution 1393 honoring John Garner's six years as City Administrator without having ever missed one City Council meeting in that time! The motion passed unanimously and City Administrator Garner thanked the City Council for their support these past six years.

6. Bertilson Annexation.

Councilor Schank moved and Councilor Baxter seconded that Ordinance 1744 be approved. Passed unanimously.

7. Jubie Annexation.

Councilor Lashua moved and Councilor Schank seconded that Ordinance 1745 be approved. Passed unanimously.

8. Atkins Annexation.

Councilor Schank moved and Councilor Lashua seconded that Ordinance 1746 be approved. Passed unanimously.

9. Griffore Annexation to Boundary Review Board.

It was noted that certain conditions have been added to the resolution: that two plats be accepted as part of the annexation and that they must comply with TIP #2, a \$200/lot parks mitigation, \$125/lot Diking District #3 mitigation, inspection and other fees.

Councilor Schank noted a recent superior court ruling where they overturned mitigation fees charged by Mountlake Terrace and City Attorney Allendoerfer stated that Marysville's mitigation fees are voluntary and so can't be overturned. He added that Belmark and Roberts did offer these fees.

Councilor Schank moved and Councilor Baxter seconded to approve Resolution 1394. Passed unanimously.

10. Verde Valley Recovery Contract.

City Attorney Allendoerfer explained that this is for a 10" water line at \$8.20 per foot.

Councilor Baxter moved and Councilor Schank seconded to approve Recovery Contract #146. Passed unanimously.

11. Administrative Hearing Report.

City Attorney Allendoerfer explained that there were 51 candidates for police chief and one of the candidates filed a complaint that he was cut based on his age and requested an administrative hearing, but his appeal was dismissed.

CALL ON COUNCILMEMBERS/STAFF:

Councilor Baxter asked about the policy for commercial curbs, gutters and sidewalks and Public Works Director Zabell said he thought the policy needs to be changed so that commercial uses get the same 50/50 break as residences.

After discussion and noting that the staff recommends this subsidy for commercial businesses, Councilor Baxter moved and Councilor Lashua seconded that the policy be changed so commercial is now the same as residential. Passed unanimously.

Councilor Pedersen expressed a concern that there are now only 4 members on the Planning Commission. Mayor Matheny stated that if there were no objections, she would like to appoint Bill Roberts to the Planning Commission. There were no objections. She added that ex-members of the Board of Adjustment would also be approached with regard to filling vacancies on the Planning Commission and City Administrator Garner said he would follow up with Bernie and Dick.

Councilor Lashua asked about candidates for Larry Hots' position on the City Council and Mayor Matheny stated that was in process also.

Councilor Lashua asked if the Egge business license/dog kennel question had been followed up and City Administrator Garner said City Planner Corcoran would follow up regarding the business license (none having been taken out) and that he (Garner) would check with Noah Davidson on the dogs.

City Planner Corcoran reminded Council of the meeting on Wednesday at 5 p.m. regarding the hearing examiner.

Mayor Matheny asked City Administrator Garner to obtain a meeting room (Cascade Savings Community Room or the Log Cabin Room were suggested) for the NFPA-13 vs. NFPA-13R meeting Thursday at 7 p.m.

ADJOURNMENT: 11:30 p.m.

Accepted this 11 day of DEC., 1989.



Mayor



City Clerk



Recording Secretary