

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING FEBRUARY 10, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 2/3/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Garbage Study Committee
Set up: Steve Wilson,
John Garner, Ken Baxter,
Dave McGee, Dave Weiser

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: Don Boone

PRESENTATION: Appearance of 1992 Marys-
ville Strawberry Festival
Royalty Candidates

PRESENTATIONS & COMMUNICATIONS: None

PUBLIC HEARINGS: None

CONSENT AGENDA:

1. Jan/92 Payroll - \$406,256.71	Approved
2. 2/10/92 Claims - \$762,108.56	Approved

REVIEW BIDS:

1. Water Line Extension 86th Pl. NE ULID No. 18	Approved
2. Cement Curb, Gutter & Sidewalk Program	Approved
3. City Hall Roof	Bids rejected/Emergent repairs to be made, quotes to be obtained for roofing repairs.

CURRENT BUSINESS: None

NEW BUSINESS:

1. Strawberry Festival Proposal	Car Show Proposal Rejected RV Show Proposal Approved Festival Garden Approved WITHOUT ALCOHOLIC BEVERAGES
2. Master Recycler Composter Program	Approved
3. Hearing Examiner's Decision/Ted Schmelzer, Parkland Hills, Revised Prel. Plat/PRD Rezone	Approved
4. Hearing Examiner's Decision/RBK Industries, Inc. Rezone	Denied w/o prejudice (time limit 12 mos.)

ORDINANCES & RESOLUTIONS:

1. Ord.Increasing Garbage Rates eff. 3/1/92	Ord. 1876 Approved as per "Exhibit 3"
2. Ord.Rezoning Property owned by North Pointe, LPI & Amending Official Zoning Map	Ord. 1877 Approved
3. Ord.Rezoning Property owned by Dennis Edwards & Amending Official Zoning Map	Ord. 1878 Approved
4. Ord.Establishing Msvl. Fire Bd.	Ord. 1879 Approved
5. Res.Regarding Siting of Regional Airport.	Res. 1521 Adopted

MARYSVILLE CITY COUNCIL MEETING MINUTES RECAP - 2/10/92, CONTINUEDLEGAL MATTERS:

1. Washington State Energy Code Transition Enforcement Contract Mayor authorized to sign
2. YMCA Lease Agreement Continued

ADJOURNMENT INTO EXECUTIVE SESSION:

10:35 PM

1. Pending Litigation.

Information only

RECONVENED & ADJOURNED:

Approx. 11:00 PM

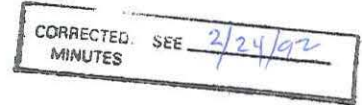
MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 10, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman



Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, City Clerk/Finance Director
 Steve Bennett, City Planner
 Dave Zabell, Public Works Director
 Jim Ballew, Parks & Recreation Supervisor
 Mary Swenson, Asst. to the City Administrator
 Bob Dyer, Police Chief
 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/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Herman noted on page 5 of the 2/3/92 minutes, in the last paragraph before Item 2, rather than "signage" it should be "angle parking" on 5th St. estimates to be brought back to Council. Also, on page 6 in the middle of the page, he said he wished to clarify that the senior low income maximum has now been increased from \$14,000 to \$18,000 by the State. Finance Director Dexter said he stood corrected.

Councilor Pedersen noted on page 1 in the last paragraph, our City Attorney had written to the Marysville Golf Center attorney, not the owner. On page 8, ninth paragraph, she said she said her suggestion would be a "higher" rate for the 2-3 can user, not a "lower" rate, to encourage recycling.

Councilor Leighan noted that on page 10, the consensus was to lower the price of excess tags from \$3.50 to \$3.25 and not as written.

Councilor McGee moved and Councilor Leighan seconded to approve the minutes of the 2/3/92 meeting as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner noted that City Hall will be closed for Presidents' Day. He reminded City Council to look at their schedules for Friday 3/27 at 6 PM (evening session) and Saturday 3/28 for a full day workshop. On Saturday, 3/14 at 2 PM to 3:30, he said it looks firm at the Public Safety Bldg., that we will be having Slade Gorton here for a Town Hall Meeting, as per a lot of requests. He reported that they conducted 5 Dispatcher final interviews out of which 3 will be recommended for hire.



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Public Works Director Zabell reported that the center line has been painted on 80th St., the summer upgrade letter for 80th has been distributed, lead reports reveal the City is in compliance throughout the water system, angle parking on 5th St. in the 1400 block would gain 14 spaces and the cost of construction on the east side of Alder would run about \$35,000 for materials and another \$35,000 for labor. He reported he will be meeting with the Downtown Merchants Assn. regarding parking tomorrow and with regard to the 94th St. crosswalk, it would probably cost about \$4,000 for a banner to be placed as it would involve moving the crosswalk, putting in poles, signing and service drop as well as having to get permission from adjacent businesses.

MAYOR'S BUSINESS:

Mayor Weiser referred to a letter just received from the Marysville Historical Society asking the City to waive the fee for posting a sign announcing their new museum site next to Jennings Park. There were no objections.

Mayor Weiser announced the new Garbage Study Committee would be made up of Steve Wilson, John Garner, Ken Baxter, Dave McGee and Dave Weiser, with the first meeting to be at City Hall 2/18 at 8 AM.

CALL ON COUNCILMEMBERS:

Councilor Baxter reported on the PUD/RUSA meeting recently held and stated we have a proposal to be going to them. He said the PUD water manager was present at the meeting and he seemed to be receptive to ideas presented regarding Sunnyside.

Mayor Weiser commented that Craig (Fisher) did not feel we could have an answer back by 2/24 so it would probably be the first meeting in March before we know what PUD wants to do.

Councilor Baxter reported he drove by to check on the progress of the Everett water transmission pipeline construction and that they are now at Soper Hill Rd. and experiencing some surface water which is normal at this time of year.

Councilor Pedersen asked for the status of the City Hall maintenance contracts--how many and for what equipment--to be provided in the next weekly report. She said she is also curious about pending annexations and asked for an update on that also.

Planner Bennett said he would be glad to do the pending annexation update.

Councilor Pedersen commended various departments on cost containment, as evidenced by the claims report.

Councilor Wright reported on the recent AWC Legislative Conference she attended in Olympia and noted they seem to have finally made the local legislators understand that you can't mandate a City to do something without also funding the project at the same time.

Councilor Leighan said he attended the same conference and was impressed. He asked about a proposal from the Golf/Parks Board, commended the school levy committee on getting a record number of voters to turn out and pass the levy Feb. 4th and congratulated Steve Bennett on his new son.

Councilor Herman reported on a Metro Media/CT meeting he attended in Seattle where they are looking at more intense use of transit,

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HOV lanes, etc. and said he was willing to share any of the information that he brought back with him.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Don Boone, 7404 66th Av. NE, addressed Council and noted that the Marysville Golf Center should have received their letter from the City Attorney by now, but there were two people out there today and his wife did call the City to report it.

As far as the next step for the City to take, City Attorney Weed said the City could informally request a meeting with the owner and ask why the activity is continuing or else go back into court for a subsequent court order restricting any activity and if he fails, issue an order of contempt. He said he recommended before doing this, the City should talk with Mr. Ramcke first.

Councilor Myers said he would be in favor of going back to the court and Councilor Pedersen agreed, stating that she was not sure talking with Mr. Ramcke would do any good, as this had been tried before.

City Attorney Weed said he would speak with Mr. Hanchett, attorney for Marysville Golf Center and find out the intentions of Mr. Ramcke, to follow up with a restraining order if necessary.

PRESENTATIONS:

Cheryl Deckard, Executive Director of the Marysville Strawberry Festival, presented the 1992 Royalty Candidates: Kelly Ross, Amy Selia, Kam Salcedo, Amber Kerlin, Kama Mayo, Christine Lam, Jessica Gibson and Michelle Butts. Each one told Council a little bit about themselves and their future plans. Ms. Deckard concluded the presentation by inviting everyone to the Strawberry Festival Royalty Pageant to be held this year on 3/28 at 7:30 PM.

CONSENT AGENDA:

1. **January 1992 Payroll in the amount of \$406,256.71.**
2. **2/10/92 Claims in the amount of \$762,108.56.**

Councilor Wright moved for and Councilor Pedersen seconded approval of Consent Agenda Items 1 & 2. Passed unanimously.

REVIEW BIDS:

1. **Water Line Extension, 86th Pl. NE, ULID No. 18.**

Public Works Director Zabell reviewed the project, noting that this is the neighborhood the Fire Chief lives in. He noted 12 bids were received, with the low bid from Gary Budd Construction in the amount of \$18,973.10. Staff has checked their references and recommends the bid be awarded to Gary Budd Construction, he stated.

Councilor Pedersen moved and Councilor McGee seconded to award the bid to Gary Budd Construction in the amount of \$18,973.10 plus state sales tax. Passed unanimously.

2. **Cement Curb, Gutter and Sidewalk Program.**

Public Works Director Zabell reviewed the project and explained that two bids had been received, with the low bidder being LeDuc's Concrete, with whom the City has had favorable experience in the past. Staff recommends awarding of this bid in the amount of

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\$59,675.

Councilor McGee moved and Councilor Wright seconded to award the bid to LeDuc's Concrete in the amount of \$59,675. Passed unanimously.

Public Works Director Zabell explained that this results in a cost of \$15.40 per lineal foot of curb, gutter and sidewalk and with only \$12.50 being charged the property owner in the past, the rate needs to be officially raised to \$15.40 so the City does not continue to subsidize the already low price. He added that the City would honor old applications and also, \$15.40 is a little less than half the total cost of curbs, gutters, sidewalks and paving. He noted the last increase was two years ago.

Councilor Myers moved to direct staff to amend the current curb, gutter and sidewalk program ordinance from \$12.50 to \$15.40 per lineal foot. Councilor Baxter seconded and the motion passed unanimously.

3. City Hall Roof Renovations.

Assistant to the City Administrator, Mary Swenson, explained this project was rebid 2/6/92 when five bids were opened, the lowest being from Radosevich Construction in the amount of \$189,820. She pointed out that only \$120,000 was budgeted for this project and further, it has been determined by the Committee that it is imperative to first take care of removing all the wet ceiling insulation that has resulted from a leak in the roof.

Councilor Baxter, one of the members of the Roof Committee, reported that it was the Committees recommendation to move ahead on the Small Works Roster as soon as possible (for projects of \$20,000 or less) to remove the wet ceiling insulation, during non-working hours, then do a roof repair that would consist of covering over the existing roof, at an estimated cost of \$12,000 to \$15,000. The committee would continue to work on alternatives such as a different building or different site and put together a solution to the space problem, he said. He noted that high costs have always brought this project to a halt and the priority of this project always seems to get put on the back burner but that he would like to see a building program put together.

Councilor McGee said he would like to see the committee bring back some alternatives as soon as possible.

Mayor Weiser asked that the committee include some alternatives in the weekly briefing. He asked if it was known if there is any dry rot.

Gary O'Leary from the Dykeman Architect Co., 1602 Hewitt #400, Everett, addressed Council and stated he did not know the specific history and can't guess at the present damage until such time as it is actually probed.

Councilor Baxter asked him to explain the reroofing procedure and Mr. O'Leary said the gravel on the present flat roof would be removed first and then a covering would be put over that. He said they are not recommending a "tear off" at this point and the one they are suggesting would have a lifespan of about 3-5 years. He said a possibility is a "torch down" roof.

Councilor Baxter added that this has to be the first priority in view of the potential problems that can be created at City Hall as a result of the leakage into the offices.

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Councilor Pedersen moved and Councilor McGee seconded to reject all bids for the City Hall roof renovation. Passed unanimously.

After brief discussion, Councilor Baxter moved to have the wet ceiling insulation removed as soon as possible at a price the City Administrator can negotiate with a contractor from the Small Works Roster. Councilor Pedersen seconded and the motion passed unanimously.

Councilor Pedersen then moved to have the City Administrator advertise for quotes on the complete repair of the roof at City Hall, with the application to be as recommended by Gary O'Leary. Councilor Baxter seconded and the motion passed unanimously.

City Attorney Weed said that for a single treat type of process, the contract can be let by phone. Councilor Pedersen said she would want and it was the intent by her motion, to have the quotes brought back before Council.

NEW BUSINESS:

1. Strawberry Festival Proposal.

Cheryl Deckard referred to the information in the packets with regard to the 1992 festival schedule proposal, street closures, etc. She stated the Go-kart races will not be held this year and this year they would like to put together a memorial plaque in the name of Audrey Black, mounting it in a public place such as the Public Safety Bldg. It would honor all the late Maryfest members and volunteers. She introduced Eddie Allen and Larry Knowles who are the organizers of the car show.

Eddie Allen, 5206 69th Dr. NE and Larry Knowles, 215 Old Tulalip Rd. W., addressed Council. Eddie stated this car show is put on by the Port Gardner Car Club and in the past has been held at the Mall but they have outgrown that facility now and last year had to turn entries away. They are proposing to close down State from 4th to 8th and they presented letters and signatures from businesses who all support this action except for one. It was noted that Family Thrift Store, Taco Bell, the chiropractor and styling salon still have not responded, however, but the majority of businesses are in favor of the new location. State would provide adequate fire lanes, the car show draws a lot of people and will be good for business, it was noted.

Councilor McGee asked about alternative street locations and Mr. Allen said other streets would preclude adequate fire lanes and there would be no benefit to the merchants. Also, the residents would not have ingress and egress, he said.

Councilor Pedersen expressed a concern about closing two state highways--4th & State and Mr. Allen referred to the map, showing alternate routes for traffic and noted the show would be from 10-4 with streets having to be shut down about 6 a.m. and opened back up by 5:30 p.m.

Councilor Pedersen also asked about alternative sites and Mr. Allen said they would not be able to accommodate the crowd but when Councilor Pedersen suggested MPHS, Mr. Knowles said that wouldn't help the downtown merchants and it's very difficult to find, also. He added the intent was to get more business downtown.

Councilor Pedersen said her concern is with having State closed for two Saturdays in a row.

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Mr. Knowles stated that having the show again at the Towne Centre Mall is not totally out of the question but it's too big of a show and they would like to put it on State St. to accommodate the number of cars. Also, if they end up at the Mall, he said this may be the last year of the show because in the past, they have tried having cars inside and some outside the mall but that was difficult for the car owners because the ones inside the Mall receive more votes for trophies.

The other proposition the Maryfest Committee has this year is to have a Family Recreational Show 6/21 (Sunday) with the closure of State again. This would include kayaking, bicycling, hiking displays and there is a lot of merchant support for this, with no negative responses having been received from the merchants whatsoever. He noted this would be about 100 displays and replaces the go-kart races. It's family oriented with far less liability, he pointed out and as far as the alternative sites, Delta was considered but it would not afford a fire lane. He concluded they feel they need to support the people in Comeford Park (vendors)--Maryfest is really good for the community and they have to support them.

Councilor McGee noted that staff was recommending between 5th & 6th on Delta and he asked about a fire lane.

Mr. Allen said they would almost end up shutting down Burger King for one thing and they do need to accommodate 100 vendors.

Roger Burton, Board Member of Maryfest, 7720 84th St. NE, addressed Council, presenting a revised letter from Maryfest regarding putting on their Festival Garden June 19-21, to promote an atmosphere of friendship and bonding. He stated they have tried to head off past problems with the beer garden and determined that the objections to the beer garden were:

1. too small of an area (congestion)
2. too close to houses
3. too much noise
4. no control.

He said they are proposing the festival garden to be held in the Marysville Towne Centre Mall parking lot to get it away from the houses, also to alleviate the parking problems. They propose having a karaoke contest, putting the event in a larger area and having at least two sheriff's dept. or police dept. officers on hand, and feel they are promoting responsibility. They would also be serving non-alcoholic beverages and each person would have a limit of 5 alcoholic beverages, he said. He added they respect efforts to keep Marysville a drug and alcohol free community and are also offering free cab rides home, promoting the designated driver program (with free non-alcoholic beverages to the designated driver all night) and trying to set up as much responsibility as possible. In addition, lots of food will be served and they feel they are in the business of promoting a safe and sound community. People can visit in a good atmosphere, in the tented area and also this is a money maker for Maryfest, he noted and they definitely need the money because they are running in the red already. He said they appreciate everyone's opinion but this is not a moral issue--Marysville is not in the business of promoting drinking and they feel like Sausagefest, Maryfest can do a nice responsible job of putting this on.

Councilor Pedersen asked about the alcohol punch card and Mr. Burton said they would probably have to have the person's name on it and they would probably have to have ID in order to issue the punch card but all the particulars haven't been worked out yet.

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Councilor Myers asked if the tents would be divided for adults and children and Mr. Burton responded that no, the tents would be for adults only. He noted there will be many other family events for the children.

Mayor Weiser pointed out that five drinks may or may not be a good idea--it's not good to allow a smaller person, eg., to have five drinks.

Mr. Burton admitted the five drink limit was a discretionary amount set by the Committee and he noted they would only be selling beer and wine, no hard liquor drinks.

Councilor McGee asked the Police Chief to address the Council.

Police Chief Dyer pointed out the high traffic volume 4th & State enjoys: in a 24 hour period, 22,000 vehicles per day and he said the MPD has some concerns with this. He noted they have had cuts in the budget and even with the volunteer hours, it's going to be tough to cover the Maryfest activities, traffic, pedestrians, etc. With regard to the Festival Garden, he said he has some pretty sild memories of the beer gardens and being a member of the Drug Abuse Prevention Coalition and DARE, he said he commends Maryfest for trying to be responsible but this is really going to tax the police force and they would just as soon not see the Festival Garden serving alcoholic beverages.

Mayor Weiser asked about street closure on Alder and Chief Dyer said the residents may have some concerns about ingress and egress.

It was noted at this point that Councilor Leighan is a member of Maryfest, as is the City.

Councilor Baxter pointed out that yes, there are "inconveniences" every year and we have had Maryfest for a long time and he said he hates to see them have to fight so hard every year.

Councilor Pedersen reiterated her concern about closing the main thoroughfare for 3 different days.

Councilor Baxter pointed out there are alternative traffic routes if State is closed; he said he knows there are inconveniences but that he didn't think them insurmountable.

Councilor McGee moved for recommended action with regard to street closure for the car show--Asbery Field, 3rd St. between State & Alder or Marysville-Pilchuck High School. Councilor Wright seconded. Discussion followed.

Councilor Herman said he can see why they are recommending State St. and why they did not want to go with the Towne Centre Mall again and he noted there are several advantages to the proposed site even though it is a potential inconvenience for traffic.

Councilor Baxter said this would be trying something different, he agreed, which may be a problem for some people.

The roll call vote revealed Councilors Myers, Baxter, Leighan and Herman against the motion and so it failed 4-3.

Councilor Leighan suggested ringing Comeford Park, on Delta, 6th, 5th, forming an "H" shape, with angle parking and there was more discussion about other alternatives. Councilor Leighan said he didn't understand the motion and then asked for reconsideration of the motion.

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Councilor McGee restated the motion: State St. to continue to be open with the car show to find another site to host the show, Msvl. Towne Centre Mall or an alternative site.

Councilor Baxter asked about State Street from 4th St. south and Public Works Director Zabell pointed out that's a state highway and would require a road closure permit.

Larry Knowles said he wouldn't be opposed to State St. south of 4th.

Councilor Leighan asked that the motion be reconsidered, Councilor Pedersen seconded and the motion passed with Councilor Herman against.

Mayor Weiser called a roll call vote again for those against the State Street closure for the car show and it was a unanimous vote.

Family Recreation Show Proposal

Councilor Leighan pointed out it would be on a Sunday with less traffic and less noise than the go-karts.

City Administrator Garner suggested talking about the Festival Tent Garden first because of a possible location conflict. It was agreed to do this.

Festival Garden Proposal

Jeff Moses, 7022 Armar Rd., addressed Council, stating he does not feel having the Festival Garden is very responsible. He stated he is now a sober alcoholic, working with the drug and alcohol coalition and said he feels only established taverns and bars are necessary. He said he did not feel this type of activity would be a responsible type of "friendship, bonding, safet environment." He pointed out that a lot of times, drinking alcohol is not even safe at home and regarding the 5 drink limit--sometimes even large people don't have the metabolism to burn up the alcohol from 5 drinks, he point out and he stated he is sure they won't have a breathalizer on site. He gave an example of how he could be served in the past when he was legally drunk, i.e. even professional bartenders don't know when they have served people too much all the time, he said. He added that he feels strongly enough about the community of Marysville that we don't need another opportunity for people to get inebriated and asked that Council reconsider allowing the Festival Garden.

Cleve Potter, 11701 36th Dr. NE, addressed Council and said he had just heard today this was going to be talked about tonight and so did not come very prepared. He said he agreed with the gentleman who just spoke and that he is not sure everything in Mr. Burton's letter is true. He said Maryfest might be well intentioned bu last week in President Bush's address, he talked about the dissolution of family and Mr. Potter said he feels that's the issue involved when you talk about inebriation and he said he finds it hard to believe that Maryfest would promote this. He said we have a tendency to talk a lot about our symptoms and really, this beer garden issue is the root of our symptoms and would be very dangerous in our community.

Cheryl Deckard addressed Council again and stated that regarding the RV show on Sunday, from Friday to Sunday there are arts and crafts and food vendors and Maryfest is trying to promote activities such as the RV show around the park and that's what supports the vendors. It the RV show is not held around the park,

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she said they will have to refund the vendors' booth fees.

Ed Hayes, 5215 Old 99, addressed Council and said he has sympathy for the fund raising needs of Maryfest but this is a family function and he sees some disparity with a beer garden and would suggest the Council not allowing it.

Chuck Hammontree, President of Maryfest, 1925 66th Pl. NE, addressed Council, stating he was a heavy drinker several years ago also and it doesn't make any difference one way or the other-- if someone wants to drink, they are going to drink. He said Maryfest would have someone at the door, the designated driver program, free cab rides home, etc.

Roger Burton addressed Council again and stated he grew up in Marysville, graduating in 1980. He pointed to the many other family activities that people could participate in--golf, softball, the kiddie parade, etc. and said the festival garden would be for adults. He noted other towns and churches to this and Maryfest really is in dire straits for the funds, operating in the red, and he would hate to see the Strawberry Festival have to come to an end.

Councilor Baxter said he agreed that Maryfest needs to make money and suggested the Council come up with some alternatives for them to make money, that would be acceptable to Council.

Councilor Wright said her only concern is with the serving of alcoholic beverages and Councilor Myers agreed.

Councilor Leighan pointed out that there is a large 17-20 year old population that could contribute to the non-alcoholic beverage purchases, however they would not be allowed in the festival garden tent.

Councilor Herman stated he also feels uncomfortable about alcoholic beverages as well as the need for Maryfest to survive.

Councilor Baxter said he hadn't heard a whole lot of negative publicity about Sausage Fest held every year in Everett.

Councilor Pedersen said she also appreciates the economic considerations but Councilmembers have been charged with the safety, health and welfare of the citizens of Marysville and she said she didn't think an alcoholic festival garden would do that.

Councilor McGee said he appreciated the good intentions but also thinks alcohol is opening a can of worms. He said he would go along with everything else.

Councilor Pedersen said she thought it could be very positively promoted without alcohol as a family affair.

Mr. Burton pointed out that the reason they need to have alcohol is for the profitability because it costs a lot of money to set up a tent, sponsor the contest, etc. He reiterated that every other event would be family oriented and said he believes the car show had a time limit and he didn't think they could do that now.

Mayor Weiser said if it was a problem for them to bring the car show alternative back before Council, he would forego that requirement.

Councilor Wright moved to deny the request for alcohol within the festival garden. Councilor Leighan seconded and the motion passed with Councilor Baxter against.



RV Show

Councilor Herman moved and Councilor Leighan seconded to close State St. from 4th to 8th as proposed by Maryfest on 6/21/92. The motion passed with Councilors Pedersen and McGee against.

City Attorney Weed pointed out that a motion was necessary with regard to renewing the Maryfest Master Permit with changes tonight and also to include insurance and a hold harmless agreement for the City.

Councilor Myers so moved and Councilor Herman seconded. Passed unanimously.

2. Master Recycler Composter Program.

Parks & Recreation Supt. Ballew referred to the agenda bill and said that as a result of a grant, the county is interested in using Jennings Park as a site for a master composter program. He said it is felt this is an honor to be chosen as an ideal site through the end of 1993. It would mainly be for demonstration purposes, near the Master Gardener/WSU area, he said and added he feels this would be a tremendous asset for the City.

Councilor Baxter moved and Councilor Herman seconded to approve as outlined in the agenda bill. Passed unanimously.

3. Hearing Examiner's Decision - Ted Schmelzer, Parkland Hills, Revised Preliminary Plat/PRD Rezone; PA 8909052.

Planner Bennett reviewed the request, noting it would create 83 single family lots and two open space tracts for public trail. He stated there have been no appeals and staff recommends Council affirm the hearing examiner's recommendation to approve, with 15 conditions. He brought to the Council's attention the hearing examiner's explanation regarding Condition 7, wetlands/buffer. He added that if Council wishes its own public hearing, it should be 3/2/92 or later, to meet advertising requirements.

Councilor Leighan asked about water and sewer and it was explained they would be on City water and sewer.

Councilor Baxter asked about the previous name of the plat and Public Works Director Zabell said it was "Meadowcreek".

Councilor Pedersen asked for a clarification of "walkway" and Public Works Director Zabell stated that would mean widened shoulders only offsite and he noted that the existing open ditch would have to be relocated. He explained that PRDs are very flexible with regard to sidewalk requirements.

Planner Bennett pointed out that the applicant would be installing sidewalks within the development.

Councilor Baxter moved and Councilor McGee seconded to affirm the hearing examiner's decision/recommendation to approve the request. Passed unanimously.

4. Hearing Examiner's Decision/RBK Industries, Inc. Rezone; PA 9105019.

Planner Bennett stated the hearing examiner has recommended denial of the request based on inconsistency with the Comp Plan, incompatibility with surrounding land use and there were no appeals, he said. He asked that if Council wishes to set its own public hear-

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ing, that it be set for 3/2/92 or later.

Mayor Weiser noted that with rezones in the past not consistent with the Comp Plan, a Comp Plan revision is generally requested.

Planner Bennett agreed that should have been done and said he was not sure why it wasn't.

Councilor Baxter said he sees compatibility between high density and a school in close proximity, trying to meet the needs of the high density.

Councilor Herman said he is very uncomfortable about approving land use based on speculation. It's not in compliance with the '78 Comp Plan and may or may not be in compliance with the new one but in the meantime, we have to go by the '78 Comp Plan, he pointed out.

Councilor Pedersen noted the hearing examiner mentioned the Planning Commission discussing density in this area and did not think it appropriate to rezone it at this time.

Councilor Herman pointed out that the Comp Plan designation at this time is single family but if that's revised, they should take into consideration revising land use as well as zoning.

There was further discussion about housing needs, when the Comp Plan will be completed, impact fees, designation of 67th as an arterial.

The applicant indicated he wished to speak but was advised he could only address Council specifically regarding the issue of whether or not they should have a public hearing.

Ron Loop, Ron Loop Construction, 7017 Armar Rd., addressed Council and stated they were hoping this will be opened up because the Planning Commission has discussed this area for multifamily twice. He said he would like a Council public hearing and did not realize the hearing examiner decision had been made. He explained he was out of town and that's why he didn't appeal. He added that the area has really changed and the Planning Commission has talked about this a lot. Also, the applicant bought this property thinking that with what's been happening, it would be rezoned multifamily. He concluded that Marysville can't stick with the '78 Comp Plan forever.

City Attorney Weed explained the 14 day appeal/comment period and how failure to file an appeal doesn't mean the Council can't have its own public hearing. He said the application before the hearing examiner was only for a rezone not for modification of the Comp Plan however, and perhaps that portion could be remanded back to the hearing examiner, he stated.

Councilor Herman commented on the Comp Plan update and what a complex and comprehensive process this is, one that is going to take considerably more time.

Councilor Herman then moved to affirm the hearing examiner's decision/recommendation to deny the request. Councilor Pedersen seconded.

Discussion was regarding the fact that there has been extensive discussion about multifamily locations/zoning in Marysville and that the Planning Commission will be making the recommendation to the Council, who will make the ultimate decision. Councilor

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Herman noted he did speak in favor of multifamily designation for that area while on the Planning Commission but no density was decided.

Councilor Baxter commented on the length of time the Comp Plan is taking and Mayor Weiser pointed out that 2929 and other Growth Management Act mandates, Urban Growth Area Boundary, etc. have come up in the meantime, all of which have to be complied with.

Councilor Herman amended his motion to deny it without prejudice with a time limit for reapplying without having to pay another fee of 12 months. Councilor Pedersen seconded the amended motion and it passed with Councilor McGee against.

ORDINANCES & RESOLUTIONS:

(Councilor Baxter left Council Chambers at 9:50 p.m.)

1. Ordinance Increasing Garbage Rates, Effective March 1, 1992, Pursuant to Council Direction February 3, 1992.

Mayor Weiser explained the two Councilmembers who were missing from the last meeting have listened to the tapes of the last meeting and are now eligible to vote on this matter. He also pointed out that the staff proposal is for "Exhibit 1" deleting the once a month pick up.

(Councilor Baxter returned to Council Chambers at 9:54 p.m.)

Councilor Pedersen moved that Ordinance 1876 be adopted/approved, Councilor Herman seconded the motion. The roll call vote revealed Councilors Wright, Baxter, Myers and McGee against, so the motion failed 4-3.

Councilor Baxter moved for Ordinance 1876 to be adopted/approved, which would be "Exhibit 3", including the 6% utility tax and excluding the once a month pick up. Councilor McGee seconded and a roll call vote was taken, indicating Councilors Leighan and Pedersen against. The motion passed 5-2.

5. Resolution Regarding Siting of Regional Airport.

Councilor Herman noted the draft resolution contains both Paine Field and Arlington and Councilors Pedersen and McGee said they questioned the inclusion of Paine Field also. There was discussion about excluding Paine Field and Mayor Weiser pointed out that in order to convert Arlington, it would have to start all over, basically.

Terry Tyson, 6223 172nd St. SW, Lynnwood, addressed Council and said he had available "approach plates" to the airports. He explained that 60 of take offs out of Arlington would be over Marysville and there would be a high degree of noise. He had handouts and maps which he distributed to Council.

Councilor Leighan noted there were more issues than the "NIMBY" issue and there was more discussion about decibel levels, political clout, Mukilteo being against Paine Field as an alternative, the draft of the resolution being revised.

Councilor Herman moved to delete Paine Field from the resolution, Councilor Wright seconded.

City Administrator Garner pointed out that we don't know what the impact of a regular airport at Paine Field will do to Marysville

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and we have no figures to document Paine Field has a positive effect, he said.

It was noted that the Paine Field public hearing has already been held; Wednesday night's focus will be Arlington Airport. The motion passed 5-2, with Councilors Herman and Leighan against.

Councilor Herman then moved that the Mayor be authorized to sign Resolution 1521, to be drawn up as discussed. Councilor Pedersen seconded and the motion passed unanimously.

2. Ordinance of the City of Marysville Rezoning Property Owned by North Pointe, L.P.I. and Amending the Official Zoning Map Previously Adopted in Ordinance 772.

Councilor Wright moved and Councilor Pedersen seconded to approve/adopt Ordinance 1877. Passed unanimously.

3. Ordinance of the City of Marysville Rezoning Property Owned by Dennis Edwards, and Amending the Official Zoning Map Previously Adopted in Ordinance 772.

Councilor Baxter moved and Councilor Leighan seconded to approve/adopt Ordinance 1878. Passed 6-1, with Councilor Herman against.

4. Ordinance Establishing the Marysville Fire Board, Recognizing the Combined Fire Departments and Amending Chapter 2.60 of the Marysville Municipal Code (continued from 2/3/92).

Councilor Herman moved and Councilor Leighan seconded to approve/adopt Ordinance 1879. After a brief discussion about terms of office language, the motion passed 6-1 with Councilor Leighan opposed.

LEGAL MATTERS:

1. Washington State Energy Code Transition Enforcement Contract.

City Attorney Weed explained this agreement allows provision of state monies to the City of Marysville and the contract provides for the City's enforcement by the building inspector, Harry Britton. He noted that 1990 was when the City approved the adoption of the WSEC on a local level and it is based on the City's population with a maximum dollar amount as per the contract.

Councilor Baxter moved to authorize the Mayor to sign the contract, Councilor Myers seconded and the motion passed unanimously.

2. YMCA Lease Agreement.

City Attorney Weed said there was a discussion last year about this--the City is one of the leasing parties with the Marysville School District on the Y property. There are 7-8 years remaining on the lease and the City has determined they no longer need to be on the lease so a replacing lease has been drawn up deleting the City as we no longer have an interest, he said. He added that it was determined by the county that it was not necessary for Marysville to be a party with regard to block grant funds, either.

Councilor Baxter pointed out that the City got involved because of an effort to get rid of the property and the City wanted to have some say in the ownership of the property. He said he thinks it had something to do with the Boys Club taking it over and the City's 1/3 ownership was to make sure it stayed in the community.

Mayor Weiser noted that in talking with the Y Executive Director, there is a possibility of the Y building another facility, with the Marysville School District ending up using the present Y facility. He said he believed the Y is looking at another piece of property in Marysville to rebuild a new facility.

Councilor Baxter said he has a concern there and Councilor Herman asked the City Attorney what the down side of the City signing the new "deletion" agreement would be. City Attorney Weed said there's the possibility the City would have to provide insurance in the event the Y didn't, for example.

Councilor Baxter commented on the good the Y does in the community and how he would hate to see it go. He expressed a concern about their financial situation and the rumor they were going to do away with the little league field.

There was more discussion about the agreement and it was noted the City pays the Y \$1200 per year under the old agreement.

Councilor Baxter said he would move to renew the old agreement and Councilor Myers seconded this, however it was ruled this was an invalid motion as the issue is whether the City wishes to be deleted from the old agreement. There was further discussion, including the suggestion that someone from the Y come and make a presentation before Council regarding their long term program, the rumors about Y plans, the school district's future plans at the facility, the school district signing an additional 20 year contract with the Y with a 6 month notice clause for the Y to vacate.

City Attorney Weed said with the Y wanting to possibly renovate, they need a long term lease in order to get financing.

Mayor Weiser asked if the City would have any influence if we were a party to the lease and City Attorney Weed said we would be able to keep the Y out of default but the school district could give them short notice anyway; the City would just be an "interested party", he said.

Councilor Baxter commented on the portables behind the service center for the Alternative School and questioned the six month clause in the contract between the school district and the Y.

City Administrator Garner suggested a representative from the Y board address Council.

Councilor Baxter pointed out that every year the City helps support the Y and he said he would like some guarantees the Y will stay in Marysville.

City Administrator Garner said he has a hard time believing the school district would pull the rug out from under the Y; they are both trying to help kids.

Councilor Herman said he would like to hear from someone from the Y as well as from the Marysville School District and City Administrator Garner said he could arrange for that.

Councilor Herman moved to continue this matter to the next meeting this would be possible (both representatives to come before Council). Councilor Myers seconded and the motion passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:35 p.m.

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EXECUTIVE SESSION:

1. Pending Litigation

RECONVENED & ADJOURNED: Approx. 11 PM.

Accepted this 24th day of February, 1992.

David Wain

MAYOR

Phillip E. Dexter

CITY CLERK

Manda A. Averson

RECORDING SECRETARY