

MINUTES RECAP

00171

MARYSVILLE CITY COUNCIL MEETING APRIL 27, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilor Wright excused

MINUTES OF PREVIOUS MEETING: 4/13/92 Approved

STAFF'S BUSINESS:
MAYOR'S BUSINESS:
CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: Mike Colacarro, Gordon Peterson

PRESENTATION: Dale Thayer, Employee of the Month of March

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:
 1. 6 Year Transportation Plan Approved

CONSENT AGENDA:
 1. Claims - \$563,512.90 Approved

REVIEW BIDS: None

CURRENT BUSINESS:
 1. Downtown Merchants Assn.; Request for Homegrown VI Approved
 2. Smoke Free Facilities Approved
 3. Hrg. Examiner Recommendation - Housing Auth. of Snohomish Co. Approved
 4. Hrg. Examiner Recommendation - City of Msvl. Shoreline Substantial Development Permit Approved
 5. Edward Hayes; Quil Ceda/Allen Cr. Watershed Management Area Approved/Hayes property to be recommended excluded

NEW BUSINESS:
 1. Scott Ray Annexation; 10% Petition To be combined w/Jubie 10% Petition/Cont. 5/11/92
 2. ULID 18 Interim Financing Approved
 3. Liquor License Procedure New & Renewal Licenses to be incl.in Consent Agenda
 4. Unauthorized Recycle Drop Boxes To be removed (letter to be sent by City Attorney)

ORDINANCES & RESOLUTIONS:
 1. Ord. designating zoning for Buena Vista & variance Ord. 1888 Approved
 2. Res. authorizing funding applic. to IAC Withdrawn
 3. Res. Affirming Hearing Examiner Decision re Hickock East Res. #1539 Approved
 4. Res. Granting CUP for Dagley Res. #1540 Approved
 5. Res. Granting CUP for Van Dam Res. #1541 Approved
 6. Res. Approving Water Connection Variance for Noretap Res. #1542 Approved

LEGAL MATTERS:
 1. Barron Htg. & Air Cond.Contract Continued to 5/4/92
 2. Dog Day Afternoon Concessions Contract at Comeford Park Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 9:35 PM
 1. Personnel
 2. Pending Litigation

RECONVENED & ADJOURNED: Approx. 10:35 PM

MARYSVILLE CITY COUNCIL MINUTES

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7:00 p.m.

Council Chambers

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

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Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, City Clerk/Finance Director
 Steve Bennett, Senior Planner
 Dave Zabell, Public Works Director
 Jim Ballew, Parks & Recreation Director
 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 Leighan moved and Councilor McGee seconded to approve the 4/13/92 minutes as presented. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Garner reported that he had a 1 hr. video tape called "The Right Thing To Do" available for City Councilmembers, which talks about executive sessions, appearance of fairness and other issues that might be helpful for new Councilmembers; he noted that due to Memorial Day, the last City Council meeting in May will be held on Tuesday, 5/26/92; he reminded Council that Phil Dexter and Bob Kissinger will be retiring 6/30/92; he reported that Mary Swenson received a call today regarding the upcoming Drug/DWI Task Force awards presentations, 5/30/92 at 7:30 p.m. and it's possible Marysville may receive an award for its stand against the beer garden activity during Maryfest. It was noted that Councilor Pedersen will be attending the function in the County Administrative Bldg. City Administrator Garner also noted that the City will be hosting the 5/28/92 AWC Town & Cities meeting at the Tulalip Inn, beginning at 6:30 p.m. next month. With regard to collection of overdue fines, he reported that only \$900 has been collected so far, but reminded Council this is a slow process to get up and running. He also mentioned again that he will be attending the International Rotary Convention in Pentiction, B.C. Wed., Thu. and Fri. of this week.

Public Works Director Zabell updated Council on the "duck situation" at the sewer lagoon. He stated it has tapered off and they are planning on having a meeting soon with both the Dept. of Agriculture and the Dept. of Wildlife as there seem to be conflicts about "hazing". The meeting will be a "Where Do We Go From Here?" meeting, he said.

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MAYOR'S BUSINESS:

Mayor Weiser read a proclamation, proclaiming 5/3/92 thru 5/9/92 Municipal Clerk's Week, in honor of the service of Phil Dexter.

Dale Thayer was presented with the Mayor's Employee of the Month Award for the month of March.

CALL ON COUNCILMEMBERS:

Councilor Herman asked about the DOT proposed changes on 4th St. and Public Works Director Zabell stated Mr. Peterson (owner of Burger King) was at the last Traffic Advisory Committee meeting and also has been in touch with DOT.

Gordon Peterson addressed Council, stating he had just found out from his attorney that DOT has rejected Mr. Peterson's proposal with regard to left turns at Delta & 4th. He said apparently DOT wants 5 lanes on 4th for "stacking" of traffic and apparently that's the issue now, where it wasn't before, so he's now very disappointed, he said.

Councilor Herman asked about the 88th St. Interchange and noted that with regard to replacement of the Park & Ride facility, he would welcome any input regarding a new location for it and he will then take that information back to Community Transit.

Public Works Director Zabell noted that the lead agency under SEPA on the 88th St. Interchange is the Tribes and so people need to give their comments to the Tulalip Tribes also.

Councilor Leighan reported that the Easter Egg Hunt at the Park went well.

Councilor Pedersen noted there are a lot of interesting workshops scheduled for the upcoming AWC Convention in Bellevue and encouraged others to attend with her. She also confirmed that she will be attending the upcoming Drug Task Force Awards Presentation and reported that the Fire District merge is going well.

Councilor Baxter asked about a recent complaint about billboards and Mayor Weiser reported the billboard in question was checked out by Associate Planner Thompson and found to be in compliance.

Sr. Planner Bennett added that Associate Planner Thompson sent a letter to Harry Britton (Building Inspector) confirming that the billboard was in compliance after checking it out very thoroughly.

Councilor Baxter said he thought he remembered a 1000' minimum between billboards and City Attorney Weed noted that was between billboards on the same side of the street. There was some further discussion and Sr. Planner Bennett said he could check into it further.

Councilor Myers asked about sprinkling restrictions, water shortages, etc. and Public Works Director Zabell said the water sprinkling restrictions don't go into effect until June 1st at which time the City will be continuing the every third day program.

Councilor McGee reported he attended the 57th St. Emergency Access meeting and preliminary recommendations were to pave 57th with curbs, gutters and sidewalks to 70th and to put up a chain across the road that could be accessed by emergency vehicles.

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Public Works Director Zabell noted that the Fire District needs to be included on the committee plus another person from Parkside Manor to replace Jim Scharf. He said he recalled that staff was to sit down with Centex to reach an agreement prior to construction in Parkside Estates.

There was discussion and Mayor Weiser said he would have the minutes of the previous meetings checked with regard to the makeup of the committee.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Colacarro, 7711 55th Av. NE, addressed Council, noting he lives in Jim Scharf's old house. He presented some slides picturing his neighbors burning four fires at the same time, some fires within 10' of Mr. Colacarro's home, some fires left unattended for 48 hours. He noted that he had provided water to the developer, that there has been some damage done to his fence from fallen trees, trees have fallen into the wetlands next to the creek and if further development takes place, he stated he would recommend this activity history be considered in the future. He noted they seem to have fallen more trees than they need to and Mr. Colacarro submitted several photographs for the record.

Sr. Planner Bennett reported the City put a stop work order on the site, also restricting them from having any activity within the buffer zone. He stated the Dept. of Fisheries is to make a decision on what to do with the creek and how to clean it up. He added that the Planning Dept. has tried to inform the developer of his options with regard to any further development and right now, they are in violation of the MMC streamside ordinance and the City is awaiting recommendation from the Dept. of Fisheries.

Mr. Colacarro said he would like to be included in the meetings with the City and Dept. of Fisheries regarding this.

Councilor Pedersen asked how much property was being developed and Sr. Planner Bennett explained it is 3/4 to 1 acre; it was two lots and he was doing a boundary line adjustment only.

Councilor Pedersen pointed out that there are pretty strict covenants in that area and Sr. Planner Bennett said the covenants would have to be enforced by the Homeowners Association, not the City.

City Administrator Garner added that one of the concerns is possible flooding because of the size of the logs in the creek but Sr. Planner Bennett said the trees are in the wetland, actually, not the creek.

There were some further comments about the covenants and the irresponsible behavior being demonstrated by falling trees into the wetlands.

PUBLIC HEARINGS:

1. Six Year Transportation Plan.

Mayor Weiser disclosed that a company that he owns 10% of is in the immediate vicinity of the 5th St. BN Crossing but there were no objections or challenges.

Public Works Director Zabell reviewed the agenda bill, noting he made minor corrections to the 6 Yr. TIP to reflect the 1992 budget. He pointed out that the 5th St. Crossing project is #13

priority and the purpose of this public hearing is hopefully approve 1992 funding for the project.

Councilor Pedersen asked about the Grove St. - Cedar - Ash - State projects and whether these were going to all be done at once. She asked about DOT plans for funding these projects also.

Public Works Director Zabell noted that he is not at all sure of DOT's plans, that he just found out about the Delta & 4th St. proposal rejection of Mr. Peterson's by DOT, but he said he thinks the 5th St. Crossing is an appropriate project for this year; unfortunately, it's only got the status of "P" for proposed funding at this time.

Councilor Baxter asked about 528 funding and Public Works Director Zabell said the City is going to be getting an additional \$80,000 but that's not finalized as yet, so is not reflected in the Six Year Transportation Improvement Plan at this time. He pointed out the City anticipates help from TIA or DOT and DOT is putting together their 6 year plan at this time and he said he has requested that 528 be included on their plan. He said the City also has a joint project with the county between 116th and City limits.

Mayor Weiser asked if approval of the 5th St. project would amend TIP 3 and Public Works Director Zabell said it would. He explained that it's important to give this priority (he has proposed funding for 1992 on the sheets in the packets) as the City is not going to get any funding from anywhere else on it.

Councilor Baxter moved to approve the Six Year Transportation Improvement Plan as presented, Councilor Myers seconded and the motion passed unanimously.

CONSENT AGENDA:

1. Claims in the amount of \$563,512.90 for 4/27/92.

Councilor Pedersen moved and Councilor Baxter seconded to approve Consent Agenda Item #1. Passed unanimously.

CURRENT BUSINESS:

1. Downtown Merchants Assn. Request for Homegrown VI.

Carol Kapua, 1702 3rd St., addressed Council, representing the Downtown Merchants. She said the request is for street closure from Fri. 7/31 7 AM to Sat. 8/1 6 PM, in other words, extending the hours to overnight. This would be so the merchant set ups could be left out overnight, she said and she noted that this has become an increasingly popular event with arts & crafts, 54 vendors, sidewalk sales, entertainment and a petting zoo.

Councilor Baxter moved and Councilor Leighan seconded to approve the request for the extended street closure hours as outlined by the Downtown Merchants. Passed unanimously.

Ms. Kapua thanked the Mayor for his recent letter to the Downtown Merchants regarding beautification/improvements made in the Downtown area.

2. Smoke Free Facilities.

City Administrator Garner explained the City has a very well established wellness program however there still are some City owned facilities that are not smoke free zones and staff recommends ex-

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tending the "smoke free zones" to include the pro shop, City Hall, the Public Works Bldg., parks offices and the golf course maintenance building.

Councilor Myers asked about Cedarcrest Restaurant and City Administrator Garner said it's almost impossible to designate a smoke free area at the restaurant because of the way it's configured.

Councilor Pedersen suggested requesting Cedarcrest Restaurant be asked to consider being smoke free; she also asked about "smoke free zone" plaques to designate the areas. City Administrator Garner said that would be done.

Councilor McGee asked about outside cigarette butt disposal and it was noted that that could be provided outside of smoke free buildings.

Councilor Pedersen moved that all facilities owned by the City be designated smoke free except for Cedarcrest Restaurant, which will be given a strong recommendation to consider changing to smoke free, and plaques are to be placed designated the facilities as "smoke free". Councilor McGee seconded and the motion passed unanimously.

3. Hearing Examiner's Recommendation; Housing Authority of Snohomish County; Rezoning to RML from RS-9600; PA 9112051.

Sr. Planner Bennett reviewed the request and location, noting there have been no appeals and staff recommends affirmation of the Hearing Examiner's recommendation to approve the request with 15 conditions.

Mayor Weiser referred to the staff report, on page 3, where there seems to be a conflict between multifamily housing and encouragement of low income housing.

Sr. Planner Bennett stated that the staff recommendation is based on a lack of diversity rather than the location; multifamily is being considered in other areas and the objective is to encourage low income housing, he said.

Mayor Weiser asked about multifamily being located near major arterials and Sr. Planner Bennett explained that land costs have to be considered and near major arterials is more costly. He added that the applicant is putting in an acceleration-deceleration lane on 84th.

Mayor Weiser said that at some point he understands 88th is to be continued up the hill with 84th not being a through street, so with low income housing, people are going to need some access to a bus stop in order to get to town, eg.

Sr. Planner Bennett stated that at the planning level, it was felt that providing the opportunity for low income housing was more important than the specific location.

There was discussion about location, access, extension of 88th, each building of the proposed development to be a two unit townhouse. Councilor Herman asked about the density.

Sr. Planner Bennett said the density would be approx. the same as the previous residential zoning (RS-9600) and the Housing Authority is not interested in developing any other units, so it will end up with a lot less density with about half the site open space.

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Barry Becker, Development Manager of the Housing Authority of Snohomish County, addressed Council and made himself available for questions. He said they feel the job the staff and hearing examiner did was very thorough and sensitive to the needs of everyone. He pointed out that they have adhered to single family density, that these units will be rent subsidized by HUD, with the Housing Authority maintaining ownership and maintenance of them.

Mayor Weiser explained that he has a concern about transportation for the residents of the units and Mr. Becker stated each person usually has at least one vehicle, on average, but the Housing Authority will also be asking Community Transit to make a loop to accommodate this development, as well.

Councilor Baxter asked if there was an age limitation for residents and Mr. Becker said no, they are three bedroom units and will attract families; he added there is quite a long waiting list for the units at this point.

Councilor Leighan asked about the completion date and Mr. Becker stated they are planning on beginning construction 8/15/92 with completion in Feb. 1993.

No one else from the audience wished to speak on this matter.

Mayor Weiser asked about the timeline for widening of 67th and Public Works Director Zabell said that would be through the LID process and said the Housing Authority being included in the LID process could be included as a condition of approval.

City Attorney Weed said that would be an appropriate condition to add and he added that Condition #9 references Ordinance 1846 which should be changed to 1883.

Mr. Becker asked about the LID and Public Works Director Zabell explained it would apply to Grove and 67th to 84th.

Mr. Becker said they would be willing to be included in the LID on a proportionate share basis and Mayor Weiser explained that property owners would be notified in due course regarding this.

City Attorney Weed clarified that the condition would be that the Housing Authority not protest inclusion in the LID when it is formed and Public Works Director Zabell pointed out that they could still protest the actual assessment, however.

Councilor Herman noted that the Growth Management Act clearly indicates the need for low income housing and said he feels this is something that's supported by the GMA and therefore not subject to the usual mitigation fees.

Councilor Baxter asked about storm water and Public Works Director Zabell said there's a drainage channel and pointed out that one of the conditions is that they provide a drainage plan and storm water detention plan to the Public Works Dept. for approval prior to construction.

Councilor Herman moved to affirm the Hearing Examiner's recommendation including 15 conditions plus the condition regarding non-protest of LID participation and amendment to Condition #9 correcting Ordinance 1846 to 1883. Councilor McGee seconded and after brief discussion concerning the acceleration/deceleration lane and curbs, gutters and sidewalk improvements, the motion passed unanimously.

4. Hearing Examiner's Recommendation; City of Marysville Shoreline Substantial Development Permit; PA 9201001.

Sr. Planner Bennett reviewed the request, noting the staff recommends affirming the Hearing Examiner's recommendation of approval with two conditions. There have been no appeals and the procedure would be, once approved by City Council, to send the request to the Washington State Dept. of Ecology for final approval.

Councilor Baxter moved and Councilor Pedersen seconded to affirm the Hearing Examiner's recommendation for approval. Passed unanimously.

5. Edward Hayes; Quil Ceda/Allen Creek Watershed Management Area.

Public Works Director Zabell referred to the agenda bill and letters from Mr. Hayes. He noted the question is whether Mr. Hayes' property is within the Quil Ceda/Allen Creek watershed area and he also referred to an interlocal agreement in the packets, with regard to properties that drain into Ebey Slough, which Mr. Hayes' property does. He noted that the purpose of the watershed funds is to pay for improvements within the watershed area and he added that the county has reviewed Mr. Hayes' case and substantially reduced (by 90%) the original assessment levied against his property.

Councilor Herman noted that on page 2 of the interlocal agreement, the county determines who is included in the watershed and he asked if the county has the final say.

City Attorney Weed said it does appear that way and Public Works Director Zabell added that Mr. Hayes feels he has exhausted his relief from the county and is appealing to the City at this point on his behalf.

Councilor Herman asked about paragraph 10 of the interlocal agreement "Nonassignment" and City Attorney Weed said that he did not think that paragraph 10 was for the purpose of determining who is within or who is not within the watershed management area.

Edward W. Hayes, 5215 Old US 99 (business address) addressed the Council, stating this property, as well as the Tulalip property to the west, is the only property included in the assessment, however Tulalip Tribes are exempt. He agreed that the county has reduced his assessment however said he feels he should be paying no assessment as his property does not contribute to the drainage of the Quil Ceda/Allen Creek area and any erosion is because of the tidal action. All rainfall goes into Steamboat or Ebey Slough, he said. He showed a map and pointed out that building on the hillside has caused drainage into the farmland and some of the homes on the hillside should be assessed and are not, he said.

Public Works Director Zabell pointed out that Diking District 3 is excluded from the surface water management assessment but Hayes property is not in the watershed, however may be included in the watershed management area, he said.

Councilor Baxter said he didn't remember any area south of the slough being included and added that the purpose of the agreement, he thought, was for the hillside and Hayes basically has no neighbors to ask for help from. He added that the highways and bridges cause runoff.

Public Works Director Zabell pointed out that highways and bridges would be exempt as well.

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Mayor Weiser noted that highways and bridges would be impervious surfaces as would be gravel areas. He pointed out that most of the Downtown area does not drain into the Quil Ceda or Allen Creek and yet the interlocal agreement included gravel areas.

Public Works Director Zabell referred to Ordinance 1816 and Councilor Herman said it looks like the area north of Ebey Slough should be in the interlocal agreement versus the area south.

Councilor Leighan asked about the Diking District 3 exemption and Councilor Baxter noted that even with on site detention you would still be required to participate in the watershed management interlocal agreement/assessment.

Discussion followed concerning stormwater runoff, a problem at Geddes Marina last weekend with contaminated water killing the fish, improvement and clean up to creeks, ground water, whose responsibility different areas should be, contaminants, Hayes' dikes, filling in wetlands could solve some problems.

Mr. Hayes suggested the wording "all land to the north of the thread of Ebey Slough" for a definition of the area to be assessed and Councilor Herman agreed.

Councilor Baxter asked about the \$22 per lot assessment by the county and Public Works Director Zabell said this is the first year for Marysville.

Councilor Herman moved that a finding be made that the Watershed Management Agreement's intent is to service north of Ebey Slough from the Allen Creek/Quil Ceda and Mr. Hayes' property was not intended to be included in that area and that it be recommended to the county that his property be excluded. Councilor McGee seconded and the motion passed unanimously.

It was agreed that Public Works Director Zabell would send a letter to the county on behalf of Mr. Hayes, reflecting the above.

NEW BUSINESS:

1. Scott Ray Annexation; 10% Petition; PA 9203007.

Sr. Planner Bennett reviewed the agenda bill and showed a map on the overhead showing the relationship between this petition and the Jubie proposed annexation (which has not yet come before Council). He stated staff is recommending combining the Jubie Annexation (which has 62% of assessed valuation in favor so far) and the Scott Ray 10% Petition which has 80% assessed valuation in favor of annexation. He added the Planning Dept. does not believe there would be an adverse effect of either one on the other but he stated he hasn't spoken with Harv Jubie regarding this recommendation as yet.

There was discussion concerning regular boundaries, the road being included in the annexation, 60% petitions should be obtained together (Ray & Jubie) rather than separately, concerns about delay, postponement, setting a public hearing for 5/11/92 for the combined 10% petition.

Councilor Baxter moved to continue this matter to 5/11/92, Councilor Myers seconded and the motion passed unanimously.

2. ULID No. 18 Interim Financing.

Finance Director Dexter reported that this ULID is currently in

the construction stage and the request is for interim financing of \$51,730 with the same interest rate as obtained under Ordinance 1858. He stated ULID 18 would be combined with ULID 12, 13, 14 and 17, if approved.

Councilor Baxter moved to approve/adopt Resolution #1538 authorizing financing as outlined in Exhibit 2 in the packets. Councilor Pedersen seconded and the motion passed unanimously.

3. Liquor License Procedure.

Mayor Weiser explained that currently liquor license renewals get approval from the police dept. and then go to the Mayor who passes them along to the Business License Coordinator, Deb Lytle. He stated he is just looking for input from Council on new and renewal licenses, as far as possible change of current procedure.

Councilor Baxter said he felt Council should be made aware of all new and renewal licenses and Mayor Weiser suggested the Consent Agenda. Councilor Baxter said he would like to see it in the weekly briefing, at least.

City Attorney Weed stated the State Liquor Control Board has the final say with the local jurisdiction being allowed to make recommendations, so the Consent Agenda would be appropriate. It was the consensus to include future new and renewal liquor licenses in the Consent Agenda portion of City Council Meeting Agendas.

4. Unauthorized Recycle Drop Boxes.

Mayor Weiser gave a history of the drop box on Grove between the railroad tracks and Cedar. It was noted that Mrs. Rowley is asking for this particular one to be removed again. He stated they are operated by a person who recycles for profit, however the City is in the recycling business and these independent drop boxes are often overflowing, attract garbage and are eyesores.

Councilor Pedersen said she would like the owner to be asked to remove all of them and Councilor Herman agreed that should be the first step.

Mayor Weiser stated Duke Carrier has contacted the owner of the drop boxes in question and has apparently had some problems. He said he is looking to Council for suggestions as to a deadline to give the owner of the drop boxes.

Public Works Director Zabell asked at whose expense the drop boxes should be removed and there was discussion then about drawing up a public nuisance ordinance which may include a provision where the property owner could be charged, discussion about the nuisance owner and the property owner both being responsible, drafting of a public nuisance ordinance by the City Attorney, the fire code possibly covering enforcement for this situation.

Councilor Pedersen moved to have the City Attorney instruct the owner of the container to remove it within 30 days of the letter, with as many "teeth" in the letter as he can find to put in it. Councilor McGee seconded.

Mayor Weiser commented this is not to be construed as the City going against authorized recyclers/depots such as Red Apple.

The motion passed unanimously.

ORDINANCES AND RESOLUTIONS:

1. **An Ordinance Designating Zoning for Property Owned by Ron Otis, Amending Ordinance No. 772, Approving the Preliminary Plat & Preliminary Site Plan for the Subdivision of Buena Vista, and Approving a Variance Relating to Lot Width.**

Councilor Pedersen moved and Councilor Myers seconded to approve/adopt Ordinance #1888. Passed unanimously.

2. **Resolution Authorizing Applications for Funding Assistance to Interagency Committee for Outdoor Recreation. Withdrawn.**
3. **A Resolution Affirming the Decision of the Hearing Examiner to Approve Preliminary Plat & Variance Relating to Front Yard Setback for Property Owned by Jess Darling Known as Subdivision Hickock East.**

Councilor Herman moved and Councilor Leighan seconded to adopt/approve Resolution #1539. Passed unanimously.

4. **A Resolution Granting a Conditional Use Permit for Property Owned by Robert Dagley, subject to conditions.**

Councilor McGee moved and Councilor Myers seconded to approve/adopt Resolution #1540. Passed unanimously.

5. **A Resolution Granting a Conditional Use Permit for Property Owned by Ben Van Dam, subject to conditions.**

Councilor Myers moved and Councilor McGee seconded to approve/adopt Resolution #1541. Passed unanimously.

6. **A Resolution Approving a Variance to Allow a Water Connection Without Sewer to Property Located Outside of the City's RUSA Boundaries for Property Owned by NORETEP, a Washington General Partnership.**

Councilor McGee moved and Councilor Myers seconded to approve/adopt Resolution #1542. Passed with Councilor Leighan against.

LEGAL MATTERS:

1. **Barron Heating & Air Conditioning Inc. Proposal and Contract Agreement for Maintenance at the Public Safety Building.**

City Attorney Weed explained that this is a standard one page agreement for \$1660 for HVAC equipment maintenance at the Public Safety Building, which is the same amount, terms, conditions and vendor as before.

There was discussion about replacing filters, possible overtime involved, etc. and it was decided that Council needed more information, with City Administrator Garner to bring back information about what \$1660 specifically covers, what is the cost of one filter, how long does a maintenance check take, description of actual work, past history of billings for other parts, etc.

2. **Dog Day Afternoon Concessions at Comford Park Contract.**

City Attorney Weed explained the City would get 10% of the take, the contract contains a hold harmless agreement and runs from 6/1/92 through 9/30/92. He stated he has reviewed it and is comfortable with the terms and is presenting this on behalf of the Parks & Recreation Dept.

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Councilor Myers moved and Councilor McGee seconded to approve the contract. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:35 PM

1. Personnel.
2. Pending Litigation.

RECONVENED & ADJOURNED: Approx. 10:35 PM

Accepted this 4th day of May, 1992.

David Weiser

MAYOR

Phillip E. Dexter

CITY CLERK

Manda K. Iverson

RECORDING SECRETARY