

00131

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 28, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 9/14/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS: Recycling Week Proclamtn.

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PETITIONS & COMMUNICATIONS: Cynthia's at Shoultes

PUBLIC HEARINGS:

1. NW Annexation Approved

CONSENT AGENDA:

1. 9/28/92 Claims - \$474,360.20 Approved except for Voucher #13049 - \$1082.00

REVIEW BIDS: None

CURRENT BUSINESS:

1. Solid Waste Committee Recommend. Continued to 10/5/92

2. Utility Variances for new house & fire hydrant - Myron Gemmer Approved

3. Final Plat Approval-Centex Homes Approved

4. Eastwood Hills II/Belmark Indus. 60% Annexation Petition Approved

NEW BUSINESS:

1. Moderate Risk Waste Management Plan - Resolution #1579 Appr. Approved

2. Crosswalk at 1000 Blk. Columbia Approved

3. Northpointe/Focus Assoc.Variance HE Rec. to deny variance Affirmed w/ordinance to be amended concerning model home construction

4. Northpointe/Focus Assoc.Variance Re Rolled Curbing (Applicant withdrew request) HE Rec. to deny variance Affirmed

5. CUP - Joel Hylback duplexes HE Rec. Affirmed/Approved

6. Sno-Tran Financial Support \$1000 from Msvl. Approved

7. Air Conditioning/Equipment Rm. Approved but info. to be presented re electrical

8. Interlocal Agreement for Regional Planning of Central P.S. Area To be continued

9. Revised Parking Ordinance To be continued

ORDINANCES & RESOLUTIONS:

1. Res. Affirming H.E. recommendation approving CUP, Shoreline Mgmt. Permit for Moose Lodge/Lindborg Resolution 1580 Approved

2. Res. establishing 10/26/92 for P.H. for vacation of portion of Smokey Pt. Blvd.-Quil Ceda Auto Resolution 1581 Approved

3. Res. granting Utility Variance for Dujardin Development for prop. at 44th St. NE & 71st Av. NE Resolution 1582 Approved

4. Res. granting utility variance for Henry Cook prop. on 83rd Av.NE Resolution 1583 Approved

LEGAL MATTERS:

1. Public Works employees-addendum to contract Approved/Mayor auth. to sign

ADJOURNMENT INTO EXECUTIVE SESSION: 10:18 p.m.

1. Pending Litigation 2. Real Estate

RECONVENE AND ADJOURN: 10:55 p.m.

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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
 Mike Leighan
 Otto Herman
Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, Planning Director
 Jim Ballew, Parks & Recreation Director
 Sgt. Dennis Petersen, Marysville Police Dept.
 Dave Zabell, Public Works 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 Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Pedersen noted in the 9/14/92 minutes on page 8, in the 3rd paragraph, Councilor Baxter's motion included a recommendation for change of hours and she stated she believed he withdrew that recommendation before she seconded the motion, in paragraph 11.



Councilor Herman concurred, noting that he had asked the maker of the motion if he wished all fraternal organizations to have the same restriction placed on them and the maker of the motion declined to make that change. Councilor Herman asked that this additional information be included in the minutes of 9/14/92, with Councilor Pedersen agreeing that she seconded the motion, based on the fact that the hours were not to be changed for the Moose Lodge, in other words, accepting and affirming the hearing examiner's recommendation as is.

Councilor McGee moved and Councilor Myers seconded to approve the minutes of 9/14/92 as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner reported a Dispatch employee is to be hired 10/6 out of all candidates for the position; 24 applications have been received for the Public Works Director position with the selection process to begin there soon; the Marysville Golf Center driving range facility has been sold to an interested party and Council had an excellent goal setting session Saturday.

City Attorney Weed reported there is an interlocal agreement with the Fire Board and City in process of being reviewed at this time.

Planning Director Hirashima reported the Planning Commission is holding a public hearing tomorrow evening on the Comp Plan in the Public Safety Center Council Chambers at 7:00 p.m.

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Parks & Recreation Director Ballew reported on the Brookwood Park meeting held 9/9 at which several City Council people were in attendance, approximately 28-30 people altogether. He presented plans to the community regarding making this park into a gateway/trail head to Northpointe, complete with landscaping, table and park bench to be installed, more clean up and improvements to be done. He said the Parks Dept. feels it's not possible to keep the play area equipment and the improvements should be made in 2-3 wks. He said Northward is inquiring about purchasing the playground equipment for the City park in the Northward development and plan to come before City Council next month regarding this.

MAYOR'S BUSINESS:

Mayor Weiser stated he received a phone call regarding the procedure used in public hearings, specifically the procedure used for the Moose Lodge public hearing. He noted we have been following these procedures for 7 years and so it was nothing new--they are still being printed on the back of the agendas and he said he remembered reviewing the procedures with the audience before this public hearing.

Councilor Herman added that as long as a public hearing is open, there is the opportunity for citizens to make further comment and perhaps that wasn't clear to the person who complained.

Mayor Weiser reported the City Council has been requested to remove the Maryfest poster hanging in Council Chambers because of the wine glasses portrayed in it, especially in light of the fact that DWI hearings are held in this same room.

Mayor Weiser proclaimed the week of October 3 through 11, 1992 "No Waste Recycle Week" and urged anyone who wished further information about the City's Recycling program to contact Heather Earnheart at the Public Works Building.

CALL ON COUNCILMEMBERS:

Councilor Herman said he received a phone call concerning traffic problems/speeding on 3rd/Sunnyside Blvd. and thought this information should be passed along to the Police Dept. He said he also received a communication about the overall cost of residential water and he asked about water conservation measures/information that could be provided to this person.

Public Works Director Zabell said City Hall and the Public Works Dept. has several pamphlets available, as well as incentives in the code. Also, he noted the City can come out and do an audit and a person can obtain as much as a \$50 rebate, depending on the number of water conservation factors/elements installed.

Councilor Herman asked about the schools and parks mitigation fee ordinance to be developed.

City Attorney Weed said the school mitigation fee ordinance has been reviewed by the Planning Commission on two dates and changes are in the process of being recommended and implemented in the draft ordinance. Planning Director Hirashima added that the Planning Commission needs to schedule a public hearing before bringing it before Council.

City Attorney Weed said he is still working on the parks mitigation fee ordinance which needs to be coordinated with a definitive capital facilities plan first, in order to comply with the GMA. He said the capital facilities plan has to be incorporated for fire mitigation fees, also.

Councilor Herman noted that in the past, the SEPA process has been used with regard to determination of mitigation fees but City Attorney Weed explained you have to prove you are collecting fees for projected impacts and we don't have an up to date Capital Facilities Plan as yet. He said the Fire Board is in the process of having the planning consultants look at their projected needs to be included in fire mitigation fees, so that element can be included and this is also the case with the Parks Dept., he said.

Parks & Recreation Director Ballew said the Parks Dept. has been meeting with the county in preparation for July, 1993, when this is all to be in place. He noted the county has funds for under-writing the county comprehensive plan and they have agreed to help the City with a plan for developing methodology for determining level of service, he said. He added that the Parks Dept. is kind of waiting for the county on this--the Parks Dept. has had a draft for some time identifying goals and objectives but are waiting for the county so the City can coordinate with their efforts. He said so far, there's been no funding for the Parks Dept. but the anticipation is for some funding out of the county.

Councilor Leighan reported that the TV Advisory Committee is still working on developing a plan/proposal for video taping City Council meetings; a CSI rep was here recently reviewing the situation.

Councilor Wright reported on her attendance at the recent AWC Legislative Committee meeting when they discussed funding, criminal issues, etc. She said Mary Swenson is making copies of material brought back from the meeting for the Council's information.

Councilor Pedersen commented on the good work session Saturday.

Councilor Baxter said he would be delivering a letter regarding the Fire Dispatch position to City Administrator Garner, probably tomorrow.

Councilor Myers said he had received complaints about the torn up sidewalk on 528 and Public Works Director Zabell said he would check into this further.

Councilor McGee reported on the Fire Board Retreat last weekend at LaConner and said they had a very good session, setting the budget, 1993 goals, etc.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PETITIONS & COMMUNICATIONS:

It was explained that Cynthia's at Shoultes is requesting the City establish a Customer Service Agency for the payment of water and sewer bills at Cynthia's at Shoultes, as per the petitions in the packets.

Mayor Weiser said he had a concern about payments getting to City Hall in the event of someone being close to being cut off, Councilor Pedersen voiced a concern about people accessing Cynthia's at Shoultes. Councilor Baxter asked how often payments would be picked up and Mayor Weiser said he expected it would have to be every other day, at least. Someone mentioned bonding requirements.

Deborah Hoyt, owner and operator of Cynthia's at Shoultes, addressed Council, stating she is bonded for the U.S. Postal Ser-

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vice, PUD payments and issuance of money orders. She also noted that her business is on a very busy corner and caters to a very large elderly clientele. She said they have also petitioned Washington Natural Gas requesting that Cynthia's at Shoultes be a Customer Service Agency for them also, in order to benefit her clientele. She explained that PUD pays her \$.23 per payment and she reports to them twice a week. If it's a customer who is going to be shut off, she said she notified PUD immediately.

Councilor Herman asked if she would prefer the PUD method of payment as she just described or a drop box for people to simply drop off their City payments.

Ms. Hoyt said she the drop box would be a convenience to the customers, but that she would prefer to handle City payments as she does for PUD. She added that where there is a delinquent or partial payment, she discusses it with the utility first before accepting payment from the customer. She stated she has a very high volume corner and has about 30 parking places.

City Attorney Weed said he would want to check on the state bonding requirements for collecting City payments and could follow up with the state auditor on this.

Councilor Baxter pointed out that this situation would be similar to the golf course funds being collected on behalf of the City.

Councilor Myers asked about the service fee being charged to the customer and Councilor Herman offered that with Community Transit, there is a commission paid to those who handle sale of passes. Councilor Herman said his question would be if it would require more work for City staff.

Finance Director Wilson said the City staff would still have to process the utility account and he said he would say it would have a tendency to add an extra load every second to third day rather than being on an even/daily basis.

Councilor Baxter said he felt the payments should be collected by the City and processed every day and the fee should be paid to Cynthia's, however he said he is not sure the City should underwrite that fee; the water and sewer rates should be increased to cover that, he said.

Finance Director Wilson said he would assume that an employee could pick up payments every day from a drop box and Councilor Baxter said perhaps a small rental fee could be paid for the drop box to Cynthia's.

Councilor Pedersen pointed out that at \$.23 per customer, that's the same as a bulk return postage paid envelope, so she would see it as the same as a fee but on the other hand, this would be favoring those in the north end and she suggested a similar drop box for people on the east side, for example.

There was more discussion about drop boxes, cost effectiveness (staff perhaps could put some data together), locating drop boxes throughout the City, cash vs. checks in the drop boxes, having the drop boxes inside vs. outside, bonding requirements (staff to check with the state auditor), use of the police dept. to pick up payments, other appropriate sites/analysis. It was the consensus that staff should bring back more information to City Council.

PUBLIC HEARING:

1. Northwest Annexation; Wayne Leifer; PA 9102008.

Mayor Weiser reviewed the procedures for a public hearing and City Attorney Weed swore in three people who indicated they would be testifying.

Planning Director Hirashima reviewed the agenda bill, noting that staff is recommending approval of the annexation subject to assumption of the City's bonded indebtedness, dismissal of the DNS appeal for the additional 135 acres, that a census of the annexation be conducted and that a public hearing be held with regard to zoning and land use rights within the annexation. She noted the Planning Dept. has already been in touch with the Soroptimists with regard to conducting a census (especially for 9-1-1) and a public hearing before the Planning Commission has been set up for 10/20/92 with regard to industrial park zones.

Wayne Leifer, 13001 Old 99, addressed the Council and read a prepared statement. He reviewed the long process they have gone through to get to this point and concluded that the annexation would provide those within it with improved public services and their proximity with public officials. He thanked everyone for their help and cooperation in the annexation process and said he is really looking forward to officially becoming a citizen of Marysville.

No one else wished to speak in favor or against the annexation and this portion of the public hearing was closed at 7:55 p.m.

Councilor Baxter moved and Councilor Pedersen seconded to approve the Northwest Annexation, subject to assumption of the City's bonded indebtedness and interim zoning designation, based on the Planning Commission's recommendations. Staff is directed to prepare an ordinance reflecting this, to be effective 11/16/92.

(Planning Director Hirashima indicated that a census is to be done prior to the acceptance of the actual ordinance.)

The motion passed unanimously.

Councilor Baxter then moved and Councilor Pedersen seconded to dismiss the pending appeal of the DNS. Passed unanimously.

CONSENT AGENDA:

1. 9/28/92 Claims in the Amount of \$474,360.20.

Councilor Herman recommending removing Voucher #13049, payable to Marysville Construction in the amount of \$1082.00 in order to make sure the City is in compliance with the state law concerning filing an affidavit for prevailing wages paid. He explained the process and noted he has given the name of the person for Finance Director Wilson to contact in Olympia.

City Attorney Weed said this issue did come up at the last minute today and he hadn't had a chance to check into it further. He noted the value of the job was under \$1,000 and so does not require a public bid process but this is separate from the prevailing wage law and he would want to look at this further as to whether it falls within the public contract definition, he said.

Councilor Herman said he believed the Dept. of Labor & Industries

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should be contacted and discussion followed concerning the Small Works Roster, the City Clerk having to carry the whole file around, legislative action which was taken in 1946 and compliance laws.

Councilor Pedersen moved to approve the Consent Agenda with the exclusion of Voucher #13049. Councilor McGee seconded and the motion passed, with Councilor Baxter against. (Councilor Leighan excused himself from voting on Voucher #13067.)

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Solid Waste Committee Recommendation.

Finance Director Wilson asked for a postponement until next meeting as he did not get a chance to finish his report on this.

2. Utility Variance (New House) & Utility Variance (Fire Hydrant) for Myron Gemmer, UV 92-09.

Public Works Director Zabell reviewed the agenda bill and noted one of the problems Mr. Gemmer had to deal with was that 172nd turned into a state highway (while he was out of state) and all his permits are no longer valid. He is requesting one water connection. With regard to the fire hydrant, Public Works Director Zabell stated fire safety concerns were discussed with the fire marshal and fire district and the building must be sprinklered with Marysville water. He noted that Mr. Gemmer was previously approved by the City and it was noted that he falls within the City's long range water plans. Staff is recommending approval of both requests: 1) a 6" main to provide flow for the fire hydrant and sprinkler system and 2) one single family water connection.

After brief discussion, Councilor Baxter moved to approve the requests as per the recommendations of the Public Works Director, Utility Variance 92-09. Councilor Wright seconded and the motion passed unanimously.

3. Final Plat Approval; Centex Homes; PA 8901001.

Planning Director Hirashima reviewed the agenda bill, noting staff recommends approval with payment of mitigation fees. She noted there is a discrepancy regarding the TIP mitigation and that's the one condition they must conform to.

Councilor Herman asked if the Public Works Director is comfortable with working this out with the applicant and Public Works Director Zabell said he is.

Councilor Leighan asked about the Parks Dept. mitigation and Planning Director Hirashima stated they did parks improvements in lieu of payment of mitigation fees.

Councilor McGee moved and Councilor Myers seconded to approve the Centex Final Plat as per staff recommendation. Passed unanimously.

4. Eastwood Hills II/Belmark Industries; 60% Annexation Petition; PA 9207030.

Councilor Pedersen noted she and her husband own property within a reasonable distance of the subject property but City Attorney Weed

said that was not a conflict of interest.

Planning Director Hirashima reviewed the agenda bill, noting petitions have been received for 100% of the valuation of the area. Staff recommends the 60% petition for annexation be accepted with a public hearing to be set for 10/26/92.

Councilor Wright moved that the 60% petition for annexation be accepted with a public hearing to be set for 10/26/92, Councilor McGee seconded and the motion passed unanimously.

BREAK: 8:25 to 8:35 p.m.

NEW BUSINESS:

1. Moderate Risk Waste Management Plan.

Suellen Mele from Snohomish County reviewed the draft of the Snohomish County Moderate Risk Waste Management Plan in the packets with Council. She noted that all jurisdictions are required to have such a plan and if Marysville doesn't join this one, they will be required to have one of its own. She explained that Moderate Risk Waste is similar to Hazardous Waste, just less of it, but just as important to dispose of properly. She summarized the current program in place, including Hazardous Waste Roundups twice a year, used motor oil collection sites, used anti-freeze collection and used auto batteries collection. She said the plan is looking to expand the motor oil and antifreeze collection programs, education of the general public, expanding the roundups (having more often than twice a year) and she reviewed the costs of the program. At present, it is costing \$2.42 per ton tipping fee and without the plan it will increase to \$2.71 per ton. With the plan in place, it will go up to \$3.36 per ton. She explained a typical household generates one ton of garbage per year.

Mayor Weiser left Council Chambers at 8:40 p.m.

Ms. Mele stated the County is looking for City staffing with regard to the collection of road grit, but everything else is the responsibility and under the jurisdiction of the County. She referred specifically to page 2-3 and noted that "H" on the chart stands for "high priority" which would be the only items that will be addressed under the plan. She invited anyone with any questions to contact Steve Goldstein, county coordinator and encouraged anyone with input to contact him.

On the cost handout sheet, Councilor Herman noted that the cost per ton appears to drop after the first couple of years and Ms. Mele explained there are a number of planning items at the outset of the plan and so after the first couple of years, the costs would drop. She noted the county has had the collection events for the last 2 years in Marysville, with other services planned being the oil drop off points, education, small quantity generator program, working with small businesses.

Mayor Weiser returned to Council Chambers at 8:45 p.m.

City Attorney Weed stated he has reviewed the resolution/plan and it appears to be in order.

Councilor Baxter asked about a monthly charge and Ms. Mele said the cost will be included in the tipping fee paid for through the County now; to continue as we are going, it will increase \$.60 per ton. She explained that every year the county council has to

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approve their budget and this plan is not 100% approved as yet, it's a plan only. She added that at present the county is paying \$66 per car to get rid of the hazardous waste at the Hazardous Waste Roundups, where 18 out of 19 cities in Snohomish County participate in the funding.

Councilor Baxter said he basically sees it as Marysville not having any choice and the City just increased its garbage rates and so he would like to know exactly how much the county increase is going to be in order for the Council to be able to make an informed decision about City garbage rates for the future.

Ms. Mele explained this is their best estimate but the county council needs to approve the plan and the annual budget.

Public Works Director Zabell asked if the tipping fee includes the proposal program and Ms. Mele said yes, it will with their plan. She added that with mandatory garbage pickup, she would hope the volume of garbage will not increase.

There was further discussion about the City's cost not changing, whether the resolution is signed or not, state law, this being another item that the City must consider in the garbage rates.

Councilor Baxter moved to approve the plan and adopt Resolution No. 1579. Councilor McGee seconded and the motion passed unanimously.

2. Crosswalk Request; 1000 Block Columbia Avenue.

Public Works Director Zabell explained the Postmaster is requesting a mid block crosswalk so the employees can safely cross Columbia to pick up mail out of the drop boxes on the east side. He stated his caution is that the employees not have a false sense of security but other than that, this is an appropriate request and staff recommends approval.

Councilor Pedersen said she had understood there was a concern from the people who live in the apartments to the east of the drop boxes, that the increased traffic was interfering with egress and ingress of the apartment complex.

Public Works Director Zabell stated his estimation is that the afternoon backups at the post office have diminished and the letter in the packets is with regard to the drop boxes' effect on the ingress/egress. He added that Lt. McKinney still hasn't submitted his recommendations to staff with regard to the crosswalk.

Councilor Baxter said he would recommend reflector buttons because some of the pickups will be in the dark and Public Works Director Zabell agreed that is a good idea, adding that street lighting and signing will also help make it a safe crosswalk.

Councilor Baxter noted that these drop boxes do get a lot of use and there has been a tremendous increase in the traffic on Columbia as well.

Councilor Herman asked about putting the boxes on the west side of the street for southbound traffic.

Public Works Director Zabell said the post office was opposed to drop boxes on the west side because it would be on the passenger side of the vehicle and there is a safety issue there.

Councilor Wright added there was a concern about traffic congestion, conflicting with employees, etc., also.

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Councilor McGee moved and Councilor Myers seconded to approve the request for the crosswalk. Passed unanimously.

3. Variance to Allow Construction of Model Homes; Northpointe/
Focus Associates, Inc.; PA 9207033.

Planning Director Hirashima stated the hearing examiner has recommended denial of the variance and the applicant has requested a public hearing. She noted the hearing examiner did not find any special circumstances and has indicated that in order to allow the construction of model homes as requested, would require an ordinance amendment. She said the applicant believes this to be a legislative decision and that an amendment should be made to the PRD ordinance. She stated planning staff notes this probably is an ordinance matter vs. a variance request and the Planning Dept. has received a number of requests similar to this with regard to construction of model homes, indicating that it is not an isolated situation.

Councilor Pedersen asked if the issue is really not whether the model homes could be built, but rather when they can be built.

Planning Director Hirashima agreed, stating it is a matter of timing--the model homes would not be occupied and the applicants also felt they could mitigate any safety or health hazard cost by more than one principal use on a lot. She added that it's more appropriate to be treated as an ordinance amendment versus a variance--to construct model homes prior to the plat approval.

Councilor Herman said he understands the need for the developer to want to do this and he asked the City Attorney about the process of an ordinance amendment.

Mayor Weiser left Council Chambers at 9:10 p.m. for the evening.

Councilor Pedersen took over the chair as Mayor Pro Tem at this point.

City Attorney Weed agreed that the ordinance amendment would be more appropriate in order to allow a developer to construct the model homes prior to plat approval--how long before is the question, he said, and policies would have to be looked at.

Councilor McGee asked if a public hearing would be the proper forum for an ordinance amendment and City Attorney Weed said a public hearing could be held to gather more information but would not be required. A public hearing would certainly allow the public and developers to give their input, he said.

Councilor Leighan asked about more than one residence per lot and how much of the plat can be used for model homes.

Planning Director Hirashima said they had asked for five per division with a potential of 25 model homes in this specific case.

Councilor Herman moved to affirm the hearing examiner's recommendation to deny the variance. Councilor McGee seconded and the motion passed unanimously.

Councilor Herman said he would be comfortable with having the Planning Director confer with the City Attorney and bring back an amendment to the ordinance rather than having a public hearing.

City Attorney Weed said an amendment to the ordinance would involve review by the Planning Commission.

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Councilor Wright expressed a concern about timeliness and Planning Director Hirashima stated the ordinance amendment could be put on the 10/20/92 Planning Commission agenda.

There was discussion about the pros and cons of a public hearing, changing the ordinance/City policy, variance versus legislative action, reviewing each request on a case by case basis, the ordinance could be worded so it's at the discretion of the Council, whether or not the ordinance amendment should be reviewed by the hearing examiner, potential for 50 model homes if there were 10 divisions in a plat.

Councilor Baxter expressed a need for infrastructure to be in place before model homes are constructed.

Mayor Pro Tem Pedersen summarized the discussion of Council: a need to review the ordinance for a maximum number of model homes, a certain portion of completion of infrastructure, no occupancy permits for model homes, discretion of Council for approval.

Councilor Leighan said he questions the need for model homes in more than one division; he said he has a concern about leap frogging.

There was more discussion about sending it back to the Planning Commission/Planning Dept.

Councilor McGee moved and Councilor Baxter seconded to have the City Planner, City Attorney and Planning Commission amend the ordinance accordingly and bring draft ordinance back to the City Council, to include discretionary review by Council, a maximum number of model homes, a certain portion of infrastructure in place prior to construction of model homes, no occupancy permits, as per discussion. Passed unanimously.

4. Variance to Allow Rolled Curbing; Northpointe/Focus Associates; PA 9001004.

Planning Director Hirashima reviewed the agenda bill and noted the applicant has withdrawn their request; staff recommends affirmation of the hearing examiner's recommendation to deny the variance, she said.

Councilor McGee moved and Councilor Myers seconded to affirm the hearing examiner's recommendation to deny the variance. Passed unanimously.

(Councilor Leighan clarified that the previous issue regarding amending the ordinance with regard to model homes would be back before Council by 10/26/92.)

5. Conditional Use Permit; Joel Hylback; PA 9207032.

Planning Director Hirashima reviewed the agenda bill, noting the hearing examiner is recommending approval with 8 conditions including payment of mitigation fees and maintenance of a 25' setback from the creek. She stated staff is recommending affirmation of the hearing examiner's recommendation and she noted this property was annexed into the City 4-5 months ago (included in the Quil Ceda Auto Annexation).

Councilor Leighan asked about the \$390 per unit school mitigation and if this is standard. Planning Director Hirashima said it is, that the Marysville School District has determined a mitigation fee of \$1,000 per lot, \$390 per duplex unit.

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Councilor Baxter asked about sewer extension and Public Works Director Zabell stated the City sewer terminates at El Toro and is not practical to serve the proposed duplexes.

Councilor Baxter moved and Councilor Wright seconded to affirm the hearing examiner's recommendation for approval, including conditions. Passed unanimously.

6. Sno-Tran Financial Support.

City Administrator Garner reviewed the letter in the packets from Sno-Tran and he said Council direction is requested at this time.

Councilor Myers moved and Councilor McGee seconded to support Sno-Tran by giving them \$1,000 out of the 1993 budget. Passed unanimously.

7. Air Conditioning Unit/Public Safety Center Equipment Room.

Dennis Petersen, Marysville Police Dept., explained the equipment room houses all the 9-1-1 lines, computers, TV equipment and temperatures run between 81 to 84 degrees in that room often, with the manufacturers recommending that the equipment be kept at 70 degrees. He said the only way they can do this is with air conditioning; they have tried alternative methods but they don't work and the equipment in there is worth well over \$150,000.00, he said.

There was a question about there only being one bid, discussion about the air conditioning tying in with the rest of the building and simply adding more zones, using the same contractor (Barron).

Councilor Baxter moved and Councilor Myers seconded to authorize installation of the air conditioning unit for the equipment room, as per the bid proposal from Barron Heating in the amount of \$4,887.02 including tax.

There was discussion about getting the power into the room, whether the electrical is included in the bid, the need for a separate electrical contractor. The motion passed unanimously.

Councilor Baxter then moved and Councilor McGee seconded to obtain a bid or bids for the electrical portion of the air conditioning proposal to be reviewed by Council. The project would not be started until the electrical bid is accepted by Council and to direct Sgt. Petersen not to proceed until such time as the electrical is approved first.

City Attorney Weed clarified that if the electrical puts the total over \$15,000 then the City would have to go out for public bid.

The motion passed unanimously.

8. Interlocal Agreement for Regional Planning of the Central Puget Sound Area.

Councilor Leighan noted that the membership costs for cities with populations of 4500 or less are \$400 per year and questioned what Marysville's would be, now that our population has increased.

City Attorney Weed referred to page 12 of the draft agreement, noting the board would establish membership dues and discussion ensued about whether or not Marysville is a member, previous membership dues, previous experience, cost benefit analysis, staff to review, dues are paid now until 7/1/93. Consensus was that this be continued after staff does more checking.

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9. Revised Parking Ordinance.

City Attorney Weed explained that one of the questions that needs to be answered is whether Marysville needs a comprehensive parking ordinance at this time. He said some concerns were voiced concerning the area around 3rd to 4th and State and the ordinance really contained no enforcement. The question is whether Marysville wants to have a comprehensive ordinance that will cover almost any scenario; he said that's the draft that's before Council here and it has been primarily modeled after Everett's and includes disabled parking, tow away zones, any situation that a designated parking officer might encounter. Another thing that needs to be addressed is whether or not Marysville should be a part of the state system so that any time there are 2 or more parking violations and an individual tries to renew their drivers license, they are denied until the parking violations are paid, if Marysville is part of the state system. There are reporting requirements and additional staff time and coordination that would be required here, he warned and added that another question is whether or not a person should be allowed to appeal a ticket. He said no problems have been indicated as far as adjudicating parking tickets by the municipal court judge and there probably would not be an inordinate number of tickets. Another thing that should be addressed is designation of an enforcement officer, eg, Noah, he said and also included in the draft is the penalty--a parking fine could be cut in half if paid within 10 days or doubled if not paid within a certain time. Where would the fines be collected? City Hall? Public Safety Building/Courts? He noted Sgt. McKinney has reviewed the draft ordinance but has not responded as yet.

Councilor Baxter left Council Chambers at 9:55 and returned at 9:58 p.m.

City Attorney Weed explained the draft gives the Council the whole range and if there is a section not desired to be included, it can be deleted. He noted that Marysville does not have the problems Everett does and may not need as comprehensive an ordinance.

Mayor Pro Tem Pedersen asked if penalties are typical and City Attorney Weed said they are actually slight less in the draft ordinance but he still needs to compare them with the model draft ordinance.

Councilor Wright asked what the costs would be to collect and that things like this should be checked out so Council has the whole picture.

City Attorney Weed admitted there are some annoyances and manpower drains; that he is not sure if Everett has a self-sustaining system or not and further he is not sure it's fair to even compare Marysville with Everett, either. He added that Marysville's needs may also change in 5 years.

Councilor Myers cited a recent accident that could have been avoided with a parking ordinance like this, where a semi was parked on Grove and a car ran into it.

City Attorney Weed commented on the fact that the police dept. should have more input as they would have a better feel for the need and how it can be enforced, etc.

Councilor Myers agreed Marysville needs an updated parking ordinance such as this, although he said he wasn't sure it should be as comprehensive as this.

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City Administrator Garner noted that staff has not reviewed and the police dept. needs to review it first.

It was the consensus that a recommendation from staff/police dept. should be brought back to City Council.

ORDINANCES & RESOLUTIONS:

1. A Resolution Affirming the Decision of the Hearing Examiner & Approving a Conditional Use Permit & Shoreline Management Permit for Property Owned by Ole Lindborg for Use as a Moose Lodge, subject to conditions.

Councilor McGee moved and Councilor Leighan seconded to adopt/approve Resolution 1580. Passed with Councilor Herman voting against the motion.

2. A Resolution Establishing October 26, 1992 for a Public Hearing to Consider the Vacation of a Portion of Smokey Point Blvd. Adjacent to Quil Ceda Auto Wrecking & Determining that the City shall be compensated as a condition of the vacation.

Councilor Myers moved and Councilor Herman seconded to approve/adopt Resolution 1581.

Councilor Baxter asked about a request and/or the need for the public hearing and City Attorney Weed explained this is the procedure.

Councilor Baxter asked about the history of that property and right of way dedication and Public Works Director Zabell said originally the county entertained this same request, City staff went back to the county for information that was obtained under the MRIP when drawings were developed (2-3 yrs. ago) for the bridge/widening of Smokey Pt. Blvd.

Councilor Baxter said he would like something more definitive because once it's gone away, the City won't be able to get the right of way back.

City Attorney Weed said he felt confident all these issues will come out at the public hearing.

The motion passed with Councilor Leighan against.

3. A Resolution Granting a Utility Variance for Dujardin Development for Property Located on the North Side of 44th St. NE at 71st Avenue NE, Marysville.

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Resolution 1582. Passed unanimously.

4. A Resolution Granting a Utility Variance for the Henry Cook Property Located at 6325 83rd Avenue NE, Marysville.

Councilor Myers moved and Councilor McGee seconded to approve/adopt Resolution No. 1583. Passed unanimously.

LEGAL MATTERS:

City Attorney Weed explained that the Public Works employees union contract includes a 1993 wage raise which is based on the CPI wage index and an addendum to the contract would include that factor (2.8% increase).

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Councilor Leighan moved to authorize the Mayor to sign an addendum to the Office & Clerical Employees union contract setting forth the CPI 2.8% increase. Councilor McGee seconded and the motion passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:18 p.m.

1. Pending Litigation.
2. Real Estate.

RECONVENED: 10:52 p.m.

Councilor McGee moved and Councilor Myers seconded a motion to authorize the City Attorney to prepare a Purchase and Sale Agreement for the Palmer property as the site for the new library facility at the price discussed in Executive Session. Passed unanimously.

ADJOURNMENT: 10:55 p.m.

Accepted this 5th day of October, 1992.

David Weir
 MAYOR

Mary E. Iverson
 CITY CLERK

Wanda K. Iverson
 RECORDING SECRETARY