

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 2, 1993

00194

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All Present

MINUTES OF PREVIOUS MEETING:

7/26/93 Approved

AUDIENCE PARTICIPATION:

7 people

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION:

None

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

None

REVIEW BIDS:

None

CURRENT BUSINESS:

- 1. Contract for Probation Services Approved
- 2. Engrg. Svcs. Contract - Reid Middleton - Approved
- 3. Frontage Assessment SR 528 Approved
- 4. Sno. Co. Proposede IUGA Boundary Cont. to 8/9/93

NEW BUSINESS:

- 1. Reclassification of Parks Secty. Position - Approved

CONSENT AGENDA:

- 1. El Rinconcito Liq. Lic. Renewal Approved
- 2. Acceptance of Petting Zoo Bldg. Approved

ORDINANCES & RESOLUTIONS:

- 1. Ord. Affirming Hrg. Examiner Dec. Ord. 1956 Approved
re Aldridge Rezone
- 2. Ord. re Right of Way Vacation Ord. 1957 Approved
- 3. Res. re State Av. East Annexation Res. 1637 Approved
- 4. Res. Denying Without Prej. Var. Res. 1638 Approved
for Water & Sewer - Faucett

LEGAL MATTERS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

10:12 p.m.

- 1. Litigation
- 2. Real Estate

RECONVENED AND ADJOURNED:

11:08 p.m.

CORRECTED: SEE 8/9/93
 MINUTES

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 2, 1993

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:
 Grant Weed, City Attorney
 Dave Zabell, City Administrator
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 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 Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Herman questioned comments on page 12 of the 7/26/93 minutes, second paragraph. It was clarified that the county values a lot at \$2200, with mitigation fees paid under Title 26B; the county does not pay the property owner \$2200.

Councilor Leighan clarified on page 16, that the 13 year old who stole the car and wound up dead was in Seattle, not in the Marysville area. He also noted that in the 4th & 5th paragraph on page 16, the reference to the teen survey should indicate that it will be ready the 2nd Wednesday in August.

There being no further corrections to the minutes of 7/26/93, Councilor Herman moved and Councilor Leighan seconded to approve them as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Patricia Wright, 1229 State #F, addressed Council, noting that last week when she came before Council she didn't really know how the City works. She said she has since talked with local businesses regarding the cruising and loitering situation and she also talked with a teen who made her aware that Marysville has gang activity going on. She presented a list to the Mayor, to be passed along to Detective Jeff Goldman, she said, indicating support from local businesses who would like to see something done about the situation, especially in the large parking lots where all the teens gather.

Paula Jonvik, 4616 84th St. NE #C, addressed Council. She requested a correction to the 7/26/93 minutes, line 19, noting that not all kids have guns or are involved in crack, but there is a potential, she said. She said she would implore the Council to not ignore this problem any longer, something needs to be done before it gets more out of hand. She noted she has suffered a lot because of her name being on the front pages of all the local newspapers, she is a concerned citizen and the Council was elected by the public to protect and serve the public and she is only one representative of many people who are seeking help from the City Council. She stated she has received several phone calls, some from other concerned citizens and also a lot of calls regarding problems in Lake Stevens, all over. Specifically, in Marysville, there are problems in the Albertson's parking lot and the Safeway

parking lot. She showed the newspapers with the front page stories about this and giving her name as a concerned citizen; she noted the police and Sheriff's Dept. still have not resolved whose jurisdiction she is in and she reiterated there is a real problem here. She said she feels like she is being forced to have to buy a gun and she also noted she comes from a family of police officers. She told a story about her father (a police officer) not being allowed to take a gun when responding to a problem in Everett a long time ago and she noted how worried Everett was about its citizens. She said Marysville needs to help its police officers with better laws because the police officers are begging for laws they can enforce, something to help out the citizens of this community. (Ms. Jonvik was visibly upset and immediately left Council Chambers after her statement to Council.)

Craig Hanning, Safeway Store Manager, 1336 State, addressed Council. He stated their observations are that they have had 30 to 40 customers ask that something be done about the problem and so Safeway has now hired security for the parking lot and that's costing about \$1500 to \$2000 per mo. He said they have customers who won't come to the store any more in the evenings because of the vandalism, noise, bottle rockets, fights, etc. and he said the Safeway employees are also afraid to walk out in the parking lot at night. It takes anywhere from 15 mins. to an hour and a half more to clean up the parking lot every day now, he said, due to the increased litter and he agreed there does need to be an alternative form of recreation for the kids. He pointed out that his customers and employees are being impacted and just wanted to bring this to the attention of Council, although he doesn't really have an answer for the problem, he said.

Mayor Weiser noted congregation in the parking lots is the hardest to control by the police because it can only be done if you request certain vehicles be towed away. He asked Mr. Hanning how he feels about doing that.

Mr. Hanning stated he and some of his employees have called and gotten good response from the police but sometimes the situation gets out of hand and the call is made after it's too late. The security guards have helped a lot, he noted. He added that Super Barn (also owned by Safeway) is also having problems in the B&M Shopping Center.

Mayor Weiser asked how he feels about a no trespassing law and its enforcement and Mr. Hanning said he doesn't feel there needs to be a trespassing law, just sending an officer through the parking lot periodically to keep the kids aware of their presence is probably all that's needed. He pointed out that Safeway is a 24 hour establishment and it's difficult to control.

Councilor Leighan asked if Mr. Hanning could possibly draw on what other Safeways have done in other cities about this same problem and Mr. Hanning said he did a little research and Safeway's corporate headquarters have no policy; each store is fairly autonomous.

Councilor Baxter said it sounds like everyone wants the police to help but don't want a trespassing law enforced against possible customers. He noted there are some liability issues here.

Mr. Hanning said he admits he doesn't know the answers but he would be willing to sign a complaint, if that's what it takes.

Councilor Pedersen asked about placing customer only parking signs and Mr. Hanning stated he could look into that.

Councilor Pedersen pointed out that the Council has a large packet of ordinances to review from other cities; that the Council is also very concerned and wishes also to solve the problem.

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Councilor McGee noted Olsens Foods in Everett has "customer only" signs.

Councilor Baxter pointed out that the City spent a considerable amount of time working on some solutions to this a couple years ago but the enthusiasm died.

Mr. Hanning said it seems like this is just a seasonal thing-- every summer the problem comes back.

Councilor Baxter said the City has tried to put together several programs for the kids and it's really difficult when you have people complaining but very few solutions presented.

Mr. Hanning pointed out that Safeway has been very proactive in trying to meet their customer needs and he said he would be happy to try and help in any way they can.

Councilor Baxter said what's needed is cooperation from parents, kids and businesses, it can't all be left up to the businesses.

Councilor Pedersen pointed out that some parking lots have granted permission to the kids to congregate.

Councilor Herman thanked Mr. Hanning for coming forward and explained that the City is going to have to continue to work on developing a cruising and noise ordinance. He said he spent a lot of time this past weekend checkign out the problem and he said he suspects the problem is maybe not as bad but still there during the week and he would appreciate more input from the business owners.

Neil Hunt, Manager of the B&M Shopping Center, addressed Council. He pointed out that there are a lot of kids drinking and he is constantly picking up beer bottles, beer cans, liquor bottles and other litter. He said he would like to see something done about this and feels he has the right to expect something for his tax dollar, other than a lot of buck passing. He said the police blame the Council and the Council blame the business owners and it goes around and around and these kids are driving and drinking and the police need to be stopping them and giving them breathelizers at least. He mentioned graffiti being painted on buildings in the B&M Shopping Center, saying this is more than he can tolerate, having to pay \$3,000 to repaint buildings to obliterate the graffiti. He said he was told it wouldn't do any good to put up "no loitering" signs because they can't enforce it becuae there's no ordinance now; they do have towing signs up, he noted.

City Attorney Weed explained with the trespassing ordinance it's the business owners' responsibility to call the police and have a specific vehicle towed away.

Mr. Hunt asked why we are paying taxes. He said he expects the police to come basically without being called, they should be monitoring the parking lots. He added we need loitering laws like other cities.

City Attorney Weed pointed out that loitering laws have been generally been declared unconstitutional and that's why Marysville has trespassing laws instead.

Mr. Hunt said he wants to see something done and if he has to call up the police and report 50 license plates to be towed, he will.

John Elliott, 5725 61st Dr. NE, addressed Council as a private citizen. He questioned whether there is a way to enforce the no trespassing in non-business hours.

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City Attorney Weed said yes, but some businesses think it's not good for business to call to have possible customers' cars towed away; a sign alone is not the answer, he said, the business has to call to have the cars towed away.

Mr. Elliott said he has a hard time believing that if the lot is posted and an officer comes by, why he can't do anything about people in a parking lot who are obviously not wanted there.

City Attorney Weed confirmed the business owner must call the police before the police can do anything about a situation like that. He added what is complicating the problem, of course, is that the business owners aren't usually around when the problem occurs in their parking lots and that's why the Council is looking at a cruising, curfew, noise and/or loitering ordinance but there are constitutional problems, too, with some of these ordinances, he warned.

Councilor Pedersen noted that if a parking lot is posted "no trespassing" or "customer parking only" and an officer assumes a vehicle is to be towed away, it might be someone's vehicle who is authorized to be in the parking lot.

Mr. Elliott said he realizes the kids do have to have a place to go, somewhere that's organized and supervised, something the City would be really proud of.

Councilor Myers noted the main problem seems to be kids from out of town.

Mr. Elliott said maybe a membership card for the kids to a place just for them is the answer and then the kids from out of town can't get in and ruin it for the local kids.

Councilor Pedersen noted there was something like that a couple years ago but that caused a lot of problems with noise, fights, weapons, etc.

Mr. Elliott said that's going to happen anywhere and it seems to him it would be better to have it all in one place.

John Everson, owner of State Street Station, 1046 State, addressed Council. He said they own a couple of businesses on State and have lost a couple of employees because their parents won't let them work for the Eversons and close up late at night. He pointed out there are a lot of factors involved in this problem: out of town kids, litter, drinking, arrests, fights. He said the only suggestion he has is to keep the out of towners out of town!

Roxane Everson, John's wife, addressed Council, stating she wished to add to John's comments. She said a lot of times she has to close up her own business and can't even get to it because of the crowds of kids around. She said she has also seen public urination in the Red Apple parking lot and urination on the daycare play equipment in the northeast corner of that parking lot. She said she is having a hard time with this problem, that she doesn't want to have to move to another area because of this. It's mainly kids from other areas and she said they would be more than willing to help as business owners, if the Council and/or police would just let them know what they can do.

Patricia Wright addressed Council again. She asked if the owners has to be involved in order to enforce the trespassing law and City Attorney Weed said yes, someone has to be authorized to make a call to the police as far as an unwanted person or vehicle.

Ms. Wright noted the B&M Shopping Center owner lives in Canada, and when she called Dispatch recently they would not "clear the parking lot" unless the authorization came from the owner. She went on to say that most of the business owners in the B&M Shopping Center have signed a list saying that they would be in favor of Ms. Wright acting on their behalf as far as making the call to

Dispatch. She pointed out that she lives right across the street and if there's a large gathering at Anna's Flowers, for example, those kids come across the street and start causing problems, they are vandalising garbage cans and making a lot of noise, and she is a neighbor trying to help out the business people at the B&M as well as her own neighbors across the street.

Councilor Herman asked about Mrs. Wright's being a designated person and she said the business owners are mainly concerned about the litter in the parking lot the next day that has to be cleaned up.

City Attorney Weed suggested a letter of authority from the owner so that those who are not patrons can be cleared out of the lot.

Mrs. Wright said she was trying to be real fair about it, for example, if there was a quiet group of teenagers, she would not report them, just the rowdy groups causing noise and littering, she said.

Councilor Herman said the petition should probably designate someone to make the calls to Dispatch and City Attorney Weed agreed that was necessary in order to enforce the trespassing law.

Mrs. Wright asked when Council is planning on having a cruising ordinance in effect and Mayor Weiser responded that they have asked for options from the city attorney to be presented to Council by 8/23/93.

John Elliott addressed Council again, asking if there were no trespassing signs posted for after hours, could an authorized vehicle be issued a form for them to be there and City Attorney Weed said no, that doesn't solve the entire trespassing law: the law requires the owner to identify people not wanted there and an officer can't arrest those without an authorization form, eg. He stated trespassing is a misdemeanor and the officer must have authority from the owner that that person is not wanted on the premises.

Mr. Elliott suggested a blanket authorization from all business owners to a security person so the security person could make the call to the police on their behalf.

STAFF BUSINESS:

City Administrator Zabell commended City Planner Hirashima on the number of hours she has dedicated recently to working on the EIS for the Comp Plan now in front of Council for review within the next couple weeks.

City Attorney Weed reported he is still working on putting together some samples and suggestions from other cities, some of which he has distributed already to Council, regarding cruising and noise ordinances. Included in the packets is a national survey that was done, he said, containing some very useful information that the Council should review. He added that he is very interested in what Everett and Kent have done as far as enforcing a noise ordinance and amending same recently.

City Planner Hirashima stated the draft EIS is to be reviewed for the next meeting and a mailing has been sent out to 400 to 500 people notifying them of the upcoming Comp Plan public hearings: 8/9, 8/23 and 9/6. She reviewed alternatives: No action, accept the Planning Commission recommendation or the Transpo alternative. She noted the Transpo alternative includes some additional requests by Council and property owners and she invited Councilmembers to call her with any questions they might have.

City Planner Hirashima noted the Growth Management Coordinating Committee meeting this month will be 8/11 rather than 8/16 and the county proposal for the Interim Urban Growth Boundary will be discussed with county representatives, she said.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the status of Parkview Estates Div. IV and City Planner Hirashima reported the hearing examiner's requirement is to have a committee to look at the recommended trail system and 57th street closure and this committee will be meeting within the next two weeks. As far as a construction timeline, she said she doesn't know if they intend to construct this fall, they may wait until next year.

Councilor Myers asked about the new library building and City Administrator Zabell said the property has closed and now officially belongs to the City.

City Attorney Weed added that the City is down to the final details on working on the Lewis Company contract (architects for the new library building). It was noted the Library Building Committee will be meeting soon after the architect contract is completed.

City Planner Hirashima noted that a conditional use permit is also being worked on for the library.

Councilor Myers asked about any law regarding how many people can gather in one place at one time, if there was a limit and City Attorney Weed said he knew of no limit unless it's a safety hazard or if it's obvious there is dealing of drugs going on, for example. Otherwise, there is no law where a police officer would have the right to disburse a large group, he said.

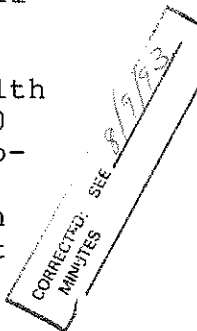
Councilor Baxter reported there was a meeting this morning regarding the golf course finances/operations and research on this will probably go on for another two to three months, he guessed.

Councilor Pedersen invited everyone to the dedication of the Health District's newest facility at 6101 200th St. SW, Lynnwood on 8/10 from 4:30 to 6 p.m. She also commented on the Adopt-A-Street Program, noting she would like to see fast food sellers encouraged to print a message on the burger wrappers about placing litter in its proper place. She noted litter is a never ending problem, it seems and one of the major problems seems to be cigarette butts that the street sweeping equipment misses.

Councilor Wright talked about some customers' fear of shopping late at night in Marysville because of the teens congregating in the parking lots.

Councilor Leighan thanked Sgt. Peterson for his indulgence over the weekend in showing Councilor Leighan some of the teen problems in Marysville. One of the highlights of the weekend was a gang fight between a Burlington and Mount Vernon gang, in Marysville, he noted. He also reported he had occasion to speak with a couple motorcycle officers in Seattle and they talked about Kirkland's very strict noise ordinance, a copy of which was submitted to City Attorney Weed.

Councilor Herman noted that the Lake City area of Seattle used to have some pretty severe cruising problems and he suggested the City Attorney might want to ask them how they solved those problems. He also mentioned a request from the county that Mother Nature's Window be discussed again in a City Executive Session. Mayor Weiser informed him that was on the agenda for tonight's Executive Session.



Councilor Herman stated his desire to discuss fireworks incidents and regulations again with possible restrictions for next year, based on what happened this year. He noted that everyone who uses the selling of fireworks (organizations) as a fund raiser need to be notified when this will be on the Council agenda. He commended the Public Works Dept. on the tour last Saturday.

CURRENT BUSINESS:

1. Contract for Probation Services.

Judge Larry Trivett addressed Council. He stated with regard to the use of the Public Safety Bldg./Judge's Chambers on Monday nights by the probation officers, that can be changed except they have already scheduled three Monday evenings: 8/2 (tonight), 8/9 and Oct. 4. These were set up, certified letters were sent out but he said he would recommend no further Monday nights but to keep these ones already set up. With regard to the contract, the probation officers and Sue Jensen work closely together to collect fees, mail letters, coordinate the program, he said and although the program is not really meant to provide an income to the City, it's a program that eventually will be self sustaining and at this point has already collected \$1,000, with deferred prosecution fees paid on a monthly basis. He said the income would be more than the outgo but if it doesn't look like it's going to work, they will do something about that right away.

Mayor Weiser asked when the fees are collected and Judge Trivett explained there is a set date the payment is required by. They can send in their money by mail; the program tries to get away from the fee being paid to the probation officer, actually, so the fee is collected by the court administrator's office.

Councilor Pedersen mentioned the concern about the fee for "no shows" and asked how that would be collected.

Judge Trivett stated if it's due by the 20th and they are not paying, they will have to come back to court and as a precondition of the program, they must pay a monthly payment, otherwise the court may revoke the person and enter a guilty finding on that person.

Councilor Pedersen referred to a typo in paragraph/section 8 of the contract: "indemnity" vs "indemnify" and City Attorney Weed confirmed that was corrected.

Councilor Pedersen said she would agree to the three Monday nights already scheduled, with Judge Trivett trying to arrange for nights other than Mondays for the probation officers to come in.

Councilor Pedersen moved and Councilor Baxter seconded to approve the contract and authorize the Mayor to sign it, with the changes as discussed above.

There was further comment regarding their being allowed to use Judge's Chambers on the third and fifth Monday evenings, when Council doesn't meet.

The motion passed unanimously.

2. Engineering Services Contract; Reid Middleton; Grove St. at Munson Creek; 67th Ave. NE to 71st Av. NE Improvements.

City Administrator Zabell reviewed the agenda bill, noting that construction engineering services are not included in this contract as they would be covered by the City Engineer. Also, he pointed out that they have deleted some subconsultant services. Staff recommends approval, with the mileage rate to be changed to 28¢ per mile, he said.

Councilor Baxter moved and Councilor Myers seconded to authorize the Mayor to sign the contract for engineering services with Reid Middleton at \$77,981 plus sales tax.

Councilor Herman asked about the three way stop in the project and City Administrator Zabell said that's something that may be looked at by Transpo.

Councilor Herman said it seems like this would be an appropriate time to review sight distance, etc. at that corner and City Administrator Zabell said yes, the Traffic Advisory Committee has also been monitoring that situation and will be making recommendations. Also, he noted that the mileage rate has already been changed in the supplemental contract (to 28¢).

The motion passed unanimously.

3. Frontage Assessment SR 528: 67th Av. NE to 83rd Av. NE.

City Administrator Zabell reviewed the lengthy agenda bill, giving a brief history and reviewing the four options. He noted Public Works Director Winckler met with the development community that have pending projects and their counterproposal was given at the 7/26 Council meeting, at \$62 per front foot. He explained the various factors involved in this project: vertical realignment, credit for right of way, interim improvements and what is included in "frontage improvements". He compared the 80th St. project cost and stated the \$62 per front foot is a pretty valid cost to expect the developers to pay on the SR 528 project. He talked about regional responsibilities, right of way dedication, differences in this project and previous projects, standard right of way dedication, density bonus vs. compensation for additional right of way, potential for smaller lots, streetscaping, staff recommending "Option 4".

Councilor McGee asked how much streetscaping works out to per foot and City Administrator Zabell said slope and streetscape were not included but he doesn't have exact figures for those items. The staff is recommending \$70.35 per foot baseline, actually, with an additional, separate, negotiable portion for streetscape, he said.

Councilor Pedersen asked on a 12,500 to 9600 rezone, what the likelihood would be of dedicating enough property to make up one lot and City Administrator Zabell said there is some potential for that on 528 with slopes but the developer would only get the bonus for buildable property dedicated.

Councilor Pedersen asked if there should be a minimum dedication and City Administrator Zabell said yes.

Councilor Pedersen asked about the Growth Management Fund being appropriate for holding funds for "City" streets when 528 is a state road.

City Administrator Zabell stated TIP funds are already being put in that fund and City Attorney Weed said it seems like a question of accounting as well as possibly cleaning up the language and clarifying it.

Councilor Herman asked if the Planning Commission considered the question about the density bonus and City Administrator Zabell said no, they haven't.

Councilor Herman said he appreciates what staff is trying to do, however he questions how many developers, dedications and density situations this is actually going to turn out to be.

City Administrator Zabell said he is not sure how much there is; it's likely the right of way requirements could be lessened with slope easement, etc.

Councilor Herman clarified that an extra 5' of right of way dedication (frontage) could be used toward the frontage fee and slope easement can be used toward lot size credit.

City Administrator Zabell noted there is a difference between slope easement on a state highway vs. up near the reservoir; he said he was not sure how a slope easement would be maintained on a state highway.

Councilor Herman asked about the annual evaluation and noted DNR evaluations could coincide with the City's and State's and City Administrator Zabell said that was a good suggestion. He referred to the last paragraph of the agenda bill regarding a 33% cap on interim frontage improvements to be allowed for credit. He stated this was a compromise based on what was brought up at the last Council meeting.

Councilor Herman referred to the credit for temporary improvements and noted Mr. Roberts noted that temporary improvements "would probably not be made unless there was a safety hazard."

City Administrator Zabell stated they are required; Cedarcrest Ridge and Sound View, eg., were required to put in bus turn outs and shoulder improvements.

Councilor Pedersen stated the only problem she has is the lack of detail on density bonus and she asked if that section could be reviewed at another time and excluded at this time.

City Administrator Zabell said one suggestion he had would be for Council to review density bonus on a case by case basis, with some criteria in place.

Councilor Pedersen said that would be OK as long as there is something clear and in place for the hearing examiner to follow.

City Administrator Zabell said the proposal is that if 10,000 feet was dedicated, they would get that credit but if only 1,000 feet was dedicated, there would be no credit given.

Councilor Herman said he thinks it would be appropriate to refer this section to the Planning Commission for their recommendations and City Planner Hirashima agreed to do that.

Councilor Herman said it it's a problem as far as delaying the whole issue, this one section could be separated out until the Planning Commission has had a chance to review the density bonus.

Councilor Pedersen then moved to approve "Option 4" plus street-scaping where applicable with the density bonus section to be brought back to Council for further discussion regarding criteria. Also, the motion to include instruction to staff to move forward on a TIP for that area as soon as possible. Councilor Herman seconded and the motion passed unanimously.

4. Snohomish County Proposed IUGA Boundary.

City Attorney Weed explained he was requested by Mike Papa to be given permission to video this portion of the Council meeting. He stated he is not aware of any prohibition of this being done and Mr. Papa stated the video would be for his personal use.

Councilor Baxter pointed out that Mr. Papa is on the Growth Management Coordinating Committee, representing the County, and Councilor Baxter stated he takes exception to this action.

CORRECTED
MINUTES
SEE 8/2/93
JHE/ENC

City Attorney Weed said he made it clear that the meetings are recorded both by tape and recording secretary however there is no difference here from a TV station coming in and putting a portion of the meeting on camera/tape.

Councilor Baxter said he sees a difference when the person is on a committee representing the county so he is not sure if this is a conflict or not.

City Attorney Weed reiterated that he is not aware of any prohibition (legally) but any objection should be made known.

Councilor McGee said he would also feel more comfortable if it were a City employee or TCI employee doing the videoing.

Councilor Pedersen said she doesn't have any objection to anyone videotaping, Mr. Papa is saying it's for his own personal use and he could go to TCI and get a copy of a tape they make, for example.

Councilor Baxter noted Mr. Papa has come to Council meetings many times and all of a sudden he wants to tape one and he sits on the Growth Management Coordinating Committee representing the County.

Councilor Leighan said he thinks there is a conflict also but it seems like there's nothing that can be done at this point under our current ordinance. *Councilor Leighan is not opposed to video taping.*

Mayor Weiser noted this issue came up once before and it was discussed that it would be acceptable as long the Council is informed in advance.

Councilor Herman said he has no objection to the videoing and appreciate Mr. Papa's advising the Council in advance.

City Attorney Weed said it should be reflected in the minutes that by allowing Mr. Papa to video this, that by no means does it mean the tape can be used elsewhere or for any other use whatsoever and if we are ever in an adversarial position in the future, the tape is not to be used against us. He added the City officially only has one public record of the meeting and Mr. Papa's video would not represent the public record--this is not a true and accurate record of what went on, eg. He noted it is a public meeting, however, and so people are not precluded from doing this.

Mike Papa, 8127 54th Dr. NE, addressed Council. He said as far as why he hasn't done this before, he just got the camera, it's borrowed and actually its batteries are dead so he can't do it anyway tonight. He noted that another reason he would like to do it is because the audio record is sometimes very poor and he has to pay \$10 per tape and he thinks the City should have a money back guarantee if the tapes are inaudible.

Councilor Baxter sated he would like to know about that--those are the public record of the meeting and it's very important that we have good tapes.

Councilor Pedersen stated she listened to about 5-1/2 hours of tapes one time and sometimes the microphones are not placed correctly and Mr. Papa is right, the tapes are not very audible in some portions.

Councilor Baxter noted that's a serious problem and Councilor Pedersen added she would recommend lapel mics for staff. Mayor Weiser stated staff is getting new mics. Councilor Myers said he listened to tapes once and noticed a lot of background noise.

Councilor Baxter thanked Mr. Papa for bringing this to Council's attention.

CORRECTED: SEE 8/9/93
MINUTES

CORRECTED: SEE 8/9/93
MINUTES

Mayor Weiser then continued with discussion of the IUGB Establishment Process and noted 8/5 is the deadline to get our response back to the county.

City Planner Hirashima stated there are various issues the county has identified and which were discussed at the last Growth Management Coordinating Committee meeting:

Segment Mar 1 - Pete Poortinga's Farm: She said this area includes a little more than the Poortinga farm and is included in the Comp Plan as proposed by the Planning Commission. In addition to ag, there is also flood plain, upland area, urban land use and the Planning Commission is recommending the area be designated "Ag Recreation". She stated the county does recognize drainage problems in that area and the ag board is to study this area further prior to final recommendations. She stated Reid Shockey has been in contact with the county on this and can give us more information; also there are some single family plats included in the area.

Segment Mar 2 - Marysville's East Ridge: She said this is Soper Hill Rd. north to 84th St. NE between 83rd Av. NE to Hwy. 9 and the county wants to exclude it from the IUGB; the GMCC and Planning Commission recommend inclusion. She gave some of the rationale used by these two bodies for inclusion and noted the county analysis said this was a tough area for them to review also and was actually included in the Interim Annexation Area with the county originally. She said the county is to continue to work with the City on this area.

Segment Mar 3 - Northeast Ridge: This is the area north of 84th to 120th St., it was excluded from the Interim Annexation Area and the county is recommending omitting from the IUGB, she said.

Segment Mar 4 - Upland Agriculture Area: She noted these are designated in the county's ag preservation area maps and were not studied by the Planning Commission. They were not recommended for inclusion in the Comp Plan/IAA except to square off the IUGB. She noted the county is recommending they be omitted from the Urban Growth Area.

Segment Mar 5 - Due's Berry Farm and Adjacent School Property Being recommended to be included within Marysville's UGB.

Smokey Point Area - Being recommended by the Planning Commission to be included in Marysville's UGB, currently industrial zone and Arlington and Marysville have discussed this area and there is no conflict, she stated.

City Planner Hirashima said they would like direction from Council regarding drafting a response to the county.

Councilor Herman said he thinks the Council needs to set policy on this and Mayor Weiser added he thinks Council can do that and use the last GMCC meeting as a resource for some rationale of why some areas should be included and some not. He said some things have changed recently as far as land use, methods and procedures in coming up with population forecasts, etc. so that needs to be considered but as far as the IUGA establishment process the DNS has to be filed by 8/23 and the City has asked for a copy of the County's SEPA checklist which we do not have as yet.

Councilor Baxter noted that a lot of information was just given to the Council this evening, to be reviewed in order to make the decisions in front of Council.

Mayor Weiser agreed, but noted the county needs our response by 8/3/93.

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Councilor Baxter said it bothers him how so often a temporary and suggested agreement becomes very iron clad.

Councilor Wright agreed. She said she thought the IAA was put in place simply because of our water/sewer situation and Mayor Weiser said no, that was before the population forecasts were done.

Councilor Baxter commented that it looks to him like to make comments now before Council has all the information needed, would not be a good practice.

Councilor Pedersen asked when the information could be received from City Planner Hirashima and City Planner Hirashima said Wednesday. Councilor Pedersen then suggested asking the county for a time delay, with it being put on the next Council agenda.

Councilor Baxter said he thinks it is adding to the confusion by making an interim decision and he said he would rather make no decision than an interim one.

Councilor Herman asked about possible GMA/legal mandates the county is going by and City Attorney Weed said he didn't know but he thinks we can ask the county for a little more time on this in order to give them a well thought out response.

City Planner Hirashima said actually 8/10 is when the county needs to review this and staff is meeting with county staff on the 11th.

Councilor Pedersen said she is sure if we send a letter letting them know we are working on this and will have a response to them by next Tuesday, say, that would be acceptable.

Councilor Baxter said the City needs justification for our decisions--both the staff's and Council's decisions and we need more information.

City Planner Hirashima said as far as a staff perspective, the areas with the greatest concerns are Mar 2/3 and Smokey Point and she suggested possibly focusing staff's analysis on those areas for Council.

Councilor Pedersen said she would like a copy of the petition referred to under Mar 2 as far as removing this area from the UGA.

City Planner Hirashima said there have been some comments as a result of the annexation petition--a lot of people just simply don't want to be annexed and may be confused and relayed these concerns to the county, she said. Also, another confusion is that the Comp Plan has not been completed and there are a number of issues being debated in the East Ridge area, she said. They are not concerned about the area not being urban, it's a number of annexation concerns, she said she thinks. She added that the next Council agenda includes a Comp Plan public hearing but there will be two more Council meetings for Comp Plan public hearings, also. She noted the Comp Plan public hearings would not be specific to any area but open for all parts of the Comp Plan.

Councilor Pedersen stated she would prefer to have information on all the Segment Mars, not just 2, 3 and Smokey Point as suggested. She added she would like to see Smokey Point in Marysville's Urban Growth Boundary, however she can see that as a separate planning area also and that seems to be what they want, she added.

Councilor Wright asked about the light industrial area in Smokey Point and it was noted that is not posing any problem or conflict.

Councilor Herman said he is not ready to stop looking at the Smokey Point area, it's been looked at as a joint planning area in the past and he said he would like to continue that review unless it's going to be a separate area all together.

There was discussion about Smokey Point boundaries discussed at the GMCC meeting, sewer lagoon, water service in areas that are not part of Marysville, urban services not to be extended beyond City boundaries, perhaps the county needs to look at how they will serve certain areas within the UGAB, Smokey Point establishing their own boundaries and their own urban services.

City Attorney Weed said a separate planning area being designated for Smokey Point he is not sure is within the mandates of the GMA.

City Planner Hirashima stated this has been discussed with the county and the county felt they had made a commitment to the Smokey Point area to have a separate study area for them. She added that the county recognizes it's not a separate city but they had made a commitment to study it separately.

Phyllis McKenzie, 1528 172nd St. NE, Arlington, addressed Council stating Ross Kane did say Smokey Point can't become a separate city; it has to be interplanned with both Marysville and Arlington and she added that she is going to be on the committee working on this. Smokey Point will never be a separate city, they will have to decide which are they want to be in, she said and added that she was asked to be on the committee but never heard any more about it.

There was discussion about areas the county wants to exclude, ag areas not wanting to remain ag (Poortinga, for example), excluding flood plain, ag designation, TDR section/language to come before Council soon, Poortinga to be classified as urban or ag, county working on a TDR system now so that rural and urban areas can transfer development rights between the county and cities with whom they have interlocal agreements.

Reid Shockey was asked if he wished to address Council and he said he would just as soon wait.

Councilor Baxter moved to have the staff review Areas 1 through 6, continuing this matter to 8/9/93 and sending a letter to the county requesting their indulgence. Councilor Wright seconded and the motion passed, with Councilor Herman against.

City Planner Hirashima asked about in the response to the county if we should include a copy of our Comp Plan Draft EIS and it was the consensus to do that.

NEW BUSINESS:

1. Reclassification of Parks Secretary Position.

Parks & Recreation Director Ballew reviewed the agenda bill and stated the recommendation is reclassify from Grade III to IV retroactively effective 1/1/93.

City Administrator Zabell explained the reason for the retroactive request is because a comparable worth study was supposed to be done in 1992 and was just completed.

Councilor Herman commented on the step system and noted how it works out to very little difference actually between Grade III & IV in this case (\$575.38 a year).

After brief discussion, Councilor Baxter moved and Councilor Herman seconded to approve the reclassification as recommended by staff. Passed unanimously.

CONSENT AGENDA:

1. **Approval of Liquor License Renewal; El Rinconcito, 202 State.**
2. **Acceptance of Petting Zoo Bldg. & Approval of Final Payment to Towne & Country/Permabilt and begin 30 day lien filing period.**

Councilor Myers moved and Councilor Baxter seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

Parks & Recreation Director Ballew commented the Petting Zoo is receiving an average of 468 visitors a day, Friends of the Park/ Zoo have been helping out a lot, staff is looking at expansion of the petting zoo parking on the north side, there have been 9,000 visitors to the petting zoo since it opened a month ago and increased parking is needed. He also reported on the funding process briefly.

ORDINANCES & RESOLUTIONS:

1. **Ordinance of the City of Marysville Affirming the Decision of Hearing Examiner & Rezoning Property Owned by Rbt. G. Aldridge**

Councilor McGee moved and Councilor Myers seconded to approve/ adopt Ordinance 1956. Passed unanimously.

2. **Ordinance of the City of Marysville Vacating a Portion of Right of Way South of 84th St. NE along 79th Av. NE.**

Councilor Wright moved and Councilor Leighan seconded to approve/ adopt Ordinance 1957. Passed unanimously.

3. **Resolution of the City of Marysville Stating Its Intention to Annex Certain Unincorporated Area into the City Known as State Avenue East Property and Transmitting the Matter to the BRB.**

Councilor Herman moved and Councilor Wright seconded to approve/ adopt Resolution 1637. Passed unanimously.

4. **Resolution of the City of Marysville Denying Without Prejudice a Variance for Water and Sewer Connections for Jack & Mary Faucett.**

Councilor Pedersen moved and Councilor Wright seconded to approve/ adopt Resolution 1638. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:12 p.m.

1. **Real Estate.**
2. **Pending Litigation.**

RECONVENE & ADJOURN: 11:08 p.m.

Accepted this 9th day of August, 1993.

Raid Weiser
MAYOR

Mary Pedersen
CITY CLERK

Wanda K. Iverson
RECORDING SECRETARY