

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	DECEMBER 6, 1993	00119
HIGH SPEED RAIL WORKSHOP Fire Training Room	5:00 to 6:30 p.m.	
<u>CALL TO ORDER:</u>	7:00 p.m.	
<u>ROLL CALL:</u>	All present	
<u>MINUTES OF PREVIOUS MEETING:</u>	11/22/93 Approved	
<u>AUDIENCE PARTICIPATION:</u>	Bob Graef	
<u>STAFF'S BUSINESS:</u>		
<u>MAYOR'S BUSINESS:</u>		
<u>CALL ON COUNCILMEMBERS:</u>		
<u>PRESENTATION:</u>		
1. Library Bldg. Committee Update		
<u>PETITIONS &amp; COMMUNICATIONS:</u>	None	
<u>PUBLIC HEARINGS:</u>		
1. Proposed 1994 Budget; Cont.	Approved w/3 changes	
<u>REVIEW BIDS:</u>		
1. Janitorial Service - City Hall, Library, Public Safety Bldg. & Public Works Bldg.	Approved - P&P Pro-Guard	
<u>CURRENT BUSINESS:</u>	None	
<u>NEW BUSINESS:</u>		
1. Marysville Annexation; 10% Petition	Approved - name changed to "Kellogg Marsh"	
2. Establish Exchange Relationship between Yanging County, ROC & Msvl.	To be continued	
3. Utility Variance - Tony Flett	Approved	
<u>CONSENT AGENDA:</u>		
1. Approve Developer Reimb. for 50% of Waterline Installation for Plat of Windsong III	Approved	
2. Approve Conditional Use Permit for Fred Smathers/Msvl. Cemetery	Approved	
3. Approve Conditional Use Permit for Calvary Community Church Daycare	Approved	
4. Approve Installation of a Stop Sign at the NW Corner of 67th Pl. NE & 74th Dr. NE	Approved	
<u>ORDINANCES &amp; RESOLUTIONS:</u>		
1. Ord. amending MMC 2.50.050 rela-	Ord. 1972 Approved	
2. Res. stating intention to annex Fagan Property & transmitting matter to the Boundary Review Board	Res. 1654 Approved	
3. Res. authorizing stop sign at Grove St. & 67th Av. NE	Res. 1655 Approved	
<u>LEGAL MATTERS:</u>		
1. Recovery Contract - Garry Gooch	R.C. #170 Approved	
2. Recovery Contract - Harvey Jubie	R.C. #171 Approved	
3. DWI Ordinance Discussion	Further info to be brought back to Council	
<u>ADJOURNMENT INTO EXECUTIVE SESSION:</u>	10:47 p.m.	
1. Legal Matters	No Action	
2. Personnel	No Action	
3. Real Estate	No Action	
<u>RECONVENED &amp; ADJOURNED:</u>	11:32 & 11:33 p.m.	

*Pages  
00120 -  
00125  
are missing  
They have been  
moved to the  
Council Workshop  
file.*

## MARYSVILLE CITY COUNCIL MEETING

DECEMBER 6, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Ken Baxter  
 John Myers  
 Dave McGee  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Gloria Hirashima, City Planner  
 Ken Winckler, Director of Public Works  
 Jim Ballew, Parks & Recreation Director  
 Bob Dyer, Marysville Police Chief  
 Steve Wilson, Finance Director  
 Grant Weed, City Attorney  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 12/13/93  
MINUTESCALL TO ORDER:

Mayor Weiser called the Council 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 THE PREVIOUS MEETING:

Councilor Pedersen noted under Minutes of the Previous Meeting in the 11/22/93 minutes, "state" should be changed to "county" so that it reads the county and state should negotiate, rather than the city and state.

Councilor Herman noted on page 2 in the second paragraph, the Everett temporary water shutoff was 11/10 & 11/13.

Councilor McGee then moved and Councilor Herman seconded to approve the minutes of the 11/22/93 Council meeting as corrected. Passed unanimously.

CORRECTED: SEE 12/13/93  
MINUTESAUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Graef, 7311 69th Av. NE, addressed Council. He stated his property borders Munson Creek and for the past 32 years he has kept track of the water quality. He said he would like to know about the City's EIS process; the east side has been changed to a great degree causing a great deal of turbidity in Munson Creek and so now nothing with gills lives in Munson Creek at this time, he said. He reiterated that it's not reasonable to expect water life to survive with this type of destabilization of water resources and he said he would like the City to look into this.

Mayor Weiser promised him someone from the City would get in touch with him.

STAFF BUSINESS:

City Administrator Zabell reminded Council of the 1/11/94 joint historical society and Council annual get together, this year at Maxwell's; also, Wednesday CHPS and Golf Study Group meetings.

City Attorney Weed reported the second amended Consent Order on the WWTF will expire at the end of the year and he has the third one and will be reviewing that, to be brought back before Council at the next meeting.

CORRECTED: SEE 12/13/93  
MINUTES 56 Planning Commission

DECEMBER 6, 1993

Page 2

City Planner Hirashima reminded Council that they need to set up another Comp Plan Workshop. Several dates were suggested and the consensus finally was Tuesday, Jan. 4 at 6:00 in the Fire Training Room.

She reported that Paul Rochon, the Code Enforcement Officer, will be sending out letters to businesses regarding illegal signs to start the process of eliminating illegal signs in the City.

Public Works Director Winckler reported that heavy and frequent rainfall recently has forced more delays on the Getchell Hill project; the contractor has had to remove existing material and replace with crushed rock. There were also problems with people removing the barricades at night and driving on the incompletd surface but hopefully the project should be completed by the end of this week, he said. He reported on the progress of the WWTF, stating a Council tour of the facility could probably be scheduled in February. The third item is that parking was removed on the north side of 67th in the Brookwood Heights subdivision, after a neighborhood meeting.

Rex Walker, 7214 67th St. NE, addressed Council, stating he wasn't notified of the neighborhood meeting and explained it's awkward to have no parking next to the park entrance, forcing people to park their cars on the south side of the street and then cross the street on foot to enter the park.

Public Works Director Winckler stated one of the residents (Mrs. Shore) was to have set up the meeting but Mr. Walker said he did not hear from her and is not in agreement with the parking restrictions on 67th.

Councilor Pedersen said she thinks it should be up to the City to do the notification and she said she would like to see that done in the future.

Councilor Baxter said he thinks maybe there should be another neighborhood meeting and Councilor Herman agreed with both Councilors Pedersen and Baxter, adding that with all the calls Mr. Walker has received, another neighborhood meeting should be held.

Councilor Myers agreed.

Mayor Weiser agreed to have staff contact the neighbors to set up another neighborhood meeting.

#### MAYOR'S BUSINESS:

Mayor Weiser reported Merrysville for the Holidays activities Friday night all went well except for a little rain.

#### CALL ON COUNCILMEMBERS:

Councilor McGee asked about the Grove & 67th new 4 way stop.

Ernie Berg, City Engineer, reported there have been some problems with people getting used to the new stop sign. The City has tried several things to do this and he said he thinks it's just a matter of time. The barrel was taken down mainly because of the upcoming windstorm, he explained.

Councilor McGee said he had heard comments that a lot of people missed the sign on the southwest corner.

Mr. Berg stated the City is continuing to look at it; they have put in a larger sign on that leg and there was also flagging.

## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 3

There was discussion about public education regarding changing a 3 way to a 4 way stop. Mr. Berg said he would rather not have any more 3 way stops in the City to contend with, if at all avoidable.

Councilor Herman commented on reimbursement policy for Councilmembers attendance at meetings. He said perhaps this could be revisited and create a policy if there is nothing in effect.

Councilor Baxter said he thinks it's at the determination of the City Administrator and Councilor Herman said yes, it is but the person who administers it should not set the policy and he added that he is confused about some of the places to draw the line and would like to see some definitions and policies in writing to make it clear.

With regard to the turbidity in Munson Creek, Councilor Herman said he would like to see some input/recommendations from Fisheries.

City Planner Hirashima stated there is a study being done by the county of the Quilceda/Allen Creek Watershed; the Tulalips and Dept. of Fisheries are involved in that and she said she could contact them about that. There is a combination of many factors occurring, she noted.

Councilor Herman reiterated he would like to know specifically if Munson Creek is being impacted.

Councilor Leighan reported on the Drug Task Force Committee meetings he has been attending recently and also noted he was at a recent news conference/press release where a local service organization is planning to renovate the IOOF Building at 3rd & Cedar. He said he would like to talk with City Planner Hirashima about this in terms of what percentage can be renovated according to the code.

Councilor Wright extended appreciation for refurbishing of the Christmas street decorations. She asked about a Marysville arts commission listing she saw in some publication. Mayor Weiser said he would follow up on that.

Councilor Baxter reported he went on a Quilceda/WWTF tour of the new lagoon and wetland area. He said he was curious about the trees being planted under water and said he had a concern about waterfowl and other habitat in the area; he asked about priorities.

Councilor Myers gave credit to Jim Ballew for the Merryville for the Holidays events Friday night.

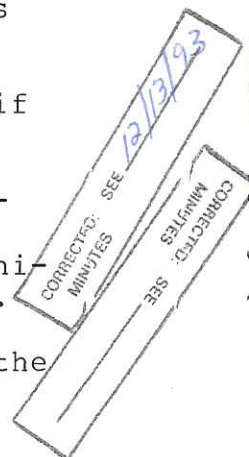
PRESENTATION:

## 1. Library Building Committee Update.

Councilor Pedersen explained discussions that have gone on with regard to the park area, meeting rooms, kitchen facilities.

Myron Lewis and Ross Jamieson of the Lewis Company, Architects, talked about past meetings, developing and discussing various issues regarding site plan studies, building orientation, configuration, interior design, trail system approach.

Mr. Jamieson specifically reviewed the proposal which includes a 100' setback from the stream. He said they were trying to incorporate a trail system around the property with the NW corner of the property being left for future possible use. He explained the drop off zone, staff and support area, parking areas. He noted that angling the main building is good orientation to both the parking lot and Grove St. for the main entrance and he showed the staff and service areas, 6,000 or 7,000 sq. ft. expansion for the



## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 4

building, expansion for the parking lot, conference/meeting rooms/kitchen separate from the main library. Ease of circulation within the building was stressed (open concept), he said, with separate children's programming areas, study rooms, young adults area, informal lounge area, meeting rooms.

As a comparison, he stated the Log Cabin Room is 1800 sq. ft., the total area of the whole new library building is 7500 sq. ft., with the library taking up 3600 sq. ft., leaving 2900 sq. ft. for meeting rooms, kitchen facilities, conference rooms, etc. He explained that the meeting room(s) need not have full kitchen facilities but could just have a "coffee bar" with a sink, possibly.

Councilor Pedersen noted there could be flexibility in the meeting rooms, with one large room having a divider that could be utilized to form two meeting rooms, eg.

Mr. Jamieson also showed how the north corner (patio area) could be incorporated into the building. He noted it would be actually less expensive to make the meeting rooms larger at this point rather than later on, eg. 200 to 300 sq. ft. to be added would only be \$45 per sq. ft. vs. \$100 per sq. ft. for the rest of the building at this point, he said.

Councilor Leighan asked about the children's area and Mayor Weiser said it's possible the Parks Dept. may take over scheduling of meeting rooms.

Parks & Recreation Director Ballew stated at Jennings Park Barn, they rent out to 32 service organizations at this time and because the barn only has a capacity for 50, there is a lot of need for 100 people or so and there are very few places people can rent for that capacity in Marysville, he said. As far as the Parks Dept. managing the meeting rooms, he said they could do it after library hours but he believes the library should do it during the day time. He added he would be in favor of going as large as is possible because he knows the extra meeting rooms can be used. As far as kitchen facilities, he said again, whatever can be afforded to be put in, it will be utilized. He added he knows many service groups would be willing to donate a range or refrigerator, for example, if we have the space.

Mr. Jamieson estimated 1200 sq. ft. of meeting space would accommodate 120 people.

Mayor Weiser asked about the trail and Mr. Jamieson said it would probably be an asphalt trail, it's fairly level and would not require much grading.

Mayor Weiser asked if that was a problem, being within the stream buffer and City Planner Hirashima said the Planning Dept. would want to take a look at that further, assessing handicap needs, etc. Mr. Jamieson said for the most part, the trail is located 100' from the stream. He suggested that a combination of asphalt and crushed rock could be used and he also talked about the bus stop being located on the east side of the property on Grove St.

There was discussion about meeting room size, health permits being required for functions, expanding the meeting room to the patio area, fitting the trail around the corner of the building once the patio area is used for more meeting room space.

Councilor Herman asked about costs of the trail system and Councilor Pedersen said they have no exact figures at this time.

Mr. Jamieson said they are going to be working on the cost estimate soon and there are a number of things they can do. He reviewed the options again regarding the kitchen facilities as well as dividing the meeting room in half.

## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 5

Mr. Lewis explained the difficulty of sharing kitchen facilities between two meeting rooms and Councilor Pedersen brought up the point that the meeting room could be divided in three.

There was more discussion about various combinations of kitchen facilities/coffee bars, 1,2 or 3 meeting rooms, flexibility, scheduling rooms, keeping the rooms clean, looking at costs in terms of kitchen facilities, splitting the meeting room in thirds.

Mr. Jamieson then talked about elevations and getting it compatible with the surrounding residences.

Councilor Pedersen noted that Cindy Lyon's survey items have been incorporated into the proposal.

PUBLIC HEARINGS:

## 1. Proposed 1994 Budget; Continued from 11/22/93.

Mayor Weiser noted there were comments made regarding the public hearing portion of the budget at last meeting, that there was a lack of public input. He noted the public hearing was closed at last meeting but can be reopened. It was noted that at least one member of the audience wished to speak.

Councilor Herman moved and Councilor Pedersen seconded to reopen the public hearing to public testimony and the motion passed unanimously.

Finance Director Wilson noted the county has completed their re-assessment process which has created an adjustment on Marysville property taxes. He handed out some figures showing a net revenue surplus of \$13,000 as a result of all adjustments. He also made references to changes in the Drug Enforcement Fund budget and a Water & Sewer Construction Fund shortage (p. 58) which will be balanced through estimated bond proceeds on the final budget, he said. He added it was expected to pass the budget based on tonight's deliberations and then on 12/13 he will bring back a utility tax resolution.

Robin Hall, 3922 119th Pl. NE, addressed Council. She stated she is part of the Northwest Annexation and read an article in the Globe regarding the elimination of the Animal Control Officer. She said it sounded like this person was being used in a reactive way only but she believes an animal control officer should be going into the schools, enforcing leash laws, eg. She noted her neighborhood in particular and Marysville in general has a lot of animals lose, she is a member of PAWS and feels the City needs to use that person in a more proactive way. She pointed out that Snohomish County is also cutting back so contracting with them would give Marysville even less coverage.

There being no one further from the audience who wished to address Council about the Proposed 1994 Budget, this portion of the public hearing was closed at 8:25 p.m.

Councilor Pedersen stated it is difficult for her to remember when to license her pet and perhaps the City might put a reminder on utility bills and this might increase our revenue. Also, these funds could be used at the petting zoo, eg. and people might be a little more anxious to renew their pet licenses, knowing the money is going toward the petting zoo, she said. She added that this might also help justify a full time Animal Control Officer.

Councilor Leighan said he heard the same discussion a year ago and nothing was done; a year before that the same problem. He said he sees a problem with loose animals and questioned whether it was going to get any better with a full time Animal Control Officer necessarily.

CORRECTED  
MINUTES  
SEE 12/13/93

DECEMBER 6, 1993

Page 6

Councilor Baxter said he thinks maybe his time needs to be re-arranged so he has time to enforce the leash law; also, we should look at the part regarding who is directing the Animal Control Officer, he said. Another thing that's being overlooked is the good that the Animal Control Officer has done over the years, he said and there is also the issue of other police officers having to fill in for the Animal Control Officer after hours. Maybe we should look at using the Animal Control Officer more on an on-call basis vs. using a police officer, he concluded.

Councilor McGee asked for comments from the Police Chief.

Police Chief Dyer said they are not advocating eliminating the Animal Control Officer, they just want it changed to part/half time. He said they do basically rely on citizen calls in addition to proactive patrol--that's the primary job, but they are supporting a half time position and do not recommend putting him on call because of a minimum of 3 hours pay for a call in addition to playing havoc with the Animal Control Officer's personal life, he said.

There was more discussion about half time vs. full time, duties, budget, lack of complaints, having to supplement his duties with other duties, contracting with the City of Arlington, keeping the position for the number of hours that are needed (half time in addition to unlocking cars), using drug enforcement funds. Finance Director Wilson explained criteria for expenditures out of certain funds.

Police Chief Dyer reiterated he does not want the Animal Control Officer's full time pay to come out of the police dept. budget; he wishes it to be a half time position.

Councilor Baxter pointed out that the Animal Control Officer could be used to help patrol trail systems and City Administrator Zabell said a "park ranger" position had been discussed with duties such as patrolling the trail systems, assisting at the petting zoo, safety programs in the schools, but the City is still about \$10,000 short in the budget to pay him full time. He noted there are lots of things he can do but the Council needs to set priorities.

Councilor Leighan said he thought the park ranger duties were up to the bike patrol and Police Chief Dyer said yes, in the summer.

City Administrator Zabell said the budget before Council is for a half time Animal Control Officer however, there are some other duties he can do and it would be up to Council.

Mayor Weiser said there are funds in the budget for a full time Animal Control Officer but we would have to wait and see what the surplus/carryover is going to be at the end of 1993.

There was further discussion about going back to a full time Animal Control Officer for the first 6 months, eg. and half time for the next six months, inclusion of the animal shelter costs.

Councilor Leighan said he has heard a lot of good ideas but he still wonders whether it will be implemented.

City Administrator Zabell noted this would have to be negotiated with the union in order to change the Animal Control Officer's job description or add duties, such as giving presentations at schools, eg.

Police Chief Dyer said he doesn't see our being able to get involved in the schools this year; it would have to wait until next year in their curriculum.

Councilor Leighan said he thinks the Animal Control Officer makes too much per hour for the Parks Dept./petting zoo budget.

## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 7

There was more discussion about the Animal Control Officer's present and future duties, further discussion by staff and then they can bring back a proposal to Council with regard to a public safety program (feasibility), park ranger program, etc.

Councilor Pedersen said she would like to take a look at educational processes, additional Animal Control Officer patrol; she said she is concerned about what happens to this person's seniority, benefits, etc.

City Administrator Zabell said seniority and benefits for the Animal Control Officer himself would be retained but benefits for dependents would be reduced on the half time position.

Councilor Pedersen said she would recommend it be a full time position until the staff analysis is completed in say, 90 days and at that time it would be determined if there are enough additional duties to justify a full time position or not. She suggested staff check with the schools regarding need, interest, etc.

Councilor Baxter asked how many years this person has been with the City and Police Chief Dyer responded that he has been with the City 17-18 years. Councilor Baxter said it sounds like we are putting him out to pasture just before he retires.

City Administrator Zabell said someone such as this would get special consideration for a lay off.

There was more discussion about other employment within the City, eg. what happened when the garbage truck workers were laid off.

Finance Director Wilson said in order to fund the position \$20,000 would be used from Professional Services plus \$12,000 of property tax revenue and that would still result in a balance budget for a full time position for 90 days, at which time it could be revisited.

Councilor Baxter suggested staff write up a program for a full time position to encompass "expanded duties" as discussed tonight.

Councilor Myers asked about the utilities maintenance position and City Administrator Zabell said that is a position that is available inhouse and the Animal Control Officer might consider applying for it.

Councilor Herman asked about money in the budget for Mother Nature's Window and Councilor Leighan said he would like to finish up with the Animal Control Officer issue first.

Councilor Herman moved to set up a \$4,000 Drug Enforcement Buy Fund as recommended by Police Chief Dyer. Councilor Pedersen seconded and the motion passed unanimously.

Councilor Herman then moved to show in the budget changes as suggested by Finance Director Wilson, i.e. \$20,000 Professional Services and \$12,000 Property Tax revenue, to fund a full time position for the Animal Control Office for 90 days until the staff analysis is completed. Also to provide job description changes. Councilor Baxter seconded and the motion passed with Councilor McGee in opposition.

Councilor Herman then moved that \$100,000 be placed in a fund earmarked for Mother Nature's Window possible acquisition, from the Growth Management Fund. Councilor Myers seconded.

There was discussion about the Turk property and surrounding property, a county meeting coming up, these funds would not come out of this budget, avoiding having to make a budget amendment. The motion passed unanimously.



## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 8

Councilor Pedersen moved to accept/adopt the 1994 budget with the 3 changes just adopted. Councilor Wright seconded.

City Administrator Zabell clarified the budget does not include any cost of living increases; staff will come back with these changes. The motion passed unanimously.

REVIEW OF BIDS:

1. **Janitorial Service - City Hall, Marysville Library, Public Safety Building and Public Works Building.**

City Administrator Zabell reviewed the agenda bill and stated 4 bids were opened on 12/2.

Councilor McGee left Council Chambers at 9:22 and returned at 9:23 p.m.

City Administrator Zabell stated P&P Pro-Guard Janitorial came in with the low bid at \$3600. References were checked and P&P were highly recommended, he said. Staff's recommendation is to award P&P the bid for \$3600 plus tax, he said and added he felt the City was saving a considerable amount of money by combining the four buildings in the contract.

Cindy Lyons clarified a question on why the library was quoted to receive janitorial services 6 days a week in some cases and 7 days a week in others: she said the library is only open 6 days a week during the summer, 7 days a week during the winter, so they asked for janitorial services to reflect that.

Councilor Myers moved and Councilor McGee seconded to award the bid to P&P Pro-Guard Janitorial as recommended by staff for \$3600 per month plus tax. Passed unanimously.

CONSENT AGENDA:

1. **Approve Developer Reimbursement for 50% of Waterline Installation for Plat of Windsong III.**

Councilor Pedersen indicated that she would not be voting nor participating in the discussion on this item.

City Administrator Zabell briefly explained the boundary was at 44th previously and it changed to 52nd which changed the benefit area.

Councilor Herman moved and Councilor Leighan seconded to follow through with the City's agreement to reimburse the developer 50% for waterline installation. Passed. (Councilor Pedersen did not vote.)

2. **Approve Conditional Use Permit for Fred Smathers; Marysville Cemetery Assn.; PA 9310034.**
3. **Approve Conditional Use Permit for Calvary Community Church; Daycare; PA 9309030.**
4. **Approve Installation of a Stop Sign at the NW corner of the intersection of 67th Pl. NE & 74th Dr. NE.**

Councilor Herman moved and Councilor Wright seconded to approve Consent Agenda Items 2, 3 & 4. Passed unanimously.

NEW BUSINESS:

1. **Marysville Annexation; 10% Petition; PA 9309028.**

City Planner Hirashima reviewed the agenda bill adding the county has designated the majority of the property included within the annexation medium density residential. She stated an annexation

very similar to this was submitted 5 years ago called the "Marchiney Annexation": it was accepted in terms of the 10% petition but the 60% petition was never completed, she said.

Councilor Herman said he had a concern about the parcels outside of the IUGB owned by AT & T and Jacob Neff.

City Planner Hirashima said the Neffs have indicated interest in annexation.

Councilor Herman mentioned the "right to farm" legislation and City Planner Hirashima stated the City has an ag use zone on the books so a property owner could ask for that designation. She added that in the Interim Comp Plan/MMC there is a small farm designation which allows ag use within City limits. She said property owners typically have the concern regarding keeping farm animals and property owners in the 12,500 and 20,000 zones are allowed to keep their farm animals.

Councilor Herman asked about adding to their livestock and City Planner Hirashima said yes, they can, even if it's considered a non-conforming use. She said there is a range of residential zones within this area currently maintaining animals: suburban zoning which would allow ag use to continue, for example. She noted that 9600 would not allow expansion of the livestock, however and that there are at least 2 subdivisions (Foxtrails and the Jubie Addition) within the annexation area that are residential and probably do not have any ag use.

Councilor Herman said he would like to see people apprised of these codes.

City Planner Hirashima said it would be very advisable to hold neighborhood meetings regarding use of non-protest covenants, for example. She said it would be good to see the residents of an area learn about an annexation through the public education process, for example.

There were comments and discussion about the "right to farm" legislation, annexation neighborhood meetings, informative process, the non-protest covenants being about 60% of the total assessed valuation.

Hank Robinett (one of the proponents) addressed Council and stated it has been their intent to become part of the City for many years. He said they are using City water and sewer and it's logical that they become part of the City.

Mayor Weiser asked him if they would consider changing the name of the annexation from the "Marysville Annexation" and Mr. Robinett said they would not have an objection to that.

George Wilcox, 9212 62nd Av. NE, addressed Council. He stated he feels this annexation represents an illogical, jerrymandered set of boundaries which will be very confusing to fire and police response because of the area being sandwiched between unincorporated areas. He said to square it off the City should include Roncrest, Rolling Greens, etc., following 55th because all that property has non-protest agreements, too. He did point out that when his property gets annexed into the City it will go from 12,500 to 9600 so he would not be able to change or add livestock, change crops, etc. as he can do in the county at this point. But he said he thinks the City should really bring the issue to the table, squaring off the boundaries and bring it before the people and make it a more logical boundary. In the previous annexation City Planner Hirashima referred to, it only went to 100th, he said.

Councilor Myers asked if he would be willing to go out and get an annexation petition signed for the larger area.

Mr. Wilcox said not particularly, but he would like to see a larger annexation than proposed, including Rolling Greens because they need the services.

Councilor Herman said he would like to see the "U" shaped area in the middle of the City annexed, too. He suggested the City put it on the ballot and annex it by the referendum method.

There was discussion about 100th being the boundary, creating an island, the City getting out and selling itself.

Councilor Leighan asked if Mr. Wilcox is in favor of his property being annexed and Mr. Wilcox said yes, if the annexation is extended as he has proposed.

Councilor Herman asked how the City could address the concerns regarding farming uses and Mr. Wilcox said the Planning Commission is going to propose a small farm use but he would still not have the flexibility he did in the county. He said he thinks the City needs to go with larger boundaries on this annexation or else just leave it alone.

Councilor Baxter pointed out that one of the main problems is getting people to go out and get the signatures and Councilor Herman said he agrees that the petition method is not ideally suited to the larger annexation.

Councilor Baxter noted the Northwest Annexation was done by the petition method but there weren't as many people involved, either.

Councilor Myers moved and Councilor McGee seconded to accept the 10% petition including tax parcels 1-033 and 1-034 under the name of "Kellogg Marsh Annexation".

A roll call vote revealed Councilors Pedersen, Leighan and Herman against, so the motion passed 4-3.

#### NEW BUSINESS:

### **2. Establish Exchange Relationship Between Yanging County, People's Republic of China & City of Marysville.**

Mayor Weiser reviewed the agenda bill regarding this "sister city" proposal.

Councilor Pedersen asked about annual meetings as stipulated in the agreement and Mayor Weiser explained the Chinese will be coming to the west coast and so that will mean we don't have to go there.

Councilor Herman suggested that #1 could be rewritten.

Councilor McGee mentioned another city near Beijing is going to be drawing up a similar agreement to be presented to Mayor Weiser.

City Attorney Weed suggested wording such as "to communicate as much as practicable".

After brief discussion, Councilor Herman moved to have the City Attorney reword the language so it does not compel travel and bring it back before Council. Councilor Pedersen seconded and the motion passed, with Councilor Baxter against.

### **3. Utility Variance; Tony Flett.**

Director of Public Works Winckler reviewed the agenda bill, requesting a utility variance under a hardship situation. He said staff recommends approval of the variance under the following conditions:

## MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 6, 1993

Page 11

1. That the applicant meet all other code requirements and
2. That the applicant enter into an agreement concerning future extensions.

City Administrator Zabell explained this would not be precedent setting and he recommended adhering to the health district requirements.

Councilor Herman said he has a concern regarding the second condition and City Administrator Zabell agreed this could be very expensive for the applicant, especially if it's a private extension (a large lump sum, eg.) but it's also a burden to the property owners to the east, he said.

Councilor Baxter asked how this condition might affect financing and City Administrator Zabell said he did not know.

Tony Flett, 4602 80th St. NE, addressed Council stating he realizes the expense of an extension and knows it is just a matter of time before he is going to have to participate in that. For now he said he is just trying to accommodate a 3 bedroom house here and he can't occupy it without the sewer. He said he has checked out the cost and it's pretty expensive to do it himself (\$30,000), with it running about half that on an LID.

Councilor Baxter moved to approve the utility variance with conditions as recommended by staff. Councilor Wright seconded, with the finding that a health hazard exists as per the Snohomish County Health District letter. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance of the City of Marysville Amending MMC 2.50.050 Relating to Reimbursement for Meetings.**

City Attorney Weed stated the current ordinance allows for reimbursement for 6 meetings and Council might want to change that.

There was discussion about an early workshop before the regular Council meeting being a part of the Council meeting or not, proposal of 10 meetings per month for the mayor and 8 for Councilmembers, the argument that maybe it should be the same for the mayor and Councilmembers, discussion about the need for policies.

Councilor Baxter moved and Councilor Wright seconded to approve/adopt Ordinance 1972 for 10 meetings per month for both Mayor and Councilmembers. Passed with Councilors Leighan and Herman opposed.

2. **Resolution of the City of Marysville stating its intention to annex certain unincorporated area known as the Fagan Property, and Transmitting the Matter to the Snohomish County Review Board for Approval.**

Councilor McGee moved and Councilor Pedersen seconded to approve/adopt Resolution 1654. Passed unanimously.

3. **Resolution Authorizing Stop Sign at Grove St. & 67th Av. NE.**

Councilor Pedersen moved and Councilor McGee seconded to approve/adopt Resolution 1655. Passed unanimously.

LEGAL MATTERS:

1. **Recovery Contract - Garry Gooch.**

Councilor Wright moved and Councilor McGee seconded to approve/adopt Recovery Contract #170. Passed unanimously.

**2. Recovery Contract - Harvey Jubie.**

Councilor Pedersen moved and Councilor Myers seconded to approve/adopt Recovery Contract #171. Passed unanimously.

**3. Discussion of DWI Ordinance.**

City Attorney Weed explained this came up concerning whether the City should look into changing the threshold level from .1 to .08 blood alcohol. He said there are several cities in the Puget Sound area that have adopted more restrictive ordinances: Redmond, Lacey, Federal Way and he has copies of some of their ordinances and is reviewing same. He said in discussions with their city attorneys, adoption was after considerable input, public hearings, etc. including having testimony given by a state toxicologist, MADD, the Washington State Patrol, etc. He said the purpose is to get as good a public record as possible in the event the ordinance is challenged; Federal Way's ordinance has been challenged in terms of constitutionality, he said.

He noted the breathalyzer test, calibration, etc. are other issues and he said what needs to be considered is whether this is going to bring in any more revenue, any more prisoners, what impact it will have to our jail. He noted we already have a lot of citations with the .1 blood level of alcohol and with a shortage of judges, often a lower reading with no prior convictions might be let off, for example. He said Council needs to consider what kind of message we are sending to the community and whether we want more convictions in order to overload the court even more. He added that another alternative is to wait and see how the appellate decision in Federal Way turns out.

Councilor Myers said he would like to see what happens with the Federal Way case.

Councilor Herman said he would like some input from the police chief as to whether we have a lot of people brought in who are borderline.

There were comments made about possibly seeing some kind of pattern with borderline cases and Mayor Weiser pointed out that a plea bargain in a borderline case is not entered as a DWI and so the next time around would still be a "first offense". He added that the court system is looking at changing this but that's how it is for the time being.

Councilor Pedersen said she would like to send the message that we don't tolerate drinking and driving but she would be willing to wait until hearing about the Federal Way case.

Councilor Leighan said he sees the solution as increasing the court budget with more judge time.

Councilor Herman said he would like to hear back from the police chief as soon as possible, especially with regard to the plea bargains.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:47 p.m.

1. Legal Matters (No Action)
2. Personnel (No Action)
3. Real Estate (No Action)

RECONVENED & ADJOURNED: 11:32 & 11:33 p.m.

Accepted this 13<sup>th</sup> day of December, 1993.

David Weiser

MAYOR

Mary S. Sverson

CITY CLERK

Wanda A. Sverson

RECORDING SECRETARY