

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING NOVEMBER 14, 1994

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS: 11/7/94 Minutes Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

1. Approval of 10/94 Payroll in the amount of \$528,615.74.
2. Approval of 11/14/94 Claims in the amount of \$783,176.10.
3. Approval of Final Plat of Verde Ridge.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. Animal Code. Continued to 12/5/94
2. 1995 Budget Hearing. Continued to 11/28/94

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

1. Y.M.C.A.; Y-Zone. Continued to 11/28/94
2. Hill 10% Annexation Petition. Approved

ORDINANCES & RESOLUTIONS:

1. Resolution Declaring the City's Intention to Initiate the Formation of LID #64 and to Order the Improvement of a Portion of 67th Av. NE & 88th St. NE & to Create an LID to Assess the Cost & Expense of Carrying Out such improvements..... Res. 1711 Approved P.H. Dec. 5, 1994

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 11:09 p.m.

1. Personnel No Action
2. Litigation No Action
3. Real Estate No Action

RECONVENED & ADJOURNED: 11:33 p.m.

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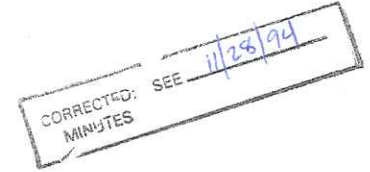
NOVEMBER 14, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Pedersen, Mayor Pro Tem
John Myers
Ken Baxter
Donna Wright
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Steve Wilson, Finance Director
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Grant Weed, City Attorney
Jim Ballew, Parks & Recreation Director
Walt McKinney, Asst. Police Chief
Janet Berg, Asst. Finance Director
Charlene Byde, ADA Coordinator
Bob Dyer, Marysville Police Chief
Lt. Dennis Peterson, Marysville P.D.
Wanda Iverson, Recording Secretary

00203



CALL 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:

Councilmember Herman noted on page 2 of the 11/7/94 minutes, in the 2nd line, "sculptute" should be "sculpture" and the word "concert" should be inserted immediately after "Tim Noah".

There being no further corrections, Councilmember Herman moved and Councilmember Leighan seconded to approve the 11/7/94 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. 10/94 Payroll in the amount of \$528,615.74.
2. 11/14/94 Claims in the amount of \$783,176.10.
3. Approval of Final Plat of Verde Ridge.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously. (Councilmember Baxter abstained from voting on Voucher 21846 and Councilmember Leighan abstained from voting on Voucher 22017.)

STAFF BUSINESS:

City Administrator Zabell gave an update on the new library and noted there will be another Furniture Committee Meeting 11/23/94. He reviewed the status of the fencing around the library. He also noted he also recently attended a commuter rail meeting and several Marysville issues were brought up including the 88th St. Interchange, comprehensive land use, high speed rail, growth trends in Marysville and because of the importance of these issues a public hearing will be scheduled by the Utilities & Transportation Commission in December or January. He noted also that Edmonds is holding meetings regarding similar issues. He reported the Library RFP is being finalized to be sent out for bid and the Marysville Middle School/Parks After School Program is going well.

City Attorney Weed commented on being invited to speak at the MJHS career days and how he was surprised at how many kids want to be attorneys.

City Planner Hirashima spoke about upcoming County Growth Management hearings, one to be held in Arlington 12/13/94 tentatively.

Public Works Director Winckler announced a RUSA meeting at 7:30 a.m. Thursday at the Public Works Building, a WUCC meeting in the PUD meeting room on Fri. 11/18/94 and a Utility/Transportation tentative hearing to be held regarding the opening of 5th St. He stated the City has to request the hearing and present a case to justify the reopening of 5th St.

Councilmember Pedersen asked for input from the MPD and Asst. Chief Walt McKinney stated 5th St. was one of their major accesses and they would like to see it reopened.

The consensus was to have a Utilities & Transportation Commission hearing and there was further discussion about keeping the two issues of high speed and reopening of 5th St. separate, also the Transpo Study regarding impacts, BN transferring of operations to Houston.

MAYOR'S BUSINESS:

Mayor Weiser reported on a recent Transportation Commission meeting he attended where improvements to 67th, 88th and the 136th St. intersection were discussed. He also asked for Council's input with regard to Marysville presenting a 10% annexation petition to Arlington for the "overlap" area between the two cities next Mon. night. He said issues such as sewer lagoon impacts, finalizing of an interlocal agreement between the two cities, water services, the Lakewood Commons area non-protest agreements will be brought up to justify our petition for annexation.

City Attorney Weed commented that the non-protest agreements run with the City of Marysville and were given because of utilities provided by Marysville.

Mayor Weiser noted there should be revenue sharing with Arlington and discussion continued about a 45 acre tank farm proposal to be built near 152nd which should be discussed with the county, all the utility mains that Marysville has installed, PUD's water system plan, utilities being a very important issue, fee structure, fire service in the area, sewer lagoon capacity being affected, environmental issues, truck traffic, growth management issues which need to be considered, protecting what we have built for the City of Marysville citizens.

CALL ON COUNCILMEMBERS:

Councilmember Wright said she had volunteered to be part of the delegation that goes to Washington, DC with Bob Drewel and Liz McLaughlin to support the retention of Everett's Navy Homeport and asked for Council's approval for her out of pocket expenses.

After brief discussion, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve out of pocket expenses for Councilmember Wright, over and above her air fare which she would pay. (The trip will only last 3 days.) Passed unanimously.

Councilmember Bartholomew commented on Senator Gorton's Advisory Committee and their support of the Navy Homeport also.

Councilmember Wright asked about a proposed resolution to promote initiatives and referendums and City Attorney Weed said he would follow up on this.

Councilmember Herman commented on the initiative process and asked if the City Attorney could come up with more information.

Mayor Weiser asked about paid signatures on a petition coinciding or conflicting with the process and Councilmember Pedersen asked about how much time is involved for Council. She noted the Fire Board will be meeting Wednesday night and the Critical Areas Ordinance hearings have been extended to next Monday. She noted the County has Marysville down as not having a Sensitive Areas Ordinance.

Councilmember Baxter noted at the joint WUCC meeting in Monroe at 7:30 p.m. 11/15 they will be discussing the PUD water system design.

Councilmember Myers asked about water saving fixtures and also noted he has information about central recycling stations.

Councilmember Herman asked about the 88th St. Interchange sidewalks and Public Works Director Winckler said he believes they are required and will follow up on that.

Councilmember Herman spoke about RTA presentations and stated the county is to help out various cities within the county. He talked about bus service grant funding, local routes, commuter routes, feeder service.

PUBLIC HEARINGS:

1. Animal Code.

The Mayor asked that people wishing to speak on this issue from the audience limit their remarks to 3 minutes each.

City Planner Hirashima reviewed the revised ordinance, noting the changes included reformatting, consolidating penalties provisions, amending the trespassing section with regard to clean up, fee structure changes, altered and unaltered dogs, barking dog complaint section being revised to where complaints must come from at least 2 different households.

City Attorney Weed commented that this was reformatted into one section of the MMC and he talked about "3 strikes and you're out" concept, civil infraction vs. misdemeanor thresholds and the dangerous dog provision.

Councilmember Pedersen asked about the herding cattle/stray animals wording and Asst. Chief McKinney noted the MPD does have to occasionally round up a stray cow, horse, animals larger than dogs and cats.

There was discussion about combining the two impounding sections, time limit for impounding, discussion about calling a vet for an injured or diseased animal, impound fees for larger and smaller animals, poisoning animals, adoption of RCW re licensing, potential license fraud, contract with Arlington shelter, fee structure should reflect possible change in Arlington's charge to Marysville.

Diane Williams, 1401 7th St., addressed Council. She stated after the last meeting several of her friends were talking about getting together to talk about the ordinance and she was going to put together some ideas but has had surgery and would like to have some more time on this. She said also she would like to form a Citizens Action Committee with regard to dealing with issues such as impounding because of no license, noisy animals, etc. and she said she would like to have more time to put this in writing. She asked about how long it takes to put an ordinance in force and Mayor Weiser explained it's possible to pass the ordinance tonight.

Ms. Williams said she sees this as uneven and unfair with poor structure and enforcement. She said the ordinance should be written so it doesn't leave it up to one person to enforce.

Bruce Rafford, 5208 54th St. NE, addressed Council. As a hearing impaired person, he asked about licensing provisions for working dogs (for the sight and hearing impaired) and City Planner Hirashima stated the license fees for those dogs can be waived.

Don Brevik, 7028 65th Av. NE, addressed Council. He noted this proposal has come a logn ways from the last one but he would like to see it held off until the final draft is in.

There being no one further who wished to speak from the audience, the public testimony portion of the public hearing was closed at 8:30 p.m.

There was considerable discussion about pigs within city limits, noisy dogs and cats, Councilmember Myers disagreeing with requiring 2 separate households to complain about noise, herding of animals, discussion about riding horses and hitching them in town, exotic animals to be included in this ordinance, parades being exempt, state RCWs with regard to exotic animals should be adopted, the reason for 1985 hitching ruling was because of past poor experience, decision to change it to just prohibiting horses in the business or commercial area and to leave "industrial zone" out.

Councilmember Pedersen moved to continue this hearing to 12/5/94 at which time the rewritten version of the ordinance will be presented and to allow further public testimony at that time. Councilmember Myers seconded and after discussion about hobby kennels, appeal process, conditional use permit process, keeping the appeal process the same as other conditional use permits (through the hearing examiner) and administratively up to that point, the motion passed unanimously.

2. 1995 Budget Hearing.

Mayor Weiser read his introduction (in the packets).

Finance Director Wilson gave an overview, using overheads, including timeline of the budget process, capital improvement plans to be requested in the future by August 1st to get an idea for prioritization, etc. He referred to the analysis prepared for the workshops and explained each dept. within the budget has a description, estimated beginning and ending fund balance, general expenditures. He also prepared some comparative analysis for 1994 vs 1995 as well as history of revenues, 1994 vs. 1995 and more detailed view of expenditures. He noted appendices for personnel and road/street projects at the end of the budget booklet.

Councilmember Baxter asked about Federal Crime Bill Money and Police Chief Dyer stated they did not meet the criteria needed such as matching funds, layoffs, etc.

Mayor Weiser opened the hearing to public comment.

Bruce Rafford, 5208 54th St. #5, addressed Council and asked what part of the budget applies under the ADA/Court, while someone is in court. City Administrator Zabell stated that's covered under the Public Safety Building budget.

Mr. Rafford asked about sign language interpretation budget and City Adminsitrator Zabell stated that can be dealt with on an as needed basis.

There was discussion about the hearing impaired system he is using tonight and how effective it is, infrared or open captioning options available, City Administrator to look into costs.

There being no one further wishing to testify at this time from the audience, the public testimony portion was closed at 9:28 p.m. for this public hearing, but it will be opened again at the next public hearing, it was made clear.

city is in full ADA compliance - Planned up-grade for enhancement.

Discussion followed concerning equipment rental, cumulative reserves, capital outlay summary, new equipment to be added on an emergency basis, wanting to be in full compliance with ADA requirements. Bruce Rafford noted there is only one TDD accessible to the public in Marysville--at Fred Meyers. It was also noted GTE & 911 are in the process of purchasing more units and upgrading through 911 funds to be on line in February or March so we will be ADA compliant.

THIS PUBLIC HEARING TO BE CONTINUED TO 11/28/94.

NEW BUSINESS:

1. Y.M.C.A.; Y-Zone.

Troy Hewitt of the Marysville YMCA announced they will be hosting a late night teen program, tentatively from 10 p.m. to 1 a.m. one night a week only (Sat. night) and referred to a letter in the packets. He said the expectations of the officers have changed from what is in the letter, since a recent Y meeting that was held. He noted they have received 3 grants so far, totalling \$20,000 and are looking to the City of Marysville to subsidize officers. He added that Marysville Rotary has expressed an interest in security and other areas of support.

Councilmember Pedersen asked about Mountlake Terrace Neutral Zone officers and Mr. Hewitt stated they are paid by the Neutral Zone; they are "off duty"/freelance officers but there are also some volunteer officers. He added they are also researching use of a metal detector vs using the pat down method and the program is for 13-20 year olds. It is planned for the first Saturday of December as a start date and they can use three vans at their disposal for transporting youth that need rides, he said.

Councilmember Herman asked about plain clothes vs uniformed officers and Mr. Hewitt stated he likes to have officers in uniform at the Y dances and Chief Dyer says that's required also, if they are paid to be on duty.

Chief Dyer confirmed this by saying MPD would have control over what job they are on and therefore the City would be responsible as far as the liability aspect, i.e. if they are in uniform and being paid as a uniformed police officer (they would be paid at the overtime rate of time and a half).

In comparison, Mr. Hewitt stated the Everett Y program only gets about 9-10 youth; they are right in the curfew zone, however. He pointed out that without the youth, there is no need for officers.

Councilmember Leighan noted Mountlake's Neutral Zone attracts kids from all over and asked if Arlington and/or Everett PD could help out Marysville. Mr. Hewitt stated they have no proof that Marysville will attract those youth and so they need to wait and see how it goes. Right now, it's viewed as a Marysville program, he said.

Councilmember Myers asked about volunteers and Mr. Hewitt stated they are getting excellent participation from individual volunteers, thanks to the media; also, other groups are being very supportive, he said.

Councilmember Myers asked about loitering outside the building and Mr. Hewitt said they will have volunteers positioned outside the building all evening and they will have posters/rules posted such as no reentry, no drugs; this is a clean and sober program, he said.

There was discussion about the \$11,500 request coming out of the 1995 Human Services Budget vs Law Enforcement Budget vs some money coming out of the Tribal Gaming Law Enforcement funds, discussion about Fair Labor Standards Act, LEF 1 & LEF 2 coverages, the fact that the Y carries liability insurance, Councilmember Herman stating he would be opposed to this request coming out of the Human Services

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Annual Budget, discussion about hours of the program, cruising ordinance, seeing what kind of support comes from the community, using Human Services funding for a trial period.

Mr. Hewitt explained the evening will include such activities as basketball, volleyball, foosball, a TV room, video games, movies, journals, food, services such as counseling, anger management classes, production of a newsletter for the program, helping kids with job resumes, conducting a 12 step program, intervention/prevention classes, gang culture assessment, arts and crafts, stop smoking classes.

Councilmember Pedersen suggested he ask Seniors Against Crime for support and Mr. Hewitt noted he will be contacting them; he talked about keeping Marysville kids in Marysville and not targeting Everett or Arlington kids--this is mainly a Marysville program, in other words, and will be publicized as such. He said he is also working with the Alternative Learning Center, drug and alcohol counselors in the area and the Tulalip Tribes.

Councilmember Myers asked about the MPD's feelings about the program and Chief Dyer said he thinks the afternoon program through the Parks Dept. is great but he doesn't want to see another Chita's here; he said he will endorse a trial run of the Y program.

Councilmember Baxter noted it might be a little naive to think this program won't draw such a large area and Mr. Hewitt noted Mountlake Terrace has a lot of gang members; Marysville is not marketing this as an at risk youth program, it is to be marketed through the Y directors in Everett and Arlington only, he said. He added there is nothing they can do about people coming from outside Marysville and if they cause problems they will have to deal with that when it happens.

Councilmember Bartholomew noted Marysville does seem to have quietened down and Chief Dyer said his concern is kids tend to be a little more careless when they are not in their home town.

Councilmember Pedersen said her position is that if a kid goes to the effort of coming from Portland and follows all the rules of the program, that's OK but Councilmember Leighan pointed out that sometimes they will follow the rules until 1 a.m. but then, say, the kid has a gun in his car and he doesn't want to go home.

There was more discussion about homeless kids, gang activities in Marysville, marketing the program, kids' networking system, dealing with weapons/arrests, clarifying the rules.

Councilmember Baxter left City Council Chambers at 10:27 p.m.

Lt. Dennis Peterson noted things have quieted down in Marysville and there are still kids from all over but mainly, they are from Marysville.

Councilmember Baxter returned to Council Chambers at 10:29 p.m.

There was discussion about the cruising ordinance and how effective it's been, patrol and staffing issues, need for the school's input, other details need to be finalized, smoking vs non-smoking, secured area outside Y where they can have a smoke break, ground rules need to be finalized, maybe have a meeting with the Y, MPD. The consensus was that this is a good program for the youth, it just needs the "bugs" worked out.

Councilmember Bartholomew moved to continue this to 11/28/94 after a meeting between the Y, MPD, Parks Dept. for them to come back with a definitive program. Councilmember Myers seconded and there was discussion about double standards on the smoking vs non-smoking and drinking/drug issues, how you allow an 18 year old to smoke and not a 13 year old. The motion passed unanimously.

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2. Hill 10% Annexation Petition.

City Planner Hirashima reviewed the agenda bill and City annexation policy/resolution. She talked about interest from surrounding owners to annex.

There was brief discussion about R9600 zoning, Nobach's proposal, boundaries, another petition being circulated.

Scott Shanks, 120 W. 8th, Edmonds, addressed Council, representing the Ross & Hill properties (proponents). He said this was originally considered being rezoned in the county but they have decided they would like to be in the City of Marysville. Also, the county felt the Comp Plan zoning was probably similar in Marysville to what the county would have zoned it and the county planner added they have actually now put all rezones on hold and would probably not be contesting this annexation, he said. He added that the owners have now moved away a little from here and did not want this to be a lengthy session; they are not interested in pursuing a larger annexation, he said. He said they did not know if this would be protested by the Boundary Review Board; there are no sewers in this area and they have talked with the City Public Works Dept. about this, he said. He noted the preferred routing for the sewer would be from the north and south. He stated the Rosses & Hills have an opportunity to sell this to a retail company who would be interested in putting in the sewer extension should the property be annexed and they are currently negotiating with the people to the north to assist and join into this annexation. Also, it seemed to make sense to include them, however they did not want to turn this into a lengthy process, he reiterated and added they have put together what they feel is a reasonable time schedule here for all involved. It was noted parcels 2-066, 2-043 and 2-012 could be included in the annexation.

Mr. Shanks stated they also thought about a rezone and annexation concurrently and are looking for direction from City Council on this.

Councilmember Pedersen asked about the owners' names, difference in assessor's records, etc. and Mr. Shanks clarified this. He asked about doing a rezone and annexation concurrently.

City Planner Hirashima stated the issue is if the rezone is denied because the rezone would actually be done after annexation and not concurrently. Would they still wish to be annexed even if the rezone got denied? Mr. Shanks said yes, they would.

Mr. Shanks mentioned the zoning in the Comp Plan and Councilmember Herman noted the Comp Plan indicated the City's intent for that area, noting the City can't set zoning for property not within its boundaries yet.

City Planner Hirashima explained a "prezone" concurrent with the annexation in which case annexation only goes through with the approved prezone.

Councilmember Bartholomew left Council Chambers at 11:03 p.m.

There was discussion about squaring off boundaries.

Councilmember Wright moved to accept the 10% annexation, establishing boundaries including the three parcels: 2-066, 2-043 and 2-012. Councilmember Myers seconded and the motion passed 6-0.

ORDINANCES & RESOLUTIONS:

- 1. Resolution Declaring the City's Intention to Initiate the Formation of L.I.D. No. 64 and to Order the Improvement of a Portion of 67th Av. NE & 88th St. NE and to Create an L.I.D. to Assess the Cost and Expense of Carrying Out Such Improvements Against the Properties Specially Benefitted thereby and Notify-**

ing All Persons Who Desire to Object to the Improvements to Appear and Present their Objections at a Hearing Before the City Council to be Held on December 5, 1994 and Repealing Resolution No. 1709.

It was noted "Grace St." should be "Grove St." Councilmember Pedersen moved and Councilmember Wright seconded to adopt/approve Resolution 1711. Passed 5-1 with Councilmember Herman against.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:09 p.m.

- | | |
|-----------------|------------|
| 1. Litigation. | No Action. |
| 2. Personnel. | No Action. |
| 3. Real Estate. | No Action. |

RECONVENED & ADJOURNED: 11:33 p.m.

Accepted this 28th day of November, 1994.

David Lewis

MAYOR

Lillie Linn

DEPUTY CITY CLERK

Nanda R. Iverson

RECORDING SECRETARY