

**MINUTES RECAP**

CORRECTED: SEE 12/16/96  
MINUTES

ORIGINAL

MARYSVILLE CITY COUNCIL MEETING

DECEMBER 9, 1996

354

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilmember Pedersen exc

MINUTES OF PREVIOUS MEETINGS:

12/2/96 Council Meeting  
Minutes Approved

AUDIENCE PARTICIPATION:

Centex Homes presentation

CONSENT AGENDA:

Approved:

1. Approval of 11/96 Payroll in the amount of \$574,232.55; paid by check nos. 23619 through 23947.
2. Approval of 12/9/96 Claims in the amount of \$311,649.39; paid by check #31843 thru 31995 w/check #31428, 31687 & 31719 void.

STAFF'S BUSINESS:

1. Discussion of City of Everett Resolution Regarding Everett Water Supply System Policy.
2. Baxter Building Report.

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. 1997 Budget Approved Ord. 2102

NEW BUSINESS:

1. Parking in the 1500 Block 6th St. Cont. to 1/6/97

ORDINANCES & RESOLUTIONS:

1. Ord. 2103 Approved Affirming Hearing Examiner Decision Rezoning property, granting CUP & Variance for Don Richards property & Amending Official Zoning Map.
2. Ord. 2104 Approved Vacating Portion of 51st Ave. NE.
3. Ord. 2105 Approved Affirming Hearing Examiner Decision & Approving Rezone, Prel. Plat, Shoreline Substantial Develop. Permit for Plat of Westview at Sunnyside II & Amending Official Zoning Map.
4. Ord. 2106 Approved Revising Fees Charged by Dept. of Public Works & Consolidating Fee Schedule into Title 14 of MMC; adding new sections MMC 12.28.025, 14.07.005 and 14.15.115 & Amending MMC 3.60.140, 12.02.060, 12.03.100, 12.02.110(4), 12.32.010, 14.03.010, 14.03.500, 14.05.050, 14.05.060, 14.05.080, 14.07.030, 14.07.040, 14.07.050(2), 14.07.060, 14.07.090(6), 14.08.040, 14.15.090 & 14.16.060.
5. Res. 1828 Approved Granting Util. Var. for Myron Gemmer for property located at 1507-172nd St. NE, Arlington.
6. Res. 1829 Approved Granting Util. Var. for Stillaguamish Sr. Center for property located at 18308 Smokey Pt. Blvd., Arl.
7. Res. 1830 Approved Granting Util. Var. for Dennis Westergreen for property located north of 4907-88th St. NE, Marysville.
8. Res. 1831 Approved Granting Util. Var. for Shirley Perry for property located at 5207-142nd Pl. NE, Marysville.
9. Res. 1832 Approved Granting Util. Var. for Alan Butler for property located at 58th Dr. & 137th Pl. NE, Marysville.
10. Res. 1833 Approved Stating City's Intention to Annex Wickham Property into City & Transmitting to the BRB for Approval.
11. Res. 1834 Approved amending Res. 1786 & Approving 6 month Extension of Util. Var. for Bert St. Jean Property located at 2832 169th St. NE, Arlington.

LEGAL MATTERS:

1. Rec. Contract #197 Approved - Roberts/Jubie/Darling
2. Rec. Contract #198 Approved - Roberts/Jubie/Darling
3. Rec. Contract #199 Approved - Roberts/Jubie/Darling
4. Rec. Contract #200 Approved - Novastar Development, Inc.
5. Rec. Contract #201 Approved - Novastar Development, Inc.
6. Res. 1835 Approved setting 2 hr. Parking Restrictions.
7. Ord. 2107 Approved extending project dates for LID 64 & LID 65
8. Ord. 2108 Approved for Interfund Loan to Water/Sewer Oper.Fund

ADJOURNMENT INTO EXECUTIVE SESSION

8:50 p.m.

Pending Litigation, Real Estate & Personnel Matters - No Action

RECONVENED & ADJOURNED:

10:15 p.m.

MARYSVILLE CITY COUNCIL MINUTES

308

DECEMBER 9, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Wright, Mayor Pro Tem  
John Myers  
Ken Baxter  
Donna Pedersen (excused)  
Mike Leighan  
Otto Herman  
Shirley Bartholomew  
Administrative Staff:  
Dave Zabell, City Administrator  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director  
Gloria Hirashima, City Planner  
Acting Police Chief Walt McKinney  
Detective Dennis Peterson  
Jim Ballew, Parks & Recreation Director  
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance, at approximately 7:00 p.m.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilmember Bartholomew noted on page 2 of the 12/2/96 Council Minutes, in the middle of the page, she remembered Ms. Chamberlain saying "some" of the kids were intoxicated, not "most" of the kids.

There being no further corrections, Councilmember Herman moved and Councilmember Leighan seconded to approve the minutes of the 12/2/96 City Council meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Fogerty and Nelson Beatty of Centex Homes gave an overview of a large piece of property (the Carlson property--58 acres) they are purchasing and after discussions with the City Planning Dept., they are hoping this property can be included in Marysville's UGA, as indicated by the county council. With the help of handouts and large site maps, they showed 240 acres north of 152nd, west of 51st and east of 43rd that can be used for low, medium and high density single family affordable housing. The property has petroleum and gas pipelines on it, is on a transportation corridor, has a planned school nearby (on 152nd) and would meet the market needs of the Navy close by. Proposed lots would be similar to the Silver Firs development (attached and detached single family homes) in Everett and Mr. Fogerty said they would like to know if the City is in fact interested in this development coming into the City.

Councilmember Bartholomew stated she was on the County Council when Mr. Fogerty was developing the Silver Firs property in Everett--about 9 or so years ago.

Mayor Weiser asked which school district it is in.

City Planner Hirashima said she believes it is in the Marysville School District and she added that she met with Mr. Fogerty and went over the county and City policies. She said she apprised Mr. Fogerty of the sub area phase in plan and that both Arlington and Marysville will probably agree that this area should come into the Marysville UGA. She said Centex indicated that rather than wait for the sub area completion, they wished to approach this on a direct/individual basis.

CONSENT AGENDA:

1. Approval of 11/96 Payroll in the amount of \$574,232.55; paid by check nos. 23619 through 23947.
2. Approval of 12/9/96 Claims in the amount of \$311,649.39; paid by check #31843 thru 31995 w/check #31428, 31687 & 31719 void.

Councilmember Herman moved and Councilmember Myers seconded to approve Consent Agenda Items 1 & 2. Passed unanimously with Councilmember Leighan abstaining on Voucher #31986 and Councilmember Baxter abstaining on Voucher #31947 & 31887 under Item #2.

STAFF'S BUSINESS:

Finance Director Wilson referenced Ordinances and a Resolution he had passed out earlier. He also asked for authorization for prepayment of claims and payroll at the end of the month as there will be no 4th week meeting in December.

Councilmember Bartholomew moved and Councilmember Wright seconded to authorize prepayment of claims and payroll for the end of December. Passed unanimously.

City Administrator Zabell announced the successful candidate for City Engineer has accepted the position and will be starting 1/2/97. His name is Owen Carter and he has many years of experience on water and sewer projects. He was formerly employed with Snohomish County.

City Administrator Zabell also gave a report on what happened at the recent Lakewood incorporation meeting where over 100 people were in attendance.

City Attorney Weed had 3 items: 1) He noted a legal action has been initiated by TCI against the City of Troy, Michigan challenging franchising fees with regard to the 1986 Telecommunications Franchising Act.

- 2) He reported on a conference for city attorneys he attended 2 weeks ago where he spoke regarding communications between attorneys and cities.
- 3) The City has been meeting with Cedarcrest Vista East concerning water drainage emanating from the golf course and it's now necessary to install a drainage pipe as soon as possible in order to take care of the drainage problem. The developer will be willing to do this as an emergency project; the public bidding process is not required, however it has been the City's policy to take a phone poll of the small works roster, he said.

Public Works Director Winckler stated a 24" pipe was scheduled to be put in by Wilder Const. which was anticipated to be done this fall, however there was an easement dispute which delayed the installation of the pipe. If Wilder did the construction the City would have to pay a mobilization fee plus \$10,800 plus removal of trees as opposed to the current contractor, Gordon Const., willing to do the job for \$13,200, which the City recommends. He added that he believes Wilder would be reluctant to come in at this point to do the job.

There was discussion about any commitment on the part of the City to use Wilder Const. and it was explained that Wilder is cognizant of the situation and there would be agreement between all parties before any work is started. Public Works Director Winckler noted the City received the HPA today and the work has to be done by 12/31, so it's considered an emergency construction project.

There was further explanation of exactly what the scope of work would be and that part of the problem is that the ditch on the west side of 67th can't handle the drainage from the golf course that flows under 67th from the east side.

After further discussion, Councilmember Baxter moved and Councilmember Myers seconded to have the City Attorney draw up the papers for the Mayor to sign to have Gordon Construction do the emergency work at a cost of \$13,230 plus tax. Passed unanimously.

City Planner Hirashima reported the Planning Commission is finishing up with the Zoning Code including a PRD Section and should be ready to hold public hearings in January.

Public Works Director Winckler reported there will be a Citizens Rate Committee meeting Wed. at City Hall at 11:30 a.m., the RUSA Committee will meet Thursday at 7:30 a.m. at the Public Works Building and the December Traffic Advisory Committee meeting has been cancelled. He then outlined a change order for which there needs to be authorization from Council concerning the Public Works Equipment building and wash rack building--adding a roof to the wash rack and combining the two projects, at an additional cost of \$13,386.50 (bid from Ron Loop Construction) including sales tax.

After brief discussion, Councilmember Baxter moved and Councilmember Bartholomew seconded to authorize the change order and agreement to pay Ron Loop Construction \$13,386.50 including tax for the work at the Public Works Equipment Building and Wash Rack. Passed unanimously.

**1. Discussion of City of Everett Resolution Regarding Everett Water Supply System Policy.**

Public Works Director Winckler led the discussion about Everett/Snohomish County's need to get agreement from surrounding cities for financing of the entire water system which would include the core system plus improvements. He stated a draft ordinance is planned to go before county council Dec. 19th which would include information/consensus from cities within the county, eg. financing to be based on growth and need for water (Marysville's payment would be approx. \$2.7 million under the first option, \$9.4 million under the 2nd option and \$7.9 million under the 3rd option towards the total cost of \$90 million).

There was considerable discussion regarding the future need for water because of future growth, size of the pipelines, Joint Operating Agreements, the new system/project to be completed by 2001, wheeling agreements in place, Marysville making a commitment now so that future growth needs for water will be met.

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve Marysville's support of negotiations with and endorsement of Everett's proposed program, but that Marysville reserves the right to look at any final contract before signing it. Passed unanimously.

**2. Baxter Building Report.**

Parks & Recreation Director Ballew reported on meetings with the architect (Bob Wicks of Circa Designs) and his recommendation to proceed with demolition inside the building and then proceed with an estimate to install the heat pump system from the Cedarcrest restaurant building, possibly installing a fireplace utilizing bricks from the Cedarcrest restaurant building, other renovation costs. He noted there is a lot of interest in volunteer labor and they do plan to have an auction of items not needed, although the recommendation is to keep the vault intact. He said he would get copies of plans over to City Council to review.

2) Parks & Recreation Director Ballew reported on the Merryville for the Holidays event, which was moved from Comeford Park to the High School Auditorium.

3) He also reported the county would like to meet with the City regarding the Centennial Trail and utilizing the parking lot near the 152nd railroad crossing. He said the plan is for the trail to go east of 51st and there may be some funding from the county for this.

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4) He said the Streetscape Committee will have a plan to come before Council next month.

MAYOR'S BUSINESS:

Mayor Weiser reported he is working on the recommendation of Council to reassign them to different committees as well as the possibility of a cutoff time for Council meetings.

There was discussion and one idea was that Council may need to meet four nights a month rather than the present three.

Mayor Weiser announced a Marysville Historical Society meeting at 7 p.m. Thu. in the Fire Training Room.

CALL ON COUNCILMEMBERS:

CORRECTED: SEE 12/16/96  
MINUTES s/b "a.m."

Councilmember Baxter said on the time limit for Council meetings, he would like to leave it the way it is now because everyone gets a chance to speak without being cut off. He said he thinks this is very important to the public.

Councilmember Myers said he is glad to see the curb painted near the Library.

Councilmember Bartholomew asked about RFPs on the restaurant and Parks & Recreation Director Ballew said it hasn't been issued yet.

Councilmember Leighan said he was disappointed about Marysville for the Holidays having to be moved and breaking the annual tradition of holding it downtown.

PUBLIC HEARINGS:

**1. 1997 Budget.**

Finance Director Wilson explained this is a continuation from a previous hearing 11/25/96 and as far as water and sewer, this budget approves the expenditures, not the revenues. He brought to the attention of Council the fact that the IRS rate for mileage reimbursement is now 31 cents a mile and the City of Everett also allows this.

Councilmember Leighan asked about the remodel of City Hall and Finance Director Wilson said that will be funded by bond issue, based on expected reserves at the end of the year (\$700,000) towards a total remodel expense of \$3.5 million.

The public testimony portion of the hearing was opened at 8:23 p.m. but no one from the audience wished to address this issue so it was closed.

Councilmember Myers moved to approve Ordinance 2102 for the 1997 Budget as presented, with the exception that mileage is to be reimbursed at the rate of 31 cents per mile. Councilmember Bartholomew seconded and the motion passed unanimously.

NEW BUSINESS:

**1. Parking in the 1500 Block of 6th St.**

Public Works Director Winckler reviewed the agenda bill and there was considerable discussion about the safety hazard with four vehicles parked at a 90 degree angle on 6th at State. Acting Chief McKinney noted the Traffic Safety Committee is recommending elimination of at least 2 of the 4 parking places so that vehicles can turn onto 6th from State safely. Several suggestions were made regarding striping, allowing only compact vehicles, no trucks, trying to accommodate the critical need for parking in that area, bringing back a sketch to present to Council. It was noted this area is also being used for commuter parking.

Bob Ketchum, 24520 27th Av. NE, Arlington, addressed Marysville. He said he is the owner of the Marysville Maytag laundromat in the building at 6th & State and sometimes 4 cars do park there but if the street were painted properly, you could get 3 parking spaces on each side of 6th. He said right now, there isn't enough parking to take care of the businesses there and the laundromat has 54 washers and dryers so it's a major problem. He noted across the street there is a sign "No Parking" but if it's painted there could be some parking. He said he would like Council to take another look at this situation; it needs to be painted. He said he has 5 small businesses and it's hard to make money these days, especially with hurdles like parking to overcome.

Councilmember Herman moved to continue this to 1/6/97 so that staff and the Traffic Safety Committee can take another look at it and present Council with some sketches of what is there currently and what can be done about it. Councilmember Baxter seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance Affirming Hearing Examiner Decision Rezoning property, granting CUP & Variance for Don Richards property & Amending Official Zoning Map.**

Councilmember Bartholomew moved and Councilmember Myers seconded to approve/adopt Ordinance 2103. Passed unanimously.

- 2. Ordinance Vacating Portion of 51st Ave. NE.**

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Ordinance 2104. Passed unanimously.

- 3. Ordinance Affirming Hearing Examiner Decision & Approving Rezone, Preliminary Plat, Shoreline Substantial Development Permit for Plat of Westview at Sunnyside II & Amending Official Zoning Map.**

Councilmember Wright moved and Councilmember Myers seconded to approve/adopt Ordinance 2105. Passed unanimously.

- 4. Ordinance Revising Fees Charged by Dept. of Public Works & Consolidating Fee Schedule into Title 14 of MMC; adding new sections MMC 12.28.025, 14.07.005 and 14.15.115 & Amending MMC 3.60.140, 12.02.060, 12.03.100, 12.02.110(4), 12.32.010, 14.03.010, 14.03.500, 14.05.050, 14.05.060, 14.05.080, 14.07.030, 14.07.040, 14.07.050(2), 14.07.060, 14.07.090(6), 14.08.040, 14.15.090 & 14.16.060.**

Councilmember Myers moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2106. Passed unanimously.

- 5. Resolution Granting Utility Variance for Myron Gemmer for property located at 1507-172nd St. NE, Arlington.**

Councilmember Baxter moved and Councilmember Leighan seconded to approve/adopt Resolution 1828. Passed unanimously.

- 6. Resolution Granting Utility Variance for Stillaguamish Sr. Center for property located at 18308 Smokey Pt. Blvd., Arl.**

Councilmember Wright moved and Councilmember Baxter seconded to approve/adopt Resolution 1829. Passed 5-1 with Councilmember Herman abstaining.

- 7. Resolution Granting Utility Variance for Dennis Westergreen for property located north of 4907-88th St. NE, Marysville.**

Councilmember Baxter moved and Councilmember Myers seconded to approve/adopt Resolution 1830. Passed unanimously.

**8. Resolution Granting Utility Variance for Shirley Perry for property located at 5207-142nd Pl. NE, Marysville.**

Councilmember Leighan moved and Councilmember Wright seconded to approve/adopt Resolution 1831. Passed unanimously.

**9. Resolution Granting Utility Variance for Alan Butler for property located at 58th Dr. & 137th Pl. NE, Marysville.**

Councilmember Myers moved and Councilmember Herman seconded to approve/adopt Resolution 1832. Passed unanimously.

**10. Resolution Stating City's Intention to Annex the Wickham Property into City & Transmitting to the BRB for Approval.**

Councilmember Bartholomew moved and Councilmember Wright seconded to adopt/approve Resolution 1833. Passed unanimously.

**11. Resolution Amending Resolution 1786 & Approving 6 Month Extension of Utility Variance for Bert St. Jean Property located at 2832 169th St. NE, Arlington.**

City Attorney Weed explained this was originally written up for a one year extension, however the MMC only allows 6 month extensions for residences.

Councilmember Myers moved and Councilmember Baxter seconded to approve/adopt Resolution 1834 extending the utility variance to 3/11/97 (6 months) and to have the City Attorney write a letter to the applicants explaining the change and the fact that they can apply for another 6 month extension after this one. Motion passed unanimously.

LEGAL MATTERS:

**1. Contract for Recovery of Utility Construction Costs; Roberts/Jubie/Darling.**

Councilmember Herman moved and Councilmember Wright seconded to approve/adopt Recovery Contract 197. Passed unanimously.

**2. Contract for Recovery of Utility Construction Costs; Roberts/Jubie/Darling.**

Councilmember Wright moved and Councilmember Myers seconded to approve/adopt Recovery Contract 198. Passed unanimously.

**3. Contract for Recovery of Utility Construction Costs; Roberts/Jubie/Darling.**

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Recovery Contract 199. Passed unanimously.

**4. Contract for Recovery of Utility Construction Costs; Novastar Development, Inc.**

Councilmember Leighan moved and Councilmember Herman seconded to approve/adopt Recovery Contract 200. Passed unanimously.

**5. Contract for Recovery of Utility Construction Costs; Novastar Development, Inc.**

Councilmember Myers moved and Councilmember Herman seconded to approve/adopt Recovery Contract 201. Passed unanimously.

**6. Resolution Setting 2 Hour Parking Restrictions.**

Councilmember Bartholomew moved and Councilmember Myers seconded to adopt/approve Resolution 1835. Passed 4-2 with Councilmembers Leighan and Herman against.

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**7. Ordinance Extending Project Dates for LID 64 & LID 65.**

Councilmember Leighan moved and Councilmember Wright seconded to approve/adopt Ordinance 2107. Passed unanimously.

**8. Ordinance Authorizing Interfund Loan to Water/Sewer Operating Fund.**

Councilmember Herman moved and Councilmember Myers seconded to approve/adopt Ordinance 2108. Passed unanimously.

ADJOURNMENT: 8:50 p.m.

EXECUTIVE SESSION: 9:00 p.m.

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

RECONVENED & ADJOURNED: 10:15 p.m.

Accepted this 16<sup>th</sup> day of December, 1996.

David A. Weser  
MAYOR

Mary Swenson  
CITY CLERK

Handa A. Sverson  
RECORDING SECRETARY