

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 10, 1997

00406

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Mayor Weiser excused

MINUTES OF PREVIOUS MEETINGS:2/3/97 Council Meeting
Minutes ApprovedAUDIENCE PARTICIPATION:

None

CORRECTED: SEE 2/24/97
MINUTESCONSENT AGENDA:

Approved:

1. Authorize Mayor to Sign Supplemental Agreement No. 4; State Avenue Improvements; Perteet Engineering.
2. Approval of Jan. 1997 Payroll in the amount of \$609,830.16; paid by check nos. 24295 thru 24621 with check no. 24383 void.
3. Authorize Mayor to sign Contract between City of Marysville & the Housing Authority of Sno. Co. for Provision of Supplemental Police Services.
4. Approval of Change Order and Acceptance of Covered Parking Facility for Public Works as being complete and Begin 45 Day Lien Period.
5. Authorize Mayor to Sign the Memorandum of Understanding between the City of Everett, Snohomish County, Snopac, Snocom, and the City of Marysville for County-wide 800 Megahertz Radio Communication System.
6. Approval of the 2/10/97 Claims in the amount of \$401,415.00; Paid by Check Nos. 32628 thru 32867.

STAFF'S BUSINESS:MAYOR'S BUSINESS:CALL ON COUNCILMEMBERS:PUBLIC HEARINGS:

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| <ol style="list-style-type: none"> 1. Formation of LID No. 66; Construction, Installation & Replacement of Sewer Mains & Appurtenances along 49th Av. NE & 65th St. NE off of 50th Dr. NE | Prel. Assessment Roll Accepted & Initiation of 30 day protest period; Public Works staff directed to commence w/ design of project. |
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CURRENT BUSINESS:

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| <ol style="list-style-type: none"> 1. Exemption from Compulsory Garbage Collection; MMC 7.08.030; cont. from 1/27/97 | Approved w/5 criteria to be met; ordinance to be drawn up. |
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NEW BUSINESS:

None

ORDINANCES & RESOLUTIONS:

1. Ord. 2115 Approved Adding Chap. 19.28 to MMC & Providing for a Small Farms Overlay Zone and Amending MMC Chap. 20.24 by adding a new section relating to divisions of land adjacent to a Small Farms Overlay Zone.
2. Res. 1840 Approved Adopting and Approving Comprehensive Water Plan for Marysville.
3. Res. 1841 Approved Amending Resolution 1796 and Approving a Six-Month Extension of the Utility Variance Granted to Gene Robertson for Property Located at 2722 169th Pl. NE, Arlington
4. Res. 1842 Approved Granting a Utility Variance for Rod Forsberg for Property Located at 5506 108th St. NE, Msvl.

LEGAL MATTERS:

None

ADJOURNMENT:

8:55 p.m.

EXECUTIVE SESSION:

9:05 to 10:07 p.m.

1. Pending Litigation

No Action

RECONVENED & ADJOURNED:

10:07 p.m.

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 10, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (excused)
Donna Wright, Mayor Pro Tem (7:11 p.m.)

Councilmembers:

John Myers
Ken Baxter
Donna Pedersen

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

Lt. Dennis Peterson, Msvl. Police Dept.

Doug Buell, Community Information Officer

Wanda Iverson, Recording Secretary

CALL TO ORDER:

In the absence of the Mayor and Mayor Pro Tem, Councilmember Herman moved and Councilmember Baxter seconded to appoint Past Mayor Pro Tem Pedersen to chair the meeting. Motion carried.

At approximately 7:05 p.m., Past Mayor Pro Tem Pedersen opened the meeting and asked that Councilmember Bartholomew lead us in the flag salute.

City Attorney Weed reviewed the procedure for electing a chair when both the Mayor and Mayor Pro Tem are absent and asked that the record show that the procedure had been followed correctly.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above. It was explained that the Mayor was absent because of his mother being in very poor health condition and Councilmember/Mayor Pro Tem Wright may be arriving shortly, on her way back from Texas.

MINUTES OF PREVIOUS MEETINGS:

Councilmember Bartholomew asked that on page 2 of the 2/3/97 Council Minutes, in the 4th paragraph from the bottom, that the final words of that paragraph be inserted: "experiencing septic problems besides Marysville."

In the first paragraph under Call on Councilmembers (page 2), Councilmember Leighan asked that "speed bumps" be changed to "traffic calming"; in the next paragraph, he asked about "grant money to buy the Poortinga Farm" and not the "City buying the Poortinga Farm."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Leighan seconded to approve the minutes of the 2/3/97 City Council meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None

CONSENT AGENDA:

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5. **Authorize Mayor to Sign the Memorandum of Understanding between the City of Everett, Snohomish County, Snopac, Snocom, and the City of Marysville for County-wide 800 Megahertz Radio Communication System.**
6. **Approval of the 2/10/97 Claims in the amount of \$401,415.00; Paid by Check Nos. 32628 thru 32867.**

There was brief discussion about the camera system purchased for garbage collection rigs.

Mayor Pro Tem Wright arrived at 7:11 p.m.

Lt. Peterson spoke briefly about the contract with Snohomish County Housing Authority for police services, noting it has reduced graffiti, etc. He also spoke about the 800 Megahertz radio frequency reservations that need to be made so that if approved, a frequency will already have been assigned to Marysville out of the only 17 frequencies that were allotted to Snohomish County.

Councilmember Herman moved and Councilmember Myers seconded to approve Item #5 of the Consent Agenda. Passed unanimously.

Councilmember Pedersen moved and Councilmember Leighan seconded to approve Consent Agenda Items 1, 2, 3, 4, 6. Passed with Councilmember Baxter against. Also, Councilmember Leighan abstained on Voucher #32857 and Councilmember Baxter abstained on Voucher #32796 under Item #6 of the Consent Agenda.

STAFF'S BUSINESS:

City Attorney Weed suggested a presentation to the Council regarding the Regulatory Reform Act legislation recently passed, permitting process and open record hearings and appeals. It was the consensus to have him give a presentation at the next Council meeting.

Councilmember Pedersen noted, however, that she may not be here and Councilmember Herman said he may not be at the meeting, either. Councilmember Myers requested that the presentation be made under Legal Matters.

City Planner Hirashima reported a list of applications to the Planning & Bldg. Dept. will be included in the Council's weekly briefing. She noted that there now are applications going through which are final decisions made by the Hearing Examiner and she asked if the Council would like a list of these also on a regular basis.

Councilmember Bartholomew said she would like to see the list and hoped it would include building permits. City Planner Hirashima said yes, it would. She also reported the Planning Commission has completed the final changes to the Zoning Code and a public hearing will be scheduled for March. She said she will provide the Council with a preliminary copy of the ordinance. Also, on the Comp Plan Amendments, the process is beginning under the GMA and applications will be accepted for a 30 day period at the Planning Dept., she reported.

Public Works Director Winckler reported there will be a RUSA meeting at 7:30 a.m. Thu. 2/13 at the Public Works Building and the 88th St. Interchange ribbon cutting ceremony is scheduled for 3/3/97 at 9:30 a.m. The new interchange finally opened last Wednesday, 2/5/97 at about 12:45 p.m. He reported it seems to be working well.

City Administrator Zabell added there are 13 traffic counts going on simultaneously throughout the City to see what the impacts will be of the 88th St. Interchange.

Community Information Officer Doug Buell reported on the new technology that's become available through Marysville Community TV Advisory Committee meetings. He spoke about an opportunity for Marysville to broadcast state legislative events on Channel 2 through TCI's fiberoptics in 4 hour blocks. He said it would be very similar to the format used for national C-Span broadcasts. The broadcasts could be made up to 24 hours a day; it would be called "TVW" who carry their own broadcast liability insurance. He said he would be checking further into costs but would be interested in the Council's input.

CORRECTED: SEE 2/24/97
MINUTES TVW

Councilmember Bartholomew (a member of the TV Advisory Committee) noted that TCI could also broadcast local issues such as a debate on dropping the ferry route from Anacortes to B.C. She noted Washington is the only appellate court that has broadcasts and she definitely believes this is something people would be interested in seeing in order to keep informed.

Councilmember Pedersen (also on the TV Advisory Committee) noted they also show unedited committee meetings and can also provide free audio software. This would be a service that would be provided at no cost to Marysville, she said.

Community Information Officer Buell said it sounded like a link could be made between Seattle and Everett TCI to get this type of broadcast in Marysville.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen said she had an opportunity to attend the Library Board meeting this afternoon and they appreciate the yellow lines that have been painted indicating parking restrictions by the library. Also, they will be naming the sculpture recently completed outside and have received 50 entries with the winner still to be announced. Friends of the Library are looking for new members, she reported and also, it was announced that the library's stained glass picture will be featured in a 1998 calendar. She asked if Marysville's Comprehensive Plan received approval.

City Planner Hirashima responded that the Puget Sound Regional Council said they were recommending Marysville for approval, that we would be approved this weekend.

Councilmember Pedersen noted she got another call from the senior looking for a discount for water and sewer rates and Councilmember Pedersen asked for a consensus from Council as to whether this should be discussed further at a Council meeting.

Councilmember Bartholomew said she is interested in doing it for low income seniors and discussed ensued regarding present discounts, possibly reviewing in July, persistence of this one person, Council retreat coming up.

CORRECTED: SEE 2/24/97
MINUTES SB "discussion"

Councilmember Baxter said he likes the new wash rack at Public Works and would like to see the City vehicles washed more often, now that they have the facilities to do so. He gave an update on the golf course and said it is hoped it will be open 8/1/97. He gave an update on "old city hall" also and said there is a meeting with the architect on Wednesday.

Councilmember Myers mentioned the upcoming curfew meeting tomorrow night at Cedarcrest School. He said the committee has received very positive input so far from the surveys distributed.

Councilmember Bartholomew asked that City Attorney Weed include in his presentation the relevance of the Fairness Doctrine. She asked about neighborhood parking permits.

Public Works Director Winckler said there's a meeting scheduled with the Downtown Merchants group 2/18 and it is hoped to have a draft document by then.

Councilmember Baxter asked about printed warning notices regarding parking restrictions that can be put on windshields and Lt. Peterson said he would follow up on this. He talked about the pink notice that is used to warn people their vehicle is going to be towed away if they don't remove the vehicle off the street within a certain time.

Councilmember Bartholomew asked about a civilian/merchant putting notices on windshields and City Attorney Weed said it's OK as long as the merchant doesn't mention any kind of fine or penalty.

Councilmember Herman reiterated that he will not be at the 2/24 Council meeting. He said he had a discussion with CT planning staff and Marysville is scheduled for community based service which is intended to respond to the unique needs of the community, possibly as soon as this year. They are doing more information gathering at this point, he said.

He commented on the new 88th St. Interchange and said he would like to see a letter sent to the residents in the immediate area thanking them for their patience. He asked about factors that could help make multi-jurisdictional projects flow smoother in the future such as early equipment acquisition in order to expedite future projects.

Councilmember Leighan asked about stop signs at 75th & 78th and Public Works Director Winckler said they would be installed soon.

Councilmember Wright/Mayor Pro Tem Wright reported she gave testimony at a Navy scoping meeting to keep the USS Lincoln here. She noted it presents a hardship on the families as well as the community to have to keep moving around.

PUBLIC HEARING:

1. Formation of L.I.D. No. 66; Construction, Installation and Replacement of Sewer Mains and Appurtenances Along 49th Av. NE and 65th St. NE off of 50th Dr. NE.

City Attorney Weed swore in those wishing to give testimony.

Public Works Director Winckler reviewed the agenda bill, preliminary assessment roll and engineer's estimate of the project. He noted staff recommends that if there is adequate support, to accept the preliminary assessment roll, initiate the 30-day protest period and authorize design of the project. He noted that the project design could be done inhouse.

City Administrator Zabell explained it can be a 10 or 20 year bond repayment and is to be included with another project on the bond.

City Attorney Weed noted the agenda bill as well as exhibits 1 through 5 are to be made part of the record.

Public Works Director Winckler added that 6 out of 7 property owners are in favor; the 7th is in California.

Nobody wished to give testimony from the audience, so the public testimony portion of the public hearing was closed at 8:12 p.m.

Councilmember Myers moved and Councilmember Leighan seconded to approve formation of LID 66, accept the preliminary assessment roll, initiate the 30-day protest period and direct Public Works staff to commence with design of the project for LID 66. Ordinance to be available at 2/24/97 Council meeting and written protests can be submitted with 30 days after 2/24/97. The motion passed unanimously.

CURRENT BUSINESS:

**1. Exemption from Compulsory Garbage Collection; MMC 7.08.030;
continued from 1/27/97.**

CORRECTED: SEE 2/24/97
MINUTES 5/13 "for"

Public Works Director Winckler reviewed the agenda bill including 4 criteria for compulsory garbage collection exemption. He said this would affect four or five property owners within the City limits; staff recommends approval, he said and he added that he spoke with the county regarding future mandatory garbage collection in the county and they indicated it would not start for several more years.

Councilmember Baxter said as long as a person doesn't get service from another provider, he would be in favor of the exemption and City Administrator Zabell explained this would be part of the annual review, to make sure they aren't using another provider.

After brief discussion, Councilmember Myers moved and Councilmember Herman seconded to modify the MMC as recommended by staff, changing the 4 criteria to 5 criteria as follows (all 5 to be met):

- 1) Property of two or more acres,
- 2) The residence is a minimum distance of 300 feet along the access path from a public right of way,
- 3) Resident does not utilize other City utility services, specifically water and sewer,
- 4) Property not being served by a private hauler,
- 5) Single family residences only.

The motion passed unanimously.

Councilmember Herman asked about the City forgiving Lambert's debt and City Attorney Weed said the only way that can be done is to make the ordinance retroactive to 5 years following the annexation of the property.

Councilmember Bartholomew said she is adamantly against retroactive legislation.

There was discussion about the illegality of returning City funds.

Linda Lambert, 8124 83rd Av. NE, addressed Council and stated she has never received any service and if she pays for it, she would like someone to get the service.

City Attorney Weed noted that cities have the right to collect the fee whether the garbage is picked up or not, as per our ordinance.

Ms. Lambert said she understands there are tags and she would like to receive tags for what she pays for, to give to someone else. She said she knows the City is within their rights to collect for the service but morally, she said she doesn't think she should have to pay for something she has not used.

Councilmember Baxter pointed out that legally, the City just can't do what she's asking.

Councilmember Pedersen said she would like to see the lien proceedings stopped/withheld and clarified that Ms. Lambert would have to initiate the request for exemption.

City Attorney Weed noted the ordinance is to come back 2/24, published on the 27th and would become effective five days following that, i.e., 3/2/97.

There was discussion about billing for the month of February, emergency ordinance provisions, Ms. Lambert owes \$100 total now.

00112

ORDINANCES & RESOLUTIONS:

- 1. An Ordinance of the City of Marysville Adding a New Chapter, Chap. 19.28, to the MMC and Providing for a Small Farms Overlay Zone, and Amending MMC Chapter 20.24 by Adding a New Section Relating to Divisions of Land Adjacent to a Small Farms Overlay Zone.**

Councilmember Pedersen moved and Councilmember Herman seconded to approve/adopt Ordinance 2115. Passed unanimously.

Councilmember Baxter then initiated discussion regarding Section 19.28.070 regarding hours of farm machinery operation. City Planner Hirashima noted the Planning Commission discussed this and it was their consensus to abide by normal noise ordinance daytime hours.

Councilmember Baxter then moved and Councilmember Herman seconded to have the City Attorney bring back an amendment with regard to Section 19.28.070 (b)/new ordinance allowing operation of farm machinery during normal farm operation hours.

After brief discussion, this motion passed unanimously.

Councilmember Herman then moved to reconsider the previous two motions and to consolidate them into one action. Councilmember Bartholomew seconded and the motion passed unanimously.

Councilmember Herman moved and Councilmember Baxter seconded to approve/adopt Ordinance 2115 with language changing hours of farm machinery operation to normal farming operation hours (intent being to allow up to 24 hours a day, if necessary). Passed unanimously.

- 2. Resolution Adopting and Approving a Comprehensive Water Plan.**

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve Resolution 1840. Passed unanimously.

- 3. Resolution Amending Resolution 1796 and Approving a Six-Month Extension of the Utility Variance Granted to Gene Robertson for Property Located at 2722 169th Pl. NE, Arlington, WA.**

Councilmember Bartholomew moved and Councilmember Herman seconded to approve/adopt Resolution 1841. Passed unanimously.

- 4. Resolution Granting Utility Variance for Rod Forsberg for Property Located at 5506-108th St. NE, Marysville, WA.**

Councilmember Pedersen moved and Councilmember Myers seconded to approve/adopt Resolution 1842. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 8:55 p.m.

- Pending Litigation (No Action)

RECONVENED & ADJOURNED: 10:07 p.m.

Accepted this 24th day of February, 1997.

David W. Wain
MAYOR

Mary E. Swenson
CITY CLERK

Shanda A. Swenson
RECORDING SECRETARY