

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

MARCH 10, 1997

CALL TO ORDER:

7:00 p.m.

00418

ROLL CALL:

Mayor Weiser excused & Councilmembers Pedersen, Myers & Wright

MINUTES OF PREVIOUS MEETINGS:

3/3/97 Council Meeting Minutes Approved

AUDIENCE PARTICIPATION:

Jack Cole

CORRECTED: SEE 3/24/97 MINUTES

CONSENT AGENDA:

Approved:

1. Approval of 3/10/97 Claims in the amount of \$489,701.51; paid by check nos. 33090 through 33359.
2. Approval of Feb. 1997 Payroll in the amount of \$597,073.66; paid by check nos. 24622 thru 24954 with check nos. 24582, 24583, 24589, 24601, 24611 and 24618 void.
3. Authorize Mayor to Sign Final Plat Mylar for Westview at Sunnyside; PA 9504024.
4. Approval of Beach Avenue Reconstruction Supplement No. 1; Entranco Engineers.

STAFF'S BUSINESS:

1. Discussion Regarding Closed Record Postponed Appeals - Grant Weed

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

None design of project.

CURRENT BUSINESS:

1. Residential Parking Permit Policy; Cont. from Jan. 27, 1997 Continued to 3/24/97

NEW BUSINESS:

1. Elimination of Curb Cut; North-east Corner 4th & State Ave.; Shop 'n Save Continued
2. Financial Report to Council for Year Ended Dec. 31, 1996 & Budget Amendment Ordinance Ord. 2119 Approved

ORDINANCES & RESOLUTIONS:

1. Ord. 2120 Approved ordering construction, installation and replacement of sewer lines and appurtenances along 49th Ave. NE & 65th St. NE all in accordance with Resolution 1837 of the City Council; Establishing Local Improvement Dist. 66 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made by special assessments upon the property in the District, payable by the mode of "Payment by Bonds"; and providing for the issuance and sale of local improvement district warrants redeemable in cash or short term financing and local improvement district bonds.

LEGAL MATTERS:

1. Review of Interlocal Agreement re Mobile Data Project/Computer Data Terminals in Police Vehicles, etc. To be brought back 3/24/97

ADJOURNMENT:

8:53 p.m.

EXECUTIVE SESSION:

1. Litigation No Action

RECONVENED & ADJOURNED:

9:37 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MARCH 10, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (excused)
Donna Wright, Mayor Pro Tem (excused)
Councilmembers:
John Myers (excused)
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
Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

At approximately 7:05 p.m., Mayor Pro Tem Baxter opened the meeting with 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 and Councilmembers Wright, Myers and Pedersen were all excused.

MINUTES OF PREVIOUS MEETINGS:

Councilmember Herman asked that on page 4 of the 3/3/97 Council Minutes, in the 2nd paragraph, at the end of the line, "IMVET" be changed to "MVET".

There being no further corrections, Councilmember Bartholomew moved for adoption of the minutes as corrected. Councilmember Leighan seconded the motion and it carried 4-0.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Jack Cole, 13900 48th Dr. SE, Snohomish, addressed Council. He said he represented Terra Firma Development, the builder of Emerald Hills Mobile Homes near the Naval Support Center facility and comes before Council with regard to the issue that was brought up before about the City charging for utilities for a mobile home pad even though it is not occupied. He explained he has been unable to attend recent Council meetings, especially the one when this was last discussed but the City charged \$2800 for the last utility bill and only 24 pads are occupied now. He explained this is a tremendous burden on the seniors in this park; eventually they plan to have 198 pads but are being charged for water and sewer that is not being used yet. He pointed out that the infrastructure was paid for by the developer and there is no charge to the City but that represented a big expense to the developer and it is felt the ordinance is not serving the best interests of the community.

Mr. Cole pointed out that these are new pads and once they are initially occupied, then it is felt the City should start charging but they should not be charged for until that time. He said the owner is really losing money on this and he would like the owner to come in and speak to the Council, too.

Mayor Pro Tem Baxter noted the monitoring is a problem and a cost and the City tried to pick a way to do the billing that would be fair.

Mr. Cole said he would like to see a minimum of three years versus two years before the City starts charging for 100% of the occupancy. He pointed out that this is a senior park and the expenses will have to go back to the seniors.

Mayor Pro Tem Baxter said he would like to have the whole Council present before making the decision to take it back to the RUSA Committee.

Councilmember Herman suggested Mr. Cole write a letter in order for the Council to revisit this issue, giving all the details, because it was they thought very thoroughly discussed previously.

Mr. Cole explained the owner put in a master meter at a cost of \$20,000 he believed, rather than go with individual meters.

City Administrator Zabell explained that rather than limit one area to each meter and have several meters, the owner paid for 15 pads on a master meter and he only has revenue coming in on one or 2 pads.

Mr. Cole explained the interest in occupying mobile home parks is low right now and so you put people where they want to be and it might end up one person on a master meter; he said he is not sure if they could have gone with individual meters or not but they chose to go with the master meter system and at the rate they are going, it's going to be sometime before the mobile home park is close to full.

Public Works Director Winckler commented that the City might have to consider that in the future but it was considered to be in this mobile home park's best interests at the time.

City Administrator Zabell stated Mr. Cole has sent a letter and it can be reviewed at the RUSA meeting this week.

Mr. Cole noted the owner of the mobile home park has to go to Africa on personal business very soon.

CONSENT AGENDA:

1. Approval of 3/10/97 Claims in the amount of \$489,701.51; paid by check nos. 33090 through 33359.
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3. Authorize Mayor to Sign Final Plat Mylar for Westview at Sunnyside; PA 9504024.
4. Approval of Beach Avenue Reconstruction Supplement No. 1; Entranco Engineers.

Councilmember Leighan noted he will not be voting on Voucher #33349 under Item #1.

Councilmember Leighan then moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 through 4. Passed 4-0.

STAFF'S BUSINESS:

Finance Director Wilson stated he has now distributed copies of each department's 1997 budget as a working budget, in an effort to improve the process, in response to Councilmember Herman's request.

City Administrator Zabell commented on legislative bills and

issues mentioned in the AWC Legislative Bulletin. He specifically mentioned the Police Officers' "Bill of Rights", HB 1343, HB 1873 and HB 2121.

City Attorney Weed said he would postpone his presentation regarding closed record appeals until the Mayor and all Councilmembers are present.

City Planner Hirashima announced the Planning Department's hiring of Craig Kilroy, Geographic Systems Network Analyst. She explained how the Planning Dept. will utilize the GIS system information and how they can interface with the county's data now. She encouraged the public to stop by and said information is available to all departments as well as the public as a resource for specific mapping information, data base, for mailings within 300', zoning information, etc. She noted the geographic/mapping information is linked with the data base and is used as an analytical tool for tracking annexations, street address maps, location of fire hydrants for maintenance schedules in the fire dept., water and sewer main sizes, etc.

Public Works Director Winckler announced there will be a Snohomish County Solid Waste Collection Advisory Committee meeting at 6:30 p.m. 3/12/97 in the County Third Floor Conference Room. Also, there will be a RUSA Committee Meeting Thursday morning in the Marysville Public Works Building.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew asked about the traffic count report(s) regarding impacts since the 88th St. Interchange opening.

Public Works Director Winckler said they will probably have initial figures next week and then they will be doing more traffic counts in a month or so for comparison. For the first two months on the traffic signal operation at State & 88th, he explained, the county will be maintaining this and all questions and concerns are being referred to the county.

Councilmember Bartholomew noted there is a visible increase in traffic at 88th vs 4th St. and City Administrator Zabell said traffic counts were actually done prior to the 88th St. Interchange opening, also, so they would have comparison figures.

Councilmember Bartholomew said she will be attending the Snohomish County Solid Waste Advisory Committee meeting 3/12/97.

Councilmember Leighan said he received a complaint about the signal--early in the morning you can only get about 3 cars through on State and Public Works Director Winckler said they have referred that complaint to the county.

Councilmember Herman asked about the property to the east on 88th and said he would like an update on improvement of the rest of 88th, to the west and to the east as far as right of way acquisition, what the county is doing, etc. Also, how much has been established as you go up to Highway 9.

Public Works Director Winckler said from 67th up the hill, Hammond-Collier-Wade is working on a proposal to be brought before Council. There is a considerable amount of interest to extend 88th up to Highway 9 and the City has spoken to the county with regard to right of way acquisition, neighborhood impacts, etc., he said.

Councilmember Herman noted he understands that the Marysville

Comp Plan calls for right of way acquisition on the south side of 88th and the county has already acquired one piece on both sides of 88th so he is looking forward to the update presentation and clarification in the near future.

Mayor Pro Tem/Councilmember Baxter reported he and Councilmember Leighan attended the Annual Firemen's Awards Banquet last Friday night which was quite impressive with over 100 firemen present. He reported on progress at the golf course.

CURRENT BUSINESS:

1. Residential Parking Permit Policy; continued from 1/27/97.

Public Works Director Winckler reviewed the agenda bill and said basically people who live in a 2 hour restricted zone would be issued a residential sticker for their vehicles.

City Attorney Weed said in reviewing the draft ordinance there are some changes he would like to see made but did not get a chance to review this with the Public Works Dept. as yet.

There was considerable discussion about how the ordinance would be enforced, how it is working in Everett and Snohomish, commuters being the main concern in Marysville, problems around the junior high with baseball season.

Darlene Scott, 1514 3rd St. (Carr's Hardware), addressed Council. She said they need 2 hour parking on Columbia and 2nd but she has a personal renter there, too and the renter has been ticketed and harassed because of street parking. She said she is glad the City is addressing this issue; the Downtown Merchants' survey said they don't really have a problem, but they do, she said.

Phyllis McKenzie, 1528 172nd, Lakewood, addressed Council. She said she personally measured the alley behind 5th & Columbia and it is 17' of paved surface with a total of 22.5' of alley right of way; her renter has been ticketed and harassed for parking in the street for more than 24 hours. With the ball games, etc., she said she thinks the City should use some of the alley for parking; her renter is going to give her some of the tickets to pay because it was felt parking was legal in the 22.5' wide alley.

There was discussion about utility poles in the right of way in the alley, mixed use ordinance offering some solution requiring onsite parking, most of the alleys in the City are 20' of ROW, how the issuance of the permits will work, some changes in the draft ordinance language with respect to designation of zones and criteria, possibly setting up the program one block at a time.

Councilmember Bartholomew moved and Councilmember Herman seconded to continue this to 3/24/97 after reviewing the Snohomish ordinance and having the City Attorney Weed suggest alternate wording.

The motion passed 4-0.

NEW BUSINESS:

1. Elimination of Curb Cut; Northeast Corner 4th & State Avenue; Shop 'n Save.

Public Works Director Winckler reviewed the agenda bill and said the curb cut has actually been creating a traffic problem when people try to turn into the parking lot. He said the police dept. recommends eliminating the curb cut; the State/DOT has no jurisdiction.

City Administrator Zabell added that the Traffic Safety Committee

recommends the alley be changed from one way to a 2-way alley to provide additional access to the parking lot for Shop 'n Save and the espresso stand.

Public Works Director Winckler read a letter into the record from Property Development Association (PDA), noting their tenants do not approve of the curb cut elimination as they feel it will cause people to pass by and will translate into loss of sales and lower property values. They suggested moving the curb cut further to the north. This letter was received by fax today and signed by Andrew R. Jones. He said a copy of the letter will be put into the Council's next packet.

Erika Vanderlip, 4705 Glenhaven Dr., Everett, WA 98203, addressed Council as an employee of the Espresso Connection. She said she opposes the elimination of the curb cut as it's very difficult to get into the lot and she has never seen an accident at that stop. Eliminating the curb cut won't lessen accidents, but they feel it may less their business coming into the parking lot, she said.

Christian Karr, 4705 Glenhaven Dr., Everett, WA 98203, addressed Council representing the Espresso Connection as well as Shop 'n Save. He stated they are opposed to elimination of the curb cut first of all because they don't believe it is the cause of accidents. He said he has seen a couple of accidents but they had nothing to do with the curb cut; there is a lot of traffic at that corner and already a median is being put down 4th which is causing it to be more difficult to get into the lot. This is putting the burden on the businesses, he contended, in addition to taxes, employee management and other business expenses. He pointed out that it's hard enough to do business and this is going to make it very difficult. Also, most people at that intersection are going very slowly and the only way an accident could happen is driver error. The driver needs to be disciplined, he said, because people go too fast on State and the driver should be ticketed and penalized, not the business.

Also, with 88th St. being opened, he suggested that traffic will be alleviated enough so that the City need not eliminate the curb cut after all. He said he knows of several similar accesses all over the state and people should know how to use them and how to do it safely. He said if and when that area gets developed, the curb cut could be eliminated at that time but in the meantime, he said they feel it should be grandfathered in.

Councilmember Herman asked about the process/authority of the City to remove a curb cut and City Attorney Weed pointed out there are alternate accesses available and where you can show a documented traffic flow or safety problem, for example, cities can take this action but do need to take into consideration impact on businesses.

There was discussion about specific documentation to be presented, quantifiable information from the police dept., traffic movement and counts, whether this will be affected by 88th, State Avenue work coming up.

Councilmember Herman moved and Councilmember Leighan seconded to continue this issue to allow staff time to bring back accident history, other information as per discussion. Passed 4-0.

2. Financial Report to Council for Year Ended December 31, 1996 and Budget Amendment.

Finance Director Wilson reviewed the agenda bill, noting the bold faced funds are major funds of the City which include personnel fund requirement and these funds need to be closely monitored and kept within revenue projections. Figures were included from prior years for comparison purposes and he reviewed each of the highlighted funds specifically. He spoke of some of the major expenditures such as the golf course construction and new software and the need for the Budget Amendment for 1996.

00104

There was discussion about the fact that no bids were received for a restaurant at the golf course. A snack bar will probably be put in initially with the reopening of the golf course and hopefully there will be some restaurant proposals once the golf course is completed.

Finance Director Wilson reviewed the Budget Amendment (pages 9 and 10) and Ordinance, as well as explanation of additional expenses (pages 11 and 12).

Councilmember Leighan questioned the \$3800 voice mail expense for Councilmembers and City Administrator Zabell said he could check on those services through GTE with an eye to possibly cancelling and saving \$3800, if these services are in fact not being utilized by the Councilmembers.

Councilmember Herman moved and Councilmember Leighan seconded to adopt/approve Ordinance 2119 for the Budget Amendment as presented. Passed 4-0.

ORDINANCES & RESOLUTIONS:

- 1. An Ordinance Ordering the Construction, Installation and Replacement of Sewer Lines and Appurtenances along 49th Ave. NE & 65th St. NE. All in Accordance with Resolution No. 1837 of the City Council; Establishing Local Improvement District No. 66 and Ordering the Carrying Out of the Proposed Improvement; Providing that Payment for the Improvement be Made by Special Assessments upon the Property in the District, Payable by the Mode of "Payment by Bonds"; and Providing for the Issuance and Sale of Local Improvement District Warrants Redeemable in Cash or Other Short Term Financing and Local Improvement District Bonds.**

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2120. Passed 4-0.

LEGAL MATTERS:

City Attorney Weed noted the Interlocal Agreement concerning the mobile data project between Snopac, Snocom, PUD and other cities that was signed by Mayor Weiser in January regarding establishing funding for computer data terminals in police vehicles has had changes made to it by other agencies and the Mayor recently received a revised agreement. He said it is his recommendation that the agreement come back to Council, although the changes were mainly clarification items.

Councilmember Herman moved and Councilmember Bartholomew seconded to put this on the next Council Agenda 3/24/97. Passed 4-0.

ADJOURNMENT: 8:53 p.m.

EXECUTIVE SESSION: 9:00 to 9:37 p.m.

- Litigation (No Action)

RECONVENED & ADJOURNED: 9:37 p.m.

Accepted this 24th day of March, 1997.

David Weiser
MAYOR

Mary Swenson
CITY CLERK

Standa A. Swenson
RECORDING SECRETARY