

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

APRIL 7, 1997

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:3/24/97 Council Meeting
& Workshop Mins. ApprovedAUDIENCE PARTICIPATION:

Norton Scott

CONSENT AGENDA:

Approved:

1. Affirm Hearing Examiner's Recommendation to Approve Rezone with Conditions; Vickie Chapter; PA 9611045.
2. Approve Recommendations for Updating City's Qualified Consultants List.
3. Authorize Mayor to Sign Architect's Agreement for Ken Baxter Building Remodel; Circa Design, Subject to City Attorney's Review and Approval.

STAFF'S BUSINESS:MAYOR'S BUSINESS:

1. Swearing in of Police Officers: Larry Buell & James Maples.

CALL ON COUNCILMEMBERS:PETITIONS & COMMUNICATIONS:

1. Washington State Dept. of Transportation.

PUBLIC HEARINGS:

None

REVIEW BIDS:

1. Cedarcrest Golf Course/Munson Creek Fish Ladder Approved

CURRENT BUSINESS:

None

NEW BUSINESS:

1. Zoning Code Revisions; PA 97040. Public Hrg. 5/5/97

ORDINANCES & RESOLUTIONS:

1. Ord. 2122 Approved relating to regulations promoting youth safety and adding a new chapter to MMC Title 6 (Penal Code).
2. Ord. 2123 Approved relating to contracting indebtedness, and amending Sec. 4 of Ord. 2081 to extend term of its limited tax general obligation bond anticipation note, 1996 (Line of Credit) dated 7/15/96 and issued for the purpose of paying the cost of improvements to Cedarcrest Golf Course pending the issuance of bonds and ratifying and confirming Ord. 2081 in all other respects not inconsistent with the terms and purposes of this ordinance.

LEGAL MATTERS:

None

ADJOURNMENT:

8:10 p.m.

EXECUTIVE SESSION:

8:20 to 9:13 p.m.

1. Legal Matters

No Action

RECONVENED & ADJOURNED:

9:13 p.m.

MARYSVILLE CITY COUNCIL MINUTES

APRIL 7, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
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, Marysville Police Dept.
Walt McKinney, Acting Police Chief
Owen Carter, City Engineer
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at approximately 7:00 p.m. and led us in the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Bartholomew moved and Councilmember Herman seconded to approve the Workshop Minutes of 3/24/97 as written. Passed unanimously.

Councilmember Wright noted in the minutes of the 3/24/97 Council Meeting, on page 4 in the first paragraph, 2nd line, it should be Snohomish County Association of Cities & Towns and that she would be distributing copies of their draft bylaws. She also noted the "Washington State House of Representatives" passed a bill..... in that same paragraph.

On page 3, Councilmember Bartholomew noted in the 4th paragraph down, it should be the Snohomish County Planning Commission not "Council" and in the following paragraph, it should be "assisted Diking District 3." On page 1 in the third paragraph from the bottom, she noted "99" should be "Highway 99" and "Bidell Kruse" should be "Bedell Kruse."

On page 8, Councilmember Leighan noted in the second paragraph, Councilmember Myers moved and Councilmember Bartholomew "seconded" the motion. Then, in the 4th paragraph from the bottom of page 8, it should read, "Councilmember Leighan moved (no second) to have staff come back..."

There being no further corrections, Councilmember Bartholomew moved for adoption of the minutes as corrected. Councilmember Leighan seconded the motion and it passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Norton Scott, Vice President of CB Real Estate Group in Seattle, addressed Council. He stated they represent the owner of the former Hewlett Packard building on Marine View Drive; the property is owned by Hewlett Packard, however they have an offer from the Tulalip Tribes to convert one of the buildings to a casino and the owner wrote a letter to City Council stating his position on acquisition of this building by the Tribes and apparently there are some problems connected with it. One problem is an annexation covenant executed with a previous owner, it was never acknowledged by the City until a year later but the building has been used

CORRECTED: SEE 4/14/97
MINUTES s/b years

00158

since then; the covenant is with regard to the water and sewer to this property. The Tulalip Tribes have some problems with whether or not the annexation covenant affects them with regard to the water and sewer, he said. He added Mr. John Blocker of Hewlett Packard has written a letter to Council and all they want is to have Council react speedily with regard to what happens between the City and the Tulalip Tribes. He said he is not threatening anyone but they want this matter consulted and resolved as soon as possible between the City and the Tulalip Tribes; the deal was supposed to close on the 15th--it involves millions of dollars and they would ask that this be resolved so the Tulalip Tribes can use the property as it is zoned. He added that Earl Person is here tonight representing the Tulalip Tribes, also.

Councilmember Leighan questioned how a real estate deal this large had been put together so quickly and Mr. Scott responded that this property has actually been on the market for several months and they have had many offers but the best offer is from the Tulalip Tribes. The owner has accepted it but there are water and sewer/annexation covenants which were signed in 1962 by Triway Manufacturing, recorded in 1963 and they are not sure it's a legal covenant and they wish this matter resolved quickly.

CORRECTED: SEE MARCH 1997 MINUTES

who they had been working with for five or six months.

CONSENT AGENDA:

1. Affirm Hearing Examiner's Recommendation to Approve Rezone with Conditions; Vickie Chapter; PA 9611045.
2. Approve Recommendations for Updating City's Qualified Consultants List.
3. Authorize Mayor to Sign Architect's Agreement for Ken Baxter Building Remodel; Circa Design, Subject to City Attorney's Review and Approval.

After brief discussion, including the fact that City Attorney Weed stated under Item #3 slight revisions need to be done to the AIA agreement, Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 through 3. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Zabell referred to a letter in the packets from Dennis Ingham, Assistant Secretary of TransAid, Division of Washington State Dept. of Transportation. He noted the City of Marysville has now received certification acceptance status and we are only one of four other cities in the county to receive this status which means we no longer have to use the county, so it is estimated it will save the City \$300,000 over the next few years with regard to the administration of WSDOT funds for design and construction of the water pipeline between Everett and Marysville.

He said Ken Winckler and Owen Carter deserve special recognition for their efforts in achieving the Certification Acceptance Status.

City Planner Hirashima alerted Council that the Snohomish County Planning Commission has moved the UGB issue on to county council and they are moving quickly on it now.

MAYOR'S BUSINESS:

Mayor Weiser announced that he attended Interwest Bank's pregrand opening last Thursday and the bank donated \$1000 to the Jennings's Park Petting Zoo.

Mayor Weiser then swore in Police Officers Larry Buell and James Maples, with several members of the media present.

It was noted that Marysville now has 28 police officers on staff.

00119

CALL ON COUNCILMEMBERS:

Councilmember Leighan said he would like to see Council have a workshop on the 800 MHz issue. He also noted he recently watched a program called "Saving American Cities" on TV and he has a copy if anyone is interested. He mentioned helping out with the Kid ID program Saturday and asked about the fire hydrant at Grove & Cedar that needed repair/replacement some months ago. Public Works Director Winckler said he would follow up on this.

Sidewalk around...

Councilmember Wright asked if there had been any complaints from residents regarding the parking and restriping at 5th & State. She said she has heard businesses feel they have lost parking there.

Councilmember Pedersen spoke about the Snohomish County Health Board, goals were discussed last Saturday. She thanked the City Council for their support and noted this is Public Health Week. She commented on a meeting to establish a Law & Justice/Police Committee.

Councilmember Baxter noted work is progressing well on the golf course and their goal is to have it reopened August 1st. He attended a Snohomish County Fire District presentation last week and received a "wish list" book which he has passed along to City Administrator Zabell.

Councilmember Herman reported Community Transit is proceeding now with putting certain measures on the September ballot and he spoke about proposals to benefit areas of unincorporated county, about PTBA annexation and Tulalip Tribes service issues. He noted that overall, CT ridership is up 20% and the new stop at the new Library is being used by at least 15 people.

Councilmember Baxter asked about the parking permit program and Public Works Director Winckler said the ordinance is being drafted, the City has found out who prints the stickers and Mary Swenson is following this up.

Councilmember Baxter noted the parking downtown does seem to be less of a problem right now and there was discussion about a number of places around the mall, for example, that could have two hour restrictions taken off and the need to observe the situation, with the possibility of taking action in the near future.

REVIEW BIDS:

1. Cedarcrest Golf Course/Munson Creek Fish Ladder.

Public Works Director Winckler reviewed the agenda bill and said it is the recommendation that C. A. Carey Corp. be awarded the bid in the amount of \$1,111,000 plus sales tax and that the Mayor be authorized to sign the contract. He explained the Department of Fisheries changes to the design caused the cost to increase significantly from what was originally estimated. This will come out of surface water funds, he said.

Councilmember Baxter moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the contract as recommended. After brief discussion, the motion passed unanimously.

NEW BUSINESS:

1. Zoning Code Revisions; PA 97040.

Because of the media in attendance for the first item under Ordinances and Resolutions, it was the consensus to move the Zoning Code Revisions item to follow Ordinances & Resolutions.

CORRECTED: SEE 4/14/97

ORDINANCES & RESOLUTIONS:

- 1. Ordinance of the City of Marysville relating to regulations promoting youth safety and adding a new chapter to MMC Title 6 (Penal Code).**

Councilmember Pedersen declared that she has been out of town for the last month and so not present for hearings and discussion on this matter.

City Attorney Weed explained this is a legislative matter, not a quasi judicial matter and so her absence would not disqualify Councilmember Pedersen, however she has the option of not participating.

Councilmember Bartholomew noted under Section 10, third paragraph, line 3, elected officials should be included in the hold harmless wording.

Councilmember Wright pointed out that in Section 7 the word "every" has been misspelled.

Councilmember Myers summarized that there were seven members on the committee which represented a good cross section; even the kids feel a curfew is necessary. There was testimony from the police, kids, community, businesses and it is felt this would cut back on violence and graffiti as well as being a back up curfew for the parents' curfew, also to promote youth safety. He noted that most of the youth won't be affected as they will be abiding by their parents' curfew.

Councilmember Myers then moved and Councilmember Baxter seconded to adopt/approve Ordinance 2122, effective 6/1/97, with the changes as discussed: Correction of the spelling of "every" in Section 7, adding "agents and elected officials" in Section 10, paragraph 3. It was also noted this ordinance is to be reviewed every 6 months and there is a sunset clause after three years of the effective date. The motion passed 6-0 with Councilmember Pedersen abstaining from voting.

- 2. Ordinance of the City of Marysville relating to contracting indebtedness, and amending Sec. 4 of Ord. 2081 to extend the term of its limited tax general obligation bond anticipation note, 1996 (Line of Credit) dated 7/15/96 and issued for the purpose of paying the cost of improvements to Cedarcrest Golf Course pending the issuance of bonds and ratifying and confirming Ord. 2081 in all other respects not inconsistent with the terms and purposes of this ordinance.**

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve/adopt Ordinance 2123. Passed unanimously.

NEW BUSINESS:

- 1. Zoning Code Revisions; PA 97040.**

City Planner Hirashima noted the Planning Commission has worked on this for the past year, had numerous public workshops and one public hearing. She said staff has prepared a summary of the revisions; Title 18 and 19 will be completely replaced; there are no major changes to the subdivision code, however. She noted Council has three choices: To approve, call for a public hearing the first week of May or hold a workshop to review changes and then schedule a public hearing.

MARYSVILLE CITY COUNCIL MINUTES
APRIL 7, 1997
Page 5

Councilmember Pedersen asked for clarification and City Planner Hirashima explained this is in concert with the Comp Plan that was just passed; zoning code revisions are not bound to an annual amendment process like the Comp Plan, however. The reason the zoning code has come up a year after the Comp Plan is because it took that long for the Planning Commission to review it, she said.

Councilmember Pedersen asked about anyone waiting for this to be passed; she said she would like the Council to hold a public hearing.

City Planner Hirashima explained there is one request pending which includes a Comp Plan text amendment as well and a public hearing will not delay the process any more than would be normal.

Councilmember Wright moved and Councilmember Baxter seconded to hold a public hearing May 5, 1997.

City Attorney Weed explained again that this is a legislative matter; a site specific hearing would be quasi judicial.

Motion passed unanimously.

Councilmember Herman asked about the deadline for changes to the Comp Plan and City Planner Hirashima stated the annual review deadline has passed however there are a number of staff concerns that will be brought before Council/Planning Commission regarding minimum densities, for example.

ADJOURNMENT: 8:10 p.m.

EXECUTIVE SESSION: 8:20 to 9:13 p.m.

1. Legal Matters. (No Action)

RECONVENED & ADJOURNED: 9:13 p.m.

Accepted this 14th day of April, 1997.

David Weiser
MAYOR

Mary Swenson
CITY CLERK

Wanda A. Swenson
RECORDING SECRETARY