

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

APRIL 28, 1997

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

City Council Meeting
Minutes 4/14/97 Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Approval of 4/28/97 Claims in the Amount of \$341,516.98; paid by check nos. 33580 through 34016 with Check Nos. 32245, 32916, 33187, 33193, and 33787 void.
2. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Kuhnle's Tavern, LaHacienda #4, Maxi's Restaurant, and Pinatas Mexican Restaurant.
3. Approval of Sights & Bites Special Events Permit subject to conditions.
4. Approval of Calvary Community Church Tent Church Meeting Special Events Permit with conditions.
5. Affirm Hearing Examiner's Decision to Approve Request for Rezone, subject to conditions for Scott Ray; PA 9511056.
6. Approval of Utility Variance Extension for Water and Sewer; Gene Robertson; UV 96-011.
7. Authorize Mayor to Sign Final Plat Mylar for Tuscany Division 2; PA 9609039.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

(10) Strawberry Festival
Pageant Candidates

CURRENT BUSINESS:

1. Braschler Annexation; 60% Petition; Public Hearing to be held PA 9702002. 6/9/97

NEW BUSINESS:

1. Human Services Grant Funding Approved as recommended by Committee
2. Professional Services Agreement; Trunk D Extension; Hammond, Collier, Wade-Livingstone Associates, Inc. Approved
3. Utility Variance for Water Only; Sun Sik Choy; UV 97-003. Approved
4. Overhead Street Luminaires; SR 528 (47th Ave. NE to 67th Ave. NE) Approved - Underground wiring by PUD
5. Mobile Home Park Utility Billing 12 month extension granted on newer mobile home parks

ORDINANCES & RESOLUTIONS:

1. Ord. 2125 Approved Affirming Hearing Examiner Decision to Rezone property owned by David Thorp and Amending the Official Zoning Map previously Adopted in Ord. 772.
2. Ord. 2126 Approved Affirming Hearing Examiner Decision to Rezone property owned by Harvey Jubie, and Amending the official zoning map previously adopted in Ord. 772.
3. Ord. 2127 Approved Affirming Hearing Examiner Decision to Rezone property owned by Vicki Chapter and Amending Official Zoning Map previous adopted in Ord. 772.

ADJOURNMENT:

9:11 p.m.

EXECUTIVE SESSION:

9:20 to 10:10 p.m.

1. Litigation
2. Real Estate

Action - See Minutes
No Action

RECONVENED:

10:10 to 10:15 p.m.

EXECUTIVE SESSION:

10:15 to 10:40

3. Personnel

No Action

RECONVENED & ADJOURNED:

10:40 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00170

APRIL 28, 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
Eric Thompson, Sr. City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Mary Swenson, City Clerk
Wanda Iverson, Recording Secretary

CORRECTED: SEE 5/5/97
MINUTES

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the City Council meeting to order and led the flag salute at approx. 7:00 p.m.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

Councilmember Pedersen noted in the minutes of the 4/14/97 Council meeting, on page 2 under her report on the Library under Call on Council, it should be Joan Clyde and not Joan Flagg. On page 4 in the last paragraph before New Business, she asked that it be clarified that the Special Meeting of the Council was called for 4/18/97 at the Retreat at 4:00 p.m. and the Baxter Building Committee was to meet Tuesday, 4/15/97 at 1:00 in Jim Ballew's office.

There being no further corrections, Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the minutes of the 4/14/97 meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of 4/28/97 Claims in the Amount of \$341,516.98; paid by check nos. 33580 through 34016 with Check Nos. 32245, 32916, 33187, 33193, and 33787 void.
2. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Kuhnle's Tavern, LaHacienda #4, Maxi's Restaurant, and Pinatas Mexican Restaurant.
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7. Authorize Mayor to Sign Final Plat Mylar for Tuscany Division 2; PA 9609039.

After brief discussion, Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 through 7. Passed with Councilmember Leighan abstaining on Voucher #34011 and Councilmember Baxter abstaining on Voucher Nos. 33867 and 33945 under Item #1.

STAFF'S BUSINESS:

Public Works Director Winckler announced a special RUSA meeting has been called for Thursday at 7:30 a.m. regarding the City of Arlington agreement. It was noted however, by several Councilmembers, that this conflicts with the TV Advisory Committee Meeting and so Public Works Director Winckler said he would pick another date and contact all those involved.

MAYOR'S BUSINESS:

Mayor Weiser said he met with Arlington's mayor Wednesday night and the possibility of a joint meeting was mentioned again with a tour of the airport facilities. Arlington will be contacting us, he said.

CALL ON COUNCILMEMBERS:

Councilmember Baxter thanked Public Works for the update and schedule of meetings.

Councilmember Myers echoed appreciation for the schedule and asked if this could be distributed monthly. Also, he noted on the Special Event Application for March for Jesus, it was supposed to be a one time event last year and now they wish to have it again with a blockage of State Avenue.

Councilmember Pedersen noted that now the City has a permit process and City Clerk Swenson noted State Avenue is not actually blocked off; the side streets are closed off from having access onto State and northbound traffic will continue uninterrupted on State. She pointed out they had no problems with this event last year, it went very smoothly and hopefully, it will again this year.

Councilmember Bartholomew asked about the First & State traffic signal timeline and Public Works Director Winckler said it will probably take about 2 months for the bid process, 2 months for the design and 2 months for construction and be completed this fall.

Councilmember Bartholomew asked about status on the Bedell Kruse subdivision water problem. Public Works Director Winckler reported they will be doing HUD surveys in the subdivision to see how many would qualify for the HUD grant and at that time they will decide whether they wish to follow through with the petition. He noted the consultant will be available as of tomorrow; the survey is going to be done on a case by case basis. He added there is a low income and a moderate income category for percentage of assistance. Following that, the City will be working with the Heather Glen subdivision, he said, using the same methodology.

Councilmember Bartholomew mentioned a Spirit of 2000 Flyer, noting this would be a good project for the historical society/pioneer association. She complimented the Mayor and staff on a well planned and successful retreat.

Councilmember Herman said he echoed the positive comments about the retreat. He noted there are still major delays at the light at State & 88th since the interchange opened and he would like some follow up on that.

Public Works Director Winckler said he would follow this up with the county as they are maintaining the signal and managing the thoroughfare as the lead agency on that recently completed project.

Councilmember Leighan brought up the topic of the Fire District 12 and Fire District 20 operational consolidation, noting it's actually a 3-way agreement and asked if the Council would like to meet with the fire commissioners. It was the consensus that the notebooks of information are fine for now and Council should be kept informed of progress.

Councilmember Leighan mentioned the Work Release Siting Committee has made their recommendations for three options for sites in Everett and it's up to the Dept. of Corrections now to respond.

Councilmember Wright reported she attended a Tobacco Prevention Conference recently and the high school also has an Alert Group who is developing a video and may be asking the Mayor to proclaim Marysville a smoke free community. She noted it's now illegal to sell youth tobacco but there are people trying to make it illegal for young people to possess tobacco also.

Councilmember Myers said he is in favor of supporting this legislation. He said he forgot one concern earlier: The fact that the Marysville signal technician lives in Oak Harbor and it's a 1-1/2 hour wait to get a signal malfunction attended to. He said he would like to see something done about that because that's too long of a delay.

PRESENTATION:

1. Strawberry Festival Pageant Candidates.

Ten candidates gave a synopsis of their personal plans and why they are running for this year's royalty:

Brie Ditman, Sara Erickson, Brooke Frazier, Courtney Horne, Melissa Johnson, Kate King, Brianne Lein, Stacy Maddox, Julie Seltz and Holly Winters.

CURRENT BUSINESS:

1. Braschler Annexation; 60% Petition; PA 9702002.

Councilmembers Pedersen and Wright stepped down at 7:50 p.m.

Senior Planner Thompson reviewed the agenda bill and noted staff recommends a public hearing date be set for 6/9/97. He also noted all of 36th is proposed to be included in the annexation.

There was discussion about abutting 88th right of way to be included in the annexation, the Ridgley property is to be used mainly as a detention pond area, this property was purchased by the county and there were questions about signatures on the petition.

Councilmember Baxter moved and Councilmember Herman seconded to set the public hearing for 6/9/97, with questions about the signatures on the petition to be answered by then and with the annexation, if approved, to be subject to the City's bonded indebtedness, RS 9600 zoning and City comprehensive plan designation. The motion passed 5-0.

Councilmembers Pedersen and Wright returned at 8:02 p.m.

NEW BUSINESS:

3. Utility Variance for Water Only; Sun Sik Choi; UV 97-003.

Public Works Director Winckler reviewed the agenda bill, noting there are three variances here:

- applicant wishes water hookup fee to be based on 12' x 12' area of barn only;
- variance on frontage improvements being completed immediately on 55th
- approval of water connection even though they are not within RUSA.

Ron Webber, 9523 55th Ave. NE, representing the applicant, addressed Council. He explained the present water they have is not potable and they want it for the kitchen in the barn. He also explained there is a water line on 55th and they already paid for

most of the total frontage on 55th.

City Administrator Zabell explained the normal hookup charge is 83 cents per square foot for water outside City limits and so it would be close to \$3000 based on the square footage of the whole barn, versus \$130 if the fee is based only on the 12' x 12' portion the applicant is requesting.

After further discussion, Mr. Webber noted Mr. Choi uses the old well for irrigation. He added that the water line that is already in has a fire hydrant already in, also.

Councilmember Baxter stated the RUSA Committee recommended that the applicant should not be exempted from the \$3000 water hookup fee for the barn.

Councilmember Herman moved and Councilmember Bartholomew seconded to grant a RUSA variance for one 5/8" x 3/4" water line without sewer for service to the applicant's barn, subject to the other two variances. Passed unanimously.

Councilmember Herman then moved that a deferral of frontage improvements on 55th be granted depending on other development, subject to the applicant entering into an agreement not to protest formation of a future LID or ULID or agreement of recovery and/or easement agreement as per MMC. Councilmember Bartholomew seconded and the motion passed unanimously.

Councilmember Baxter moved and Councilmember Myers seconded that a variance from the general provisions of the code for a fee based upon the entire square footage of the structure vs. a 12' x 12' portion be denied. Passed unanimously.

5. Mobile Home Park Utility Billing.

City Administrator Zabell reviewed the agenda bill and explained the recommendation for extension of an additional year on those who have been in existence less than 2 years.

Jack Cole, 13900 48th Dr. SE, Snohomish, addressed Council. He said because of the time frame in filling a senior park, it could be five years before it's full; the one he manages was started 7 to 8 years ago, the sewer moratorium came along, meters were added, homes were distributed over the 38 acres. The owner chose master meters and did not know that he would be charged for pads whether there was a home on them or not, he said. He added they can understand the City's need to bill in a consistent way but they need at least three years before the ordinance is enforced and he thinks the City should just be charging for the water being used, going through the meter, but definitely to have a minimum of 3 years before all pads are billed.

Nordeen Sangy (sp??), 3580 Marine Drive, West Vancouver, B.C., addressed Council. He stated he is the owner of the mobile home park Mr. Cole manages and Mr. Sangy did not understand the methodology used. After making several payments (he has now paid \$28,000 for sewer and water for 65 pads and they only have 24 pads occupied), he made several requests about this unfairness and would like it changed, he said.

There was discussion and then Councilmember Herman moved and Councilmember Bartholomew seconded to amend the ordinance to grant an additional 12 months effective the date of the ordinance amendment, for mobile home accounts less than 3 years old with billing on accounts less than two years old. Definition of "age of park" would be when the meter was first turned on/used/activated. Passed unanimously.

CORRECTED: SEE 5/5/97 MINUTES

CORRECTED: SEE 5/5/97 MINUTES

1. Human Services Grant Funding.

Councilmembers Myers and Herman stepped down at 8:50 p.m.

City Clerk Swenson reviewed the agenda bill, noting they received 8 applications and are recommending the following requests be granted:

Marysville Food Bank (for utilities expenses) - \$3,500
Marysville YMCA Child Care/Latch Key Program - \$4,000
Marysville YMCA - Y-Zone Teen Program - \$3,000
Friends of Special Children Summer Camp - \$500

She talked about the Stillaguamish Senior Center Elderscreen program and the possibility of coordinated efforts with the Baxter Building/Marysville Seniors. She said the Human Services Committee has held out funds for possible future funding in this area; the Stillaguamish Senior Center has a new Executive Director and he would be glad to make a presentation to Council.

There was brief discussion about teen curfews and teen programs in Marysville and other areas.

Councilmember Wright moved and Councilmember Baxter seconded to grant the requests as recommended by the Human Services Committee and to have the Stillaguamish Senior Center Executive Director make a presentation to Council. The motion passed 5-0.

Councilmembers Myers and Herman return to Council Chambers at 9:02 p.m.

2. Professional Services Agreement; Trunk D Extension; Hammond, Collier, Wade-Livingstone Associates, Inc.

Public Works Director Winckler reviewed the agenda bill.

Councilmember Baxter left Council Chambers at 9:03 and returned at 9:05 p.m.

Discussion centered around budget for professional services, agreement has been reviewed by City Attorney.

Councilmember Baxter then moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the agreement, as recommended by Public Works staff. Passed unanimously.

4. Overhead Street Luminaires; SR 528 (47th Avenue NE to 67th Ave. NE).

Public Works Director Winckler reviewed the agenda bill and the two options, the first being to have overhead lines installed by the PUD at no charge for the luminaires, the second option to go with underground wiring, but at a charge of \$5,000 to \$6,000, which would be more aesthetically pleasing.

It was the consensus that we should keep 528 looking as nice as possible, that \$5,000 to \$6,000 was worth it.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Option B (underground wiring) with the funding to come out of the Street Fund. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Affirming Hearing Examiner Decision to Rezone property owned by David Thorp and Amending the Official Zoning Map previously Adopted in Ord. 772.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2125. Passed unanimously.

2. Ordinance Affirming Hearing Examiner Decision to Rezone property owned by Harvey Jubie, and Amending the official zoning map previously adopted in Ord. 772.

Councilmember Pedersen moved and Councilmember Leighan seconded to approve/adopt Ordinance 2126. Passed unanimously.

3. Ordinance Affirming Hearing Examiner Decision to Rezone property owned by Vicki Chapter and Amending Official Zoning Map previous adopted in Ord. 772.

Councilmember Wright moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2127. Passed unanimously.

ADJOURNMENT: 9:11 p.m.

EXECUTIVE SESSION: 9:20 to 10:10 p.m.

- 1. Litigation
- 2. Real Estate

RECONVENED: 10:10 to 10:15 p.m.

Councilmember Bartholomew moved and Councilmember Wright seconded to authorize City Attorney Weed to execute Draft #7 of the settlement agreement between the City, Tulalip Tribes and Washington State D.O.E. pertaining to water rights for Edwards Springs Well #3, subject to approval of the agreement by the Tulalip Tribes and Washington State D.O.E. by end of business, Friday, May 2, 1997. Motion passed 4-2 with Councilmembers Baxter and Herman against, Councilmember Pedersen abstaining.

EXECUTIVE SESSION: 10:15 to 10:40

- 3. Personnel (No action)

RECONVENED & ADJOURNED: 10:40 p.m.

Accepted this 5th day of May, 1997.

CORRECTED: SEE 4/5/97 MINUTES

David Weiser
MAYOR

Mary P. Iverson
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY