

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING DECEMBER 8, 1997

EXECUTIVE SESSION: 6:30-7:00 p.m.  
No Action

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

0151

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:  
1. 12/1/97 Council Meeting Minutes Approved

AUDIENCE PARTICIPATION: Mike Papa

- CONSENT AGENDA: Approved:
1. Approval of November 1997 Payroll in the amount of \$629,555.62 paid by check nos. 27837 through 28173 with check nos. 27797, 27798, 27826 and 27922 void.
  2. Approval of 12/8/97 Claims in the amount of \$1,023,796.48 paid by check nos. 36793 through 36979 with check no. 36653 void.
  3. Approve & Authorize Mayor to Sign Professional Services Agreement with Perteet Engineering to Provide Engineering Services for Asbery Field Park & Ride Project.
  4. Affirm Hearing Examiner's Recommendation to Approve Request for Preliminary Plat, Rezone & Street Variance with Conditions; Ari's Run; PA 9605028.
  5. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone and Preliminary Plat with Conditions; Cedarcrest Greens; PA 9706020.
  6. Approve & Authorize Mayor to Sign 1998 Professional Services Contract for Crime Prevention between the City of Marysville and Loree Parker.
  7. Approve & Authorize Mayor to Sign City Attorney Retainer Agreement for the Calendar Year 1998.
  8. Approve and Authorize Mayor to Sign Professional Services Agreement for Hearing Examiner Services; McConnell/Burke, Inc.
  9. Approve and Authorize Mayor to Sign Supplement No. 1 to Professional Services Agreement on 60th St. NE Extension Project; TIP 36.0; Perteet Engineering, Inc.
  10. Approve and Authorize Mayor to Sign Amendment No. 1 to Professional Services Agreement on Highway No. 9 Reservoir Modifications Project; Montgomery Watson Americas, Inc.
  11. Approval of Payment of December 24, 1997 Claims.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:  
1. No. 64 Final Assessment Special Mtg. 12/22/97

NEW BUSINESS:  
1. Prof. Services Agreement for Restaurant Feasibility Study at Cedarcrest Golf Course; LeSourd Assoc. Approved

- ORDINANCES & RESOLUTIONS:
1. Ord. 2165 Approved Levying Taxes Upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits of City of Marysville, Washington for the Year 1998.
  2. Ord. 2166 Approved Adopting Budget for the City of Marysville, WA for the year 1998 & Setting Forth in Summary Form the Totals of Estimated Revenues and Appropriations for Each Separate Fund & the Aggregate Totals of All Such Funds Combined.
  3. Ord. 2167 Approved Amending the 1997 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1997.
  4. Ord. 2168 Approved Amending MMC 3.65.010 Relating to Water & Sewer Gross Receipts Tax.
  5. Ord. 2169 Approved Amending MMC 3.67.010 Relating to Solid Waste Department Tax.
  6. Ord. 2170 Approved Amending MMC 3.69.010 Relating to Tax Imposed on the Surface Water Utility Dept.
  7. Ord. 2171 Approved Relating to Local Improvement Districts 64 & 65, and Amending Section 1 of Ord. 2043, as Amended by Ord. 2107, to extend the respective terms of its Local Improvement District No. 64 Bond Anticipation Note, 1995, Each Dated October 4, 1995 and Issued for the Respective Purposes of Such Districts, and Ratifying and Confirming Ord. 2043 and 2107 in all other respects not inconsistent with the terms and purposes of this ordinance.
  8. Ord. 2172 Approved Affirming the Decision of the Hearing Examiner to Approve a Street Variance per MMC 12.02.110 and Rezoning Property owned by Fred & Shirley Burton, and Amending the Official Zoning Map previously adopted in Ord. No. 772.
  9. Resolution 1867 Approved relating to Local Improvement Districts No. 66 and 67; and Authorizing Interfund Loans Pending Issuance of Bonds Authorized Pursuant to Ordinances 2120 and 2148 respectively.
  10. Resolution 1868 Approved Amending Res. 1770 and Res. 1827 and Approving a one year extension of the Utility Variance Granted to RLDS Church Located at 9629 67th Ave. NE, Marysville, WA.

ADJOURNMENT: 10:10 p.m.

EXECUTIVE SESSION: 10:20 to 11:02 p.m.

1. Personnel No Action  
2. Real Estate No Action

RECONVENED & ADJOURNED: 11:02 p.m.

MARYSVILLE CITY COUNCIL MINUTES

0152

DECEMBER 8, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Donna Wright, Mayor Pro Tem  
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  
Mary Swenson, City Clerk & Asst. to City Adminis.  
Larry Wade, Consulting Engineer  
Lee Voorhees, Bond Counsel  
Jim Ballew, Parks & Recreation Director  
Walt McKinney, Asst. Police Chief  
Wanda Iverson, Recording Secretary

EXECUTIVE SESSION: 6:30-7:00 p.m. (No Action)

RECONVENED/FLAG SALUTE:

Mayor Weiser reconvened the meeting at 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 THE PREVIOUS MEETINGS:

**1. City Council Meeting; December 1, 1997.**

Councilmember Herman noted on page 3 under the 1998 Budget Public Hearing, it should be clarified that the carry over is to be capped at 20% of the General Fund budget with additional funds to be disbursed "up to" \$25,000 to go toward Economic Development funding and "up to" \$50,000 to go toward the North End Plan funding, with any balances to go towards Strawberry Fields (estimated at \$50,000 to \$100,000).

On page 4 in the middle of the page, Councilmember Herman asked that the paragraphs beginning "Councilmember Baxter" and "Councilmember Herman" be reversed in order and also that it read "Councilmember Herman suggested" rather than "recommended" \$800 for seniors and \$1100 for regular annual passes.

At the top of page 3, Councilmember Pedersen noted the siting of the work release facility was put on hold because of a recent murder incident involving a work release inmate. Also, just before the 5th paragraph from the bottom of page 3, she asked that her comments "for the record" be inserted:

"Councilmember Pedersen said she strongly objected to this discussion occurring (re allowing alcohol by permit in the Ken Baxter Senior/Community Center), that she didn't feel Roberts Rules of Order are being followed and that she feels very strongly the Council is out of order proceeding in this direction." She also clarified on page 4, first paragraph, that if a reservation is made between now and July, 1998 allowing alcohol, that even if the event is after July, through December 1998, and alcohol is no longer permitted, the reservation with alcohol permitted will still be honored.

Mayor Weiser noted on page 5, 5th paragraph down, Mr. McCoy stated this would affect all government agencies and all citizen groups

but would not affect any water and sewer agreements as long as they complied with city and state laws.

There being no further corrections, Councilmember Pedersen moved and Councilmember Wright seconded to approve the minutes of the City Council December 1, 1997 Meeting. Passed unanomously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Papa, 8127 54th Dr. NE, addressed Council. He referred to a cover letter which he handed out to Council, regarding a conference he recently attended concerning the Endangered Species Act. He said changes could start occurring as soon as January or February and will affect all jurisdictions in the Snohomish River basin. Some of the changes we could see include Fish and Wildlife Dept. limits on water allocation, eg. wells and land use adjustments; Clean Water Act regulations; removal of barriers, eg. tide gates; clearing and grading restrictions; stream buffers could be increased, he said. He added that the Mayor has been given all his notes from the conference to make copies for the Council.

CONSENT AGENDA:

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2. Approval of 12/8/97 Claims in the amount of \$1,023,796.48 paid by check nos. 36793 through 36979 with check no. 36653 void.
3. Approve & Authorize Mayor to Sign Professional Services Agreement with Perteet Engineering to Provide Engineering Services for Asbery Field Park & Ride Project.
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6. Approve & Authorize Mayor to Sign 1998 Professional Services Contract for Crime Prevention between the City of Marysville and Loree Parker.
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8. Approve and Authorize Mayor to Sign Professional Services Agreement for Hearing Examiner Services; McConnell/Burke, Inc.
9. Approve and Authorize Mayor to Sign Supplement No. 1 to Professional Services Agreement on 60th St. NE Extension Project; TIP 36.0; Perteet Engineering, Inc.
10. Approve and Authorize Mayor to Sign Amendment No. 1 to Professional Services Agreement on Highway No. 9 Reservoir Modifications Project; Montgomery Watson Americas, Inc.
11. Approval of Payment of December 24, 1997 Claims.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 & 2. Passed with Councilmember Leighan abstaining on check #36971.

STAFF BUSINESS:

City Planner Hirashima reported the Planning Commission will be reviewing the 88th St. Access Management Plan at a Public Workshop tomorrow night.

Public Works Director Winckler reported the Diking District Committee will meet 12/10 at 1:30, the Utility Committee will meet 12/11 at 7:30 a.m. and the Traffic Advisory Committee will next meet Feb. 19. He also reported that in communications with CT, they will be paying 50% and the City will pay 50% of the Asbery Field Study.

MAYOR'S BUSINESS:

Mayor Weiser reported the CT bus stop at 88th & State is being moved 100' to the north, in response to Council concerns about traffic flow through the 88th & State intersection. He said also that the City is checking into the issue of casino vendors having to pay a Tulalip Tribes business license, in addition to a City of Marysville business license fee.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew asked about the American Heritage Rivers Initiative letter of support from the City and Mayor Weiser stated the document is to be sent out tomorrow at noon, including the letter of support from the City of Marysville.

Councilmember Leighan shared some information he learned over the Internet about police departments.

Councilmember Wright commented on the very well organized Merryville for the Holidays event Saturday night.

Councilmember Pedersen followed up on Hotel/Motel tax funds for use by the City and Mayor Weiser said that information had not come in yet.

Councilmember Pedersen asked for a consensus from the Council regarding the needle exchange program, that she could take to the Health District Meeting. Councilmembers Leighan and Herman said they would support it; Councilmembers Myers, Wright, Baxter and Bartholomew are against a program that contradicts an anti-drug policy.

PUBLIC HEARING:

**1. L.I.D. No. 64 Final Assessment.**

Mayor Weiser explained the procedure, noting the court recorder here tonight will swear in staff and persons giving statements and/or testimony and will be taking all the minutes with regard to this testimony. City Clerk Swenson is to read letters of protest and the recording secretary (Wanda Iverson) will accept new exhibits. The following people spoke during the course of the Public Hearing:

City Attorney Weed  
Lee Voorhees, Bond Counsel  
Larry Wade, Consulting Engineer  
Robin Nelson, Project Manager (submitted Exhibit 27)  
Finance Director Wilson  
City Clerk Swenson  
Charlie Rose, 8707 69th Dr. NE  
Brian Duce, Attorney at Law representing 29 individuals of  
Cloverdale Plat  
Gary L. Hamlin, 6820 87th St. NE  
Deborah Nava, 6824 87th NE  
Lori McClanahan, 6906 87th St. NE  
Bruce McQuerry, 6808 87th St. NE  
David Kent, 8708 69th Dr. NE  
Donald Nicholson, 6914 87th St. NE  
Evan Hamm, 8702 68th Ave. NE  
Cora Welch, 6429 88th St. NE (submitted Exhibit 28)  
John Harrison, 19128 23rd Ave., Arlington  
(Letter read from Larry Price, Facilities Director, Marysville  
School District - not present)  
Orville Simpson, 8008 67th Ave. NE  
Dennis Smiley, 8717 68th Ave. NE

At 9:01 p.m., after all testimony was received, Councilmember Bartholomew moved and Councilmember Baxter seconded to close the public testimony portion of the public hearing. Passed unanimously.

There was a seven minute break, after which the Mayor reconvened the meeting and there was Council discussion. Councilmember Herman then moved and Councilmembers Bartholomew and Pedersen seconded to go into Executive Session regarding the issue of Pending Litigation, with Bond Counsel, City Attorney, Consulting Engineer, City Administrator, Mayor and City Councilmembers present. Passed unanimously.

EXECUTIVE SESSION: 9:11 to 9:46 p.m.

RECONVENED: 9:46 p.m.

Councilmember Herman moved to continue this topic to a Special Meeting, Monday, 12/22/97, 7:00 p.m., for the purpose of deliberating and confirmation of the final assessment roll. (No public testimony to be given at that time.) Councilmember Leighan seconded and the motion passed unanimously.

NEW BUSINESS:

**1. Professional Services Agreement for Restaurant Feasibility Study at Cedarcrest Golf Course; LeSourd Associates, Inc.**

Parks & Recreation Director Ballew reviewed the agenda bill, noting the Golf Board recommended LeSourd Associates conduct the feasibility study for a restaurant facility, report to be completed by the end of January, early February, at a cost of \$10,800 plus expenses.

After brief discussion, Councilmember Baxter moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the professional services agreement with LeSourd Associates as recommended. Passed unanimously.

CALL ON COUNCILMEMBERS, CONTINUED:

Councilmember Baxter made some final parting comments, reviewing various accomplishments, staff interactions, councilmember interactions over the last 26 plus years that he has been involved with the City of Marysville. He recognized some of the more controversial issues in a positive vein and it was clear that he has been a very dedicated Councilmember and will be missed by everyone. (There will be a retirement party honoring Councilmember Baxter January 6 or 8--details to be announced at a later time.)

ORDINANCES & RESOLUTIONS:

**1. Ordinance Levying Taxes Upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits of City of Marysville, Washington for the Year 1998.**

Councilmember Bartholomew moved and Councilmember Myers seconded to approve/adopt Ordinance 2165. Passed unanimously.

**2. Ordinance Adopting Budget for the City of Marysville, WA for the year 1998 & Setting Forth in Summary Form the Totals of Estimated Revenues and Appropriations for Each Separate Fund & the Aggregate Totals of All Such Funds Combined.**

Councilmember Pedersen moved and Councilmember Leighan seconded to adopt/approve Ordinance 2166. Passed unanimously.

**3. Ordinance Amending the 1997 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1997.**

Councilmember Myers moved and Councilmember Baxter seconded to adopt/approve Ordinance 2167. Passed unanimously.

**4. Ordinance Amending MMC 3.65.010 Relating to Water & Sewer Gross Receipts Tax.**

Councilmember Wright moved and Councilmember Myers seconded to approve/adopt Ordinance 2168. Passed unanimously.

**5. Ordinance Amending MMC 3.67.010 Relating to Solid Waste Department Tax.**

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2169. Passed unanimously.

**6. Ordinance Amending MMC 3.69.010 Relating to Tax Imposed on the Surface Water Utility Dept.**

Councilmember Wright moved and Councilmember Myers seconded to approve/adopt Ordinance 2170. Passed unanimously.

**7. Ordinance Relating to Local Improvement Districts 64 & 65, and Amending Section 1 of Ord. 2043, as Amended by Ord. 2107, to extend the respective terms of its Local Improvement District No. 64 Bond Anticipation Note, 1995, Each Dated October 4, 1995 and Issued for the Respective Purposes of Such Districts, & Ratifying & Confirming Ord. 2043 and 2107 in all other respects not inconsistent with the terms & purposes of this ord.**

Finance Director Wilson noted a revision: The City has repaid \$592,750 of the LID No. 64 Note, therefore, only \$716,000 of that LID No. 64 Noted will be extended.

Councilmember Bartholomew moved and Councilmember Herman seconded to approve/adopt Ordinance 2171. Passed unanimously.

**8. Ordinance Affirming the Decision of the Hearing Examiner to Approve a Street Variance per MMC 12.02.110 and Rezoning Property owned by Fred & Shirley Burton, and Amending the Official Zoning Map previously adopted in Ord. No. 772.**

Councilmember Baxter moved and Councilmember Leighan seconded to adopt/approve Ordinance 2172. Passed unanimously.

**9. Resolution relating to Local Improvement Districts No. 66 and 67; and Authorizing Interfund Loans Pending Issuance of Bonds Authorized Pursuant to Ordinances 2120 and 2148 respectively.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt/approve Resolution 1867. Passed unanimously.

**10. Resolution Amending Res. 1770 and Res. 1827 and Approving a one year extension of the Utility Variance Granted to RLDS Church Located at 9629 67th Ave. NE, Marysville, WA.**

Councilmember Bartholomew moved and Councilmember Herman seconded to adopt/approve Resolution 1868. Passed unanimously.

ADJOURNMENT: 10:10 p.m.

EXECUTIVE SESSION: 10:20 to 11:02 p.m.

1. Real Estate. (No Action)
2. Personnel. (No Action)

RECONVENED & ADJOURNED: 11:02 p.m.

Accepted this 5<sup>th</sup> day of January, 1998.

David Weiser  
MAYOR

Mary Pedersen  
CITY CLERK

Standa A. Iverson  
RECORDING SECRETARY

DECEMBER 8, 1997

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