

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING APRIL 27, 1998

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilmember Wright  
excused

MINUTES OF PREVIOUS MEETINGS:  
1. City Council Meeting 4/13/98 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:  
1. Approval of 4/27/98 Claims in the Amount of \$500,514.62; paid by check nos. 38947 through 39176 with check nos. 38632 and 38822 void.  
2. Approval of Liquor License Request from G. A. Maxwells, Ltd.  
3. Approval of Supplement No. 1 to Professional Services Agreement with Skillings-Connelly, Inc. for T9802 47th & 67th Traffic Signals; 51st St. & Grove Signal.  
4. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions for Robert Aldridge; PA 9710048.  
5. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions for Robert Aldridge; PA 9708034.  
6. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions for Bill Roberts; PA 9711057.  
7. Acceptance of LID No. 66 Sanitary Sewer Improvements Project as Complete, and Begin 45-Day Lien Filing Period.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS: None

PUBLIC HEARINGS:  
1. LID No. 69 - Sanitary Sewer Improvements; Parkside Dr. & 72 NE Approved - to begin 30 day Protest Period

REVIEW BIDS:  
1. 122nd St. Drainage Improvements; D9803 Approved 6-0

CURRENT BUSINESS:  
1. Mobile Home Park Standards; Code Amendment Request; Terra Firma (cont. from 4/13/98) Approved 5-1

NEW BUSINESS:  
1. Utility Variance; 3WT Ltd., 18001 27th Ave. NE, Arlington; UV 98-002 Approved 4-2  
2. Police Dept. Reorganization & Req. for Budget Amendment Approved 6-0  
3. Prof. Services Agreement; Hammond Collier Wade-Livingstone; 84th St. Culvert Replacement Project; D98-01 Approved 5-1

ORDINANCES & RESOLUTIONS:  
1. Resolution Granting Tulalip Tribes Utility Variance Postponed

LEGAL MATTERS: None

ADJOURNMENT: 11:10 p.m.

EXECUTIVE SESSION: 11:15 p.m. to 12:13 a.m.  
1. Litigation (No Action)  
2. Personnel (No Action)

RECONVENED & ADJOURNED: 12:13 a.m. 4/28/98

00054

MARYSVILLE CITY COUNCIL MINUTES

00055

APRIL 27, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Wright, Mayor Pro Tem (excused)  
 John Myers  
 NormaJean Dierck  
 Donna Pedersen  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Grant Weed, City Attorney  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Robert Carden, Police Chief  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE	<u>5/4/98</u>
MINUTES	

CALL TO ORDER:

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

ROLL CALL:

City Administrator Zabell called the roll and all members were present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

**1. City Council Meeting of April 13, 1998.**

Councilmember Bartholomew noted on page 3, 3rd paragraph from the bottom, the county will have to start looking for a new "yard debris facility" not a new "landfill."

Councilmember Pedersen noted on page 3, 5th paragraph, the word "out" should be "our" just before "Councilmembers" in that paragraph.

It was also noted on page 7 in the last paragraph, the word "somewhether" should be "somewhere."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Myers seconded to approve the April 13, 1998 City Council Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of 4/27/98 Claims in the Amount of \$500,514.62; paid by check nos. 38947 through 39176 with check nos. 38632 and 38822 void.
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6. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions for Bill Roberts; PA 9711057.
7. Acceptance of LID No. 66 Sanitary Sewer Improvements Project as Complete, and Begin 45-Day Lien Filing Period.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve Consent Agenda Items 1, 2, 5, 6 & 7. Passed with Councilmember Leighan abstaining on check #39167.



On Item #3 Councilmember Leighan asked if this will require a budget amendment and City Administrator Zabell said the project itself was budgeted; there will be a deviation, however.

On Item #4, City Planner Hirashima explained it did require a Comp Plan amendment and was one of the 1996 Comp Plan amendments to RML zoning; the applicant submitted his request late and it was brought to City Council as a separate issue.

Councilmember Leighan moved and Councilmember Herman seconded to approve Consent Agenda Items 3 & 4. Passed unanimously.

STAFF'S BUSINESS:

Chief Carden reported he received a letter from John Longion (?) indicating that the Medal of Honor will be posthumously awarded to Don Arndt (a former Marysville police officer who was killed in the line of duty) at an awards ceremony May 11, 1:00 p.m. at the Criminal Justice Auditorium in Seattle.

City Administrator Zabell reported the accounting position has been filled by Robert Wagner who has previous experience as a project account manager; he started last Monday.

City Attorney Weed reported the Snohomish County Superior Court remanded the Lakewood area annexation to May 12 to come before the Boundary Review Board.

Public Works Director Winckler announced an open house at the Edward Spring Reservoir, April 29, 1998 at 1:00 p.m.

MAYOR'S BUSINESS:

Mayor Weiser noted many of the jurisdictions within Snohomish County have been looking at a watershed management study on the Snohomish River; a lead agency has to be designated to fund that task and several jurisdictions have asked that the City of Everett be the lead agency. The City of Everett has asked Marysville to write a letter on their behalf, he said and he said letters have already been submitted by Edmonds, Monroe, Lynnwood and the water districts of Alderwood, Silver Lake and Mukilteo.

Councilmember Herman said he had reservations about this and had heard the Tulalip Tribes had a concern about how that watershed would be managed, also.

Mayor Weiser said he was present at a meeting regarding the Chinook salmon being put on the Endangered Species List and this watershed issue came up and one of the first tasks of the lead agency, it was recognized, would be to get the Tulalip Tribes involved. There are already some King County representatives, people from the Audobon Society, Ducks Unlimited and Tulalip Tribes involved in the process, he said.

Councilmember Bartholomew moved to approve the writing of a cover letter to other communities, endorsing the City of Everett as the lead agency in the Snohomish River Basin Watershed Management Plan. Councilmember Leighan seconded and the motion passed 5-1, with Councilmember Herman against.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen said she will be attending the Volunteer Social with one guest and also the AWC Convention. She reported that in meeting with the Library Board, they expressed the sincere hope that the mayor will have resolved the Art Council situation in time for their next meeting, May 11.

She followed up on televising Council meetings and controlling the length of other cities' City Council meetings.

City Administrator Zabell said Mary Swenson has made a number of contacts and probably will have information within the next week.

CORRECTED: SEE  
MINUTES  
5/4/98

Councilmember Dierck asked City Attorney Weed how close he is in finishing the ordinance regarding Title 15. City Attorney Weed said he will probably have it done by the second City Council meeting in May.

Councilmember Myers noted he read where it will probably be 2001 before we start on the 152nd St. Ball Field.

Mayor Weiser said the City is trying to get the county to fast track the document process; that's one of the projects that can be funded if the Ascent 21 package is approved. On the Granite Falls legal issue/court decision regarding creating districts, that's a possibility, too, for Marysville. He said he would follow up further on this and does think 2001 might be about right.

Councilmember Bartholomew said she would like to be at the Edward Springs open house. She also noted she will be attending a HUD Policy Committee May 7th on housing and low income housing.

Councilmember Herman said regarding information from DOT in the packets, they don't seem to want to be interactive with Marysville and he takes objection to this. He said he would like to see a letter sent to Sid Morrison to that effect.

Councilmember Bartholomew added that DOT doesn't even give Marysville accurate information, eg. when the highway was to be scheduled for partial closure.

Public Works Director Winckler said DOT representatives will be making a presentation to City Council at the meeting May 11.

Councilmember Herman commented on information in the packets regarding the Endangered Species Act. He said it seems like there are a number of issues that need to be reviewed such as this and how they will affect our kids, eg. buffers that need to be enhanced and how we might deal with improvement of streams, etc. He said he thinks we should also look at the already built up neighborhoods close to streams and how we can educate people to be good stewards. Also, he said there is a tremendous amount of the City not on sanitary sewer, they are still on septic systems that probably ought to be on the sewer and he said he would like more information on that: How many, locations, overall impact on water quality, what can we do as a jurisdiction to address these issues.

He noted that this might be a good item for a workshop and the other issue he would like reviewed is the Historical Society/Museum project, information that came up at the retreat, waterfront improvement, community center/meeting rooms, etc. He said he would like an agenda bill for the May 11 meeting regarding the study of issues regarding a museum, downtown revitalization, convention/meeting room, waterfront improvement--the viability study to include input from the Chamber, Tulalip Tribes, Parks Board, Downtown Merchants Assn. and other community members.

Councilmember Pedersen noted there is going to be a follow up retreat on May 16th and perhaps this could wait until then but Councilmember Herman said he would like input from the public before then and then be able to make a decision after the retreat.

Mayor Weiser suggested looking at funding possibilities, look at what the consultants found out regarding feasibility, location, etc.

Councilmember Leighan said he got a call from a merchant about commuter parking at the southwest corner of Quinn & 4th; the merchant suggested 2 hour parking there. He commended Chief Carden on a good job speaking before the Downtown Merchants a couple weeks ago. He spoke about the recent AWC conference he attended and said he brought back a book which can be included in Council packets/briefings with regard to performance review and it also includes a door to door survey sample.

He said he would like to see more information about staff, eg., in the weekly briefings. He noted the packets are getting smaller and smaller and also would like to know how the Marysville brochure is being distributed. He mentioned the Tudor property needing mowing again and that there is grafitti on the building on that property that should be painted over. There is also grafitti on the old Armar Store and he asked Bob Aldridge (in the audience) if it was scheduled for demolition soon. Mr. Aldridge said in about 4 weeks.

There was discussion about the content of weekly briefings and it was also noted these don't just go to Councilmembers, they also go to department heads.

PUBLIC HEARINGS: (7:42 p.m.)

**1. LID No. 69 - Sanitary Sewer Improvements; Parkside Dr. & 72nd St. NE.**

Public Works Director Winckler reviewed the agenda bill and introduced Larry Wade from Hammond, Collier, Wade-Livingstone.

Mr. Wade showed overheads, noting the proposed LID would serve 23 parcels, with the sewer line coming in from Grove, east on 72nd and west on Parkside Drive. He noted there will be 5 daylight basements in the cul de sac that cannot be served because of their depth and will have to put in their own pumping systems. Assessments were done on a per lot basis, i.e. 23 lots at \$9,130.43 per lot and he noted there is a letter of certification regarding notification of property owners in the file. The notices were sent out April 10th, one was returned and retried several times, then finally hand delivered (Lot 59).

Councilmember Pedersen asked about the number of buildable lots and whether the assessments were based on this figure. Mr. Wade said slopes and wetlands would not be buildable but as far as he knows, all 23 lots are buildable.

Councilmember Pedersen referred to lots 50 and 51, noting there is only one house on two lots and Mr. Wade noted they are under one ownership but you look at the potential in the event the house is torn down and rebuilt. He noted the next step is an ordinance and then depending on the percentage of protest, after 30 days work can start on the project, after construction is complete, the total amount is divided up to determine the final assessment roll; there is a final public hearing, also, he said.

Mayor Weiser noted if Council decided not to go any further, everything can stop right now. He asked if there is any alternative plan in the event septic systems in this area start to fail.

Mr. Wade said one alternative is to put in a pumping station on 72nd up 58th Dr. where there is a sewer line.

Councilmember Leighan asked about right of way on Grove and Mr. Wade said there is right of way, yes. Councilmember Leighan asked when this would go to bid and Mr. Wade said probably the first part of the summer.

Councilmember Herman reviewed: After 30 days, without enough protests, it would go out to bid and then after the bid is awarded, ultimate cost may come in higher or lower than the preliminary estimate. He asked if the method of assessment can be changed tonight and Mr. Wade said yes, there is an attempt made to make it as equitable as possible. He added the estimated cost of improvements was based on a preliminary estimate made by staff, based on length of pipe, manholes, traffic control costs, clean up, etc.

Councilmember Herman asked if the per unit value/cost was based on other projects and Mr. Wade said yes, comparatively, this was considered a "medium difficult" task.



Councilmember Herman suggested rounding the assessment up to the next \$100.

Frederick Long, Lot 54, 5712 Parkside Dr., addressed Council. He said he is also representing someone with Alzheimer's as well as a second couple. He said he would like some clarification on the estimates of the job, that he was sure this would pose a hardship on Lot 65, Colby, who is a single mother trying to raise 3 teens. He said he is not "anti" but is concerned about the construction and estimated costs. In 1992 there was an alternative but that alternative went away and this is the last chance they have, he said. If they put a pump in that's really expensive and the City is not doing that any more, he said, because it's not viable. Eleven months ago he said he tried to get an answer on cost from the City, about criteria, individual criterion and the problem is Marysville is a town just waiting for effluent to get into wells and streams and we need to get something done.

He said he is getting tired of the numbers jumping all over and he would like to find out why the low bidder got rejected. He noted they have run into this problem and have found out some interesting information. He added that Lot 65 is basically on food stamps and he doesn't know where they are going to get the money from. He concluded that he would like to postpone this until they can sit down and look at the data; there is no database right now. There are maybe 6 other LIDs to compare this with but he suggested looking at how Everett does this; what Councilmember Leighan was saying is on target--this is the way the world is going, he said. He spoke about a theoretical college in 1967 and how they came up with a "PERT" method of getting tasks done. He added that in 15 years, Marysville has gone from 4,000 to 24,000 people for a database and it keeps changing all the time.

Randy Kolb, 5700 Parkside Dr., Lot 56, addressed Council. He said they would like the ULID to get going as soon as possible but they also have concerns over estimates from \$7300 to \$8600 to \$9100 which is an escalation of 20% since December 1997. Also, they were given estimates on the PVC from \$25 per foot up to \$51.67 per foot which is a 100% difference.

Public Works Director Winckler said when the City first discussed this with the neighbors they just gave a high and low estimate, based on previous LIDs in the same vicinity and not taking anything into consideration such as high water table, difficulty of installing sewer line, etc., it was just a ballpark, just a range. The preliminary estimate is still not going to be the final price, he warned.

Councilmember Pedersen asked about the 3 different estimates from the engineering dept. and Mr. Kolb showed the letters to Larry Wade and Robin Nelson.

Councilmember Herman noted the cost issue has been a concern many times before and it sounds like the City needs to have better communications with the neighbors. Initial estimates are pretty rough, he admitted and added he has never seen the final construction cost go down from the estimate, but he understands the frustration here, he said. He also noted these assessments can be paid over 15 or 20 years, depending on the terms of the final bond.

Mr. Kolb asked when they would know the final figures, how many buildable lots, as well as what the estimate is to do this privately vs. having the City keep costs to a minimum.

Public Works Director Winckler referred to the 3 different estimates Mr. Kolb had in hand; he said Mr. Long had asked about the use of a pumping station.

Robin Nelson, P.E., Project Manager, 22615 23rd Pl., Brier, addressed Council. He said the second estimate was to run line across Jubie's lot and not to include his lot; the estimate there was \$6534 to \$8500.

Sandra Keaton, 5611 Parkside Dr., Lots 62 and 63, addressed Council. She said they have a house in the middle of the two lots and her mother lives on Lot 64. She said they are in favor of sewers; she believes the people on Lot 65 are having septic problems already and so she would hate to see this delayed too long.

Councilmember Myers asked if she knew of any other lots having failing septic systems and Mrs. Keaton said she knows Mr. Long has had and the Keatons probably need theirs pumped again, plus Lot 60, she believes.

Councilmember Herman said he would like it explained about the payment plan.

Mayor Weiser first noted a letter from Mrs. Precht, Lot 69 and 2-056, would be made part of the record (in favor of the LID). Mayor Weiser said generally, it's either a 15 or 20 year payment plan. If it's approved, when it's built and the assessment roll is finalized, the property owners have the option to pay it off in 30 days or pay it over 15 or 20 years, depending on what is decided, he said. In some instances, you have to have it paid off when you sell your home, he added.

City Administrator Zabell added that the 15 or 20 year term is set by Council as is the interest rate, which is based on what interest rate the City can get which is usually lower than an individual can. He said the City is not allowed to make a profit on this.

There being no one further wishing to speak on this from the audience, Mayor Weiser closed the public testimony portion of the public hearing at 8:25 p.m.

Councilmember Pedersen said she would like to verify the number of lots, that's her main concern.

There was discussion about assessment method, Munson Creek going through the subdivision, setbacks and buffers, existing legal use of some of the houses, sensitive area ordinance impacts and how it affects buildable lots, alternatives for private construction of a sewer system.

City Administrator Zabell noted the homeowners could do that but he has never seen the construction of sewer lines done privately in Marysville. He added this is an isolated neighborhood and they will not benefit from waiting for an adjoining neighborhood to bring sewer in, for example.

There was further discussion about the protest period, forming a homeowners group, financing options, the ULID would become part of the City's system either way, having a hard time keeping streams clean as it is.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve the formation of LID 69, based on 23 lots and a preliminary assessment of \$210,000, and to start the 30 day protest period.

City Attorney Weed explained after the passage of the ordinance, if a 60% majority protests (in writing), it will not go forward. At final assessment it would be decided whether it would be over 15 or 20 years, he said.

Councilmember Pedersen clarified issues about unbuildable lots.

The motion passed unanimously.

Councilmember Herman commented that 20 years would probably be preferable to these people.



REVIEW BIDS:

**1. 122nd St. Drainage Improvements; D9803.**

Public Works Director Winckler reviewed the agenda bill, noting 4 bids were received, the lowest being Gott Construction Co. in the amount of \$89,475.00 plus state sales tax, which is the recommended one, in addition to staff's recommendation for the Mayor to be authorized to execute the contract documents on behalf of the City. He stated Hammond Collier Wade-Livingstone reviewed the bid documents and found them to be in order, Gott Construction has a good performance record and the City will be providing the project and construction management.

Councilmember Bartholomew asked how the additional, non-budgeted portion of \$26,811.95 will be funded and Public Works Director Winckler explained the Finance Director said there were sufficient funds in the sewer fund.

Councilmember Bartholomew moved and Councilmember Leighan seconded to authorize the Mayor to sign the contract with Gott Construction in the amount of \$89,475.00 plus state sales tax, as recommended.

Councilmember Dierck asked about difficulty of removal of material in the ditch and Public Works Director Winckler said there will be a lot of hand digging in order to avoid previously installed utility lines, that's the reason for the higher than originally estimated cost on this project.

The motion passed unanimously.

CURRENT BUSINESS:

**1. Mobile Home Park Standards; Code Amendment Request; Terra Firma (continued from 4/13/98).**

City Planner Hirashima reviewed the agenda bill, noting the applicant had requested two postponements to review the situation.

Councilmember Dierck asked about the open ditch situation and City Planner Hirashima said she sees no problems being created.

Councilmember Pedersen asked about the number of people in favor of annexation and City Planner Hirashima said they actually have 60% of assessed valuation at this time but they wanted to make sure they are well over the 60% and the 4th phase would have to meet code.

CORRECTED: SEE 5/4/98 MINUTES delete

Jack Cole, 13900 48th Dr. SE, Snohomish, WA 98296, addressed Council. He stated they propose that they be annexed into the City using the open ditch and other requirements for development. The open ditches are not in yet for Phase IV, he explained and there are no homes on Phase III as yet. The water and sewer, however, is all installed for all phases, he said.

Councilmember Herman clarified about the ditch in Phase IV and Mr. Cole said siting of the homes is all they need to do, basically, and they do want to be in the City.

Councilmember Leighan asked if the ditches and roadways are all approved in the county and Mr. Cole said yes and they are all owned by the park, i.e. private roadways.

City Attorney Weed explained the ordinance amendment only deals with the issue of maximum acreage and will allow more than 15 acres which is all that was allowed under current MMC. If this were to come into the City, it would require a larger acreage so he said he would contemplate that the ditch and road standards would be reviewed/approved at the time of project approval. He added in a situation like this, should the City Council make exceptions verbally before an annexation, it is difficult to know what to do because we do not know if they are going to apply to the City or county.



He added there would be some concern about a development application that has not come in as yet but the Planning Commission recommendation may have some bearing; he said he is not sure it's advisable for the City Council to make a commitment at this point.

Councilmember Pedersen asked what the Planning Dept. would commit to and City Planner Hirashima said prior to annexation, they had worked on a commitment with a limited acreage but the two standards in the code right now--pavement width and rolled curbs and gutters--this is a fairly limited situation, so she said she thinks this could be included in the draft ordinance. Another option would be to go forward with a resolution with regard to an annexation with curbs, gutters, sidewalks, roadway and the open ditch, she said.

There was considerable discussion regarding whether the City should commit to allowing an exception of this nature, noting the park is 3/4 built out, it is within Marysville's UGB but constructed according to county code, discussion about the hearing examiner process covering variances, that the City Council would need to set policy first (and codify it) for the hearing examiner to follow it, adding language to the draft ordinance.

Councilmember Herman moved to direct the City Attorney to further revise the draft ordinance to cover this situation, i.e. allowing more than a maximum of 15 acres if it's over 50% completed (under county standards for drainage and roadway). Councilmembers Myers and Pedersen seconded and the motion passed 5-1 with Councilmember Dierck opposed.

NEW BUSINESS:

**1. Utility Variance; 3WT, Ltd., 18001 27th Ave. NE, Arlington; UV 98-002.**

Public Works Director Winckler reviewed the agenda bill, noting staff is recommending approval of 500 water and sewer connections for an apartment complex (not 500 single family water and sewer connections).

City Administrator Zabell suggested amending the resolution to read, "Water and sewer connections for 500 multifamily units."

Councilmember Pedersen noted 500 multifamily units may end up like the Cedar Street Apartments, being a headache for the police dept.

City Attorney Weed said the county standards under which these units were constructed precludes the City of Marysville from really making any changes in standards and it has been recommended that there be some kind of interlocal agreement with the county so the City has more input in the development review process, eg., with the development being in the City's UGA and anticipated future possible annexation.

Councilmember Herman noted the current zoning is General Commercial and City Planner Hirashima explained multifamily is a permitted use in General Commercial in the county, not in the City. She noted there have been other cases where there have been concerns about development such as this prior to an interlocal agreement being put in place.

Gene Miller, P. O. Box 3366, Arlington, Planning Consultant for 3WT, addressed City Council. He said regarding apartment development standards in the county, they are currently fairly high. Parking and drainage as well as landscaping standards he said he believes are at least equal to anything the City has. He said they have indicated their commitment to constructing a sewer main and they also have agreed to a non-protest agreement for annexation and to do as much as possible to make this compatible with the Marysville code. He added that this is the only area in the county, yet within Marysville's UGA, where Marysville is the

only agency that can provide water and sewer and they will be denied development by the county unless they can get Marysville water and sewer.

Mayor Weiser asked how big the development is and Mr. Miller stated there are 23 acres and they are about 70 units short of what the county would allow as far as density.

Councilmember Pedersen referred to the site plan and Mr. Miller explained they were not applying for single family hookups; the sample they have submitted tries to give that idea. As far as height limitation in the county, he said in residential it's 35', 62' in general commercial and this is likely to be between medium to medium low income types of housing. There are some view units but it's not architecturally feasible for them to go more than 3 floors, he said and as far as covenants for abandoned vehicles, they are typically quite strict about that.

City Administrator Zabell asked if the whole 23 acres is within Marysville's UGB and Mr. Miller responded in the affirmative.

Councilmember Dierck asked how many low income units there would be and Mr. Miller said it depends on the market and surrounding property; there's a low to medium low income development to the south of this one with probably a higher income bracket development to the north, where there is more view.

Councilmember Bartholomew asked about target dates and Mr. Miller said they'd like to start construction of utilities by the end of the summer, between 3 to 9 months for the balance of the construction.

Councilmember Bartholomew noted the city and county have had a lot of enforcement issues concerning abandoned vehicles and other things and she mentioned the contract the Housing Authority has with the City Police Dept. for the apartments on Cedar and asked if that was a possibility with this development.

Mr. Miller said he can't speak for the people who are going to manage the units but the Snohomish County review process involves a review that would be open to something like that in the SEPA review; he said he thinks people and autos are part of our environment and the developers are going to want to maintain apartment rental values. He noted this is going to be the newest and largest apartment development in the area--it's a substantial development.

Councilmember Pedersen reiterated that the Cedar St. Apartments were a severe headache for our law enforcement so the Housing Authority made a contract with the Marysville Police Dept. and that helped immensely. She pointed out that this development is going to have four times the number of apartments, young adults, possibly police activity.

Councilmember Bartholomew suggested Mr. Miller talk with people who have experience in this area and Mr. Miller said he is sure they will want to maintain the property value but he can't comment directly on that issue.

Councilmember Herman spoke about the definition of "low income" and Mr. Miller said he should have used the term "affordable housing" because apartment living is probably more affordable than a house.

Councilmember Myers noted Mr. Miller is probably the general contractor and then it is going to be managed by someone else. Mr. Miller agreed and said they already do have dealings, however, with a management firm and have some definite ideas about what income group this is going to be attracting.

CORRECTED: SEE 5/4/98 MINUTES



Councilmember Herman asked about the density for Marysville's RML and City Planner Hirashima said that would be up to 20 du/ac. Councilmember Herman said he thinks this development works out to 22 du/ac so it's high density, according to Marysville's standards.

There was discussion about the SEPA review, Marysville's role in the public hearing process, MMC not having a comparable zone.

Councilmember Bartholomew moved and Councilmember Leighan seconded to grant the utility variance for water and sewer connections for 500 multifamily units, based on staff and Utility Committee recommendations, with the applicant to pay all applicable fees including existing main charges (recovery to ULID 10) and mitigation to Trunk "A" to "F" intertie and meet all City of Marysville Municipal Codes.

The motion passed 4-2 with Councilmembers Dierck and Pedersen against.

## **2. Police Department Reorganization and Request for Budget Amendment.**

City Administrator Zabell made some initial remarks regarding the huge amount of effort and research Chief Carden has put into this presentation.

Chief Carden then suggested City Council might want to take a break before his probably lengthy presentation.

**BREAK:** From 9:43 to 9:50 p.m.

Using overheads and the material in the packets, Chief Carden explained in detail his proposal to reorganize the police department, utilizing a system of three commanders instead of the current assistant chief, lieutenant and sergeant. He also detailed the need to add a part-time records clerk, to change the title of "Custody Supervisor" to "Custody Sergeant" and to generally restructure the clerical staff under an office supervisor. He highlighted the components of the various job descriptions.

He spoke at length about anticipated benefits to the reorganization, including increased communication with the department as well as with the community at large. He spoke about rotation of commanders every two years so a person could develop up to police chief, if they wished. He also spoke about the importance of accreditation of the department and with his proposal, hopes this can be accomplished within 18 to 24 months and then have the department reaccredited in 5 years after that.

Another important issue that he said was considered was the issue of liability and he said he feels because of increased communication, definition of roles and accountability, this issue is being effectively contained. He noted also there is a need for facilitation of grant monies and that would be one of the responsibilities of the Administrative Services Commander.

Councilmember Pedersen asked if the commanders would still be civil service positions and also whether jail profitability was researched.

Chief Carden said yes, the commanders would be civil service positions and as far as the profitability of the jail services, the county is not utilizing our facility and hasn't for the last six months, so this needs to be reviewed and possibly revised by the Administrative Services Commander. The process would then be for the Police Chief to bring the commanders' recommendations before City Council for further action, he said.

There was further discussion about utilization of the jail facility and the contract between Marysville and Snohomish County.

CORRECTED: SEE 5/4/98  
MINUTES



Chief Carden concluded that the budget amendment is for one commander level FTE for the remainder of 1998, as well as a part time records clerk. He also noted a title change from "Confidential Secretary to the Chief" to "Business Supervisor" as well as "Detective Secretary" to "Administrative Secretary."

He spoke about funding, including \$25,000 which has recently come in from the Tribal gaming receipts, recapturing of other salaries, as well as some unencumbered reserve funds. He outlined specific costs by way of overhead and packet information and noted the salaries would be recurrent expenses, the desks/chairs/equipment would not be, after the initial startup costs.

There was discussion about the pay structure and comparisons between current positions and what is being proposed. City Administrator Zabell noted that it is anticipated that the lieutenant position will be reclassified to commander, with two commanders plus a part time clerk position to be open as of July 1st and filled regionally.

Councilmember Herman said he would like to make sure there is visible proof of the use of the Tribal gaming money and he would also like an update on unencumbered reserves.

Councilmember Leighan spoke briefly about the advantages of accreditation and then moved to approve staff's recommendation for three commander level positions, a part time clerk, reclassification of the lieutenant position and a budget amendment in the amount of \$89,595. Councilmember Bartholomew seconded and the motion passed unanimously.

Councilmember Pedersen left Council Chambers at 10:58 p.m.

**3. Professional Services Agreement; Hammond, Collier, Wade-Livingstone Assoc. Inc.; 84th St. Culvert Replacement Project; D98-01.**

Public Works Director Winckler reviewed the agenda bill and noted most of the system has been mitigated with the renovation of the golf course.

Councilmember Leighan asked about this being done inhouse and Public Works Director Winckler said they are working as much as they can to get to that point and anticipate a total of 24 projects this year with all scopes done inhouse. Some of the project management can be done inhouse and staff is trying to take care of the ones that are most cost effective for the City to do, he said. He added the goal is to do as many as they can inhouse.

Councilmember Pedersen returned at 10:02 p.m.

Councilmember Herman spoke about environmental protection and said he would like to have a report regarding quality of habitat buffer now and after the project, so the public knows what is being accomplished. Also, he said Don Burke was telling him that PUD has a marine biologist on staff that would be willing to help other entities and Public Works Director Winckler said he will contact PUD about that.

Public Works Director Winckler added that the Dept. of Fisheries does work with the City now; there have been some major changes in coming to some resolve in these issues and the City is working hard to maintain a good relationship with DOF. He said he would follow up upon completion of the project.

It was noted that the City Attorney had reviewed the agreement and had no further recommendations.

Councilmember Myers moved and Councilmember Bartholomew seconded to authorize the Mayor to execute the professional services agreement with Hammond, Collier & Wade in the amount of \$29,909. The motion passed 5-1 with Councilmember Leighan against.

CORRECTED: SEE 5/4/98 MINUTES

CORRECTED: SEE 5/4/98 MINUTES s/b 4:02"

CORRECTED: SEE 5/4/98 MINUTES s/b "Berkey"



Councilmember Dierck asked about DOF standards and whether they included juvenile fish. Public Works Director Winckler said juvenile and adult fish were both protected and included in the standards.

Councilmember Dierck asked about siltation and future maintenance and Public Works Director Winckler said that's difficult to control (silt) but probably it could be with a specific type of vegetation; the City will be reviewing that and may be removing and replacing with hydroseeding. He said they will be talking with the Corps and DOF.

ORDINANCES & RESOLUTIONS:

**1. Resolution Granting Utility Variance to Tulalip Tribes.**

It was the consensus to postpone any action on this until after the Executive Session.

ADJOURNED: 11:10 p.m.

EXECUTIVE SESSION: 11:15 p.m. to 12:13 a.m. 4/28/98

**1. Litigation. (No Action)**

RECONVENED & ADJOURNED: 12:13 a.m. 4/28/98

Accepted this 4<sup>th</sup> day of May, 1998.

David Weiser  
MAYOR

Mary Sverson  
CITY CLERK

Wanda A. Sverson  
RECORDING SECRETARY