

Original

MINUTES RECAP

49200

MARYSVILLE CITY COUNCIL MEETING OCTOBER 26, 1998

CALL TO ORDER: 7:00 p.m.

WJ

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:

- 1. City Council Meeting; 10/12/98 Approved
- 2. City Council Workshop; 10/19/98 Approved

~~00250~~

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

- 1. Approval 10/26/98 Claims in the amount of \$397,733.31; paid by check nos. 41554 through 41756 with check nos. 41396, 41406, 41428, and 41460 void.
- 2. Approval of Liquor License; Don's Restaurant; 1216 4th St.
- 3. Affirm Hearing Examiner's Decision for Rezone Subject to Conditions; Cedar Landing; PA 9806034.
- 4. Set a Public Hearing Date for November 23, 1998; Street Vacation; Belmark Industries; PA 9810057.
- 5. Set a Public Hearing Date for November 23, 1998; Street Vacation; Ken Hilton; PA9806035.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

- 1. Swear in Police Officer; Tami L. Horn.

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATIONS: None

PUBLIC HEARINGS:

- 1. School Impact Fee Ord. & Amendment of Comp Plan/Capital Facilities Only; Cont. from 9/28/98 Approved 4-3 w/\$2000 cap on SF, \$1500 cap on MF-- to mirror county's ord.

REVIEW BIDS: None

NEW BUSINESS:

- 1. School Resource Officer. City's Participation Approved

ORDINANCES & RESOLUTIONS: None

ADJOURNED: 9:35 p.m.

LEGAL MATTERS/EXECUTIVE SESSION:

- 1. City Administrator's Contract 9:40 to 10:30 p.m. Approved 4-3

RECONVENED & ADJOURNED: 10:31 p.m.

MARYSVILLE CITY COUNCIL MEETING

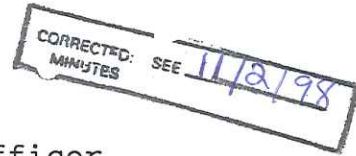
OCTOBER 26, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
Brett Roark
NormaJean Dierck
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Robert Carden, Police Chief
Doug Buell, Community Information Officer
Dave Zabell, City Administrator
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Dennis Peterson, Commander, M.P.D.
Wanda Iverson, Recording Secretary

00258



CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; October 12, 1998.

Councilmember Dierck moved and Councilmember Pedersen seconded to approve the Council Minutes of 10/12/98 as presented. Passed 7-0.

2. City Council Workshop; October 19, 1998.

Councilmember Bartholomew moved and Councilmember Dierck seconded to approve the 10/19/98 Workshop minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval 10/26/98 Claims in the amount of \$397,733.31; paid by check nos. 41554 through 41756 with check nos. 41396, 41406, 41428, and 41460 void.
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5. Set a Public Hearing Date for November 23, 1998; Street Vacation; Ken Hilton; PA9806035.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Items 1 through 5. Passed unanimously.

STAFF BUSINESS:

City Administrator Zabell reminded Council of the Budget Workshop continuation tomorrow evening, 7 p.m. at City Hall.

City Planner Hirashima noted she will be attending the Snohomish County Planning Commission meeting tomorrow at 7 p.m. when the possible inclusion of Strawberry Fields in the Marysville UGA will be discussed. She said she believed Parks & Recreation Director Ballew will be in attendance also.

MAYOR'S BUSINESS:

1. Swearing in of Police Officer, Tami L. Horn.

Ms. Horn was sworn in and congratulated on becoming Marysville's newest police officer.

CALL ON COUNCILMEMBERS:

Councilmember Dierck asked about advertising the openings on the TV Advisory Committee, the Library Board and the Parks Board. She said she would like to see these vacancies publicized on Channel 29 and in the Globe.

Mayor Weiser said he would be following up on this.

PUBLIC HEARING:

1. School Impact Fee Ordinance and Amendment of Comprehensive Plan/Capital Facilities Only; Continued from Sept. 28, 1998.

Mayor Weiser noted that no public testimony will be taken tonight as it was closed at the last public hearing. He said a letter received from Larry Clement of the Marysville School District, dated Oct. 26, 1998, can be included in the record:

"Re: Correction of City Council Minutes Dated Sept. 28, 1998

I noted that the minutes were not completely accurate and may have unintentionally portrayed the wrong message to City Council and citizens of Marysville. Please amend your minutes to reflect the following testimony:

Page 5, first paragraph should read: "Lawrence D. Clement of the Marysville School District, 12705 48th Dr. NE, addressed City Council. He said that in answer to the question about Mitigation fee collection impact on future school construction bond issue requests, that such a program of full collection would reduce the amount we have to request from the Marysville taxpayers. For example: If the City Council supported the full collection proposal for single house construction of \$4070 from an average of 500 new homes per year for a period of two years, then the school district could possibly reduce a future bond request by \$4 Million assuming they don't have to expend the dollars on temporary classrooms in the meantime."

Councilmember Wright said she wished to disclose she has lived in Marysville for 25 years, belongs to the State Board of Realtors, has been on the advisory committee for Vocational Education for 12 years, on the Business Education Advisory Committee since the mid 70s (addresses curriculum, facilities and budget issues), also serves on the Soroptimist Youth Committee, all her children and grandchildren have gone through the Marysville School District and she is very interested in the education of our youth. She stated she and her husband's real estate firm is not a member of the Master Builders Association.

It was noted that several members of the City Council have been contacted by members of the public concerning the school impact fee issue in the last month.

City Attorney Weed stated that since the time the public hearing was closed, there have been a number of contacts from the community but since this is a legislative action, it will have citywide applicability, is not a quasi judicial proceeding and there is no requirement that City Council make any public disclosure and as such are not subject to the appearance of fairness doctrine.

Councilmember Pedersen noted she has been contacted numerous times by both opponents and proponents of the issue.

Councilmember Dierck pointed out that all Councilmembers received letters from Master Builders Friday and she said she feels the school district should be allowed to rebut the Master Builders' letter.

City Attorney Weed said as he understands it, no more public testimony was to be made and if a letter was received, it should not be part of the record. The information that should be reviewed is only that which was submitted during the last public hearing, he said, and the Master Builders' letter should not be considered part of the record, but to be thought of as another lobbying effort only.

Councilmember Leighan stated he did not receive the letter in question from the Master Builders as he did not pick up his mail and he also did not return Mr. Thometz' phone call message that was left on his voice mail.

Councilmember Roark stated he did not receive nor read the Master Builders letter either but he did speak briefly with Tim Thometz.

CORRECTED: SEE 11/2/98
 MINUTES Did Receive but did not read.

Mayor Weiser asked about comments or questions from Council regarding any of the information that was presented at the last public hearing.

Councilmember Pedersen asked about the \$250 administrative fee, whether it was per plat or per lot.

City Planner Hirashima explained the proposal is that it be per plat or subdivision. She went on to say they had considered a percentage fee but it was felt that would create different fees for the same service, eg. Stanwood has a 10% fee for administration but Planning staff/Planning Commission did not feel that was the best approach based on review and the proposal is an application fee to be paid by the developer for each subdivision. She noted there is a lot of time involved and this fee will include auditing and transfer of the fee to the school district. She said she talked with the county and they are going to have a per dwelling fee but in the case of a larger development, eg. a 200 lot plat, that is not going to take as much time as the fee would equate out to. If the Council wants to make it a little more equitable she said she would suggest a fee for 1 to 50 lots, eg., then a little higher for the next increment up, eg. 50 to 100 lots. She said she based the \$250 fee on an average of a 20 lot subdivision certification and reviewed about 50 applications to come up with this average. She confirmed that this fee would be over and above the mitigation fee itself.

Councilmember Bartholomew asked what the process is for integrating the suggested changes into the ordinance and City Attorney Weed said consensus and direction would need to come from the City Council. He noted the intent of the memos in the packets was to highlight some of the issues raised in the last public hearing; there may be more items the Council wishes to address.

Councilmember Leighan asked about the time the mitigation fee would be paid and City Planner Hirashima said her memo talks about the present process. If payment is taken too early, the collecting agency is earning interest, she pointed out, before there is any impact, so traditionally, it is collected at the time of the issuance of the building permit because there is an agreement usually at that time in place. She added that the language could probably be reduced to simply be paid at the time the building permit is issued.

It was noted that with a 200 lot subdivision, there could conceivably be 200 fees paid and City Planner Hirashima said right now they have people paying at different levels and from the City's standpoint that's preferable on a 200 lot subdivision, eg.

Councilmen Pedersen suggested: "Administration fee to be paid on or before issuance of building permit."

Councilmember Herman suggested some way of showing that a plat is single family or multifamily.

Councilmember Wright asked about the present process and why the school district can't continue collecting the fees.

City Planner Hirashima explained the way it is done now, there is no auditing process and the City is the agency that is responsible for making sure the fees are utilized for the capital facilities and responsible for any refunds, responsible to carry out the mandates of the GMA. She said the proposed ordinance here does require an interlocal agreement between the city and school district, where annual reports and records are established. She said she would assume these records will become part of the annual City audit.

Councilmember Bartholomew asked about earned interest and City Attorney Weed stated the school district would get all interest on the mitigation fees.

Councilmember Bartholomew asked about an estimate for the Parks and Traffic Mitigation fees and City Planner Hirashima said that's still being reviewed by the Planning Commission. At present, traffic mitigation is \$824 per lot but the City is contemplating some additional needs/roads, she said. She added that the Parks and Traffic mitigation fees will be reviewed in two separate hearings.

Councilmember Roark asked about specific language suggested by the City Attorney under #1, 5 & 6 of the memo in the packets. He referred to a self-imposed discount and City Attorney Weed said the county's language would probably be followed.

Councilmember Roark asked about the control of the "fund" and City Attorney Weed said the fund would be set up for a short term turnaround--about 10 days--before it would be disbursed to the school district and interest would go to the school district. One of the reasons for establishing this as part of the budget process is that a Comprehensive Plan can only be reviewed annually and the Capital Facilities Plan is an exception, he said. He explained that the GMA allows for an emergency ordinance, especially with the information provided by the school district about shortages of classroom space, growth, etc. and the proposed ordinance would allow the Comprehensive Plan to be amended out of cycle.

Councilmember Pedersen said she is not comfortable with the method of determination of the assessed value of a new home and said she would be more comfortable with the average cost of new housing being used vs its assessed value.

Councilmembers Wright and Bartholomew agreed.

There was discussion about whether apartments are included, single family homes and multifamily units, various methods of determining values, discounts, average assessed values, how current values of homes would be maintained.

Councilmember Herman said he doesn't believe current values of homes would be readily available and it becomes a logistical problem, with time frames to be used, etc.

Councilmember Wright asked about state statutes and City Attorney Weed said the proposed ordinance is modeled to comply with the RCW. She asked what happens with the passage of a bond, with changes in the amount of the mitigation fee and/or tax credit and City Planner Hirashima said it could be recalculated at a time of any significant change and there is a provision in the ordinance to make corrections prior to the once-every-two-year point; it would be in the tax credit formula, she said. She pointed out that the CFP is 6 years and a bond term is typically 20 years, so it may not be a significant impact.

Councilmember Leighan said he feels the school district did a good job on the formula for calculating school mitigation fees but he said he is having a problem with seeing Marysville residents pay twice what county residents have to pay.

Councilmember Bartholomew said she shares that concern about equity but understands the county may be readdressing the issue soon.

Councilmember Dierck moved to accept the Planning Commission recommendation for school mitigation fees of \$4070 for single family units and \$3734 for multi-family units. Councilmember Herman said he would second the motion with the following friendly amendments, as per the City Attorney's memo in the packets:

1. As an emergency ordinance, adopt Capital Facilities Plan as an amendment to the Capital Facilities Element of the Comprehensive Plan and direct that it be included for adoption in the 1999 budget. The emergency provision conforms to the state statute and findings should be based on the rapid growth in the community, the need to supply school facilities, the fiscal impacts of any delay and the need to preserve health, safety and welfare.
2. Through an agreement between the City and appropriate School District, establish the administrative fee at an amount that, as nearly as possible, approximates the actual administrative costs and adopt that fee as part of MMC 18C.12.040.
3. Consistency of vesting and requirements from ESHB 1724 (regulatory reform): The amount of the fee shall be determined by the impact fee schedule(s) in effect on the date a letter of completeness is issued by the Planning Dept. for the building permit application under MMC 15.05.040(4).
4. Make the payment due and payable at or before the time of the building permit.
5. Designate the discount factor(s) in the ordinance (this makes this a separate issue from the adoption of the Capital Facilities Plan).
6. Establish separate budgetary accounts for deposit of funds for each school district's impact fees. Include adoption of (any) school district capital facilities plans by reference in the budget.
7. Separate effective date of ordinance from effective date of fee schedules. Make fee schedules effective upon the adoption of the applicable Capital Facilities Plan and the execution of an interlocal agreement between the City and the appropriate School District.
8. (No need for City Attorney Weed's 8th point.)

Councilmember Dierck agreed to make this part of her motion, Councilmember Herman seconded and a roll call vote revealed, after further length discussion about equity between the county's and City's mitigation fees, and the City's role as leader, the motion failed 5-2 with Councilmembers Bartholomew, Pedersen, Wright, Leighan and Herman against. (Councilmember Herman clarified that the reason he voted against was so that he would be eligible to make a motion to reconsider.)

Councilmember Pedersen suggested giving the school district an opportunity to come back with another plan, keeping in mind what has been presented/discussed, without a new public hearing (i.e. no public testimony), in one week. She said she specifically would like to see changes made in the valuation of houses in the formula. She said she would also like them to take a look at the discount rate, new growth figures because she said she would rather see a compromise here than defeat of the school district's proposal entirely.

Councilmember Leighan then moved to index Marysville's school mitigation fee to the county's, i.e. a \$2,000 cap for single family houses and a \$1,500 cap fee for multifamily, with the 7 points outlined in the previous motion from the City Attorney's memo and to include #8 with the assessed value of new construction

averaged over the previous 3 years. If the county's fee changes up or down, the City's would mirror that, he clarified. Councilmember Bartholomew seconded the motion.

Roll call vote on this motion revealed it passed 4-3 with Councilmembers Herman, Dierck and Roark against.

BREAK: 9:02 to 9:10 p.m.

NEW BUSINESS:

1. School Resource Officer.

Chief Cardin gave a brief presentation based on information attached to the agenda bill. He explained the proposal is to place a School Resource Officer (SRO) at the junior high where they had the most incidents last year (272). He outlined the role of an SRO, costs of personnel and equipment over the next 3 years, how this would be funded and he noted this has not been approved by the school district as yet. He said funding from the Tribal Gaming funds and narcotic funds are also possibilities.

With the Dept. of Justice providing 1/3 (\$25,000) of the annual cost over the next 3 years, Councilmember Bartholomew asked what happens once the federal funding runs out. Chief Cardin said after 3 years he would suggest a 50-50 split with the school district and the City.

It was noted there is presently security personnel at the junior high and Chief Cardin stated that would not change. He noted the SRO would be a uniformed, fully sworn in officer with full powers and carrying a weapon. He said they would probably advertise and hire from within and then whoever became SRO would be replaced by an officer from outside the present MPD. He added that this is not to replace the DARE program, it is to supplement it. The SRO would also have a new, highly visible vehicle.

Dr. Dick Eisenhauer, Superintendent of Marysville Schools, addressed Council, stating he has worked with SROs in two other districts and it is very effective. He said the proposal has not been approved by the school board as yet but from his experience, good things happen when there is the presence of an SRO--you see more communications, positive attitudes, etc. and he said he will be recommending it to the school board if that's the Council recommendation.

Councilmember Bartholomew moved and Councilmember Herman seconded to recommend the hiring of an SRO, contingent upon the program being approved by the Marysville School District Board of Directors and:

- to establish an SRO program in the junior high and middle schools
- to allocate funds to accommodate a new full-time police officer position
- to authorize the Mayor to enter into agreement with the US Dept. of Justice to receive COPS More funds in the amount of \$75,000 to be used to subsidize the School Resource Officer Program
- to direct the City Attorney to work with a legal representative from the Marysville School District to draft an Interlocal Agreement pertaining to the SRO Program.

The motion passed unanimously.

STAFF BUSINESS, CONTINUED:

Public Works Director Winckler reviewed a change order for the First & State Signal project, to include installation of the loop on the signal at State & Grove, for an additional \$4111.60 which represents 3.54% of the total project.

LEGAL MATTERS:

1. City Administrator's Contract.

It was explained this would be addressed in Executive Session.

ADJOURNMENT: 9:35 p.m.

EXECUTIVE SESSION: 9:40 to 10:30 p.m.

CORRECTED: SEE 11/2/98
MINUTES

1. Personnel.

RECONVENED: 10:30 p.m.

Councilmember Bartholomew moved and Councilmember Roark seconded to authorize the Mayor to sign the City Administrator Contract with Dave Zabell at terms as discussed in Executive Session. Passed 4-3 with Councilmembers Dierck, Leighan and Pedersen against.

ADJOURNED: 10:31 p.m.

Accepted this 2nd day of November, 1998.

David Weiser
MAYOR

Mary Pedersen
CITY CLERK

Shonda R. Iverson
RECORDING SECRETARY