

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
MAY 8, 2000**

000190

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Dierck absent.
MINUTES OF PREVIOUS MEETING 1. May 1, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION None	
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Margo Tipton for Library Board re Art in Public Places program	Approved appointing committee for detailed recommendation and resolution to implement.
<b>ACTION ITEMS</b>	
<b>REVIEW BIDS</b> None.	
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. No parking SR528 at 65 <sup>th</sup> Drive NE	Continued to May 22 at request of staff
<b>NEW BUSINESS</b> 1. Hotel/Motel Committee recommendation  2. Police Department proposal for take home car program  3. Amend 2000 city operating budget (first reading)  4. Cedars on 60 <sup>th</sup> annexation – Notice Of Intention to Commence Annexation	Approved \$10,000 for sign and fence; \$37,300 for Phase II restroom.  Approved concept and directed staff to negotiate with the POA and work out details.  First reading; no action.  Accepted Notice of Intent with boundary as requested by petitioners.
<b>CONSENT AGENDA</b> 1. Approve May 8, 2000 claims in the amount of \$337,150.64 paid by check Nos. 52089 through 52177. 2. Approve model home request on Lot 29 of Eldorado Hills.	Approved.  Approved.
<b>LEGAL MATTERS</b> 1. Contract for recovery of utility construction costs – water, Marysville School District	Continued at request of staff.
<b>ORDINANCES AND RESOLUTIONS</b>	
1. An ordinance of the City of Marysville, Washington amending MMC 11.37.040 relating to tow truck businesses. 2. A Resolution of the City of Marysville granting a utility variance for Duane Smith for property located at 5115 124 Place NE, Marysville, Washington.	Approved Ordinance 2320 with change.  Approved Resolution 1980.
<b>INFORMATION ITEMS</b>	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN INTO EXECUTIVE SESSION	9:30 p.m.
RECONVENE No action taken.	
ADJOURN	11:00 p.m.

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
MAY 8, 2000**

**CALL TO ORDER/FLAG SALUTE**

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
David Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Mary Swenson, Assistant City Administrator
Shirley Bartholomew	Robert Carden, Chief of Police
Jim Brennick	Gloria Hirashima, City Planner
Donna Pedersen	Grant Weed, City Attorney
Suzanne Smith	Ken Winckler, Public Works Director
John Soriano	

Mayor Weiser advised that Councilmember Dierck was ill and unable to attend.

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, May 1, 2000.

Councilmembers noted the following corrections:

- Page 1, presentation by Ken Hale. Address shown was incorrect; correct address not known.
- Page 2, line 10: "\$68 Billion" should read "\$6.8 Billion."
- Page 2, line 11: "generated \$50" should read "50¢ per transportation tax dollar."
- Page 4, 6<sup>th</sup> bullet: "density...west of QFC" should read "west of Haggens'."
- Page 8, first motion should read "Motion...to place the county's Administrative Rule on the council's agenda for public hearing...."

**MOTION** by Bartholomew, second by Brennick, to approve the minutes of the May 1, 2000 meeting as corrected. Motion carried unanimously (6-0).

**AUDIENCE PARTICIPATION**

None.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS:**

Margo Tipton, 6308 100<sup>th</sup> Street NE, on behalf of the Library Board, addressed council regarding Art in Public Places. She noted the "frequently asked questions" information she distributed pertained to the King County Arts Commission. She requested council to pass a resolution on behalf of public art.

Mayor Weiser asked if the 1% for the arts was on all public works projects; Ms. Tipton responded that King County included all projects and where it was not suitable to put art or the area was not accessible to the public, then the funds were pooled and used for art projects in other locations. She suggested a committee be appointed to prepare a detailed recommendation.

Councilmember Pedersen expressed support for proceeding, noting that public art played an important role in downtown revitalization in other cities, such as Kirkland and Redmond.

Councilmember Bartholomew asked how the contribution was computed when federal funds were involved; Ms. Tipton responded that the sample ordinances she had reviewed indicated the federal funds were excluded so the 1% for public art was computed only on the remainder. Councilmember Pedersen added that the city would notify those bidding on a project that it had a 1% for public art program in place. Bidders would add that to the cost of the project then contribute that amount to the city. It would be held in the General Fund until expended.

Councilmember Smith suggested the ordinance be written to require a contribution of 1% for the arts from non-public projects.

Councilmember Brennick asked if the state mandated an amount for art for cities and counties like it did for education; Mayor Weiser responded that it did not.

**MOTION** Pedersen, second by Smith, to request the Mayor to appoint a committee to recommend a detailed Art in Public Places program and to direct the city attorney to prepare a draft resolution for council consideration adopting and funding the same. Motion carried unanimously (6-0).

### ACTION ITEMS

#### **Review Bids**

None.

#### **Public Hearing**

None.

#### **Current Business.**

1. No parking SR528 at 65<sup>th</sup> Drive NE (continued from February 14)

Mr. Winckler requested this item be continued.

**MOTION** by Bartholomew, second by Pedersen, to continue this topic to the May 22 meeting. Motion carried unanimously (6-0).

### New Business

1. Hotel/Motel Committee recommendation

Ms. Swenson gave the background presentation, noting there were 1998 legislative changes regarding how hotel/motel tax money could be used. The Hotel/Motel Committee was made up of two representatives from the business segment that collected the lodging tax, two from organizations or activities that were authorized to be funded by these revenues - such as MaryFest, the Chamber of Commerce and the Visitor Information Center - and one elected official. The funds being held from before the legislative change totaled approximately \$46,800; funds collected following the change through the year 2000 were expected to be \$24,000. The Committee recommended using approximately \$10,000 of the pre-legislation funds to purchase a community information readerboard and install an architectural fence by the caboose and using the balance for a public restroom facility in the design of a railway station near the caboose.

Councilmember Pedersen suggested the existing "welcome to Marysville" sign be retained, if possible. She asked if the fence would be on city property; Ms. Swenson said that it would.

Councilmember Brennick asked if any non-profit organizations had requested hotel/motel funds. Ms. Swenson responded that MaryFest made a request last year but council chose not to move forward; in prior years requests had been granted to non-profit organizations.

Councilmember Bartholomew noted that \$36,000 would be insufficient to construct a public restroom facility; Ms. Swenson responded that they would look to the community for the balance. Donations of labor and supplies would be sought. Councilmember Bartholomew suggested staff check with Arlington and Snohomish regarding how they had managed their projects.

CORRECTED: SEE 5/22/00
MINUTES 5/16 Granite Falls

**MOTION** by Bartholomew, second by Pedersen, to accept the recommended action and authorize the construction of the community information sign and fence system as identified in the agenda materials for a combined project cost not to exceed \$10,000, funds to be appropriated from the Hotel/Motel Fund; and to recommend that the balance of funds collected prior to December 1998 in the approximate amount of \$37,300 be dedicated to Phase II, a public restroom facility. Motion carried unanimously (6-0).

The Mayor re-ordered the agenda to accommodate those in the audience wishing to speak.

#### 4. Cedars on 60<sup>th</sup> annexation – Notice Of Intention to Commence Annexation

Ms. Hirashima gave the background presentation, noting this was the 10% stage; if council approved the proposed boundary, the 60% petition would be circulated. The signers of the Notice of Intention actually constituted 59.2% of the assessed value. She raised the issue of the two plats immediately south of the petition area, Heritage Place and Sau-turn. She noted that although the city required that a covenant to annex be signed, only the one from Larry and Pamela Evans had been located. No such agreement could be found for any of the other properties.

Larry Deisher, 4704 Westview Drive, Everett 98203, spoke in support of the petition noting the project had been underway for 1-1/2 years. They had gone through the county's procedures with a 20-lot subdivision and had received a utility variance from the City of Marysville in October. Staff requested that they go through the petition for annexation process and they had in good faith gone out and obtained the signatures of the properties involved. These properties represented a concise rectangular boundary that would block in a reasonable piece of area along 60<sup>th</sup> and allow future development to come in to the south. He asserted it was unfortunate to be held up for an uncertain length of time in order to circulate petitions in the area to the south which had already been platted and was under a large number of ownerships. He stated it would be most unfortunate if, after the county had approved their preliminary plat, those residents to the south could come in after the fact and stop their development by refusing to sign the annexation petition. He requested that council favorably consider the boundary as set out in their 10% Notice of Intent.

Councilmember comments and questions were:

- Had petitioners talked with the residents of Heritage Place? He stated they had not.
- If the petitions' plat was approved by the county and they had utilities from the city, why was there a need to annex to the city at all? Ms. Hirashima explained that the city passed a resolution about a year ago to add clarification to how the utility code was being administered. That legislation required that if a plat was within two parcels of the city limits a petition for annexation would be required. That was the case in this instance. They did submit a petition to annex, but not with a boundary that was contiguous. The question to council was whether or not to expand the petition boundary to include the two plats to the south which would make petitioners' task much more difficult. The two southern subdivisions were hooked up to city utilities and covenants to annex should have been on file for all of those properties, but they were either not completed or not recorded. If those covenants had existed, staff could have administratively added them to the annexation area without the need to get their signatures on the petition.
- Without including the parcels to the south, the proposed annexation area created an irregular boundary.
- Did the city's code require the actual annexation to take place at the time the area became contiguous, which the two plats to the south already were? Mr. Weed responded that the code did state that but the city had not been consistent about "collecting" on that at the time they became contiguous; it usually waited and grouped parcels into a larger annexation area when the opportunity arose.
- If the annexation as proposed by petitioners were accepted, then the plats to the south would be almost surrounded by city property; could their annexation be forced at that time? Mr. Weed responded that a provision in the state annexation statute allowed for annexation of unincorporated islands without any annexation hearing, simply by action of the legislative body. Another state statute allowed that when 75% of the boundaries of unincorporated territory were touching on city boundary, that area could be annexed without the 60% requirement. If the proposal before council was approved, three of the four sides of the two plats to the south would be touching on city boundary.

Rick Hart, for petitioners, stated they were attempting to get their sewer plans approved by the city and the city would not sign until the annexation petition was approved. He questioned whether the filing of the 10% Notice of Intention was sufficient to allow staff to approve the sewer plans. Ms. Hirashima clarified that the utility code referred to the 60% petition.

**MOTION** by Pedersen, second by Bartholomew, to accept the 10% Notice of Intent and establish as the annexation area the five parcels colored solid in the agenda packet and authorize circulation of the 60% petition in that area. Motion carried unanimously (6-0).

Councilmember Pedersen suggested the above action was taken with the understanding that when this annexation was completed the two developments to the south, Heritage Place and Sau-tern, would be annexed administratively or per the state statute mentioned earlier. The balance of the council concurred.

## 2. Police Department proposal for take home car program

Chief Carden gave the background information, noting this program would not be expensive for the city because in 1995 it had adopted the personalized vehicle program. The Department had 22 marked and 7 unmarked vehicles and no further vehicles would be needed. He gave a detailed presentation; some highlights were:

- Increased positive police exposure coupled with a greater degree of accountability and care for the vehicles.
- Instead of being in the back parking lot, the police vehicles would be out in neighborhoods.
- The test program run in March was very positive.
- Take home cars would increase visibility by 608 hours annually, and would have traffic calming impacts.
- It would serve to reduce crime by opening communications between officers and their neighbors.
- In the event of a major crisis, vehicles could respond from wherever they were. Responding to the station first would not necessarily be required.
- Would reduce emergency call-out response time. The city's boundaries were a long way out. In an emergency an officer could dress and prepare at home and go directly to the scene.
- The program increased community relations, allowing more children to see and come to recognize the officers who lived in their area.
- The officers would not be on duty while driving to and from work, but if they saw something they could notify their supervisor that they were going to take action then go on duty and make a stop.
- The effect on personnel would be enhanced professionalism, community oriented policing, and officers would be a focal point for law enforcement in their neighborhoods.
- 57,000 miles would be added to the fleet per year, requiring additional gas, tires, oil, lubes and brake jobs. Some savings would be realized from officers washing the vehicles. The estimated program cost would be \$3,140.
- This would support the Department's desire to be an open department and would be an extension of what they do in the community.

Councilmember questions and comments included:

- How many of the officers lived outside the city? Chief Carden responded that 55% lived in the city.
- If the Police vehicles were not parked on the back lot, that space could possibly be used for the communication center.
- Would officers be required to track their mileage for tax purposes? Chief Carden stated he had reviewed this with the State Patrol, which had sent them some information. The mileage was not tracked for tax purposes because they were specialized vehicles, designed to do police work and used only for that. They were not used for anything personal like grocery shopping or other personal errands. He had called the IRS, which verified that interpretation. The Finance Department would have to make a determination, but he did not think this would be a taxable benefit to the officers.
- Would an officer be on overtime if s/he made a stop during the commute home? Chief Carden responded they would have to call their supervisor before going into action and that would be compensable time.
- How many took cars home now? Four: the Chief, one Commander and two Detectives.
- Was there anything in the proposal that limited how far outside the city an officer could live and take a car home to? No.
- When was the pilot take-home program? In 95, under the previous Chief.
- What was the furthest location where an officer lived? Camano Island. 83% of the officers lived within 20 minutes.
- How long did the Department usually keep its vehicles? The Department runs its vehicles to 78,000 to 95,000 miles. Chief Carden felt this program would support getting the high end of that. The cost to replace a vehicle was approximately \$28,000.
- Could a city officer make a stop in a rural area? Chief Carden noted they were commissioned officers and state law allowed them to become involved whenever and wherever they saw a crime occurring. He did not want them doing a lot outside of town but this program would not change what the law already allowed them to do.
- Did the court offer police car washing as an option for community service? The court could give work time but it was important to maintain discipline and if a

custody officer were needed to supervise a work release effort, it would not be cost effective.

- Do the officers currently dress at the station by choice or was it required? Commander Winters responded there was no definite policy. Some officers chose to free up closet space at home by showering and changing at the station.
- What was the Police Officers Association position? They supported it.

The Mayor called for public comments.

Ray Stanton, 599 64<sup>th</sup> Street NE #8, asked if officers would have to come to the station from home before going on duty. Chief Carden responded that it would depend on what the station would do for briefing. Officers would not be on duty from the time they left their house but could go on duty enroute in an emergency.

**MOTION** by Bartholomew, second by Smith, to approve the concept of the Take Home Car Program and direct the Police Department and staff to proceed to negotiate with the Police Officers Association and work out the details. Motion carried unanimously (6-0).

3. Amend 2000 city operating budget (first reading)

Mayor Weiser noted this would be on the May 22<sup>nd</sup> agenda for action. There were no questions from councilmembers or comments from the public.

**CONSENT AGENDA**

1. Approve May 8, 2000 claims in the amount of \$337,150.64 paid by check Nos. 52089 through 52177.
2. Approve model home request on Lot 29 of Eldorado Hills.

**MOTION** by Bartholomew, second by Brennick, to approve consent items 1 and 2. Motion carried unanimously (6-0).

**Legal**

1. Contract for recovery of utility construction costs - water, Marysville School District

Mr. Winckler requested this item be continued as additional research was needed regarding the remaining properties and their status under this recovery. Council agreed.

**Ordinances & Resolutions**

1. An ordinance of the City of Marysville, Washington amending MMC 11.37.040 relating to tow truck businesses.

Councilmember Leighan questioned whether the wording of the proposed ordinance captured the intent of council as it did not require a business license for an owner-requested tow into or out of the city but would require a license for an owner-requested tow from one location within the city to another. After a lengthy discussion, the majority of councilmembers agreed to add the words "or within" to paragraph (1) of 11.37.040.

**MOTION** by Smith, second by Brennick, to adopt Ordinance 2320 with the change noted above. Leighan voted nay; all others voted aye; motion carried (5-1).

2. A Resolution of the City of Marysville granting a utility variance for Duane Smith for property located at 5115 124 Place NE, Marysville, Washington.

**MOTION** by Bartholomew, second by Brennick, to approved Resolution 1980. Motion carried unanimously (6-0).

**DISCUSSION ITEMS:**

None.

**INFORMATION ITEMS:**

## 1. Mayor's business.

- AWC convention is June 20 – 24 in Spokane. Requested council to let staff know if they planned to attend. He advised that flying was a transportation option as airfares were very reasonable. Voting delegates needed to register by June 19.
- He had submitted his name to run for the District 8 position on the Association of Washington Cities Board of Directors. Voting on that would be during the convention.

## 2. Staff's business

Mr. Zabell

- Tentative dates for the volunteer appreciate dinner were June 7, 8, 14 or 15. After discussion it was noted the majority were available on the 8<sup>th</sup>; it was agreed to hold it then.
- The announcements about the town meeting were in the newsletter and were posted throughout the city.
- The Cities & Towns meeting on 5/18 in Edmonds had a theme of art and included a gallery tour.

Ms. Hirashima:

- Received word of a shoreline grant approval for wetland analysis; this would be added to the master planning effort in the Smokey Point area.

Mr. Winckler:

- Reminded of Utility Committee meeting on 5/11 7:30 a.m. at Public Works.
- Regarding signage on 76<sup>th</sup> Street, the signs were installed on 12/14/99 then re-installed on 1/10, 1/14, 2/9 and 5/4. It was apparent that some neighbors did not wish the signs to be there. The cost to install each time was approximately \$70. The Police Department had been requested to increase their watch there.
- He had requested a review on 88<sup>th</sup> and would report back when the study was complete.
- Regarding the rock used as backfill on 76<sup>th</sup>, that had been inspected and contact was being made with the gas company. He would report back.

## 3. Call on councilmembers

Councilmember Pedersen:

- Would attend the Snohomish Health District Board meeting on 5/9.
- Had an earlier meeting on 5/16 so might arrive at the workshop late.
- On the corner of 57<sup>th</sup> and 70<sup>th</sup> over the weekend a stop sign was down. Mr. Winckler agreed to follow up.

Councilmember Bartholomew:

- Mentioned a story in the *Times PI* about graffiti which contained many positive comments about Marysville's ordinance.

Councilmember Soriano:

- Had attended the Cross Training class and thanked Chief Carden.

Councilmember Smith:

- Mentioned heading north on 67<sup>th</sup> and the left turn at 528. Mr. Winckler noted that with the major change in that area the city needed to change the traffic signal settings and they had been working on that.
- Thanked staff for hanging the picture, which had been presented at the previous meeting "The First Prayer in Congress" and requested a light be installed over it.

**ADJOURN TO EXECUTIVE SESSION**

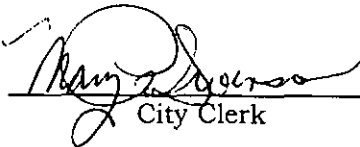
Council adjourned into Executive Session at 9:30 p.m. to discuss two personnel issues.

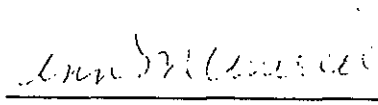
**ADJOURN**

Council reconvened into regular session, took no further action and adjourned at 11:00 p.m.

Accepted this 22nd day of May, 2000.

  
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Mayor

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Recording Secretary