

Original

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
DECEMBER 4, 2000**

000031

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Pedersen absent.
MINUTES OF PREVIOUS MEETING 1. November 27, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION Terry Deffries regarding placement of memorial plaque in sidewalk along Sunnyside Boulevard.	Approved.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Police Accreditation Update; Sergeant Darin Rasmussen	
CONSENT AGENDA 1. Approve December 4, 2000 claims in the amount of \$134,855.59; paid by check nos. 55633 through 55726 with check nos. 51731, 54916, and 55392 void. 2. Approve November, 2000 payroll in the amount of \$860,994.10; paid by check nos. 39541 through 39733 with check no. 39733 void. 3. Liquor license renewals for Cristiano's Pizza, Etc, Alf's Pizza and Pasta, and Buzz Inn. 4. Approval of Utility Variance subject to conditions for David O'Connor; 5318 108 th Street N.E., Marysville; UV 2000-25. 5. Acceptance of coating on headworks screw pumps project and begin 45-day lien filing period. 6. Acceptance of First Street and State Avenue traffic signal project and begin 45-day lien filing period. 7. Approval of Utility Variance subject to conditions for Airpak Industries, LLC; 16621 51 st Avenue N.E., Arlington; UV 2000-24. 8. Approval of Utility Variance Extension subject to conditions for Pacific Rim Development; 3318 71 st Avenue N.E., Marysville; UV 99-12. 9. Approval of final plat for Whiskey Top; PA 9403011.	Approved Approved. Approved. Approved. Approved. Approved. Approved. Not approved. Approved.
ACTION ITEMS	
REVIEW BIDS 1. Purchase of pumps for Edward Springs Booster Pump Station. 2. Edward Springs Booster Pump Station project contract award.	Awarded to Correct Equipment for \$46,755.38. Awarded to IMCO General Construction for \$318,066.88
PUBLIC HEARING None.	
CURRENT BUSINESS 1. I-5 West Annexation Expansion, PA 9909043 2. WWTP Capital Facilities Plan, presentation and recommendation	Approved. Approved recommended action
NEW BUSINESS 1. 60 th Drive Annexation; 10% petition; PA 00010042 2. Utility variance subject to conditions for Pacific Rim Development & Construction, 6811 Sunnyside Boulevard, Marysville; UV 2000-23	Approved with expanded boundary. Not approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. 2001 Property Tax Ordinance	Approved Ordinance 2338.

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
DECEMBER 4, 2000**

000032

INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers Motion to invite Janet Carroll and Randy Brower to December 12 workshop	Approved.
ADJOURN INTO EXECUTIVE SESSION	10:55 p.m.
1. Special Council Meeting for Dec. 6, 5:00 p.m. set 2. Direct City Attorney to join the I-711 lawsuit	
ADJOURN	11:50 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
DECEMBER 4, 2000**

CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Acting City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennicks	Grant Weed, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Mike Leighan	Robin Nelson, Assistant City Engineer
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Pedersen was ill and would not be attending.

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, November 27 2000.

Councilmembers noted the following corrections:

- Page 2, insert the following language after the paragraph beginning 'Councilmember Smith': Councilmember Dierck's stated that the County had approached the City about three years ago asking the City to join the County on the administrative rule. The City chose not to do that. But, one of the things she read in the 4(d) was talking about if you had a watershed management plan already written, all ready to go, to go ahead and use that for your submittal and your protection. And it would help us with cost too, because it is already written.

Ms. Moorhead responded that there were two different issues. One is that her jurisdiction is doing things right now that might be contested. She added that Snohomish County had 150' urban buffer and our urban growth area with further restrictions up to 300' feet, and they did not ask for formal approval of that when they adopted it by administrative rule a couple of years ago, but they did have them approve it, and they seemed to like it. So they continue to operate under that.

The second question is the watershed plans. The guidelines for Salmon conservation plans at a watershed level are a little bit different than the State's guidelines for nonpoint pollution action plans which is what is here in Quil Ceda/Allen Watershed. So there would seem to be more work to make sure we fill in all the gaps for what is required under federal guidelines for Salmon plans but the watershed plan that you folks have which was developed under the nonpoint planning aspects of the State WACs is a great start. It gives you a real leg up on the information you will need for capital investments and other measures for Salmon protection.

Dierck: With that in mind, and you stating that, then we have the point and nonpoint pollution source. So couldn't the City of Marysville, if we decided to go that route, take that watershed that is already written, ready to go and take the literature from the Department of Ecology that shows the other way - nonpoint pollution, the way to clean it up. We are suppose to have individuals at the beginning of next month come and give us a presentation on that.

Moorhead answered that she was not familiar with that. There are different approaches to reducing nonpoint pollution that is part of the habitat problem, and so you've got the watershed plan to tell you when to approach,

and it sounds like you have Ecology coming to explain some of the other approaches.

- page 5, #3, the full text of the discussion before the motion follows.

Brennick: I received a call from one of these individuals (that signed the letter). I wasn't going to do anything with it until I received something in writing, and then I informed them I would pass it on to the Mayor and other Councilmembers. I received it today. It is of great concern to me and I am sure others.

Mayor: I will look into this. I see what their concerns are as far as City time, and City files, etc.

Brennick: Did this happen?

Mayor: There was a private party, yes.

Brennick: Was there a dart board there?

Mayor: There was a dart board. There were several gag gifts there.

Brennick: Were there numerous pictures on the dart board?

Mayor: There were some pictures on the dart board.

Brennick: Thank you.

Pedersen: Why can't you answer him tonight? I think it is the tackiest thing that could have happened.

Mayor: I thought I did answer him tonight.

Pedersen: Well then who did it?

Mayor: Honestly, I don't know who did it.

Pedersen: The only picture I know of that the City has of me is city property. I haven't given anyone a picture.

Brennick: I haven't either.

Leighan: We've all been involved in campaigns though.

Mayor: I don't know where the pictures came from. Whether they were photographs, whether they were out of newspapers, where they came from.

Pedersen: Were you there?

Mayor: I was at the party, yes.

Dierck: Well since I was one of the individuals of a photo on a dart board, and you were there, was my photo on there?

Mayor: I believe so. I don't remember for sure, but I believe it was.

Dierck: Was Jim's?

Mayor: I don't remember that.

Dierck: Was Donna's?

Mayor: I think it was but I am not sure.

Dierck: Was Mr. Dyer's on there?

Mayor: Mr. Dyer's was on there.

Dierck: Was there any employees that work with the City or used to work with the City pictures on there?

Mayor: Maybe one other, former employee. Maybe two others, excuse me.

Pedersen: Was it Ed?

Dierck: Could I finish, Donna.

Pedersen: I'm sorry.

Dierck: Was my photo on the dart board, the same photo that sits outside?

Mayor: I don't remember, NormaJean.

Dierck: Well I will ask my three fellow Councilmembers, since it involves us, suggestions on what they would like to do about this.

MOTION by Brennick that we, if not we, a third party outside, investigate this and find out what happened on district time, district property, with the employees that did it, and bring back a finding. If that is the State Patrol or Snohomish County Sheriff's Department; so it be. I think it is a rude and rotten, crude thing to do for any past employees, previous chief of police, elected people - to do something this childish and ignorant. That is my opinion and that's why I would not act on this until something was given to me in writing. That's why I gave it to the Mayor this evening. So, that's the motion. Dierck seconded the motion. Mayor Weiser summarized the motion, and Councilmember Brennick clarified either the State Patrol or Sheriff's Department, and added that Mayor

Weiser contact the former employee and have the dart board brought back at least temporarily, if he would agree so that it can be examined and not destroyed.

- Weed: Stated that typically a law enforcement agency would only investigate when there is evidence of a crime. He did not know if there were other outside agencies that were non-law enforcement related that would be available to conduct some sort of independent review of this, but unless there was some sort of evidence of a crime having been committed, he was not sure that the Sheriff's office or some other law enforcement type of agency would get involved in something like this.
- Dierck: Asked what other type of agency Mr. Weed was thinking about.
- Weed: Said there are various personnel consultants that conduct investigations into personnel matters which this sounds more like it would be.
- Dierck: Or maybe even the organization, Malicious harassment?
- Weed: Are you suggesting there was sort of malicious harassment?
- Dierck: No, I was talking about a name of an organization that helps people out in situations. I see what you are saying. You make a good point. If a crime has not been committed, we couldn't do what Jim wanted to do in his motion so I just wanted to make an amendment to it. So, I was naming another possibility so it could be investigated but not by the Sheriff's Department, for example.
- Brennick: Offered to redo the motion and suggested some type of Human Resources organization so that they could come in.
- Pedersen: Asked if he meant outside the City?
- Brennick: Outside the city, yes. Like a Snohomish County facility or State of Washington human resources department that possibly we could contact.
- Mayor: Are you considering like Snohomish County resource department, or are you saying a more private organization?
- Brennick: Dave, I don't know. I have never been in this kind of situation before, so I don't know who we should contact. But, we should make it somebody, in my opinion, in the motion somebody outside the City that can come in and investigate the situation to see what did happen. That's what I am attempting to find out.
- Smith: I would support this only because my fellow Councilmembers want me to. My name was not on there, and if it was, I could probably let that go. I could let that go because I wouldn't let that trouble me. But, what does trouble me...there are confidential files, personnel files that these pictures were taken from. Anyone of our pictures somehow, you could have gotten our pictures. (Someone unidentified added that they are all on the internet.) Smith said that was true, but if this is what these people want us to do. Do they want us to make a full investigation. That is what they said. They are asking for something that really we should do because it was confidential information, or that part was.
- Mayor: Added if the pictures were taken from the confidential files.

Smith: Correct.

Weed: Mayor, do you have a second to the motion? Do you have a motion on the floor?

Mayor: Yes.

Pedersen: Probably one of the easiest resolutions to this would be for the person who did this to come forward and say they did it, and apologize for doing it. That would probably be the simplest and easiest. And, I don't know who the guest list consisted of, but I am assuming that there were people there that should have put a stop to it, because it was a situation that shouldn't have occurred. The other thing that bothers me, and bothers me the most, is that the three people that were listed in there that made comments in Executive Session about an incident that only a few of us knew who made those comments, and why those three people ended up on the dart board, I would like to know.

Bartholomew: Mr. Mayor, this is the first I heard of it. I did not know of the party. I have a question of Grant. If it was a private party, what jurisdiction do we have. I haven't seen any of this material; I wasn't invited; I didn't know there was a party; and all of a sudden there is a big flap, and I am wondering if it is outside of our purview.

Weed: I am not sure the Council has the authority to find out what happened at a private party, but if there is a complaint lodged about a city employee having done something improper on city time or with city resources, that is probably a legitimate issue to investigate. Not the issue of having a party, but an issue of whether city resources were properly or improperly used might probably be central to any kind of investigation, and get all of the details of whether any of the materials were confidential or not, and whether any of the time spent was on city time or not. But when a complaint is lodged, it is probably appropriate to have someone look into it.

Dierck: I am ready to vote on this. I want it on the record that I was not ready to make a motion or second a motion on this issue to have it investigated. I'm not doing this on a resentment of my photo being on there or Donna's or Jim's. Donna and I have not gotten along at times, and we won't go there. However, there is a thing of having respect of other Councilmembers. This was a very disrespectful action, and I would like to see it followed through with. Not because I harbor a resentment against the former City Administrator, if he indeed had something to do with this. I would like to see what type of behavior could possibly be going on at City Hall, and that is why I am doing this.

Leighan: I have to agree with Shirley that I was not aware of the party or anything else. One thing I did learn in the last election is, we are public officials, and what people think of us is their opinion, and where the pictures came from, I am sure we can do a check internally. This dart board must be around and I am sure it would be fairly easy to determine where the pictures came from. If they are property of the city or ones that came off of campaign posters or pulled off the internet or out of the newspaper or got taken at some function we were at. We, not too long ago, got drug through an investigation over an alleged incident that happened. Two weeks ago, I saw NormaJean poke Shirley in the arm. I do it too. It's just kind of a friendly thing that you do. I don't want to see this Council drug through another investigation like that. My picture wasn't on it. So, you might say that I don't have a

stink in here like those who faces were on there. But, there must be a reason why your faces were on there. Talk about respect. Well, Suzanne makes a good point. I don't know why the faces that were on there were and not others. I would like to see an internal thing done to find out some preliminary stuff like where the pictures came from and if they are the City's. What some employee might have done on their own time away from the place, and we're public officials and if we can't take some heat then we shouldn't be here. And, with that, I'm leaving because we are adjourned.

Bartholomew agreed that they were adjourned.

Weiser: Asked for the vote. Motion carried 5-1.

Pedersen: I would guess there's somebody in the room that already knows the answers, and that's what really irritates me is that we are not getting them.

Brennick: For the record, I hold nothing against these individuals for whatever, but the bottom line is, this individual, a previous employee contacted me because she had great concerns of fear, and I said, put it in writing and I will pass it on, and that is the right thing to do. I'm not pleased with what I have seen and heard so far, but that is another story.

MOTION by Dierck, second by Brennick, to approve the minutes of the November 27 meeting as corrected. Motion carried (6-0).

AUDIENCE PARTICIPATION

Terry Deffries, 4304 Sunnyside Blvd, advised council that she wished to place a plaque in the sidewalk in memory of her daughter who was killed by a drunk driver 3-1/2 year ago. She also thought a park bench would be nice to have as part of the memorial at the site where her daughter was killed. Neither Ms. Deffries nor staff had a drawing of the area to show the width of the planted area and its relationship to the travel lane. A discussion ensued about the advisability of taking any action until staff could review the location and present it as an agenda bill along with a proposed policy for future requests. Ms. Deffries responded that she desired to have the plaque placed in the sidewalk prior to Christmas.

MOTION by Dierck, second by Smith, to authorize placement of the memorial plaque now and direct staff to prepare an agenda bill in January covering the possible location of a bench and a proposed policy for future requests. Bartholomew and Leighan voted nay; all others voted aye; motion carried (4-2).

PRESENTATIONS/PETITIONS/COMMUNICATIONS

1. Police Accreditation Update; Sergeant Darin Rasmussen

Sergeant Rasmussen reported that accreditation covered 245 standards rolled into 39 chapters. He reviewed the department's progress, noting that 23 chapters had been fully completed including training. He stated he was working on the department's accreditation process full-time with the help of a part-time student intern and part-time clerical help. He reviewed the upcoming steps including a multiyear strategic planning effort, an on-site mock inspection, and an on-site inspection by assessors from agencies outside this county. In May the review panel would meet in Olympia to consider all agencies that had applied for accreditation this year. If approved, formal accreditation would be conferred at the WASPC spring conference.

Councilmember Bartholomew asked if accreditation would have a positive impact on the city's liability insurance. Sgt. Rasmussen responded that the Washington Insurance Authority regarded accreditation very highly and contributed \$1000 to departments that were working towards it. Ms. Swenson added that accreditation would not reduce the city's premiums but would put it in a better position if there were a claim.

CONSENT AGENDA

1. Approve December 4, 2000 claims in the amount of \$134,855.59; paid by check nos. 55633 through 55726 with check nos. 51731, 54916, and 55392 void.
2. Approve November, 2000 payroll in the amount of \$860,994.10; paid by check nos. 39541 through 39733 with check no. 39733 void.
3. Liquor license renewals for Cristiano's Pizza, Etc, Alf's Pizza and Pasta, and Buzz Inn.
4. Approval of Utility Variance subject to conditions for David O'Connor; 5318 108th Street N.E., Marysville; UV 2000-25.
5. Acceptance of coating on headworks screw pumps project and begin 45-day lien filing period.
6. Acceptance of First Street and State Avenue traffic signal project and begin 45-day lien filing period.
7. Approval of Utility Variance subject to conditions for Airpak Industries, LLC; 16621 51st Avenue N.E., Arlington; UV 2000-24.
8. Approval of Utility Variance Extension subject to conditions for Pacific Rim Development; 3318 71st Avenue N.E., Marysville; UV 99-12.
9. Approval of final plat for Whiskey Top; PA 9403011.

MOTION by Bartholomew, second by Dierck, to approve items 1 through 6. Motion carried (6-0).

Regarding item 7, Councilmember Dierck asked if there was anything in the agreement with Arlington, which required the city to grant a utility variance. Mr. Weed responded the city was committed by virtue of its interlocal agreement to provide service to certain areas, but it did not go to the level of detail of specific properties. The intent was to address those on a case-by-case basis. Councilmember Derek said that "temporary hookup" was not defined and she desired to save the city's capacity for Marysville residents. Also, Arlington would get the sales tax and Marysville would only get the hookup fees. Mr. Winckler noted that Marysville had water and sewer in 51st Street in front of the property; Arlington had no utilities in the ground at this time. Ultimately, Arlington would probably buy the city's utilities in this area because it was outside of the city's intended growth area.

MOTION by Bartholomew, second by Leighan, to approve item 7. Dierck voted nay; all others voted aye; motion carried (5-1).

MOTION by Bartholomew, second by Leighan, to approve item 8. Dierck, Smith and Brennick voted nay; all others voted aye; the Mayor did not vote; motion failed (3-3). Mr. Weed noted that the tie vote equated to a denial of the request. The issue could be reconsidered at a future meeting if either Councilmember Pedersen or anyone voting for the prevailing side (nay) moved to reconsider.

MOTION by Leighan, second by Bartholomew, to approve item 9. Councilmember Dierck stated she would not support the motion based on her review of the geological report regarding steep slopes. Dierck voted nay; all others voted aye; motion carried (5-1).

Council agreed to reorder the agenda and take up Current Business Item 2 at this point.

Current Business**2. Wastewater Treatment Plan Capital Facilities Plan; (continued from November 27, 2000)**

Mr. Winckler presented the background information, noting he had met and discussed the Capital Facilities Plan with several councilmembers during the past week.

Randall Samstag gave a slide presentation covering new information since last week's meeting: review of costs and other impacts, estimated cash flow and rate impacts, discussions with Tulalip Tribes and City of Everett. He noted the flow projections included 3.5 million gpd from Tulalip Tribes but nothing from Arlington. The outfall at Steamboat Slough could continue to be used during high river flows if the city chose to operate it for another 20 years. That had been the basis of the costs presented at the last meeting. The option of constructing a pipeline to tie into Everett and Kimberly-Clark's deepwater outfall remained the recommended solution. Looking only at the capital and O&M costs, the options were: Steamboat Slough - \$6.8 Million, Everett - \$20.8 Million, Mission Beach - \$24.9 Million. But when the costs to upgrade the liquid stream were added in, Steamboat Slough became the most expensive option and Everett the least expensive at \$69.4 Million. Mr. Samstag emphasized several advantages to the Everett option: timing, because the new outfall was already permitted; potential for industrial reuse; it was economical; the dilution would be equivalent to Mission Beach; and it was a regional solution. Because there were more people participating, it would be the most economical per ratepayer.

Councilmember Bartholomew asked if the June 2004 deadline from DOE was flexible. Mr. Samstag responded that meeting the deadline would be a significant challenge. Discussions were hampered because the DOE staff member assigned to Marysville was new and there had been no communication yet.

Councilmember Bartholomew suggested staff check with the Port of Everett because the Port was planning major changes along the waterfront.

Larry Wade listed the many permits that would be required if the city pursued the Everett outfall option: permits from Everett, Marysville and Snohomish County; Corps of Engineers; State Dept. of Ecology; State Dept. of Fish and Wildlife; State Department of Transportation; BN Santa Fe Railroad; Shoreline (three jurisdictions); clearing and grading from Snohomish County and Marysville. The permits required for the Mission Beach option would be more extensive - Aquatic Lands Easement from the Department of Natural Resources, including the requisite environmental reviews; Hydraulic Permit from Fish and Wildlife; and many more, including an environmental impact statement. The Everett/Kimberly-Clark deepwater outfall was already permitted; the permits for the transfer portion across their land were not yet in place.

Mr. Wade then reviewed the cash flow projections, noting that \$9 Million would be needed in 2002, \$26 Million in 2004. If the city obtain grants for 30 percent of the project, and sold 30-year bonds at 6 percent, the necessary increase per city customer would be \$10.50 per month. That would increase to \$15.00 per month if no grants were obtained. Rural customers would pay a higher amount. The city could phase in the increases, but the funds needed to be in place by 2004.

Robin Nelson, Assistant City Engineer, noted that a consultant had been selected to conduct a water/sewer rate study with the focus on possible rate adjustments. That professional services contract would come before council on December 11.

Councilmember Dierck asked how the city could increase rates in light of I-722. Mr. Weed responded that I-722 looked at rates, taxes and fees that were increased between July and December 31, 1999. It was under court review and its impact on the city, if any, was unknown.

Claire Olivers, Public Works Director from the City of Everett, addressed council and referred to the November 30 letter in the packet from Mayor Ed Hansen emphasizing the city's interest in partnering with Marysville on the deepwater outfall project. Mr. Olivers added that Everett was communicating with the Port of Everett about their plans. He emphasized the benefits of partnering with other entities on this project. Their agreement with Kimberly-Clark provided that if one entity no longer had a need for the outfall in the future, the remaining partner could acquire that interest. This gave assurance that the solution would still be in place 50 years from now regardless of whether Kimberly-Clark was involved.

Councilmember Smith asked if the city could be assured that 20 years from now the capacity would be there to handle 20 million gpd. Mr. Olivers stated they had asked their consultant to prepare additional hydraulic modeling that anticipated the inclusion of partners. The numbers that had already been prepared assured there was capacity for Marysville, including the Tulalip Tribes; they were looking at adding Lake Stevens and Arlington. The piping was already in the ground for the cross-town piece; it was an old water line that was now used only in standby mode. Pumping energy would be needed to move the flow up and over the "hump" of Everett that lay between the Snohomish River and Puget Sound.

Cal Taylor, Tulalip Tribal Council Member, introduced the other members of the Tribes who had accompanied him to this meeting. He drew council's attention to the November 30 letter in the packet and reiterated the Tribes' support of the recommended action.

Councilmember Dierck asked if there would be a benefit to tabling further action until both full councils could meet. Mr. Taylor responded that the Tribes' council was one hundred percent supportive of the regional concept involving Marysville, Everett and Kimberly-Clark utilizing the deepwater outfall.

Councilmember Smith expressed concern that the outfall parameters might change over time and the city could be forced to pursue the Mission Beach option in the future after having made the investment in the Everett project. Mr. Winckler said staff could propose both options to DOE, but they were dramatically different projects. He noted that DOE strongly supported deepwater outfalls and encouraged cities to stop discharging into rivers. The recommended action was intended to be a 50-year solution so the city should not have to undertake an alternative action any time soon.

MOTION by Bartholomew, second by Brennick, to accept the recommended action and direct staff to complete the Capital Facilities Plan for submittal to DOE for review and approval. Motion carried (6-0).

The Mayor called for a five-minute break then reconvened the meeting.

ACTION ITEMS**Review Bids**

1. Purchase of pumps for Edward Springs Booster Pump Station.

MOTION by Bartholomew, second by Brennick, to award the purchase contract to Correct Equipment for the amount of \$46,755.38, including sales tax. Motion carried (6-0).

2. Edward Springs Booster Pump Station project contract award.

MOTION by Bartholomew, second by Brennick, to award the Edward Springs Booster Pump Station project to IMCO General Construction, Inc. for the amount of \$318,066.88, including tax. Motion carried (6-0).

Public Hearing

None.

Current Business

1. I-5 West Annexation Expansion, PA 9909043

Ms. Hirashima backgrounded council, noting the county wanted Marysville to include Twin Lakes Park in its annexation, rather than creating an unincorporated island of park property. The county would maintain ownership and operation of the park.

Councilmember Dierck expressed concern regarding police coverage. Ms. Hirashima said that the call records from the Sheriff's Office had been reviewed; there were approximately 20 calls over the past year. Seven were citizen initiated and the rest were Department-initiated, like traffic stops. Chief Carden agreed that the calls for service were not a high enough volume to have a significant impact on the city. Coverage might not require additional officers, but a staffing allocation study was needed. Councilmember Bartholomew asked if the Police Department were staffed to handle up to 1000 park users on peak days. Chief Carden said that agreements with surrounding agencies would enable the Department to set up a staging area and do whatever else might be necessary. The Department did not have a diving unit to respond to a drowning; it would use the Sheriff's Office for that.

Councilmember Smith noted the sensitive nature of the watershed and asked about the county's request for a copy of Marysville's Critical Areas Ordinance. Ms. Hirashima responded that the document had been sent; no response had been received.

Ms. Hirashima added that Snohomish County Public Works and WSDOT had discussed the closure of 156th NE. That proposal would come to the Police and Fire Departments for comment. Councilmember Brennick stated there was no road immediately west of the freeway, which allowed access to the park area. Ms. Hirashima said a circulation plan would be reviewed.

Councilmember Dierck asked about the sanitation. Mr. Winckler responded that the city had the equipment and personnel to take this one; it would require staff to schedule a route.

Councilmember Dierck stated she wished to see the County Council comments, and the police staffing study. There would be an extra burden on the sanitation department and an expense to the city of bringing the park in.

Environmentally, the area was an aquifer with a high water table and was not very buildable.

MOTION by Dierck, second by Brennick, to table action on the request for six months.

Councilmember Soriano asked if there were schedule limitations. Mr. Weed responded that there was a 60% petition that did not include the park area. If no action was taken, the petition would expire because it would have passed the 180-day time limit. After expiration, petitioners would have to wait one year before submitting another petition.

With council's permission, the Mayor called for public comments.

Ralph Krutsinger, 409 148th Street NE, Arlington, spoke in support of the petition, suggesting petitions had worked with staff and council and felt the questions had been answered. He described how sewer service would be provided to the area. Regarding police coverage, he noted the park opened at 7 a.m. and closed at dusk. Eventually the city would be annexing the west area, including the Navy complex, which was being proposed, so additional police coverage would be needed anyway. Regarding groundwater, the proposed area was no different than the east side of the freeway and all of that area had recently been annexed. There had been a lot of opposition to closing 156th.

There were no other comments.

VOTE ON MOTION. Dierck, Smith and Brennick voted aye; all others voted nay; the Mayor voted nay; motion failed (3-4).

MOTION by Leighan, second by Bartholomew, to expand the annexation boundary to include the Twin Lakes County Park properties for circulation of the 60% petition, said annexation to be subject to the city's bonded indebtedness, comprehensive plan and zoning. Brennick and Dierck voted nay; all others voted aye; motion carried (4-2).

New Business

1. 60th Drive Annexation, 10% petition, PA 00010042.

Ms. Hirashima gave the background information, noting staff was requesting an expanded boundary of 7.5 acres. The current signers did not represent a sufficient percentage to carry the petition with the expanded boundary. If sufficient signatures could not be obtained, petitioners could request a reduction in the size of the petition area.

Councilmember Smith asked if there were any plats pending in the annexation area; Ms. Hirashima said she was not aware of any. Councilmember Smith asked if the people in the expanded area had been notified; Ms. Hirashima responded that a letter had been sent but there had been no responses.

The Mayor called for public comments.

Larry Deischer, 4704 Westview Drive, spoke for petitioners, and advised that their preliminary talks with people in the expansion area showed there was little interest in becoming a part of the city. Applicants would talk with them further if that was council's desire. Their preference was to keep the boundary as originally proposed.

There being no one else wishing to speak, the Mayor closed the public comment portion.

MOTION by Leighan, second by Brennick, to approve circulation of the 10% petition with expanded boundary as recommended by staff. Motion carried (6-0).

2. Utility variance subject to conditions for Pacific Rim Development & Construction, 6811 Sunnyside Boulevard, Marysville; UV 2000-23

Ms. Hirashima presented the agenda material, noting staff recommended approval subject to several conditions.

Councilmember Dierck asked if the calculation of hookups was complete. Ms. Hirashima said a specific number was not proposed because there were often differences between the preliminary filing and the final plat. The Utility Committee recommended compliance with the Comp Plan densities, with the final number being a part of the final plat approval, which was a Hearing Examiner action.

The Mayor called for public comments.

Jeff Seibert, 5004 80th, suggested that by not including a specific number, the city had not established a commitment. Purchasers in the development would not be paying school mitigation fees at the city's rate.

MOTION by Leighan, second by Bartholomew, to approve the recommended action with conditions. Smith, Brennick, and Dierck voted nay; all others voted aye; motion failed (3-3). Mr. Weed noted that the tie vote equated to a denial of the variance request. The issue could be reconsidered at a future meeting if either Councilmember Pedersen or anyone voting for the prevailing side (nay) moved to reconsider.

Ordinances & Resolutions

1. 2001 property tax ordinance.

Dean Rohla, Assistant Finance Director, presented the agenda information.

MOTION by Bartholomew, second by Brennick, to adopt Ordinance 2338. Smith and Dierck voted nay; all others voted aye; motion carried (4-2).

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

None.

2. Staff's business

None.

3. Call on councilmembers

Bartholomew:

- The Christmas Parade had been very successful.

Dierck:

- Stated she had invited Janet Carrol from Snohomish County Surface Water Management to join the workshop on the 12th. Mayor Weiser asserted that the purpose of a council workshop was to give council and staff an opportunity for a full discussion. Further, the properties were not in the county, so having representation from county staff was incomprehensible. Councilmember Leighan asked if representatives from the soccer Association, Little League, golfers and the restaurant would also be invited so all interests would be involved.

MOTION by Dierck, second by Smith to invite Janet Carrol from Snohomish County and Randy Brower from city staff to participate in the December 12 workshop. Leighan and Bartholomew voted nay; all others voted aye; motion carried (4-2).

MOTION by Bartholomew, second by Smith, to extend the meeting to 11:30 p.m. Leighan voted nay; all others voted aye; motion carried (5-1).

CORRECTED: SEE 12-11-00
MINUTES s/b Dierck

EXECUTIVE SESSION

Council adjourned into Executive Session at 10:55 p.m. to discuss potential litigation and personnel matters.

ADJOURN

Council adjourned into regular session at 11:30 p.m.

MOTION by Brennick, second by Bartholomew to continue the Executive Session until 11:40 p.m. Motion carried 5-1 with Leighan against.

Council reconvened into Executive Session and adjourned into regular session at 11:40 p.m.

MOTION by Brennick, second by Dierck to continue the Executive Session until 11:50 p.m. Motion carried 5-1 with Leighan against.

Council reconvened into Executive Session and adjourned into regular session at 11:45 p.m.

MOTION by Bartholomew, second by Leighan to call a special council meeting for December 6, 2000 at 5:00 p.m. Motion carried unanimously (6-0).

MOTION by Bartholomew, second by Leighan to direct the City Attorney to join the I-722 lawsuit. Motion carried unanimously (6-0).

Council adjourned at 11:50. p.m.

Accepted this 11th day of December 2000.



Mayor



City Clerk



Recording Secretary