

**MINUTES
MARYSVILLE CITY COUNCIL
REGULAR MEETING - WORK SESSION
JULY 2, 2001**

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I. Call to Order

The work session was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers.

II. Pledge of Allegiance

The assemblage joined in the flag salute.

III. Roll Call

A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Chief Administrative Officer
Mike Leighan, Mayor Pro Tem	Rob Lamoureux, Police Commander
Jim Brennick	Gloria Hirashima, City Planner
NormaJean Dierck	Grant Weed, City Attorney
Donna Pedersen	Robin Nelson, City Engineer
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Bartholomew was ill and, absent objections, the absence would be considered excused. There were no objections.

IV. Action Items

A. An Ordinance of the City of Marysville amending the fire code to impose stricter minimum standards to require fire-sprinkling systems (cont. from 6/25/01).

MOTION by Pederson, second by Soriano, to adopt Ordinance 2377.
Motion carried (6-0).

B. An ordinance of the City of Marysville updating the Uniform Fire Code applicable in the city by repealing the 1991 uniform fire code and standards and enacting with certain changes the 1997 uniform fire code and uniform fire code standards published by the international fire code institute (cont. from 6/25/01).

MOTION by Smith, second by Dierck, to approve Ordinance 2378 with correction of the scrivener's error on Page 3 ("Chief" should read "Fire Chief"). Motion carried (6-0).

- C. A resolution of the City of Marysville accepting a donation of a work of art for the Marysville Public Library (cont. from 6/25/01).

MOTION by Dierck, second by Smith, to approve Resolution 2037.
Motion carried (6-0).

- D. A resolution of the City Of Marysville accepting a donation of a 1990 Champion Ford van to the Marysville Parks Department.

MOTION by Pedersen, second by Soriano, to adopt Resolution 2038.
Motion carried (6-0).

Councilmembers stated they would like to personally sign the thank-you for this donation.

V. Discussion items

- A. Council Meeting Procedures.

Councilmembers commented on the proposed procedure as follows:

Pedersen:

- The reasons, which constituted an excused absence, should be included: illness, illness of family, bereavement, vacation (two Mondays).
- Councilmember salaries had not increased for 12 years. Councilmembers were now attending one more regularly scheduled meeting a month for the same salary. She would propose an increase in council salaries prior to the end of the year, even though it would only be effective for newly elected councilmembers.

Dierck:

- Supported retaining the current way absences were dealt with and deleting the requirement to vote on whether an absence was excused.
- Questioned changing the review from even to odd years. Ms. Swenson responded that four new councilmembers could be coming on board next year, an even year. They would receive training on this process and have one year to become familiar with it. Then they would have more familiarity with it and able to suggest changes.
- Recommended retaining the current process for Motions for Reconsideration.
- On Page 6, paragraph 2, regarding not taking public comments, suggested adding, "unless council voted to do so," so the authorizing text would be in the paragraph it pertained to.
- Would not support a pay increase for councilmembers.
- Page 8, co-sponsor for agenda bill: did not support that.
- Page 9, regarding "the Mayor shall be the judge....": she did not support that and felt that it should be a council action.

Smith.

- Regarding Page 4, Motion for Reconsideration, opposed the requirement that a councilmember who voted on the prevailing side needed to second the motion. This requirement essentially meant that in cases where someone was absent and the Mayor voted to break the tie, the minority group would not be able to have the issue reconsidered because no one on the prevailing side would want to change their vote. Councilmember Leighan responded that the councilmember on the prevailing side would be agreeing to re-hear the matter, only; it was not necessary that they be willing to change their vote on the matter. Councilmember Smith further noted that provision should be made on the timing of the Motion for Reconsideration. If it was brought up at the next meeting where all councilmembers were present, but because of timing the topic couldn't be addressed, then it should be able to be delayed to the next meeting. Mr. Weed noted that the proposed language attempted to add more structure and predictability to the matter of motions for reconsideration. Mayor Weiser added that it could be placed on the agenda ahead of time or brought up under "Call on Council." Councilmember Smith suggested the Mayor could veto an action. Mr. Weed said the Mayor did not have general veto powers; they were restricted to certain ordinances.
- Questioned not taking public comment at work sessions. Mayor Weiser noted that the process allowed for waiver of the rules.

Soriano.

- Questioned the reference to Civil Court Rule 59 in regard to motions for reconsideration. Mr. Weed responded that the criteria used by judges for motions for reconsideration was the best guideline he could find as a reference for the council's process. He supported that someone who voted on the prevailing side must second the motion. Absent this, an excused absence could be used as a tool to continually bring up issues. He agreed that the second only indicated a willingness to hear the matter again, not an indication of a change in how that person would vote.
- Page 9, A.3., referred to individuals donating their time to speak. He questioned whether that should be limited to counteract one person dominating the testimony. Mr. Weed said that would be efficient; he suggested adding "provided the total time shall not exceed a reasonable number of minutes" because different circumstances and topics might warrant varying lengths of time.

Brennick:

- Supported Smith's statements regarding motions for reconsideration. Suggested placing a period after "councilmember" and deleting the last sentence. On item B, revise to "...pertaining to items" and delete the rest.
- Questioned the use of "he." Mr. Weed responded that "he" was used as a generic term, but "they" could be substituted.
- Questioned the disparity between the process, which says items cannot be added to the agenda and the text currently used on the agenda that says items may be added. Mr. Weed recommended eliminating the current text on the bottom of the agenda, so there would be no inconsistency.

- Page 9, item 3, council should have a voice in the times allowed.

Leighan:

- Did not feel it was difficult to meet the attendance requirements as he had only missed one meeting in nine and one-half years, and that was when he attended the National League of Cities conference in Washington, D.C. as a representative for the City.
- Supported revising the process for motions for reconsideration as they had been used in inappropriate ways in the past. He suggested that the motions be placed on the agenda.
- Supported the change review of this process in odd years, so new councilmembers would have a year of experience with the process before being asked to consider changes.
- Regarding the amount of time for testimony, the Mayor was in charge of the meeting and spelling out that detail or making it a council action undermined his authority and was not in the best interests of a well-run meeting.

Consensus of the council was to table the discussion of this matter until later in the meeting if time allowed or the next work session.

B. Utility Service Outside City Limits

Mayor Weiser advised that by previous motion the Council had determined to accept public comments on this agenda item.

Mr. Nelson gave a brief introduction and reviewed the additional information, which had been supplied to councilmembers.

Mayor Weiser left the room briefly at this point and the Mayor Pro Tem assumed chairmanship of the meeting.

Mr. Nelson noted the city had the following utility connections:

	Inside city	Outside city
Water	7,349	7,982
Sewer	6,696	5,174

which roughly constituted a 50-50 split. The mitigation and connections fees for a 2000 sq. ft. single-family residence in the city would be approximately \$1,000 more than for the same structure in the county. The impact to the city of losing those fees would be lessened by the increased rates charged for utilities outside the city. For 2000, staff had calculated that connection charges generated capital improvement fees of \$4.2 Million. Applying the 50-50 split that would mean no further connections outside the city would eliminate approximately \$2 Million in revenue.

Reductions in revenue would have an impact on maintaining the system, an aging one, and meeting the challenges of changes in regulations.

Mayor Weiser returned to the meeting at this point and resumed the chair.

Councilmember Dierck stated she had not received the information she had requested, including loss of taxes from phone, PUD, natural gas, and cablevision, and suggested this topic be delayed until the information could be provided.

Councilmember Smith asked for information on how many utility connections the city had per year, the loss of real estate excise taxes, and the information mentioned by Councilmember Dierck. Her issues were 1) working with the county to achieve concurrency on school mitigation fees, 2) loss of traffic mitigation fees, and 3) loss of park mitigation fees.

The Mayor opened the topic for public comments.

Bud Darling, 1916 Grove St., recounted the history of the service of utilities outside the city and distributed maps to councilmembers of the urban growth area with the total numbers of connections indicated. He stated that the sewer plant upgrade was estimated to cost \$40 Million and it would be preferable to spread that among as many customers as possible.

Gayl Spilman, 505 Cedar, asked by why the council was even considering this action. Mayor Weiser replied that it had been placed on the agenda by one councilperson. Councilmember Smith recounted her reasons for concern, noting that the city felt the impacts from growth while the county received the funds, which could help mitigate those impacts. If annexation were required before utility service was granted, then those funds would come to the city.

Gary Petershagen, 9932 Vernon Rd, Lk Stevens, questioned what constituted a prior commitment or contract for utility service. He believed there were no contracts for utility service. There were Commitment Letters, but there was no "contract" until the fees were paid, the system already built and inspected by the city. Receiving a Commitment Letter created a fictitious situation used for planning, not a contract, and this had been demonstrated via past legal action against the city. Mr. Weed clarified that in order for a developer to move through the county's process it needed a letter from the city committing to the delivery of utility services. That commitment letter was a statement by the city to the county regarding the city's ability to serve the development. Over the years, the city had taken the position that when the lines were installed and actually connected to the buildings and the fees paid then the utility connection was actually sold and there was a binding commitment for service. Mr. Petershagen noted that this placed the developer in the position of having to completely build a system only to find out that there might not be utility service. Mr. Weed noted that if the council chose to change the current policy, consideration would have to be given to those projects, which were already under way. Mr. Petershagen further noted that the amount of money, which the council might be anticipating as a result of shifting development from the county to the city, would be unlikely to happen. This was supported by the greatly reduced numbers of plat applications; there had been no applications in the city's UGA during May, only two, for 44 lots, in Marysville, and only 600 in the entire unincorporated area of the county. A covenant agreeing to a future

annexation should be adequate to ensure that when growth occurred that area would eventually come into the city.

Jeff Seibert, 5004 80th St., stated the city's ordinance stated there would be no utility outside the city except by variance. The policy had been to allow those services. Mayor Weiser corrected that, noting a variance was required if the applicant property was outside the RUSA boundary, not the city limits. Mr. Weed further clarified that this policy had been in place since the mid-70's when the RUSA code was adopted. If the applicant property met the conditions of MMC 14.32, such as signing an annexation covenant and meeting the city's utility code requirements, then service was provided. If the applicant could not meet those requirements then a variance was needed.

John McCoy, Director of Governmental Affairs, Tulalip Tribes, 6700 Totem Beach Road, Tulalip, Washington 98271, stated that the council's delay in addressing this issue had caused the Tribes to look elsewhere for a solution. Representatives of the Tribe had visited an installation in the U.K. last week and were in agreement about the membrane process they saw. It could be accommodated in a relatively small area and the effluent was almost potable, at least pure enough to be used to irrigate a golf course. They planned to install such a plant, probably in the business park, and in the future would convert the plant on Tulalip Bay to the same process. A project charette was planned for later this month. The money to construct this installation would come from the Tribes' share of the regionalization plan which had been discussed, approximately \$15 to \$20 Million. He recommended the city honor its current commitments, but the Tribes' hoped to eventually move completely off the city's system. Mr. Nelson noted that staff had investigated a membrane system but it was more costly than the capital facilities plan, which had been proposed.

There being no one further wishing to speak, the Mayor closed the public comment portion of the topic.

Councilmember Soriano asked at what point of build-out did the city pursue annexation of an area. Ms. Hirashima responded that the city did not initiate annexations, but waited for petitions to come to it. The current policy of requiring annexation if a parcel was within two parcels of the city limits was producing more annexations.

Councilmember Soriano asked if there were a monetary incentive to annex. Ms. Hirashima said that the tax structure was fairly equal in and outside the city. The city's mitigation fees were higher but the county's permitting process took longer. There had not been many annexation petitions within the last two years except for those that were within two parcels. Councilmember Soriano asked if the treatment plant would keep pace with annexations. Mr. Nelson responded that the current upgrade would keep pace with the current regulations and supply capacity for the next 20 years. Ms. Swenson added that there were costs associated with annexations: police, fire and parks. Single family residents did not pay for themselves, which was one reason why a large commercial area was annexed a few years ago.

Councilmember Dierck requested further discussion be delayed until information could be provided about revenue losses since the inception of the Growth Management Act. Councilmembers Smith and Brennick supported a delay while further information was gathered.

Councilmembers Leighan, Pedersen and Soriano stated they had adequate information upon which to base a decision.

There being no consensus to place the matter on the next meeting's agenda for action, and because the designated time for adjournment had arrived, the Mayor adjourned the meeting.

VI. Adjourn

Council adjourned at 9:30 p.m.

Accepted this 9th day of July, 2001.

David Wilson
Mayor

Berry Becker
City Clerk

Ann M. Averill
Recording Secretary