

MARYSVILLE CITY COUNCIL MINUTES

MARCH 11, 1991

7:30 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright
 Lee Cundiff
 Bob Lashua (excused)

CORRECTED: SEE MINUTES	3/25/91
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Administrative Staff:

Carolyn Sanden, City Administrator
 Mike Corcoran, City Planner
 Phil Dexter, Finance Director/City Clerk
 Grant Weed, City Attorney
 Dave Zabell, Public Works Director
 Bob Dyer, Police Chief
 Doug Ronning, Fire Chief
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Pedersen noted on page 6 of the 3/4/91 minutes, under the Cloverdale Extension heading, "ntoed" should be "noted" and in the next paragraph, "buit" should be "built".

Councilor Baxter moved and Councilor Wright seconded to approve the minutes as corrected. Passed unanimously.

Councilor Pedersen moved that Councilor Lashua's absence be excused this evening and Councilor McGee seconded. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Papa, 9128 58th Dr. NE, addressed Council and asked about the City Council agenda not being posted at the Library and Post Office as it is supposed to be.

City Administrator Sanden said she would follow this up.

Leroy Berry, 4329 94th Pl. NE, addressed Council and asked again about the possibility of a traffic light at 92nd & State. He reminded Council he asked about this about four years ago and in the meantime, there has been a lot of increased traffic and an increase in the number of "fender benders" at that corner, he said.

Public Works Director Zabell assured him that City Council has not been oblivious to his concern; that this light is one of the top priority projects in the Six Year Street Plan and it will be constructed as soon as it reaches top priority and there is enough money available for the project.

Mr. Berry said people have to drive around the cemetery in order to go into Marysville, and use the left hand turn signal at 88th. He also noted that in the 33 years that he has lived on 94th St. (which is within City limits), he has never seen that road repaired and it is in very poor condition with the blacktop breaking up and

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the water building up on the street. He said it is ankle deep and a real mess.

Public Works Director Zabell agreed there is a problem on that street, with the crown of the road being higher than the sidewalk and he said that Mr. Berry, along with 3 neighbors, have signed up for the curb, gutter and sidewalk program. He added that the sidewalk needs to be raised and the City has offered them the old \$10 per foot price for improvements.

Mr. Berry claimed no one has received the letter yet but Public Works Director Zabell assured him they would and added there is no storm drainage unless they agree to the \$10 per foot and install the curb, gutter and sidewalk.

There were further comments regarding when this could be completed, the cost of concrete running about \$15 per foot now, storm drainage being installed as long as adjacent neighbors all participate in the curb, gutter and sidewalk improvements.

Mr. Berry noted that's quite a cost to the seniors in their block and Finance Director Dexter said they would be allowed 90 days to pay for the improvements, that the City has not extended that time for seniors in the past.

Councilor Cundiff noted there are many seniors that have contributed to the curb, gutter and sidewalk program.

Norma Thompson, 4307 94th St. NE, addressed Council and said she had calculated it out to be about \$750 per property owner and asked how it would work if all the neighbors don't want to participate, just a few, for example.

Public Works Director Zabell explained curbs, gutters and sidewalk would only be installed on the ones who pay for it and in the past the City has only done the improvement if everyone signs up but in this case, they are hoping those that don't sign up will see how nice it looks and sign up.

Ms. Thompson asked about the City just installing a drainage system and public Works Director Zabell said the curb, gutter and sidewalks have to be installed first and then the storm sewer.

Councilor Pedersen suggested a neighborhood meeting, with Public Works Director Zabell explaining options to them and Public Works Director Zabell said he would follow up on this idea.

CONSENT AGENDA:

1. 2/28/91 Payroll Checks in the amount of \$390,131.68.
2. 3/11/91 Claims Checks in the amount of \$239,523.82.

Councilor Pedersen questioned vouchers regarding software, the interfacing of computers at City Hall, vet charges, Judge Pro Tem charges. Councilor Cundiff commented favorably regarding the codes that were included in the packets, making it easier to discern which department the charges/vouchers are for.

Councilor Cundiff moved and Councilor McGee seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

NEW BUSINESS:

1. **Utility Variance - Preliminary Plat of Cascade/51st Avenue Addition (continued from 3/4/91).**

Public Works Director Zabell reviewed the applicant's request, explaining this is a 31 lot subdivision which received preliminary approval from the County and DOE. The City met with the developer

and applicant was warned of the moratorium possibility and so the developer elected to hold off on construction; they are here tonight to make a vesting argument, he said.

CORRECTED: SEE 3125191
MINUTES

Dave Ostergaard, 3705 Colby, Everett and Merton Gribble, 4641 Silvertip Lane, Everett, addressed the Council. Mr. Ostergaard said they basically had a preliminary plat approval on 8/4/89 and in December of 1989 were approved for water and sewer as well as storm, grading and temporary erosion control. He said the financing is all available. He referred to the meeting with Dave Zabell when they found out about the possible upcoming sewer moratorium and that's why they stopped plans to proceed with development at that time.

Mr. Gribble stated they have a development loan recorded and are into the project \$385,000 already. The only reason they did not proceed was on the City's advice, however they feel they should have vesting rights so that they can proceed with the project, he stated. He added they have been very patient and understand the City's problems, but would sure like to proceed.

Mr. Ostergaard explained they are in an awkward position--they do not fall into the group of developers approved by Council last week, nor are they vested, they are in the middle.

Public Works Director Zabell explained that originally, the applicant had drawn up plans to put a septic system on every other lot in order to wait out the sewer moratorium and this plan was approved by the county.

Mr. Gribble stated they have not ruled that plan out however it would cost about \$5,000 per lot which will make it very impractical.

Councilor Pedersen asked about the "no net increase" method and Mr. Ostergaard said they have been looking at water saving toilets and fixtures.

Councilor Baxter pointed out the City is in the same situation again as with previous requests similar to this--60 to 90 days away from the Pollution Control Board hearing decision and so the City is really not in a position to change anything at this point, he said.

Councilor Pedersen said she agrees and that she does feel a lot of sympathy for the developers.

Councilor Baxter said there are a lot of frustrations here, on both sides, which he said he felt sure the applicant understands.

Councilor Cundiff moved to deny the request without prejudice because of no stubouts installed for each lot, which would constitute vesting. Councilor McGee seconded and the motion passed unanimously.

LEGAL MATTERS:

1. SnoPac Computer Aided Dispatch (C.A.D.) Contract.

City Attorney Weed explained that 3-4 weeks ago City Council had a workshop on this with a presentation and Richard Smith, Ronald Beardslee and Doug Ronning are available this evening for questions. He said the interlocal agreement (in the packets) has been reviewed by the SnoPac attorney with subsequent changes made. He proceed to review the various changes and did note that under Duration, it had been changed to 12/31/98 rather than "perpetual".

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He also noted that Exhibit A needs to be updated and the approval of the interlocal agreement could be subject to the contents of Exhibit A being agreed on.

Under paragraph 3, Administration, he noted that the delegates "shall" be allowed to participate has been changed to "may" be allowed to participate and another sentence has been added at the end of paragraph 3: "Each party agrees to advise the other regarding....."

On page 4, allowable or non-allowable "monies" has been changed to "items" and at the bottom of page 4, top of page 5, early termination if budget is exceeded by more than 25% (this is a bail out paragraph) was brought to Council's attention.

Regarding the termination paragraph at the bottom of page 5, in Section 8, he said the SnoPac attorney and he would like to continue working on this section and that also would be a condition of approval, regarding revenues. He noted that payment by the City to SnoPac would have to be made within 120 days but he said he felt it appropriate to change this to one year so the City would have a little more time to work out where the revenues would come from. He added that the SnoPac board meets next Tuesday and need to know whether Marysville is participating.

Mayor Matheny and Councilor Baxter both expressed an unwillingness to approve any further than concept and City Attorney Weed stated the major things would be the Exhibit and the termination agreement that still need to be worked out.

Councilor Pedersen asked what the response/participation has been from other cities.

Richard Smith addressed Council and stated Everett is still looking at it and for planning purposes, SnoPac is using this form and hoping for an areawide participation.

Councilor Pedersen asked if it would make that much of a difference if the interlocal agreement is not approved per se tonight and Mr. Smith said they are mainly looking for software in the CAD program and additional equipment for records management at a cost of \$14,000, which needs to be purchased right away.

City Attorney Weed said as he understands it, the City would have to come up with another \$14,000 and Councilor Cundiff asked about their ordering the equipment prior to approval of the agreement.

Mr. Smith stated SnoPac would have to have the equipment in order to interact with the City's dispatching/computer equipment. He added that 77% would be covered with the cities of Marysville and Everett.

Doug Ronning addressed Council and stated they would need \$5552 for the CAD plus \$9,000 for RMS software which was not budgeted but they could operate on the E-911 allotment. He suggested the option of advising SnoPac that Marysville wants to participate, however the money would not be available from the budget until 1992.

Mr. Smith pointed out that under the current contract, the prices are good through June but it's possible the actual equipment won't be installed until late 1991 so Chief Ronning's suggestion will be probably acceptable to the SnoPac board.

Councilor Cundiff expressed a generally favorable reaction to the interlocal agreement, but said he sees too many "loose ends".

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Mr. Smith explained that they are trying to get so many agencies to agree and it's very difficult to get them all together.

Councilor Weiser asked if this could be finalized next week.

City Attorney Weed said it would not be an appropriate agenda item for next week and suggested giving the Mayor authority to sign the agreement based on the Exhibit A and paragraph 8 being worked out by the attorneys, fire chief and Mayor.

Councilor Pedersen said she would comfortable with this and moved to authorize the Mayor to sign the interlocal agreement subject to Exhibit A and paragraph 8 being approved by the Mayor, Fire Chief and City Attorney. Councilor Wright seconded and the motion passed with two against.

2. Interlocal Agreement Regarding Map Users Group.

As the agreement had not been completed and was not in the packets, Councilor Baxter moved and Councilor McGee seconded to continue this matter to 3/25/91. Passed unanimously.

3. Amendment #2 to Professional Services Agreement with Brown & Caldwell.

Public Works Director Zabell referred to the amendment in the packets and said basically, this authorizes the City to pay the bill. He added that Bill Persich put in a lot of time preparing for the Pollution Control Board hearing.

Councilor Baxter moved and Councilor Weiser seconded to approve this. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution Regarding Extension of Preliminary Plat of Cloverdale.

City Attorney Weed noted that this confirms the action taken at last City Council meeting.

Councilor Baxter moved and Councilor McGee seconded to approve/adopt Resolution #1470. Passed unanimously.

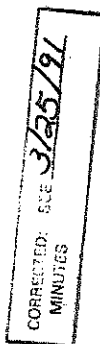
STAFF'S BUSINESS:

1. Discussion Regarding Urban Area Growth Boundaries.

City Planner Corcoran referred to the discussion at last Council meeting as well as the draft of a letter in the packets to the Snohomish County Tomorrow Steering Committee. He said he would like to see Marysville in a position where the County can't hold the City back. For example, the County Planning Dept. is asking Marysville not to annex any more land until the UAGB, Comp Plan, and water plan is all complete, he said and the Growth Management Act is allowing two years to have these things all worked out, he added. He noted that at the last Snohomish County Tomorrow Steering Committee meeting, they said they would pass the UAGB unless they heard some opposition from the cities and the draft letter is intended to reflect that Marysville wants more time to consider, he said.

Councilor Weiser asked about the criteria for industrial and commercial zoning and City Planner Corcoran said basically, it's 12 acres of commercial for every 1000 population, which is probably a little high and industrial would probably be higher; it's based on the traditional use for the most part, he said.

Councilor Weiser noted that the UGAB is for the next 20 years.



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City Planner Corcoran said 20 years' worth of planning represents the "first bite", yes.

Councilor Weiser also noted that once the UGAB is established, they can't be changed for 10 years and City Planner Corcoran said in his opinion, there should be a mechanism set up to change the UGAB in the event of something unexpected. He added that there are many communities in the Puget Sound area that don't want the growth projected for their area; they feel they can manage it better than the counties. The urban area we are looking at is based on Comp Plans adopted in accordance with the Growth Management Act, so we have some uncertainty out there, he added.

Councilor Weiser said he understood there's a recommendation for green belts between cities and City Planner Corcoran said he feels it would be hard for some cities, i.e., once an area is urbanized, he said he didn't think the intent is to reverse that. He noted that in our area, we have the Snohomish River delta, the creek systems, etc. and we have to identify these sensitive areas and these may fill the criteria of open space, too. He added that this will be addressed under our new Comp Plan. He said requirements are changing, also, and HB 1025 will change the Growth Management Act even more, adding economic development, housing design, and other issues to be considered. He talked about other elements--prisons, minority housing--to be included in a regional plan.

Councilor Weiser asked if 2929 recommends densities and City Planner Corcoran said no.

Councilor Weiser asked about the County limiting annexation in specific areas and City Administrator Sanden pointed out that the County is basically trying to stop all annexation because they feel many property owners are going to rush in and the County wanted them to go through the planning process. She said the City feels if an area is already planned for urban, they should not have to go through any more delay if they wish to annex. She added that the County was reasonably receptive with those annexations pending, to this concept.

City Planner Corcoran noted that there are some annexations adjacent to ag lands, not rural and definitely urban, for example.

Councilor Weiser said Snohomish County Tomorrow is discussing those on their next agenda.

City Planner Corcoran said he attended a planning directors meeting about this and it was indicated that annexation is not an issue that should be rushed. It was also felt that Snohomish County Tomorrow has an unfair bias and he said he recommended the planning directors group have their own staff in order to have less bias.

Mayor Matheny mentioned that there was concern at one of the Mayors meetings, also, about the same bias and she asked Councilor Weiser to attend the upcoming Snohomish County Tomorrow meeting in place of Councilor Lashua who is ill.

The consensus was that the draft letter was OK to send as is.

2. Community Information Officer.

City Administrator Sanden pointed out that \$20,000 had been budgeted but with benefits of 35%, it would actually be below entry level over 12 months and so the recommendation is for the position to be budgeted over 9 months. She pointed out this is a responsible position and should be at least a Grade 3; the 12 month budget (for the following year) would be about \$26,500 (to include benefits).

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It was noted that some of the responsibilities of the Community Information Officer would include ombudsman, photographer, tracking complaints, providing access and City Administrator Sanden asked for authority to proceed with a Grade 3 job opening. She noted that \$25,00 was the original budget but included a phone cost analysis and a consultant under professional services. The consensus was that she should proceed as recommended.

MAYOR'S BUSINESS:

1. Confirmation of Golf Board Appointment - John Garner.

After a brief discussion about continuance of the Golf Board and the Park Board, Councilor Pedersen moved and Councilor Cundiff seconded to affirm the Mayor's appointment of John Garner to the Golf Board. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the AWC meeting 3/28 at Wellers and it was determined that four would be attending from Marysville. City Administrator Sanden said she would have Mary make the reservations.

Councilor Weiser commented on the Library Board meetings sometimes being inaccurately advertised. They are on the second Monday of the month versus the third, unless the second Monday is a holiday and then they are on the third Monday, he said.

Councilor Baxter passed out drawings of a new roof for City Hall for discussion and review. There was discussion regarding the importance of the job, that it would be further discussed at the retreat, more bids to be obtained, three alternatives are to patch, install a new roof (flat) or go with a new design. There was more discussion about the cost and Councilor Baxter recommended continuing receiving bids with a view to the budget and it was pointed out the consensus at the last meeting was to wait until the retreat to discuss, with estimates to be obtained in the meantime for a new roof, etc. Taking a bid from the small bid roster was also mentioned.

Councilor Weiser noted that a "patch" job would be about \$5,000 or \$6,000 vs \$25,000 for redoing the existing roof and he asked where \$25,000 would come from.

City Administrator Sanden said \$15,000 could come from the heating system budget (which is not needed at this time), \$5,000 from the roofing budget and about \$12,000 has been agreed to out of the Public Works Dept. budget, according to Public Works Director Zabell, she said.

Councilor Baxter moved to go out for bids, utilizing the Small Bid Roster, with the roof to be discussed at the retreat. The motion was seconded and passed unanimously.

Councilor Pedersen asked about the Boundary Review Board hearing and City Planner Corcoran said it is 3/20/91.

Councilor Cundiff commented positively on the new white line that has been painted on Armar Rd.

MAYOR'S BUSINESS:

Mayor Matheny reminded everyone about the Centennial Celebration 3/17/91 in the Park and the cake eating at the Marysville Mall afterwards.

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City Administrator Sanden reminded Council about the Boundary Review Board hearing 3/20 regarding the Arlington annexation of the property south of the airport. She also mentioned a mayors' meeting 3/13 at the Bellevue Red Lion to review a regional planning agency and planning to make recommendations for that.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:15 p.m.

1. Personnel. * (See Below)
2. Pending Litigation.

RECONVENE AND ADJOURNMENT: Approx. 10:15 p.m.

Accepted this 25 day of march, 1991.

Lita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Manda A. Iverson
RECORDING SECRETARY

- * Councilor Cundiff moved and Councilor Wright seconded to confirm that the position of Superintendent of Parks & Recreation had been reviewed along with other non-union positions and was intended to receive a two step increase to be implemented by the Mayor effective 2/1/91. The motion passed unanimously.