

MINUTES RECAP

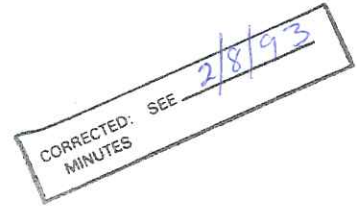
MARYSVILLE CITY COUNCIL MEETING	FEBRUARY 1, 1993	00312
<u>CALL TO ORDER:</u>	7:00 p.m.	
<u>ROLL CALL:</u>	Councilor Wright excused	
<u>MINUTES OF PREVIOUS MEETING:</u>	1/25/93 Approved	
<u>STAFF'S BUSINESS:</u>		
<u>MAYOR'S BUSINESS:</u>		
<u>CALL ON COUNCILMEMBERS:</u>		
<u>AUDIENCE PARTICIPATION:</u>	None	
<u>PETITIONS &amp; COMMUNICATIONS:</u>	None	
<u>PRESENTATIONS:</u>	None	
<u>PUBLIC HEARINGS:</u>		
1. Harbour Homes/Geonerco St. Vac.	Approved	
2. Weiser Cedar Sales St. Vacation	Approved	
<u>CONSENT AGENDA:</u>		
1. Approval of Board and Commission Reappointments	Approved	
<u>REVIEW BIDS:</u>	None	
<u>CURRENT BUSINESS:</u>		
1. Liquor License Application; JJ's Golf; cont. from 1/25/93	Recommended to be approved	
2. Warm Beach Interlocal Agreement	Approved	
<u>NEW BUSINESS:</u>		
1. City Membership: Puget Sound Reg. Council & Natl. League of Cities	Approved Approved	
<u>ORDINANCES &amp; RESOLUTIONS:</u>	None	
<u>LEGAL MATTERS:</u>	None	
<u>ADJOURNMENT INTO EXECUTIVE SESSION:</u>	8:45 p.m.	
1. Pending Litigation		
2. Real Estate		
<u>RECONVENE &amp; ADJOURN:</u>	Approx. 9:45 p.m.	

FEBRUARY 1, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Pedersen, Mayor Pro Tem  
Dave McGee  
John Myers  
Ken Baxter  
Donna Wright (excused)  
Mike Leighan  
Otto Herman  
Administrative Staff:  
Grant Weed, City Attorney  
Dave Zabell, City Administrator  
Gloria Hirashima, City Planner  
Steve Wilson, Finance Director  
Ken Winckler, Public Works Director  
Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

On page 2 of the 1/25/93 minutes, Councilor Herman noted in the discussion about the lab, the area designed for future expansion of the lab would be used more rapidly and the minutes should reflect this rather than that the lab would need more expansion. Also on page 5 in the fourth paragraph, "asses" should be "assess". On page 7 in the second paragraph from the bottom, Councilor Herman asked that "financing" be deleted from the sentence: "He said if anyone is interested in the financing aspects of this issue....." because there could be other issues people are interested in.

Councilor Pedersen noted under New Business on page 19, in the paragraph beginning "Lt. McKinney", it should be "Home Plate" not "Home Plat".

Councilor Leighan moved and Councilor Pedersen seconded to approve the minutes of the 1/25/93 meeting as corrected. Passed unanimously.

STAFF'S BUSINESS:

Finance Director Wilson informed Council staff is progressing well on the bond presentation for updating of our bond and GO bond ratings, with the presentation to be made in San Francisco later this month.

City Administrator Zabell explained there are still some RUSA items that need discussing and he suggested a RUSA meeting 2/11 at 7 a.m. at City Hall. This was OK with everyone concerned. Discussion was then held as to when and where the next Council Retreat should be. The consensus was all day 3/26 and until noon on 3/27 at the Tulalip or Village Inn.

City Attorney Weed reported he has prepared a letter to state legislators regarding municipal court proposed legislation and he has also prepared a draft ordinance prosecuting parents who leave children under 7 years of age unattended in vehicles. He noted Marysville does have an ordinance on the books which makes it illegal to leave children 12 and under unattended in a vehicle outside of an establishment that sells liquor and this ordinance would need to be repealed if the first one is accepted (for children 7 and under). He also mentioned the interest arbitration issue that would affect cities with populations of 15,000 or less (this would

apply to Marysville) and proposed bill(s) pending extending interest arbitration. He said he would be drafting a letter regarding this to voice Marysville's position and Mayor Weiser stated he would also be sending a letter to Olympia. Others were welcomed to do likewise.

Public Works Director Winckler reported six bids were received last Friday for the WWTF, ranging from a high of \$8.6 million to a low of \$7.3 million. A presentation will be made at next Council meeting, he said. He reported on the garbage collection truck bids having been called for as well as on the collection having resumed since the road weight restrictions have been lifted. He noted the 6 yard containers at 80 Columbia were used extensively during the weight restriction period and these containers will be there through Thursday of this week.

City Planner Hirashima reported that the Planning Commission is now reviewing the Transfer of Development Rights (TDR) issue and hopefully will be bringing something back before Council in March.

MAYOR'S BUSINESS:

Mayor Weiser commended Finance Director Wilson on having computerized the City's financial statements which is making the process much more efficient and also helping streamline the bond rating information gathering process. He also commended the Parks Dept. for their recycling of downed trees and limbs from the Inauguration Day Storm. He stated there were about 60 plus cubic yards recycled at Jennings Park and the program went very well.

CALL ON COUNCILMEMBERS:

Councilor Herman also commended Jim Ballew. As a CT update, he noted there has been ongoing dissatisfaction with the route that goes from Stanwood to Seattle and return; Marysville is the last stop and often there is standing room only. They are looking for a solution to this, he said and added that they also recently elected new officers and he is now Secretary of the Board.

Councilor Pedersen extended appreciation to Roger Kelley for distributing information to Council contained in the "black books". She asked for an update on the Village Inn contribution towards the park and ride lot to be put into the Thursday briefing and also asked for people to let her know their input on the possibility of a needle exchange program in Snohomish County, something the Board of Health may be considering in the future, depending on input.

Councilor Baxter explained he had been approached by a wheelchair victim and was asked about the curb cuts being so long, going through the driveways and sidewalks. It apparently makes it hard for the wheelchair to go over, at an angle, sloping down towards the roadway, he said.

There was discussion about no longer having the planting strip and therefore there is no way to transition the curb cut out in any shorter of a space.

Councilor Baxter asked about a financial statement for the golf course and Finance Director Wilson said a preliminary one has been done and he could put this information in the Thursday briefing.

Councilor Myers also expressed appreciation for Roger Kelley's efforts in putting the black books together. He asked about a community playground for the library's use and Mayor Weiser said all discussion of this is in the preliminary stages right now.

CORRECTED: SEE 2/4/93  
MINUTES

Councilor Baxter noted there is a new storage building going in on the Nature's Window property.

Councilor McGee asked for a fax copy of the golf course financial statement first thing in the morning and Finance Director Wilson said he would do that.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARINGS:

1. Harbour Homes/Geonerco Street Vacation; PA 9212062.

City Attorney Weed swore in those wishing to give testimony in this matter.

City Planner Hirashima reviewed the agenda bill, noting staff is recommending approval. She added that Council requested that compensation be considered on the per square foot method and the value works out to \$291.52, based on this method. She noted that staff is not recommending the applicant be required to pay this in view of the small size of the parcel (6,000 sq.ft.) which has really no value as a building site, as well as the fact that the applicant has already constructed a road and the fact that the piece is next to a wetland.

Councilor Pedersen asked if the applicant would have had to construct the road either way and City Planner Hirashima said yes, they would.

Councilor Herman noted the pedestrian trail looks like it dead ends because of public right of way and City Planner Hirashima said if a trail is put in around the perimeter, the applicant would be responsible for maintenance; the wetland/open space will be retained in common for all homeowners and a portion of the trail will pass over public right of way.

Councilor Baxter said he was not sure what was to be vacated and City Planner Hirashima explained it is the area in "black" only on the maps in the packets.

Councilor Baxter asked what happens to the remainder of the 75th Avenue right of way/City owned property.

City Administrator Zabell pointed out that it's basically wetland and City Planner Hirashima said it would just be left as is.

Bill Roberts, 4129 76th St. NE, representing the applicant, addressed Council. He noted there is a water line in the 75th 60 foot right of way. He noted the right of way is unusable as it has been designated as wetlands.

Councilor Baxter noted the City could retain the easement or give it away and Mr. Roberts agreed, noting also there is a drainage swale on 75th.

Councilor Baxter said his concern is it's not going to be maintained; the City is going to be responsible for it and it serves no purpose.

Mr. Roberts stated the applicant would be willing to pay the \$296 in compensation; vacation was a condition of plat approval, he added.

There being no one further wishing to address this issue, the public hearing was closed at 7:43 p.m.

Councilor Myers moved to approve the street vacation without compensation and Councilor Baxter seconded.

Discussion followed with Councilors Pedersen and McGee expressing a concern about consistency with other street vacations having to pay compensation. Councilor Leighan pointed out that the applicant did have to ready the plat and it wasn't his fault the land was designated wetland.

A roll call vote revealed Councilors McGee, Pedersen and Herman against the motion; Councilors Myers, Baxter and Leighan in favor.

Because of the tie vote, Councilor Myers then moved to approve the street vacation with compensation in the amount of \$291.52. Councilor McGee seconded and the motion passed unanimously.

Mayor Weiser left Council Chambers at 7:45 p.m.

## 2. Weiser Cedar Sales Street Vacation.

Mayor Pro Tem Pedersen explained the procedure and City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill, noting that Petrocard (the property owner to the north of Morgan/7th St.) was contacted and is in support of the street vacation. She stated staff recommends approval of the street vacation using the assessed valuation method whereby 50% would equal \$19,010.99 for the total right of way and 50% of that would be paid by each of the two property owners. She did note there is a slight difference in opinion as to the exact measurements of the properties in question and it is therefore recommended that a metes and bounds legal description be prepared in order to ascertain accurate measurements and assessed valuation based on those measurements. (Weiser Cedar Sales have indicated that the compensation amount would be about \$18,000 rather than \$19,000.)

Councilor Pedersen asked about an easement and City Planner Hirashima said it depends on the possibility of a need for access by the two property owners.

Joe Reed, 7514 51st Av. NE, addressed Council, representing Weiser Cedar Sales. He noted that in actuality, the BN tracks taper the property and that's where the difference is in the square footage.

Glenn Lightner, VP of Petrocard, addressed Council and said his concern is with the maintenance of the easement. He said Petrocard would like the easement made a condition and they could have the papers drawn up by their attorneys, he said. He said they propose equal access to the front.

Mr. Reed agreed that with trucks trying to get in and out of Petrocard, they need the full width of the street and Weiser Cedar Sales would be willing to share access with them; the entrance for Weiser could be made at a different spot, no problem, he said.

City Attorney Weed asked if the term "reciprocal easements" would describe their needs and Mr. Lightner said it would be more like "common access".

City Attorney Weed said as long as it is mutually agreeable to both parties and is drawn up by their attorneys, they can submit the agreement then to Council. He asked about the compensation issue.

Mr. Reed said they agree that each should pay half based on the square footage, to be determined by the metes and bounds legal description. Mr. Lightner agreed with this statement.

This portion of the public hearing was closed at 7:59 p.m. as no one further wished to speak.

Councilor Baxter noted they are both agreeable and therefore moved to approve the street vacation with compensation to the City based on \$2.02 per square foot per party as determined by the metes and bounds legal description. Councilor McGee seconded and the motion passed unanimously.

Mayor Weiser returned to Council Chambers at 8:01 p.m.

CONSENT AGENDA:

1. Approval of Board and Commission Appointments.

Mayor Weiser explained these are all reappointments and so no letter of interest was requested. He noted also there is no mechanism for removing people if they are not attending meetings, for example; City Attorney Weed is working on language for this, he said and this will be brought back before Council soon.

Councilor Baxter pointed out that at last Thursday's golf board meeting only 2 showed up which is not a quorum and this was the third time in a row they have not had a quorum, but they had an informational meeting anyway.

Mayor Weiser encouraged informational meetings as a good way to keep communication flowing and said he would check further into this also.

There was discussion about the appointed people knowing upfront the commitment involved in attending meetings, the fact that the meetings Councilor Baxter was referring to are night meetings and should be better attended.

Councilor Pedersen moved and Councilor Herman seconded to approve the reappointments as per Consent Agenda Item 1:

- Sue Kendall - Reappointment representing Marysville School District to Marysville Community TV Advisory Committee
- David McGee - Reappointment to Marysville Community TV Advisory Committee representing City Council
- Mike Leighan - Reappointment to Marysville Community TV Advisory Committee representing City Council
- Tom Wetzel - Reappointment representing Marysville area service clubs to Marysville Community TV Advisory Committee
- Bob Branford - Reappointment to the Library Board

The motion passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Liquor License Application; JJ's Golf; continued from 1/25/93.

City Administrator Zabell explained that in view of the lateness of the hour of last Council meeting, Council heard Lt. McKinney's recommendation and the matter was continued to tonight, as the applicants had gone home last week.

Jerry Johnson, 6128 152nd NE, the applicant, addressed Council. He stated they applied for bottled and canned beer only to be sold on the premises. He also noted that they were not informed of the MPD recommendation against this liquor license.

Councilor Pedersen explained that the concern was because there is a day care facility next to JJ's Golf. She asked if children are allowed to come into JJ's Golf and Mr. Johnson responded yes. He noted JJ's Golf came into the mall just before the day care, actually, but he said he doesn't see where this should make a difference.

City Administrator Zabell asked how minors would be separated from where drinks are served and Mr. Johnson said they don't have that many minors and the state said they would have no problem.

Carla Johnson, 6128 152nd NE, Lake Stevens, addressed Council. She stated this would be the same as a bowling alley and is a service to the customers only. In other words, if no one signs up to play golf, they lock up and go home. She noted they do serve snacks and are planning on putting in a hot dog machine also.

Councilor Pedersen asked if there is a law against two establishments serving liquor being located so close to each other and City Attorney Weed said he didn't believe so.

There was general discussion about the fact that a person couldn't very well go to the Home Plate for a drink and carry it across the parking lot to patronize JJ's Golf, that it would be very similar to a bowling alley where minors are allowed to sit right next to their parents drinking a can of beer, discussion about the day care right next to this establishment, safety around vehicles in the parking lot, conditional use permit for day care facilities required with fences, etc., pizza parlors also serving liquor with minors on the premises.

Councilor Baxter moved to recommend that the liquor license be granted, Councilor Leighan seconded the motion and it passed unanimously.

## 2. Warm Beach Interlocal Agreement.

City Administrator Zabell explained the agreement would allow Marysville to sell 2000 gpd to the year 2013 at 62¢ per 1000 gals. subject to future rate change studies. He noted the agreement discusses the use of the Lake Goodwin Well, clean water standards, etc. and Warm Beach would have to also work with 7 Lakes as far as their also being a source for Warm Beach water needs.

City Attorney Weed stated the Warm Beach Water Assn. has signed the agreement.

Mayor Weiser noted this is a culmination of many Critical Water Service Area meetings and he thanked Councilor Baxter for his hard work in this area.

Councilor Herman said in terms of water quality, the agreement provides no guarantee that Marysville will be obligated to provide this and City Attorney Weed agreed, stating also that we cannot guarantee more than 2000 gpd either.

Councilor Herman clarified that we must give 60 days notice of a rate change study.

Councilor Baxter noted that 7 Lakes was against any chlorinated water in the system and that's why this agreement was worded the way it was.

Mayor Weiser pointed out that they had several options, from wheeling water to building their own line.

Herman Van Leer, President, Warm Beach Water Assn., addressed Council. He said he appreciated Marysville being a part of the Critical Water Service Area and they are most appreciative of this additional source of water.

Councilor Baxter moved to approve the contract for signature by the Mayor for water to be sold to the Warm Beach Water Association from the Lake Goodwin Well. Councilor Pedersen seconded and the motion passed unanimously.

NEW BUSINESS:

1. City Membership; Puget Sound Regional Council and National League of Cities.

Mayor Weiser reminded Council this was discussed a few months ago at which time Council voted against the Puget Sound Regional Council membership. He noted that most small cities do participate in the Puget Sound Regional Council which is one of the ways of participating also in ICETEA funding as the Puget Sound Regional Council facilitates distribution of these funds.

City Administrator Zabell added that another thing PSRC is involved in is the Flight Plan Project which concerns alleviation of SeaTac Airport congestion and if Marysville were a paid up member they would have more of a voice about whether the air traffic should be moved to Arlington or Paine Field. Other advantages to being a member would be favorability given for ICETEA funding (Marysville received \$80,000 the year before last) and members can attend numerous workshops offered at reduced fees, he said. He noted that almost all the small cities in Snohomish and King County are members, cities such as Kirkland, Redmond, Bellevue, Mountlake Terrace, Lynnwood.

Councilor Pedersen stated she would support membership from her personal involvement and can see many advantages; one of the disadvantages may be out of town travel expenses/potential budget requests.

Mayor Weiser said he would be in favor of the Puget Sound Regional Council over the National League of Cities, if he were to choose.

Councilor Herman said he is in favor of membership for both but he pointed out that Marysville would actually have very little say up against all the votes that Port of Seattle, Port of Tacoma, DOT, etc. have.

There was further discussion about voting, lobbying, giving the new City Administrator the opportunity to attend meetings, new water and sewer regulations briefings/update, National Convention in Washington, DC in March, ICETEA probably gives preference to PSRC members.

Councilor Herman moved to approve the expenditure of \$4012 for payment of Puget Sound Regional Council membership dues for 1993, with the Mayor authorized to sign the agreement. Councilor McGee seconded and the motion passed 4-2 with Councilors Leighan and Myers against.

Councilor Pedersen moved to approve expenditure of \$726 to renew membership in the National League of Cities. Councilor Baxter seconded.

Councilor Myers asked if these membership dues were budgeted and Finance Director Wilson stated the \$4012 was budgeted however the \$726 was not.

Councilor Baxter said he is glad to see the Mayor and City Administrator are interested in going to the national convention regarding water and sewer issues.

A roll call vote revealed Councilors McGee and Leighan against; the motion passed 4-2.



ORDINANCES & RESOLUTIONS: None.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:45 p.m.

1. Pending Litigation
2. Real Estate

RECONVENE AND ADJOURN: Approx. 9:45 p.m.

Accepted this 8<sup>th</sup> day of February, 1993.

*David Weiser*

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MAYOR

*May S. Swanson*

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CITY CLERK

*Wanda A. Swanson*

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RECORDING SECRETARY