

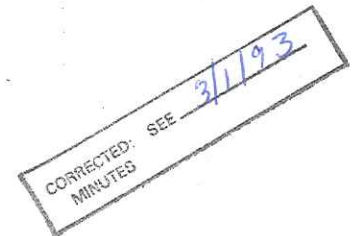
MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 22, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem (excused)
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 Grant Weed, City Attorney
 Gloria Hirashima, City Planner
 Dave Zabell, City Administrator
 Ken Winckler, Public Works Director
 Jim Ballew, Parks & Recreation Director
 Cory Elwell, Parks & Recreation Dept.
 Roger Kelley, Public Information Officer
 Dennis Petersen, Officer Lee & Lt. McKinney, MPD
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and two scouts from Scout Troop 80 presented colors and led the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above. It was noted that Councilor Pedersen is excused.

MINUTES OF PREVIOUS MEETINGS:

Councilor Herman noted on page 5 of the 2/8/93 minutes in the last paragraph, that it was the consensus that Council would review this in August with a report from the Fire Marshal and Fire Chief with regard to types of fires, reasons, etc. as well as feedback from the vendors and organizations involved.

On page 9, Councilor Herman noted in the 4th paragraph the acronym should be "ISTEA" not "ICETEA" and there were a couple of other references in the minutes to this also, that should also be changed.

Councilor McGee moved and Councilor Herman seconded to approve the minutes of the 2/8/93 as corrected. Passed unanimously.

STAFF BUSINESS:

1. Update on Public Works Facility Improvements.

Public Works Director Winckler reported that the framing, plumbing, painting, heating, everything except the PUD hookup has been completed at a cost of a little over \$19,000; \$20,000 was budgeted. The new lab building will be ready to move into in a couple of months, he said.

2. Youth Recreation Survey.

Parks & Recreation Director Ballew explained that in December '92 the Parks Board discussed youth activities in Marysville and the board's request was for the Parks & Recreation Dept. to pursue the idea of what our youth would like to participate in. He referred to the survey in the packets and said he would like City Council

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 2

approval to send this out, with the goal being to put the survey in local classrooms for the youth to complete and return. He introduced Cory Elwell, Parks & Recreation employee, who developed the survey.

Mr. Elwell explained the basic goal is to try and find out just what youth is looking for. He added this is a difficult age group as they are so trend oriented. The survey asks them about their feelings on activities, whether they feel there is a gang problem and what we can do about it, trying to get the kids involved, he said. He noted that 3,000 to 4,000 surveys are proposed to go out to the Middle School, Junior High and High School kids.

Councilor Wright noted that roller skating had not been listed as one of the options on the survey and Mr. Elwell stated that activity has never popped up and neither has bowling, whereas they seem to be interested in golf and tennis. He said roller skating could be included in "other" activities and he welcomed Council's input for the survey which it is hoped will be put in the schools by mid-March, with a minimum turnaround time. As far as a teen center, he said the Parks & Recreation Dept. definition is a separate structure complete with computer classes, pool tables, teen activities all under one roof and only teen activities.

Councilor Baxter brought up the role of the Boys Club and Mr. Elwell said a teen center would be specifically for teens.

Councilor Baxter pointed out there's been a real lack of participation at the Boys Club and said he wondered about the success of a teen center.

Mr. Elwell stated Seattle has a late night club, for example, with paid staff, social service workers, etc. and draws kids that the YMCA, Amazing Place, Boys Club doesn't.

3. Bond Rating Presentation.

City Administrator Zabell reported he felt the bond rating presentation in San Francisco a few days ago went well; it was a very comprehensive hearing which took 3-1/2 hours and he said he felt they were asked some very good questions, one of the main concerns being the result of the recent Boeing news. He said he felt the presenters from Marysville were able to give very adequate answers to defray the concerns.

4. Interim Urban Growth Boundary Regulation.

City Attorney Weed stated there is a case presently before the US Supreme Court regarding establishing of Interim Urban Growth Area boundaries similar to the issue Marysville was involved in with the county. He said it's been docketed and he will be letting Council know when the court makes a decision.

City Planner Hirashima reported the first Growth Management Coordination Committee meeting was last Thursday and co-chairs Jim Shipman and Dave Aldrich were elected. She said future meetings are planned at the Log Cabin Room the third Monday of each month.

MAYOR'S BUSINESS:

Mayor Weiser reported he visited Dick Pedersen (Councilor Pedersen's husband) at Providence Hospital recently; the DARE graduation is being held at Liberty School tomorrow night; 3/1/93 is the annual Marysville Historical Society dinner at 5:30 p.m. and at the Growth Management Coordination Committee meeting he thought

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 22, 1993
 Page 3

a better understanding of what to focus on now was attained; they will continue to give updates, he said. He commended Steve Wilson, Steve Gaidos, Phil Dexter, Ken Winckler and Dave Zabell on their participation in the bond rating presentation in San Francisco. He stated a lot of questions were asked and he had a sense that Marysville's answers were what they were looking for.

Mayor Weiser reminded Council of the upcoming Retreat 3/26 & 3/27 and noted that in the past retreats have been focused on planning and so he would like to see this one focused on economic development because he feels this is a good time to concentrate on issues such as water and sewer fees, taxes, Boeing issues, developing areas for businesses to be located in Marysville, attracting business from out of state, eg., looking at our present laws, capital improvement costs, etc. He asked for Council input and said he would like to invite someone from the Chamber, the Downtown Merchants Assn. and the Northwest Annexation area in addition to any one else from the general public who would like to attend.

CALL ON COUNCILMEMBERS:

Councilor McGee clarified that the Parks & Recreation Dept. had Council consensus to proceed with the youth questionnaire going out into the schools.

Councilor Baxter reported he also attended the recent Growth Management Coordinated Committee meeting and said it was very interesting. He offered as a suggested for the Council Retreat to invite someone to give a Navy Homeport and someone to give a Boeing update. Mayor Weiser said he and Steve Wilson will be going to a meeting at Boeing tomorrow and will bring some of that feedback back. Mayor Weiser added that he also met with the Navy last week with City Planner Hirashima. It was noted their preliminary base closure list will be coming out 3/15/93.

Councilor Wright stated she will be out of town 3/1/93. She said they talked about the upcoming 528 & I-5 upgrade and asked if it would entail any complete closures of the roads. Public Works Director Winckler reported it would not, only one lane each way would be closed.

Councilor Herman reported a Mission Statement Committee meeting was held 2/18 with another meeting scheduled for 3/4/93 at 3 p.m. They discussed a contest, with more items to be discussed at the next meeting. He said they are having some delays because of attendance/scheduling problems. He said he recently followed up on a CT bus stop problem and also checked into full service at gas stations in Marysville for a disabled person. He said he would be interested in the law on serving disabled people gas at a self-serve gas station and noted that all gas stations he contacted were willing to help this one individual, but would be interested in knowing if there is a legal obligation to do so.

Councilor Leighan reported that he took the Youth Activities Resolution #1604 before the school board, who in turn has endorsed the ordinance. He asked City Council to reconsider the lease vs. purchase of a police car decision that was made recently because he did not feel the Blade Chevrolet proposal was given enough review and there was a difference of only \$30 between the two plans rather than the previously indicated difference of \$180. He noted a representative is here tonight from Blade Chevrolet (Bill Walker) to discuss the lease option further, if Council wished.

Councilor Baxter said he thought that it was determined that the

CORRECTED: SEE 3/1/93
 MINUTES TRAFFIC ADVISORY
 Committee

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 4

City would not lease but that it was more cost effective to purchase.

Mayor Weiser expanded on this and basically concurred, but invited Mr. Walker to speak.

Bill Walker, 5802 70th St. NE, Marysville, addressed Council. It was noted that the MPD had already purchased the light bar and other options for the police cars and Mr. Walker explained that Blade Chevrolet would buy these from the MPD and put them on the cars to be leased. He noted Blade can get the same cars as the City is guaranteed from Gilchrist and there would be no delays in delivery.

Councilor McGee said he would like to look at the issue again even though Council did approve to purchase on 2/8/93.

Mayor Weiser explained about building up the cumulative reserve fund in order to be able to purchase more cars in the future and Councilor Leighan said he didn't remember a resolution as to what happens at the end of the period--who owns the vehicle? He said he thinks Blade Chevrolet would give the City a better deal than FCI Leasing.

Councilor Baxter pointed out that the City would not end up owning a car if we were to lease. Mayor Weiser said with the build up of funds we would have something to fall back on.

Councilor Baxter noted we are presently running 2 cars short and this problem is going to get worse and worse.

Councilor Myers said he would be interested in a purchase price quote from Blade Chevrolet vs. leasing and more discussion followed but it was the consensus to stay with the plan to purchase the vehicles within the City funds.

Councilor Leighan reported that the TV Advisory Committee is still looking at options for putting Council meetings on Channel 18.

Mayor Weiser explained that the present equipment, as he understands it, would only allow 2 hours at a time and the options include taping only part(s) of the Council meetings, a staff person could go down to the broadcast booth and change tapes or we could expend another \$2,000 for more sophisticated equipment. He added that the City may be required to keep tapes for six years as a record of the meetings, just like the audio tapes, and they are checking into this but some cities are opting not to. He invited comments at the upcoming 3/8/93 workshop.

Public Information Officer Roger Kelley showed excerpts from a Seattle City Council meeting and a Bellingham City Council meeting and he noted that neither of these meetings go longer than 2 hrs. usually. He mentioned different camera techniques that are used, noting volunteer taping staff can be used and the possibility of purchasing new equipment. He is going to be attending a video taping class 3/1 & 3/2.

Councilor Baxter said he has a problem with the increased budget this will entail and there was discussion about live broadcasting vs. video taping, staff time involved, "giving the government back to the people", discussing this further at the workshop/retreat, compatibility with the sound system, 2 hour time limit, additional \$2,000 worth of equipment, present Channel 18 agenda system, Roger Kelley recommending only taping public hearings, he will put together a packet of information for the workshop on 3/8.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 5

1. Presentation of Citizen of the Month Award.

Councilor Leighan explained this award is to bring to the community's attention someone who displays good citizenship and the plan is to present an award to a deserving person on a regular basis. He introduced Evelyn Morgan, who nominated the Citizenship Award recipient, "Pete" Hunzinger, who was presented with a certificate. It was explained that Mrs. Hunzinger donates many hours taking her neighbors shopping, doing yardwork, hunting and fishing. Her whole family was on hand to witness her receiving the award and she was very surprised.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

John Sheehan, General Manager of TCI, home address 18005 67th Av. NW, Stanwood, addressed Council regarding the planned TCI reconfiguration of basic service. He stated they negotiated with Channels 20 & 22 who were granted special placement in the bottom 12 channels, so effective 3/29/93, they will have new placement. This means that Channel 18 (Marysville's government access channel) will be moving to Channel 2 and Channel 2 CNN News will go to Ch. 18.

Councilor McGee left Council Chambers at 8:08 p.m.

Mr. Sheehan explained that with the change in channels they are offering a basic service rate of \$10 plus \$9.36 for the expanded basic service, so the total charge is actually the same as it is now (\$19.36), he said.

Councilor McGee returned to Council Chambers at 8:10 p.m.

Mr. Sheehan said TCI will be taking out ads explaining the 7 channel changes:

Channel 2 to Channel 18
Channel 6 to Channel 19
Channel 8 (A&E) to Ch. 20
Channel 18 to Channel 2
HBO Ch. 19 to Channel 22
Channel 20 to Channel 8
Channel 22 to Channel 6

He noted that people will no longer need a channel selector box to reach channels from 2 through 13 except for 10 (Disney premium channel) and 3 (Showtime) will have to stay the same.

Councilor Baxter asked for clarification on the premium channels and Mr. Sheehan said they were Showtime, Disney, HBO, TMC & A&E. He explained that this is the result of new legislation and the cablevision networks were actually given 10 years; TCI did it in one.

PRESENTATIONS:

Parks & Recreation Director Ballew introduced the new Executive Director of the Marysville Chamber of Commerce, Caldie Rogers. She spoke briefly, noting there are some exciting changes coming up and looks forward to working with and in the community.

The Marysville Strawberry Festival Royalty candidates were presented by Bev Rothrock: Amy Baunsgard, Noel Carroll, Jennifer Edwards, Michelle Privett, Teal Rainwater, Kelli Vos, Sarah Herri-man, Shannon Boswell and each spoke before Council about their current activities and future plans.

PETITIONS & COMMUNICATIONS:

Councilor Leighan reported he has received about 38 letters in addition to the petition in the packets concerning opposition to the 136th St. site proposed for a work release facility. He noted this site is rated 5th--a contractor recommended these sites but the committee basically opposed the 136th St. site for the same reasons that the citizens of the community did and he said he would conclude that it's very unlikely the work release facility will be located at this site.

PUBLIC HEARINGS:

Mayor Weiser announced that proponents of the Scott Ray Annexation have withdrawn their proposal and it will have to be readvertised in the event they want to come back.

CONSENT AGENDA:

1. Approval of Liquor License Renewal for 7-11 Food Store #29536.
2. Approval of Reimbursement for Oversizing the Watermain in Div. I of Northpointe.
3. Approval of Traffic Safety Committee Recommendations for Proposed Stop Signs; 76th Pl. NE/78th Dr. NE; Grove St./68th Av. NE; Grove St./69th Av. NE.
4. Approval of 2/22/93 Claims in the amount of \$201,176.29.

Councilor McGee moved and Councilor Wright seconded to approve Consent Agenda Items 1 through 4. Passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Proposed Street L.I.D. No. 64 & Sewer U.L.I.D. NO. 16; 67th Avenue N.E.; Continued from 2/8/93 Council Meeting.

Public Works Director Winckler reviewed the proposal, noting Council had recommended staff go back and look at some additional properties to be included in the assessment, such as the entire golf course, the park and some additional single family dwellings.

Larry Wade explained the entire golf course as well as other single family dwellings were included in order to spread out the assessment but notices were not sent out to everyone in Cedarcrest Manor. The change in calculations increase the City's assessment by \$52,000, he said and he referred to the information in the packets. He said the change in calculations resulted in an 11% drop for the single family sewer assessments. With regard to the road assessment, the engineering consultants recalculated these including the City as responsible for all 5th lane widening, mobilization fees, etc. and these costs come to \$117,000 which was subtracted from the total \$1.1 million leaving an assessment of \$1 million for distribution which equals approx. a 20% decrease from last City Council meeting, he said. The golf course assessment is \$428,000 and adding this to the \$117,000 for the 5th lane assessment to be paid by the City, the City's total assessment here would be about \$545,000, he noted. To show how that reduces a single family property owner's assessment, he gave as an example Hansen Lot No. 1-005 whose assessment on 2/8/93 was \$20,571 and with the new calculations, including the 5th lane and golf course recalculations, would now be \$16,419, so there would be a savings of about \$4,000. He said on Doyle Parks' property the assessment would be reduced by about \$2,000 from last meeting.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 7

Councilor Herman confirmed that the 5th lane concept also includes the park and the total golf course.

Cheryl Yunge, 8112 67th Av. NE, addressed Council. She pointed out that she and other neighbors have been paying the county taxes on the road for years and that money went to other street improvements and now there is no money available in the county but the City has approved a lot of growth in the past 2 years along that road. She said she thinks if the City is going to OK the growth they need to pay for the improvements that go with that growth. She said she would like to see a list of all projects and grants/money available; nobody can seem to let her know what money is available for what projects, she said and she seems to be getting conflicting stories from the county and City. She asked about City funding for improvements out of taxes, on a general basis.

City Administrator Zabell stated the City road tax is not a part of homeowners' taxes; the City gets a half cent tax, money from TIPS and some sales tax.

Mrs. Yunge asked how much the City is paying toward road improvement on 67th and City Administrator Zabell said the City is not required to pay capital improvements, that the City does pay for the golf course but has not made the decision yet as to where the funds are coming from.

Mrs. Yunge asked how 528 was paid for and City Administrator Zabell said between Columbia & I-5 including ramp improvements, DOT paid for that section with the exception of \$30,000 to \$35,000 in mitigation fees. From 47th to Columbia on 528, DOT paid for 80%, 10% came from a Hazard Elimination Grant and 10% was paid for by the City by way of curbs, gutters and sidewalks, he said. The Allen Creek Bridge area to 47th on 528 was 100% paid for by DOT and from 63rd to 67th was paid for by a property owner LID (80%) and the City paid for the 5th lane concept. From 83rd east to SR 9, that was paid for by DOT, he said.

Mrs. Yunge pointed out that a lot of traffic comes off 528 onto 67th and she asked if this was taken into consideration.

City Administrator Zabell said probably the increase in traffic is as a result of increased development to the north and does not come directly from 528.

Mrs. Yunge suggested the possibility of some funding available now with regard to the 88th St. interchange mitigation fees, etc.

City Administrator Zabell explained that the right of way would be taken care of with these fees but not the signalization, eg. He added there would probably be hazard elimination funds.

Mrs. Yunge asked about compensation for right of way they are being asked to give to the City and City Administrator Zabell stated it is 10' from each side, more where there is a 5th lane but the LID assessment would be based on construction costs only, not right of way costs.

Doyle Parks, 8026 67th Av. NE, addressed Council and asked if a traffic study was ever done from 528 to 67th to see how many cars come from 528. City Administrator Zabell said he acknowledges there is traffic from 528 onto 67th, that it is a more direct route now but that 528 did not increase the traffic, it was already there.

Mr. Parks noted that since the new school has gone in, there seems

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 8

to be more traffic and asked if a traffic study has been done since then.

City Administrator Zabell said no, the school district and Cloverdale did projections prior to their projects.

Mr. Parks said he would be interested in a traffic count on 67th; it seems like it's ten or fifteen times greater than it was before, he said and they were told the school would have no impact. Grove, Getchell & 528 were all improved and that's increased traffic on 67th, plus the City is taking an additional 10' and an assessment, he pointed out, so residents have to pay twice.

City Administrator Zabell said it would probably be cheaper for homeowners to donate the property than to have to pay the assessment on the 10' right of way dedication.

Mr. Parks pointed out that 67th now services 10-20 times as much traffic as it did a few years ago and it's not fair, he doesn't think, they should have to pay that.

Brian Reece, 7017 57th Dr. NE, addressed Council, stating he has a rental on 67th. He asked about the sewer assessment and Larry Wade said there would be none in Cedarcrest Manor.

Mr. Reece pointed out that everybody uses 67th--people coming from Granite Falls, Getchell Hill, 528 and he asked who funded 80th St.

City Administrator Zabell said there is already 30' of right of way at Cedarcrest Manor so the City would not need any additional right of way where Mr. Reece is.

Mr. Reece said he was also concerned about not getting notification of this meeting and situation until Friday night.

City Administrator Zabell admitted tonight's meeting was set up 2/8 and Mr. Reece pointed out that that's 11 days, between the 8th and 19th. He also added that the people who own the park weren't notified of tonight's meeting, either.

City Administrator Zabell explained this is not a public hearing tonight, we are just looking at this assessment.

Mr. Reece said on his two houses he had to have a certain amount of setback and with the additional 10' this is going to adversely affect him. He pointed out that sidewalks were not required on State but they are here.

City Administrator Zabell stated sidewalks would be required on State now.

Mr. Reece concluded there are a lot of people affected and they weren't even notified.

Teresa Sanders, 6625 77th Pl. #1, addressed Council. She stated they weren't notified until Saturday, they had no idea they were going to have to pay an additional assessment, they have been adversely affected by the school, also. She pointed out that the school didn't have to put in sidewalks or anything and they are trying to figure out a way to make 67th safer for the kids. She said they are actually having to pay for a road that everyone is using and she asked if the Cedarcrest Park assessment of \$14,000 was going to have to be shared among other property owners. She asked why she couldn't get a \$100 waiver like other builders, why the widening wasn't incorporated up to 100th, what about the people

MARYSVILLE CITY COUNCIL MEETING
FEBRUARY 22, 1993
Page 9

on 88th who don't have to pay but the people on 67th do. She said she believes private people should not have to pay for a public road, they should not have to pay for all the school traffic, the golf course traffic, Getchell Hill, etc., etc.; Firstmark Corp. don't own most of the property anymore and they aren't going to pay for the sewer ULID now and so it's up to the people who are left to pay for the sewer, she concluded, now that Firstmark have left.

John Harrison, 5808 92nd Pl. NE, addressed Council. He said he lives at the bottom of the hill across from the golf course and he would urge the City to find other funding other than local property owners to pay for streets. Some of these people are donating property, have to pay mitigation fees, etc., he said and what really needs to happen is to get the Comp Plan finished so people can do something with their property because they can't use it until that Comp Plan is done, he said. He pointed out that they have these huge assessments against them with no zoning, no choice of what they can do with their property.

Councilor Herman asked him about the sewer and Mr. Harrison explained it is surrounding his property but he can't use it; he has already paid \$29,000 for that and isn't currently included in ULID 16, he is in ULID 15, he said.

Mike Appleby, P. O. Box 51, Everett, addressed Council and said he agrees the Comp Plan needs to get done. He said the property owners are expected to pay for improvements and haven't been able to do anything with their property for a long time, waiting for the sewer moratorium and the Comp Plan update. He said he still doesn't understand the use of the zone and termini method of assessment, that he really doesn't think the formula is correct.

Mayor Weiser said that with regard to the Comp Plan, the City is in the process of doing an EIS and hopefully that process will go to public hearing soon.

Brian Reece readdressed Council, stating the people who want to develop will have a choice, the single family dwellings don't.

Mr. Parks asked when the Comp Plan might be done and if its being done in 6 months was an unreasonable expectation. City Planner Hirashima stated she expected the EIS to be done in 3-4 weeks and easily expects the total Comp Plan update to be done within the next 6 months.

Mayor Weiser made a few comments regarding City boundaries, zoning and noted the GMA requires the Comp Plan to be done by 7/1/93, although it is expected that this deadline will be extended probably.

Frank Phelps, 6307 80th St. NE, addressed Council, noting he owns 5 acres and Munson Creek runs through it, so what with having to allow a 100' setback on either side of the creek, his 5 acres has now turned into a net of 2 acres of usable land, he said. He said he doesn't feel it fair he should have to pay so much--he should only have to pay 2/5th of the assessment now.

Mayor Weiser explained the 100' setback/stream preservation/wetland protection came out of the GMA and there was tremendous argument/discussion on this from 50' to 200', with the Dept. of Fisheries recommending 200', before 100' was finally settled on.

Councilor Baxter commented that he still doesn't like the setbacks.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 10

Ron Loop, 7017 Armar Rd., addressed Council and asked about the 5th lane on 88th and whether he was going to be reimbursed for that dedication or given density credit by the City.

City Planner Hirashima said it is possible that the City will seriously consider crediting the right of way dedication toward density; it could be made a condition, she said.

City Administrator Zabell agreed that Mr. Loop's property (1-029) will be seriously affected by having to give up so much right of way.

Mr. Loop explained it works out to about 60' by 300-400' that they are going to lose; they have waited on this for a long time and would like something in writing from the City as far as being reimbursed for the land, he said.

Councilor Herman clarified that he would like credit for density and Mr. Loop said yes, they are losing density, having to pay mitigation fees for 2 or 3 intersections and they can't do any engineering on this property (bought 4 years ago) until the Comp Plan is done. He noted it is zoned 12,500 and 4 years ago they had no idea what was going to happen. He asked if the golf course parking lot was going to be included in the assessment and City Administrator Zabell said no, that's on 84th.

Councilor Leighan asked if the alignment/right of way at Cloverdale is adequate and who paid for that and City Administrator Zabell stated Cloverdale is obligated to participate in the LID on 67th as is the Marysville School District.

Councilor Leighan asked if Mr. Loop would also be obligated to participate in 67th improvements and City Administrator Zabell said yes, that would be the recommendation of staff/hearing examiner.

Orville Simpson, 8008 67th Av. NE, addressed Council and noted he gets up early in the mornings and there are numerous cement trucks every day travelling on 67th to Arlington, gravel trucks going to Granite Falls, a lot of 18 wheelers, chips being hauled to Scott Paper. He noted 67th is very very busy with very heavy traffic from 528 all the way to Arlington. He said he used to be on the City Council in Kentucky and he thinks from Grove should be improved along 67th. He said he knows the City can get federal funding because you have traffic from 528 to Arlington and he also highly recommended that the City get a traffic count on 67th.

Mike Appleby addressed Council again, stating they feel sewer serves no purpose for them at this time but they need to get the Comp Plan finished. He stated they want to get a feel for why they need to spend so much money, if it is necessary. He said he realizes the road and sewer would go together but they can't do anything with the property unless the sewer and road are improved.

Mr. Parks pointed out he has a 200' strip that he can't use, i.e. 74% of his property is lost but he has to pay 100% of the sewer assessment. He noted he can only get one home on his property and has to pay a \$3400 sewer assessment.

There being no one further who wished to speak, public input was ended at 9:36 p.m.

Councilor Herman asked about conditions being specific to a future LID and City Administrator Zabell said in the case of the school and Cloverdale, the original condition was curbs, gutters and

sidewalks would be put in; the property owners wanted the LID rather than doing it piecemeal--Cloverdale had that as a condition of final plat approval, he said. He added that if the LID does not come together in 2 years they are obligated to pay on their bond. On the school district, the Board of Adjustment gave a waiver rather than a piecemeal ULID but then the sewer moratorium came along and there was a grade problem at Cloverdale, he said.

Larry Wade added that Mr. Parks' sewer assessment of \$3600 did take into consideration the 100' setback on the City side of the stream for Mr. Parks.

Councilor Leighan asked if the northern city limits on 67th would be 100th and City Planner Hirashima said yes.

Councilor Wright said she was concerned also that the 50 Cedarcrest Manor people have not been notified as well as the other two tardy notifications. She said she has a problem with that.

Councilor Herman agreed.

City Administrator Zabell explained the intention was not for Council to have a public hearing on this tonight; there would still need to be a public hearing, he said.

Councilor Leighan asked about access off 77th and if property owners using 77th should be excluded from the 67th assessment. This prompted discussion about expenses, differences in sewer ULID and road LID, citizen input, who should pay for the LID, should it be through mitigation fees, where is equity found.

Councilor Herman noted that potentially the City could have developments that could contribute toward this end but at the same time you have the problem of trying to retain affordable housing and he said he has some problems with how much the specific property owner is benefitted and how much traffic is coming from "upstream" and is benefitted.

Councilor Baxter pointed out that 67th was in the county not long ago and now there are discussions about coordinated planning for streets outside City limits but the county wants a share of the revenue even after the property is annexed into the City. He asked where the county was several years ago when this needed to be improved and where the money is that was paid into the county. They don't seem to be willing to help the City improve that road and that's what's creating the problem we have now, he said. He added that the people don't want to pay for the total improvement because they aren't the total problem: the people are coming from Arlington, it's no longer the county, even though we still pay money to them, the money is just going to south county and he said his only suggestion is to leave it as it is--we can't tell people not to drive on it, he concluded.

Councilor Leighan agreed that it would also be very difficult to fund through a TIP, if not impossible.

Mayor Weiser said he remembered the 528 & I-5 TIP where so little was collected in mitigation fees: out of \$860,000 total cost, the City only collected \$30,000 over 4-5 years.

There was more discussion about just running the utilities in and leaving the road as is, people want the City to pay for the majority of the improvements and the City has already proposed paying \$682,599 out of \$1 million (60% being paid by government entities) which is still not enough, this is the way the City

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 12

decided to pay for road improvements in the past, as growth occurs, it's difficult to extend an LID out into unimproved/ unincorporated areas, public hearing to be held, everyone to be notified (on second alternative incl. 100% golf course, 5th lane and park as well as notifying everyone on the Cedarcrest Manor list).

Councilor McGee moved to hold a public hearing 3/22/93 on the "2nd Alternative" as discussed for ULID 16 and LID 64. Seconded by Councilor Myers and the motion passed unanimously.

Councilor Baxter asked if just the ULID could be passed and not the LID and City Administrator Zabell said yes, they are not tied together, they are two separate projects. However, with no road improvements it's possible staff would not recommend development because of the safety issues, he said.

2. False Alarms.

City Administrator Zabell explained there have been some citizen concerns regarding billings for false alarms and particularly at the request of Councilor Baxter, the ordinance is being reviewed.

Lt. McKinney explained the county enforces their false alarm ordinance, however the City is more aggressive in billing fees. He referred to information in the packets and noted MPD responds to each alarm as if they are the real thing. The first time they have to respond to a "false alarm", the business/individual is sent a letter, along with a copy of the alarm ordinance, recommending that their alarm be inspected to insure it is not faulty and does not cause any more false alarms. They are not billed for the first false alarm, he said, but noted there is one business in town who has had so many false alarms it has created a problem. The business has left it to the police discretion, for example, if there's a broken door or window, the property owner will come out only and the MPD would like to see this subscriber have to respond more, to fully appreciate the service of the MPD. He said the total number of false alarms for 1992 were 460 and to date in 1993, 83 false alarms have been responded to. He added that their definition of a false alarm is where no crime is reported subsequent to or during the alarm.

Mayor Weiser asked about what might seem like a false alarm at the time and the next day, say, a hole is discovered in the roof. Lt. McKinney said if that's reported, the MPD won't bill it as a false alarm. He noted that at the time of the alarm, roofs are not checked and so it is up to the property owner to check this.

Mayor Weiser commented on problems with faulty equipment and Lt. McKinney said if the equipment company writes to the MPD about a specific problem, the MPD can take that off the false alarm billing also. He added that Officer Lee is doing an excellent job of monitoring false alarms.

Councilor Baxter noted it could be 2-3 days before a business notices something missing and Lt. McKinney agreed, stating that would be acceptable, but that they encourage fences, properly installed electric eyes, etc.

Councilor Baxter said his concern is that the business would get charged for a false alarm and it could actually be a legitimate alarm.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 13

Councilor Herman noted that true alarms are not charged for; mechanically defective alarms would be if they are not taken care of.

Officer Lee said if people have a problem with their alarm and notify the MPD, they will not be charged the first time for a false alarm. Also with power outages, they can cause alarms to go off and with proof, MPD will negate the false alarm charge. He said the MPD concern is with officer time waiting for the subscriber to arrive, an average of 9 minutes which added up to 138 police officer hours in 1992. He added that they are trying to get people more aware of the situation with the letters sent out.

Mayor Weiser noted that since Weiser Cedar Sales has put in their alarm system, they have had no breakins but if a business has a faulty system it could add up to a lot of false alarm billings.

Officer Lee said there is one business who has been billed \$750 for one month because they have a faulty system but the MPD has to respond to all alarms, otherwise they could be liable.

Lt. McKinney noted there are just a couple businesses who are not being considerate to their neighbors, such as the one Officer Lee was referring to and not taking into consideration the officer time involved and the business would rather pay the false alarm billing than get their system fixed.

Officer Lee said that by responding to a false alarm, the police are actually working for the alarm company.

City Attorney Weed said that on the liability issue, if there is a potential crime in progress, the police are expected to respond in a reasonable period.

Councilor Baxter asked if a business has 6 false alarms in 6 months and it's proven they have a bad system--what liability would the City have?

Officer Lee responded that the Chief legally has the option of disconnecting the malfunctioning alarm, under the ordinance.

City Attorney Weed noted that if the alarm isn't disconnected in a case such as this and goes off, the police are obligated to respond to it and so the owner needs to be notified that the City has the authority to disconnect it. He added that the City can't put the MPD in the position of guessing whether it's a real or false alarm; there are cases where failure to respond within a reasonable time can result in City liability, he said.

Mayor Weiser said he would rather see an alarm disconnected than telling the police not to respond to the alarm and there was discussion about enforcement, how to correct the problem, not to discourage alarm systems, need to disconnect faulty systems sooner and Lt. McKinney noted the Sheriff's office requires a written response and MPD is looking at that system, where the subscriber is required to respond to every false alarm letter. He added that Everett's billing tops out at \$50, Marysville's goes as high as \$250.

Councilor Baxter noted that if people don't want to put in good systems, that shouldn't be the City's responsibility or problem.

Officer Lee explained the company is probably getting a discount from their insurance company for having an alarm system and once

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 14

the fine offsets the discount, they are looking for relief from the Council to change the ordinance. He said his suggestion would be to go to a flat rate in line with the police officer's time involved in responding to an alarm, also requiring the subscriber to respond to the letter sent out, eg. a flat rate of \$100 per alarm.

Councilor Baxter pointed out that another concern is getting the alarm turned off and Officer Lee agreed, stating they would like to see the subscriber respond in the middle of the night and get 911 involved, too because if it's a false alarm, especially if it's a false alarm, then they will be more motivated to fix the alarm.

Lt. McKinney reiterated that the roof is not checked by the MPD and there could be a burglary in progress by way of a hole in the roof, so it would behoove the subscriber to respond on what might look like a false alarm in the middle of the night, for example.

Officer Lee pointed out that Everett requires the subscriber to respond along with the police dept.

Councilor Herman offered that the fact that a subscriber won't respond should negate their being able to declare it a false alarm.

Councilor Myers suggested charging twice as much if a subscriber won't respond.

Officer Lee agreed it would be very helpful if the MPD has subscriber input, for example, alarm company information, what color of vehicle the subscriber will be driving up in to respond, etc.

Lt. McKinney stated another problem is out of state alarm companies who call the MPD on alarms within county jurisdiction.

There was more discussion about subscriber response, getting faulty equipment repaired, alarm companies not responding, how many officers it takes to respond and it takes off the road to respond to an alarm, revisions to the ordinance.

Councilor Herman moved to ask the MPD to prepare a list of suggested revisions to the false alarm ordinance, fines, subscriber responses, etc., to be presented to the City Attorney to draft a revised ordinance to be brought back before Council. Councilor Baxter seconded and the motion passed unanimously.

NEW BUSINESS:

1. Utility Variance; H.D. Fowler (Tri-Way Industrial Park).

City Planner Hirashima reviewed the agenda bill, noting this variance was originally approved for First Interstate Bank but was not transmitted to the Boundary Review Board; the property has changed ownership twice since then, she noted. Also, there were delays due to the sewer moratorium but the conditional use permit application has now been submitted to the county who needed a sewer availability letter from the City, however that can't be issued until the matter has been concluded with regard to the Boundary Review Board, she said. She explained the Boundary Review Board needed a new resolution because of it being so long ago that it was approved and the applicants have submitted an application outside of RUSA; also, there's the issue of timing-- it would add 45 days at least to the commitment letter, she pointed out.

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 22, 1993
 Page 15

City Attorney Weed said according to his interpretation of the RUSA code, if a portion of the property is within RUSA, the application may be adopted/approved concurrently. There was intent in 1989 to include the whole portion, he said and the City can amend the RUSA map or merely grant a utility variance. He said he thinks the intent in 1989 was to amend the RUSA boundary as well as a variance and to forward it to the Boundary Review Board but that did not happen. He added that state statute authorizes the BRB to make such determinations outside city limits so there may be a conflict of jurisdiction here between the state and county. The City of Marysville has granted RUSA variances in the past outside city limits, he noted.

City Administrator Zabell noted that this area is within the CWSA, however and City Planner Hirashima referred to this discussion in the packets.

Councilor Herman referred to the minutes in the packets and noted there were some limitations in 1989.

Reid Shockey addressed Council, representing the applicant. He stated the circumstances of the application are basically the same and they want Council to understand that they can come back on a case by case basis with each new use but H.D. Fowler can meet all limitations--they would not need more than the 1500 gpd of water. He stated Fowler intends to put in a 6000 sf warehouse with storage and office and would probably only have 3-4 employees.

Councilor Herman asked that given the prior action and the circumstances being the same, what the quickest way would be to resolve this and City Planner Hirashima stated staff would support a variance to RUSA--because the ownership has changed, he may have to fill out a new commitment letter is all.

Mayor Weiser pointed out we have the same limitations to the sewer availability and City Administrator Zabell added that there may have been a concern of precedent setting.

Councilor Herman argued that given the prior action, he did not see where the Council would be setting a precedent.

Councilor Baxter moved to grant the variance, allowing one sewer and one water connection on Lot 4 for H.D. Fowler. Councilor McGee seconded and the motion passed unanimously.

Councilor McGee left Council Chambers at 11:07 p.m.

ORDINANCES & RESOLUTIONS:

1. Eastwood Hills II Annexation Ordinance.

Councilor Leighan moved and Councilor Myers seconded to approve/adopt Ordinance 1938. Passed.

2. Morgan Street Vacation Ordinance.

Councilor Herman moved and Councilor Wright seconded the motion to approve/adopt Ordinance 1939. Passed.

Councilor McGee returned to Council Chambers at 11:08 p.m.

3. Vacation Ordinance/Portion of 75th Avenue N.E.; Brighton Park.

Councilor Wright moved and Councilor Herman seconded to approve/adopt Ordinance 1940. Passed.

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 22, 1993
 Page 16

LEGAL MATTERS:

1. Authorize Mayor to Sign Elevator Maintenance Agreement.

Councilor Myers moved and Councilor McGee seconded to authorize the Mayor to sign the elevator maintenance agreement (in the packets). Passed unanimously.

2. Professional Services Contract; Jim Kresge.

Public Works Director Winckler explained that Mr. Kresge is a retired employee from the county who has considerable experience with grant writing and this is an opportunity to have him review City projects to see if we are eligible for ISTEAs money, traffic mitigation fees, etc. He would work on an as needed basis but right now, there are some immediate ISTEAs submittal deadlines coming up, it was noted.

City Administrator Zabell added that (Mr. Kresge) has been very successful in the past leveraging money for the county; he used to be Director of Engineering.

City Attorney Weed stated a professional services agreement would need to be written up and Ken Winckler would like to have Mr. Kresge involved in some critical meetings this week and so if Council is willing, the contract can be prepared for the end of this week. He briefly outlined terms that would be included in the contract: compensation at \$27/hr. not including benefits except for meals and mileage, office space would not be provided, he would work out of his own home and Mr. Kresge would be under the super-vision of Mr. Winckler.

City Administrator Zabell stated there is about \$80,000 budgeted for professional services and Public Works Director Winckler said he didn't think it's going to be that much.

City Administrator Zabell suggested putting a cap on the expenditure if that was a concern to Council and Councilor Herman agreed that Council, he feels, shouldn't be signing a "blank check" without having some idea of what it's going to cost.

City Administrator Zabell pointed out that Mr. Kresge would be limited as to how much he could make as he is a retired state employee.

Public Works Director Winckler added that some of Mr. Kresge's fees may also be included as part of the engineering fees of the particular project.

Councilor McGee stated he would like to see a cap of 100 hours, for example and City Administrator Zabell concurred, stating it would be money well spent. He added that the City is in a real time crunch on this and with a person of Jim's caliber working for us, the City's chances are better to get funding.

Councilor Herman moved to authorize the drawing up of a personal services contract for Jim Kresge at \$27/hr., to be administered by the Public Works Director, with a cap of 100 hours plus mileage and meal expenses. Councilor Baxter seconded and the motion was passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 11:19 p.m.

1. Real Estate.

RECONVENED & ADJOURNED: Approx. Midnight.

FEBRUARY 22, 1993
 Page 16

CONFERRED
 MINUTES
 SEE 3/1/93
 RETIRED STATE
 EMPLOYEE

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 22, 1993
Page 17

Accepted this 1st day of March, 1993.

David Weisen

MAYOR

Mary D. Iverson

CITY CLERK

Wanda A. Iverson

RECORDING SECRETARY