

MINUTES RECAP

00060

MARYSVILLE CITY COUNCIL MEETING MAY 10, 1993

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETING: 5/3/93 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PRESENTATIONS: None

PUBLIC HEARINGS:

1. Franchise Ordinance for Tele-Vue Systems dba Viacom Cable Approved Ord. #1949

REVIEW BIDS:

1. Bid Award 83rd Av. Transmission Main Approved w/10% Contingency

CURRENT BUSINESS:

1. 60% Annexation Petition-O'Brien; PA 9210050; Tom Rhinevault Pub.Hrg. set for 6/7/93
2. Bloodborne Pathogen Standard & Budget Amendment Approved Res. #1619
3. 10% Annexation Pet.-Darling-PA 9304012 Approved
4. Final Plat of Waterford East-Darling-PA 9212058 Approved

NEW BUSINESS:

1. Assistant Police Chief Position Approved

CURRENT BUSINESS CONTINUED:

1. Regional Transit Project Decision made for Msvl. to opt out at this time
2. Jennings Memorial Park Petting Zoo - To go out for bid

CONSENT AGENDA:

1. Payment of \$100,000 to Snohomish County Parks for Nature's Window Continued to 5/24/93
2. Claims in the amount of \$144,511.08 Approved
3. 5/93 Payroll Claims - \$470,957.70 Approved

ORDINANCES & RESOLUTIONS:

1. Resolution Adopting 6 Yr. T.I.P. Res. 1620 Approved
2. Resolution Granting Util. Var. Res. 1621 Approved
3. Resolution Revising Marysville Golf Center Conditional Use Permit Res. 1622 Approved

LEGAL MATTERS:

1. Service Agreement Hammond, Collier, Wade, et al - Approved
2. Recovery Contract - Canpaco Properties - R.C. #169 Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 10:15 p.m.

1. Personnel
2. Litigation
3. Real Estate

RECONVENED AND ADJOURNED: 10:55 p.m.

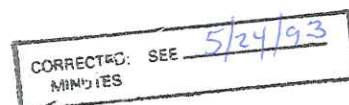
MARYSVILLE CITY COUNCIL MINUTES

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7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman



Administrative Staff:
 Grant Weed, City Attorney
 Dave Zabell, City Administrator
 Janet Tagert, Assistant Finance Director
 Jim Ballew, Parks & Recreation Director
 Larry Larson, Public Works Director Pro Tem
 Mary Swenson, City Clerk
 Charlene Byde, Assistant Personnel Director
 Bob Dyer, Police Chief
 Walt McKinney, Lieutenant
 Gloria Hirashima, City Planner
 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:

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

MINUTES OF PREVIOUS MEETING:

Councilor Leighan stated he wished page 11, 5th paragraph from the bottom of the 5/3/93 Minutes to reflect some discussion about the City receiving the insurance money, building a temporary petting zoo and those monies to be reimbursed out of the '94 Budget for a new site/facility.

Councilor Herman noted on page 3, 3rd paragraph from the bottom, under Mayor's Business, the JRPC has four members from Snohomish County. He also noted that on page 8, 4th paragraph from the bottom, after "hydraulic systems" the word "to" should be omitted.

Councilor Herman then moved and Councilor Pedersen seconded to approve the minutes of the 5/3/93 meeting as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Zabell handed out a petition from 31 Sunnyside residents against tax support for the RTA. He gave a brief update of State Legislature: a one year extension for completion of Comp Plans and a three month extension for cities to develop their urban growth boundaries. He noted the professional services tax was defeated. He stated he will be attending an upcoming conference and that painting of City Hall has now started (the mini remodel project recently approved by City Council).

City Planner Hirashima reminded everyone that next Monday is the Growth Management Coordinating Committee monthly meeting and the Quilceda/Allen Creek watersheds will be on the agenda, as well as land use capacity and urban growth boundaries.

Public Works Director Pro Tem Larson reported on the WWTF, noting that 6.5% of the contract time has now elapsed and he went into some detail about the work that has been completed and is in the process, such as excavation, contact chamber expansion,

piledriving, rip rap work, form work, etc. He also reported that Rich Brown recently underwent emergency surgery and is home recuperating now.

MAYOR'S BUSINESS:

Mayor Weiser appointed the following to the Library Building Committee: Councilors Baxter, McGee, Pedersen, two members of the Library Board, a Sno-Isle Regional Library representative, Cindy Lyons, Dave Zabell, Dave Weiser.

Mayor Weiser appointed the following to the Golf Course Study Committee: Councilors Baxter and McGee, Dave Zabell, Steve Wilson, Jim Ballew and a Golf Board member.

CALL ON COUNCIL:

Councilor McGee asked about the work going on at Grove & Liberty and City Administrator Zabell responded that repair is being done because of cracking around manholes and some storm sewer repair.

Councilor Myers reported that Clara Lykes has now left the Library Board and so they are looking for someone to replace her. Anyone interested should contact Cindy Lyons at the Library.

Councilor Baxter said he has a concern about all City vehicles, including police vehicles being kept track of centrally and in the event of needed repairs, the repair estimate should go through the City shop, having the same process for police vehicles as other City vehicles.

City Administrator Zabell said he would check into this.

Councilor Pedersen asked about a report on collection of past due tickets, specifically how much the collection agency has collected in the last two years. (City Clerk to follow up on this.) She noted another public hearing is going to be held on the Needle Exchange Program, 5/20 from 6:30 to 9 PM in the Ginny Stevens Rm. at the county administration building.

Councilor Wright reported next Monday night the county will be conducting a Visual Preference Survey for the rural area north of Marysville at the Stillaguamish Service Center.

Councilor Herman reported he had a conversation with CT today and there are a couple of meetings planned regarding pending route changes: Routes 210, 250 and 270. He noted 250 is the circulating commuter (smaller) bus route and they are proposing to have this only come once every 2 hours and combining it with Lake Stevens to provide more service to that area. Route 210 would change from a one hour frequency to a half hour frequency. He stated the meetings are planned for this Thursday from 1-3 and 7-9 PM in the Public Safety Bldg. and Wednesday in Lake Stevens, same hours.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARING:

1. Franchise Ordinance for Tele-Vue Systems (Viacom Cable).

City Clerk Swenson reviewed the ordinance, noting Viacom is applying for a franchise agreement in Marysville due to an annexed area that they were serving previously. Viacom is unable to provide the Marysville Community TV channel at this time and TCI does not carry the Playboy channel (Viacom does). Also, Viacom has a studio on 128th in Everett that would be available to City staff vs. TCI's facility in Seattle and the TV Advisory Committee has recommended the \$900 monthly revenue that would be coming in

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from Viacom be used to develop videos (at their studio) regarding annexations, etc., she said. She noted that approx. 600 residences are served by Viacom in the Marysville city limits and she referred to the map in the packets. She added there is basically no change in service to those already receiving service and neither cable company is interested in serving the other's area; both franchise agreements will expire at the same time so that when the City goes out for public bid/hearing it will be a clean deal, she noted. One change was noted in the proposed ordinance: That in the initial paragraph of the ordinance, after "a Washington Corporation" the words "dba Viacom Cable" be added.

There being no one from the audience who wished to participate in the public hearing, the Mayor closed the public testimony portion at 7:25 p.m.

Councilor Myers moved to approve/adopt Ordinance 1949 as amended and including approval of the recommendation regarding designation of the monthly revenue from Viacom. Councilor Leighan seconded.

City Attorney Weed stated he was comfortable with the form of the ordinance and the motion passed unanimously.

REVIEW BIDS:**1. Bid Award 83rd Avenue Transmission Main.**

Public Works Director Pro Tem Larson presented the bid tabulation and noted this is for 6,530 feet of water main. Hammond, Collier, Wade have checked this over and the engineering estimate was \$535,000, he stated. Staff is recommending the Robison Construction bid which is the lowest, as well as the fact the City has had a good working relationship with them in the past. He stated they would also like sales tax and a 10% contingency included in the award.

Councilor Baxter moved to award the bid to Robison Construction in the amount of \$427,426.25 plus sales tax. Councilor Wright seconded the motion.

City Administrator Zabell said staff is actually recommending an allocation of \$555,000 to cover five new valves that need to be installed in the system so that when part of a main needs repair, the whole system doesn't have to be shut down; a valve would allow just one part of the system to be shut down. He pointed out that originally, the estimate for this was \$805,000.00.

The motion passed unanimously for \$427,426.25 plus sales tax.

City Administrator Zabell said staff could negotiate further for the valves and bids could be submitted as a separate project. Further discussion followed regarding the pros and cons of pre-approving the \$50,000 and Councilor McGee said he objected to the wording "Not To Exceed \$555,000".

Councilor McGee moved and Councilor Baxter seconded to approve \$427,426.25 plus sales tax plus 10% and if the job exceeds that, a change order would have to be brought back to Council for approval. Passed unanimously.

CURRENT BUSINESS:**1. 60% Annexation Petition - O'Brien; PA 9210050; Tom Rhinevault.**

City Planner Hirashima reviewed the agenda bill noting that 27.6% of the sufficiency of signatures was through the use of non-protest annexation agreements, with a total of 61.21% of the overall valuation being obtained. She stated the property is within the City's interim annexation area, as agreed with the

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county, with the southern portion of the annexation area within Fire Dist. 8. She stated staff recommends a public hearing 6/7/93 with acceptance of a temporary land use designation of suburban 1-4 du/ac; the new owner is Roger McConnachie, she stated.

Councilor Herman questioned the percentage of valuation represented by covenants and City Planner Hirashima explained that the higher/expanded annexation area actually has less of a percentage of covenants in it. She added that every property owner within the proposed annexation was contacted, those that did not sign the petition were not interested, but everyone was contacted.

City Attorney Weed assured Council that copies of the non-protest agreements indicated they were recorded with the county.

Councilor Herman said he would suggest that the four properties on the non-protest agreement be specifically ~~noted on~~ the notice of public hearing. He said he doesn't think it's proper for the City to be perceived as doing something "underhanded" and behind people's backs, as was the perception in the past on other annexations.

Councilor Pedersen noted that what contributes to that perception is the possibility that property has changed owners since the covenant was signed.

City Attorney Weed added that it's also possible that some people don't read their title report and recognize that a non-protest agreement is recorded with the county.

There was more discussion about the use of the covenants, the impact and significance of the signed document/agreement, property having to be contiguous to City limits, people not reading their title reports, informing the public in all cases, concurrence of City Council to notify/inform property owners regarding the non-protest agreements.

Tom Rhinevault (applicant's representative) addressed Council and stated there were actually five, not four, non-protest agreements signed but they are only using four because the fifth (Mrs. Bayer) was signed under protest as well as the fact that her property is not contiguous to City limits. He said he believed there will probably be objection from two property owners at the public hearing.

City Planner Hirashima noted that Mrs. Bayer's property would actually bring it up to 67%, so it is hoped they will have sufficiency of petition without her property/agreement.

Councilor Herman reiterated his concern that everyone should be allowed to participate in the public process.

It was noted that no one further wished to address this matter at this time and Councilor Herman then moved to accept the 60% petition for annexation, with a public hearing to be held 6/7/93. If approved, the property within the annexation would be subject to the City's bonded indebtedness and would take on the temporary comp plan designation as recommended by staff. Councilor Baxter seconded the motion and it passed unanimously.

2. Bloodborne Pathogen Standard.

Charlene Byde, Asst. Personnel Director, reviewed the agenda bill. She noted two changes: 1) The requirement of a Resolution to be adopted by City Council; 2) Changing the budget amount (\$4,120) to come out of the Personnel vs. Police Budget. She noted this figure does not include any hepatitis vaccine or any training to be done; she also noted that the police dept. has the highest risk employees and staff is proposing kits for each police officer.

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CORRECTED:
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S/b not filed ef

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She stated the amount budgeted was originally going to be absorbed in each department's "supplies" but it was the suggestion of the Finance Director to run it through one line item so the City can keep track of all expenses to do with bloodborne pathogens. The \$4,120 would be for all departments, which includes \$3,120 just for the police dept., she explained.

Councilor McGee moved and Councilor Wright seconded to approve/adopt Resolution #1619. Passed unanimously.

Councilor McGee moved and Councilor Baxter seconded to approve the Budget Amendment Request in the amount of \$4,120 to come out of the Personnel Budget. Passed unanimously.

3. 10% Annexation Petition; PA 9304012; Jess Darling.

City Planner Hirashima reviewed the agenda bill, noting this is a continuation because covenant status was to be investigated and she stated only one covenant was located in the area so applicant would have to have a petition signed; the basis of the annexation is a plat just north of 94th (Wadehaven) and the alternative to this would be to apply for access to the county, she said. She added she doesn't know if the applicant has made any further contacts in the neighborhood.

Bill Roberts, 4129 76th St. NE, representing the applicant, addressed Council, stating he had talked with Betty Bagley, who had seemed interested in possibly canvassing the neighborhood. He said, however, she had not gotten back to him to report on whether she could get 60% of the neighborhood in favor and so he said the applicant would like to just go ahead with the two lot annexation at this time. He added that if Mrs. Bagley calls with more positive interest he would be willing to help them in any way but he doesn't want the burden of the annexation just so they can gain their access. He said he really doesn't think a developer such as himself is the person to go door to door asking people to sign an annexation petition and he added that he is surprised only one person signed up for the sewer in that neighborhood, which is why there is only one covenant. He added that he remembers it not being a friendly neighborhood towards the City and annexation, particularly.

Councilor Wright said in view of the statements made by the applicant, she would be in favor of their going back to the two lot annexation.

Councilor Herman said he would like to see a more squared off boundary and that he is not sure they have a 100% indication of the neighborhood at this time.

Mr. Roberts said he will try and contact Mrs. Bagley again and does plan on helping her in any way if she wishes.

Councilor Wright moved and Councilor Myers seconded to accept the 10% - 2 lot original annexation petition, plus the 94th Place portion. Passed unanimously.

**4. Approval of Final Plat of Waterford East; Jess Darling;
PA 9212058.**

City Planner Hirashima reviewed the agenda bill, noting staff recommends authorization for the Mayor to sign the Final Plat mylar.

Councilor McGee moved and Councilor Wright seconded that the Mayor be authorized to sign the Final Plat of Waterford East. Passed unanimously.

NEW BUSINESS:

1. Deputy Chief Position.

Police Chief Dyer referred to the information in the packets and gave some history about the lieutenant position, noting Marysville has experienced tremendous growth over the years, since the position of lieutenant was created. He noted the police chief is having to be away from the office more and more every day, this week, for example, he will only be in the office two days, and Lt. McKinney fills in for the rest of the time. He added that the job description for lieutenant should be reviewed also as the responsibilities of that position have increased.

Councilor Leighan asked about the stated number of employees and residency requirements/restrictions and Chief Dyer said he believes the residency requirement is somewhat outdated and should be deleted. He added that there is always back up staff/support to respond to an emergency in the event the chief or lieutenant can't respond immediately.

City Attorney Weed agreed that Council could change it to not require a residency requirement any longer.

Councilor Baxter asked if the position should be called an Assistant Chief rather than Deputy Chief, to more appropriately describe the position and he noted "deputy" implies there could be more than one, Assistant Chief explains it exactly.

Chief Dyer agreed.

Councilor Baxter moved that Lt. McKinney's title be changed to "Assistant Police Chief", with the lieutenant position remaining open at this time. Councilor Myers seconded and the motion passed unanimously.

City Attorney Weed said he would prepare an ordinance amendment with regard to the residency requirement.

Chief Dyer invited everyone to a ceremony tomorrow honoring Pat McGee, the founder of Seniors Against Crime.

Councilor Baxter commented on the extra effort that went into the bloodborne pathogen kits for the police officers.

CURRENT BUSINESS, CONTINUED:

1. Regional Transit Project.

Paul Kaftanski of the Everett Public Works Dept. addressed Council with additional information, noting the JRPC needs to make their final decision on 5/28/93 with regard to funding and who will be participating in the RTA. The four funding options are:

- .09% sales tax - for which there is not much support at this time, he noted
- to adopt the "vision" but not to name an amount of tax at this time - some support
- middle ground - .04% or .05%
 - 3 counties would be able to fully fund the enhanced bus service, there would be some capital infrastructure improvement and an Everett to Tacoma commuter rail system would be built
 - everything could be achieved as with the .09%, it would just take longer to complete.
- bifurcated vote as suggested by Peter Hurley where only

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sections would be voted on at a time - funded by .04% or .05% sales tax - this has support of several organizations such as SMART & SCIT and the RTA would be able to increase the tax levy over time.

He pointed out that Marysville has three options at this time:

- to opt in
- to opt out
- to opt in depending on what the JRPC does.

As part of RTA, Marysville would receive:

- no rail (at this time)
- additional bus service
- additional infrastructure
- rail could come in post 2010.

Mayor Weiser noted that .09% does not change with a bifurcated vote and Mr. Kaftanski said JRPC may want to stay with .04% and take longer to complete the projects because of the high opposition to .09% additional sales tax.

Councilor Herman said he understood there to be different options: .04%, .05%, .06% plus a sales tax equivalent; he asked if that includes motor vehicle excise tax.

Mr. Kaftanski said it takes .02% to improve bus service, .01% for administration, .01% towards rail service, but you need an additional .01% to match any federal dollars. He said from the discussions he has observed, there's a mechanism to pursue any other source that could fund this, i.e., motor vehicle excise tax could be included.

Councilor Baxter asked who would supply the buses and Mr. Kaftanski said RTA would be a support entity and would supply funds to CT who would supply the buses.

Councilor Herman noted that CT is currently funded by a .06% tax and RTA would provide additional funding to start a system in the absence of a rail system, which would be over and above current service. ~~He said the local transit purveyor, i.e., CT, would have overlapping areas in and out of the specific areas with no specific restrictions to use funds within their boundary.~~

Mr. Kaftanski stated as long as there is a connection between the area inside and the area outside the boundary, they could use the funds for improving service; CT, however initially was told they could not use funds outside the RTA boundary, he said.

Councilor Herman stated Marysville can reasonably expect there to be some improved service out of normal growth but based on RTA funding, he said he understands Marysville would receive about 50% more service.

Mr. Kaftanski clarified it would be a 50% improvement of service within the RTA boundary.

Councilor Baxter said he thinks the .06% is going to change and it sounds like there are now going to be two agencies involved, resulting in more administrative costs.

Councilor Herman argued that RTA would simply serve as a conduit to local transit companies.

Mr. Kaftanski said if Marysville doesn't have a rail system, there probably won't be another agency involved; RTA's major responsibility is to promote the rail system, not the bus service.

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Councilor Baxter noted Marysville is already buying the bus service and so he doesn't understand any additional tax.

Mr. Kaftanski agreed, stating Marysville would be taxed the same as other entities with a rail system which would be 88 miles--proposed from Everett to Tacoma. Marysville is a community that would be a prospective rail system participant once the 88 mile segment is finished, he said.

Councilor Pedersen noted that Marysville is only 5-6 miles from Everett yet we were not included in the rail system.

Councilor Herman said he would like to add her question: How would our participation affect the decision as to whether rail comes to Marysville?

Mr. Kaftanski explained that as the private sector became more involved, at the request of CT, BN prepared a proposal that started in Everett, there may be some problems with the trackage in Marysville, but he said he doesn't think there is a fundamental barrier, no one's pushed for Marysville is all, however there may need to be more discussion with BN & CT. He concluded he doubts it will cost that much more to extend the rail line from Everett to Marysville.

Councilor Pedersen noted that enhanced bus service is only .02% and she has a hard time seeing the City charging .04% or .05% additional sales tax.

Mayor Weiser noted that rail would pick up over 4% of total trips and with the increase of .04%, we would have four times the number of buses.

Councilor Herman explained about the three CT bus routes for which they are having upcoming hearings because changes are needed: Route 210 is a very productive CT route but Routes 250 and 270 have a lot of empty buses and need changes in order to provide service where it is needed and when it is needed.

Mayor Weiser said there is a possibility of Everett Transit helping Marysville out with some service coordination, he heard.

Councilor Pedersen asked about the possibility of Arlington and Stanwood having rail and Mayor Weiser pointed out they do not want to be in the RTA.

Councilor Pedersen reiterated that she does not understand why Marysville is not being considered for light/commuter rail.

Mr. Kaftanski admitted no ridership study has been done; it was assumed everyone would go to Everett from the north and they used current land use plans to obtain their figures, he said. He added that ridership has probably been underestimated because they could not change or forecast the land use capacity/comp plan figures as they exist for each city at this time.

Councilor Myers pointed out that no one will want to get off the freeway and travel too far to catch a bus or train from Everett to go south.

Mr. Kaftanski talked about a multimodal station, centrally situated in Everett where it would take approx. 53 minutes to travel by rail to Kings Street Station in Tacoma. He noted that as freeway congestion worsens, high speed rail will be your best bet.

Councilor Herman noted that if Marysville votes against being included in the RTA, we are committed/restricted possibly for years to come but if we do opt into the RTA, it means increased

taxes. Beyond added bus service, we have no way of knowing if rail is coming to Marysville, he said.

Mr. Kaftanski said he just recently learned that under the current legislation there would be no latecomer's fee for those wishing to join the RTA.

Councilor Pedersen referred to the petition from 31 residents against more taxes to support the rail system.

Mayor Weiser added that there is not a lot of support in Marysville for a rapid transit system and perhaps the money would be better spent improving the bus routes/service.

Councilor McGee moved and Councilor Myers seconded to exclude Marysville from the Rail Transit Project/Area at this time.

Councilor Herman referred to the third option - to wait until Friday to see what tax level JRPC goes with, which could possibly be lower than .09%.

Mr. Kaftanski said Marysville could prepare an amendment that the rail system go from Tacoma to Marysville.

A roll call vote revealed all in favor of Marysville being excluded from the RTA at this time, except for Councilor Herman who voted against the motion.

Mr. Kaftanski said he will contact the Snohomish Co. JRPC representative with Marysville's decision.

2. Jennings Memorial Park Petting Zoo.

Parks & Recreation Director Ballew reviewed the agenda bill, noting renovation of the existing site would take too much time, money, ingenuity. He stated he visited the Vancouver, B.C. zoo as well as contacting Paul Quast of Town & Country regarding putting up a new building. Demolition of the 50% portion of the old site has been completed and it would be suitable for storage but not for public use, he stated. Also, he said he asked Town & Country to consider prevailing wages and they came up with a cost estimate of \$12,000 to \$15,000 to put a building on the new location, staff could install lighting, etc. New construction on the existing site would be \$10,000 to \$12,000, almost as much as a larger facility on the new site which is more appropriate for public use, he said. He also noted that staff has determined that no shoreline permit would be required for the new site. He showed some overheads of what is proposed in the way of building, elevation, open stalls, a 30' x 60' building, existing power, sewer, paved service road, trail, etc.

Councilor Pedersen asked how long it would be before the building is put up and Parks & Recreation Director Ballew said two weeks to get models, two weeks to construct; they could put two crews on and get the zoo open by 7/1/93, he said. He noted there is an existing fence and the new building would allow twice the number of stalls (1800 sq.ft.), the outside area would be doubled, it could include outdoor stalls, a wishing well, rock garden, water for animals to play in. The loft of the barn would be used for hay storage, farm implement display, possibly, he said.

Councilor McGee pointed out that the \$30,000 from the insurance would cover the majority of costs.

Parks & Recreation Director Ballew agreed, adding that Pete Poortinga will be going to the school district on the City's behalf and Parks & Recreation Director Ballew will be meeting with Rotary, also. He noted the burning of the petting zoo was featured on Channel 5 tonight and he thinks the interest is there.

CORRECTED:
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He added that he would like to put the bid package together for a 30x48 building and a 30x60 building and he can pursue community funding, reporting back to Council and/or taking a telephone poll as to what Council wishes him to do.

Councilor McGee said he feels 7/1/93 meets Council's needs to have a petting zoo for this season and Councilor Baxter agreed, noting it would still work without a concrete slab being put in right away.

Councilor Pedersen commended Councilor Leighan and Parks & Recreation Director Ballew on the new site chosen and there was some discussion about having one open wall in the barn, winterization could be obtained by installing hinged doors to close off the open wall, making this a year round facility, someone donating a gas heater.

Parks & Recreation Director Ballew said he would like approval for him to go to the Small Works Roster to ask for bids on the two sizes and in the meantime, he would meet with service groups and could poll Council by phone.

Councilor Pedersen moved to approve the recommended action with the two different sizes of building and separating out the west wall in the bids. Councilor McGee seconded.

Councilor Herman argued against the smaller size building, for example, saving money the first year by not putting in the slab.

Parks & Recreation Director Ballew agreed, stating it would be his wish also to see the "building envelope" in first.

The motion passed unanimously.

CONSENT AGENDA:

2. 5/10/93 Claims in the amount of \$144,511.08.
3. 4/93 Payroll in the amount of \$470,957.70.

Councilor McGee moved and Councilor Pedersen seconded to approve Consent Agenda Items 2 & 3. Passed unanimously. (Councilor Leighan abstained from voting on Voucher #15658.)

1. **Authorize Mayor to issue payment to Snohomish County Parks for \$100,000 for acquisition of 9.8 acres owned by Belmark Industries (Mother Nature's Window project).**

Councilor Baxter pointed out that the \$100,000 actually would go for something else, not specifically the Mother Nature's Window property.

Councilor Pedersen said she understood one of the requirements was to purchase surrounding property and Mayor Weiser agreed.

Councilor Baxter said he understood they had to go together and there's been one offer already but it looks like that's been turned down.

Mayor Weiser said he had had a call from someone asking about a comparison between the library property vs. Mother Nature's Window. He added that Mr. Turk said if the City buys the surrounding property, Mr. Turk would keep his property open for whoever wants to use it. He asked if the City should talk to Snohomish Co. Parks.

Councilor Baxter said he didn't feel a bit comfortable about buying property outside City limits in this case.

Councilor Pedersen asked about buying it on a contingency basis.

Parks & Recreation Director Ballew noted the county has the first option on Turk's property, he has changed his mind several times and the City's offer was because of a threat he had made. Parks & Recreation Director Ballew said he thinks it a good idea to place a contingency on the offer/deal to have the money returned in the event the Turk's property is not acquired or the terms change. He noted one of the terms is that there be no active recreation, no ballfields.

City Attorney Weed noted a contingency in change of terms would be hard to define and suggested the possibility of putting a time limit on Turk's property acquisition by the City.

Mayor Weiser said he thinks the City needs to discuss this further with the county parks dept.

Councilor Baxter noted Belmark agreed to leave a buffer; Councilor Herman asked about placing a two week time limit.

Councilor Pedersen moved to continue this matter to 5/24 so that more information can be obtained. Councilor Herman seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution Adopting Six-Year Transportation Improvement Program (1993-1998).

Councilor Myers moved and Councilor Leighan seconded to approve/adopt Resolution #1620. Passed unanimously.

2. Resolution Granting Utility Variance for J & D Builders for property located at 100th St. & 67th Av. NE.

Councilor Baxter moved and Councilor Wright seconded to approve/adopt Resolution #1621. Passed unanimously.

3. Resolution Affirming the Decision of the Hearing Examiner revising the Conditional Use Permit for the Marysville Golf Center.

Councilor Baxter moved and Councilor Pedersen seconded to approve/adopt Resolution #1622. Passed unanimously.

LEGAL MATTERS:

1. Service Agreement Contract; Hammond, Collier, Wade, et al; Water Comprehensive Plan.

City Administrator Zabell explained this document puts into force what was agreed on and discussed by Larry Wade at the last Council meeting; the contract expires 12/31/93 as per the schedule Larry Wade distributed. He noted the contract amount is \$60,000 versus \$100,000 for the last time around.

Councilor Baxter moved and Councilor Myers seconded to authorize the Mayor to sign the agreement with Hammond, Collier, Wade, et al as agreed. Passed unanimously.

2. Recovery Contract - Canpaco Properties, Inc.

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Recovery Contract #169. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:15 p.m.

1. Personnel.
2. Litigation.
3. Real Estate.

RECONVENED AND ADJOURNED: 10:55 p.m.

Accepted this 24th day of May, 1993.

David Weis

MAYOR

Mary D. Swenson

CITY CLERK

Manda K. Swenson

RECORDING SECRETARY