

MINUTES RECAP

00388

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 9, 1996

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETINGS: CC 9/3/96 - Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

1. Approval of the August 1996 Payroll in the amount of \$601,427.67; paid by check nos. 22593 through 22952.
2. Approval of 9/9/96 Claims in the amount of \$1,707,475.70; paid by check nos. 30578 through 30766 with check nos. 30456 and 30502 void.
3. Approval of Contract Amendment for Probation Services and Authorize Mayor to Sign Amendment Contract.
4. Approval of Contract Renewal with Al Gordon Associates for Collection Services and Authorize Mayor to Sign Contract.
5. Authorize Removal and Storage Mary Comeford Wall Located in Comeford Park.

STAFF'S BUSINESS:MAYOR'S BUSINESS:

1. Proclamation: Constitution Week Sept. 17-23.

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATIONS:

1. Internet - Doug Buell and Jerry Buron.

PUBLIC HEARINGS:

- sp 1. Six-Year^{sp} Transportation Improvement Program (1997-2002). Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Athletic Field/Recreation Complex Bond. Ord. 2089 Approved
2. Utility Var. Lakewood School Dist. 17000-16th Dr. NE, Lakewood; UV 96-020 Removed from agenda at this time
3. Marysville Advisory Commission on the Arts To be brought back again with more information

NEW BUSINESS:

1. Comprehensive Plan Amendment Request To be reviewed by Planning Comm. & brought back to CC prior to 1/1/97
2. BNRR Easement at 88th Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 10:07 p.m.

1. Pending Litigation No Action
2. Real Estate No Action
3. Personnel No Action

RECONVENED & ADJOURNED: 11:25 p.m.

MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 9, 1996

7:00 p.m.

Council Chambers

- Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem
 John Myers
 Ken Baxter
 Donna Pedersen
 Mike Leighan
 Otto Herman
 Shirley Bartholomew
Administrative Staff:
 Steve Wilson, Finance Director
 Dave Zabell, City Administrator
 Jim Ballew, Parks & Recreation Director
 Ken Winckler, Director of Public Works
 Gloria Hirashima, City Planner
 Doug Buell, Community Information Officer
 Grant Weed, City Attorney
 Sue Jensen, Court Administrator
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 9/23/96 MINUTES

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

Councilmember Pedersen noted in the 9/3/96 Council Meeting Minutes, on page 2 under Call on Councilmembers, second paragraph, the wording in parentheses should be: (with no public verbal participation).

There being no further corrections, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the 9/3/96 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

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3. Approval of Contract Amendment for Probation Services and Authorize Mayor to Sign Amendment Contract.
4. Approval of Contract Renewal with Al Gordon Associates for Collection Services, and Authorize Mayor to Sign Contract.
5. Authorize Removal and Storage Mary Comeford Wall Located in Comeford Park.

Councilmember Leighan asked that Item 3 be considered separately.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Items 1, 2, 4 & 5. Passed with Councilmember Baxter abstaining on Voucher #30702.

STAFF BUSINESS:

City Administrator Zabell announced/reminded City Council of the 9/16 Workshop in Council Chambers at 6 p.m. regarding the old city hall building. He also noted the City animal licenses are now on computer automatic billing now.

Public Works Director Winckler announced several things: RUSA Committee meeting Thursday at 7:30 a.m. in the Public Works Bldg.; CT meeting 9/11 at 6 p.m. at City Hall; Traffic Safety Committee meeting 9/12 at 10:30 a.m.; interviews for new City Engineer 9/12. He showed a map of wheelchair ramps installed and to be installed in the City on State, Beach and Grove.

Parks & Recreation Director Ballew reported the sculpture was installed Friday at the Library and there will be a Washington Recreational Park Executive Board meeting Thursday & Friday.

MAYOR'S BUSINESS:

- 1) Mayor Weiser referred to a memo regarding a Council Retreat in April and asked Council to give 3 possible locations consideration and whether it should be 2 or 3 days, their preference. (Council to communicate their preference with Mary Swenson.)
- 2) He asked Council also to be thinking about a possible one day retreat on Saturday, October 5th.
- 3) **Proclamation: Constitution Week (September 17-23).**

Mayor Weiser read a proclamation declaring the week of Sept. 17-23 Constitution Week. He signed it and presented it to Mrs. Kirk who was in the audience.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen said she would prefer not to go to Eastern Washington for the Council Retreat because of the travel time. She asked about studying the downtown parking situation.

Public Works Director Winckler said he has been working with CT and will be putting together a committee with 2 people from the City/Downtown Merchants Assn. on the committee.

Councilmember Baxter reported on the Golf Course project and also noted the new owners of Garka Mill (Crown Pacific) may want to open the First Street Bypass up. He noted they are doing a nice job of cleaning up the old Garka Mill, repaving, etc.

Councilmember Myers asked about signs for meeting rooms at the Library and Parks & Recreation Director Ballew said he would follow this up.

Councilmember Myers noted the statue at the Library is very nice and he asked about a crosswalk on Grove in front of the Library. He also asked about reopening the sidewalk along State next to Interwest as it is a safety hazard right now.

Councilmember Bartholomew noted the Downtown Merchants Assn. will be meeting tomorrow and suggested Public Works Director Winckler get in touch with Mary Kirkland for a representative on the committee to study the downtown parking situation.

Councilmember Herman spoke about parking situation, gave a CT update and concerns.

Councilmember Leighan asked about a street light at Grove & 47th, about the boat launch property and followed up on a curfew presentation. He also noted there is lots of parking on Ash St. north of 4th.

Councilmember Wright said she would rather not go by ferry to a retreat and would prefer choice #1 in the memo from the Mayor. She will be attending the Washington State Legislative Committee meeting Thursday.

Councilmember Baxter noted there is parking available at the old city hall building and perhaps the 2 hour parking restrictions could be removed for 4 stalls. It was decided to wait until after the 9/16 workshop before doing this.

CONSENT AGENDA:

3. Approval of Contract Amendment for Probation Services and Authorize Mayor to Sign Amendment Contract.

Councilmember Leighan asked about pass through funds and Court Administrator Jensen explained this is not to be a money making project. She said the counselor does more work than was originally thought/planned and sometimes there is a small profit (example, on no shows), but normally, there is no profit.

After brief discussion about collection on no shows by mandatory letter, noting that a "net profit" is really not a "profit", Councilmember Leighan moved and Councilmember Bartholomew seconded to approve Consent Agenda Item 3. Passed unanimously.

PRESENTATION:

1. Internet - Doug Buell and Jerry Buron.

Community Information Officer Buell explained that the City of Marysville now has a home page (as of 8/21) on the Internet and in conjunction with Jerry Buron, Marysville School Dist. Technology Director, showed the Council how they could link up with a server and everything that a person could have access to once they called up the City's web page address on the computer. He said they have been working with the school district, chamber of commerce and City departments so anyone can access information about elected officials, history of the City, Council agendas (in the future), business and economy information, etc. They hope to eventually have all the books of the library listed as well as Parks & Recreation activities and copies of the City Newsletter. He noted that the average number of inquiries so far has been 5 a day (254 inquiries since 8/21). He said there will be an announcement of this in the upcoming City newsletter.

Jerry Buron spoke briefly about a possible future partnership and working relationship between the City and school district, getting high school students involved from the computer science classes and letting them get some practical marketing experience by developing graphics and stories for the City's web site.

PUBLIC HEARINGS:

1. Six-Year Transportation Improvement Program (1997-2002).

Public Works Director Winckler reviewed the agenda bill, program narrative and list (handout) of 1996-1997 carry over projects.

Mack Moore, 14607 Timberbrook Dr. NE, Marysville, WA 98271 addressed Council. He asked about the City installing a 4 way stop or a stop light at 108th & 67th. He noted this is a very bad intersection.

Mayor Weiser noted that intersection is presently in the county but the City would be glad to pass Mr. Moore's comments on to the county.

No one else in the audience wished to comment on this matter.

00287

City Administrator Zabell noted on #32, 136th overcrossing project, the City may want to reconsider this project and do a feasibility study because there is a possibility of receiving some grant monies; a study would probably run about \$25,000 but it might attract some federal funding, he said.

There was discussion about the City needing to be the instigator, opposition from DOT.

Councilmember Baxter moved and Councilmember Myers seconded to adopt the Six Year Transportation Improvement Program as recommended by staff, with changes on the 136th St. overcrossing project (study to be done) and with approval of \$10,000 for handicap ramps as well as a pedestrian overcrossing over 528 to be done in 1997. Passed unanimously.

CURRENT BUSINESS:

1. Athletic Field/Recreation Complex Bond.

Parks & Recreation Director Ballew reviewed the agenda bill and possible scenarios of a first and second phase. He noted a 20 year bond would cost the taxpayer 31 cents per \$1000 of valuation but there would need to be a yes vote from approx. 1030 voters to pass this issue on the upcoming ballot.

He noted the draft ordinance has been reviewed by Bond Counsel for the City, Lee Voorhees and staff recommends support of the bond. He also noted advertising would need to be developed as well as a "pro" and "con" statement for the voter pamphlet and the public is to be given a chance to respond.

There was considerable discussion about calling this a regional facility when only City residents would be paying for it through taxes, although there would be user fees from others. There was also discussion about the chances of this bond issue passing when there are so many other issues on the ballot, during a presidential election.

Finance Director Wilson reviewed wording changes in the draft ordinance.

Councilmember Leighan moved and Councilmember ^{Myers} seconded to approve/adopt Ordinance 2089 (with no cross outs or additions), placing this issue on the Nov. 5, 1996 ballot and forming pro/con committees as required by the State of Washington and Snohomish County. Passed 6-1 with Councilmember Baxter voting against. (He stated he disagrees with the complex being called "regional" as well as other wording in the ordinance.)

2. Utility Variance for Lakewood School District; 17000 16th Dr. NE, Lakewood; UV 96-020.

Removed from the agenda at this time, at Lakewood School Districts request.

3. Marysville Advisory Commission on the Arts.

City Administrator Zabell reviewed the agenda bill and there was discussion of how many should be on the commission, review of what other cities did, monthly versus quarterly meetings, soliciting interested people in the community, sustaining regular meetings for consistency, staff time involved, bringing more information back to Council.

It was the concensus that staff would bring more information back to Council and for this to be put on a future agenda again.

CORRECTED: SEE 9/23/96 MINUTES Add verbage

NEW BUSINESS:

1. Comprehensive Plan Amendment Request.

City Planner Hirashima reviewed the agenda bill and noted this is to review a special request that the applicant would like reviewed by the Planning Commission prior to the annual review of the Comp Plan scheduled for January 1, 1997.

She pointed out that according to the WACs, Comprehensive Plan Amendments can be considered only once a year unless there is an emergency; the issue is whether this is to be considered an emergency.

Councilmember Pedersen asked if the traffic study could be considered unfinished business or a Comp Plan amendment and City Attorney Weed referred to a previous meeting regarding access on 88th and the request is to amend the Comp Plan based on the new information, he said.

Councilmember Pedersen referred to Ordinance 2068 adopting the Comp Plan with the 88th St. issue to be reviewed as an unresolved issue (with a traffic study to be done).

City Attorney Weed said it depends on whether the Council agrees that this is unfinished business; is there language in the Comp Plan regarding access on 88th?

City Planner Hirashima pointed out that in the process of codifying the Comp Plan, the applicants came forward that evening with regard to the access on 88th and it was discussed that this would have to go through the public hearing process again, whether this would require a Comp Plan amendment and whether it was to be left as an unresolved issue.

There was brief review of the minutes of 4/1/96 and City Planner Hirashima noted the applicant has now done a traffic study and wishes to bring a rezone application to the hearing examiner.

City Attorney Weed noted the Council needs to consider whether this is an emergency and that this is something to ask the proponent.

Jack McCullough, 2025 1st Av. #1130, Seattle, WA 98121, addressed Council and referred to his letter in the packets. He said they are not here to ask for a special favor but do want to bring it to the Council's attention that this is an unresolved issue. He said they would like to get through the approval stage of the project by the beginning of 1997 and with access only at the 88th intersection, disbursing the traffic away from that intersection would make that intersection work better. He noted they have a representative from Transpo here tonight and are merely looking at trying to relieve traffic congestion at the 88th & State intersection. He said he is not sure waiting until next year is good.

Mr. Barr stated they have copies of the traffic study if anyone is interested and City Planner Hirashima noted the Planning Dept. already has copies of the traffic study.

City Attorney Weed suggested Council may not want to review the document as yet; there may be a risk of Council having to disqualify themselves at a later date.

City Planner Hirashima stated what the Council is being asked to do tonight is allow the Planning Commission to review this matter prior to January 1, 1997.

00289

There was considerable discussion about appearance of fairness with regard to the traffic study documents available here tonight, intention of Council in April 1996, whether they want Planning Commission to start the process, noting this is just a procedural call, whether or not reading the traffic study would bias a Councilmember who had not received all the information pertaining to the matter, Comp Plan unresolved issues, north of 116th improvements and future planning/zoning, the fact that perhaps the City needs to be more flexible in the process.

Councilmember Myers moved to allow the Planning Commission to hear this prior to January 1, 1997 and for the matter to come back as an unresolved issue as per page 8 of the 4/1/96 Council minutes. It was noted this is one of two areas in the Comp Plan where language was unresolved. Councilmember Bartholomew seconded the motion and it passed unanimously.

2. BNRR Easement at 88th.

Public Works Director Winckler handed out a letter and stated he would like to seek approval on the easement. The information from Burlington Northern just came in Friday and the City Attorney did have an opportunity to review it.

City Attorney Weed said he reviewed it over the weekend, that the agreement has been drafted by and for Burlington Northern and that he has some suggested changes but they may not be accepted by BN. He reviewed these suggested changes which included a price lower than \$10,000 for 2 - 5' strips, making it clear that the seller (BN) would pay the real estate excise tax, having a warranty deed drawn up vs the quit claim deed BN has offered, possibly reducing some of the open ended potential risks to the City with regard to environmental hazards, other liability/insurance and indemnification issues. He noted it would be difficult to change any of these points in the agreement with BN but he just wanted to make Council aware of what the agreement involves.

After considerable discussion, and noting the plan is to have 88th opened by Thanksgiving, Councilmember Myers moved and Councilmember Baxter seconded to authorize the Mayor to sign the easement agreement, paying Burlington Northern \$10,000. The motion passed 6-1 with Councilmember Herman against.

Councilmember Herman then moved to send a letter to our Senators and Representatives outlining these circumstances and have the City Attorney take a look at other jurisdictions and crossings and advise on condemnation procedures. Councilmember Pedersen seconded and the motion passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:07 p.m.

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| 1. Pending Litigation. | No Action |
| 2. Real Estate. | No Action |
| 3. Personnel. | No Action |

RECONVENED & ADJOURNED: 11:25 p.m.

Accepted this 23rd day of September, 1996.

David Weiser
MAYOR

Deputy Billie Linn
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY