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MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 14, 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:
Dave Zabell, City Administrator
Steve Wilson, Finance Director
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance, at approximately 7:00 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Pedersen noted in the 10/5/96 Council Meeting Minutes, on page 1 under Minutes of Previous Meetings that "Merman" should be "Herman."

There being no further corrections, Councilmember Myers moved and Councilmember Bartholomew seconded to approve the 10/5/96 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Graef, 7311 69th Av. NE, addressed the Council regarding a full time Mayor but was told that it would be more appropriate to address this matter under "Current Business 2. Continuation of Mayor's Discussion."

CONSENT AGENDA:

1. Approval of 10/14/96 Claims in the amount of \$1,612,816.36; paid by check nos. 30968 through 31271 with check nos. 30793 and 30928 void.
2. Approval of Sept. 1996 Payroll in the amount of \$623,873.04; paid by check nos. 22953 through 23289.
3. Approval of Golf Dept. Equipment Trade-In for Mowing Equipment
4. Approval of Final Plat of Viking Estates.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2, 3 & 4. Passed unanimously with Councilmember Baxter abstaining on Voucher #31172 and Councilmember Leighan abstaining on Voucher #31258 under Item #1.

STAFF'S BUSINESS:

City Administrator Zabell reported Frances Chamberlain, Marysville School District Board Member, has invited City Council to the ground breaking ceremony tomorrow at 10 a.m. for the Tulalip Elementary School. He also reported the Boundary Review Board will be hearing the Barr Annexation tomorrow evening in the Ginny Stevens Room at the PUD Building and that the RUSA Committee will be meeting Thursday AM at the Public Works Building.

Don Shaw gave an update on the Cedarcrest Golf Course work in progress, stating all major earthwork is in, drainage and irrigation work is almost completed, seeding is also almost completed and erosion/siltation control has been used successfully throughout the project.

MAYOR'S BUSINESS:

Mayor Weiser reported on a luncheon he attended last Friday put on by the South Snohomish County Chamber of Commerce with an economic development presentation. The speaker said because of Boeing and Microsoft, our specific area will do better than the nation as a whole over the next few years economically.

CALL ON COUNCILMEMBERS:

Councilmember Herman spoke about the town meeting last week at Lakewood High School and said he was glad for the opportunity to communicate with the people of the area with regard to the Arlington/Marysville agreement and school issues. He also spoke with some people about some specific issues key to the Smokey Point area.

Councilmember Leighan spoke about the proposed crosswalk where the bus stop is in front of the new library; Public Works Director Winckler said the Traffic Advisory Committee is taking a look at mid-block crosswalks, noting they are not very safe. Several people have asked that the bus stop be removed, actually, as it's posing a safety problem, he said.

Councilmember Leighan passed out a mock up of a tourism brochure for Marysville.

Councilmember Wright commented about the meeting at Lakewood also.

Councilmember Pedersen said she also attended the meeting at Lakewood High School and noted that there was a lot of misunderstanding that was cleared up.

Councilmember Baxter echoed her comments about the miscommunications and also noted he spent some time on the golf course yesterday, taking a look at the runoff, drainage, construction on 67th. He asked about the water wheeling agreement from the Tulalip Tribes and City Attorney Weed said he has not seen a signed copy back from the Tribes. City Administrator Zabell said he would follow up on this.

Councilmember Myers followed up on curb painting in front of the new library as well as a curfew presentation from the Marysville Police Dept. City Administrator Zabell said the plan is for the presentation to be done at the 10/28 Council meeting.

Councilmember Myers asked about lights in the parks, noting there has been a lot of vandalism. He suggested something be done about this as soon as possible, whether a curfew is enacted or not.

City Administrator Zabell noted the previous request was not approved for lights; it was to come out of the tourism budget but that was denied and it is now in the parks budget or unencumbered reserves. With the present irrigation system needing to be replaced, both projects would have to be done simultaneously for a combined total of \$25,600.

There was discussion about not having to do the irrigation system now, the need to get the lighting done as soon as possible, even if it's just temporary lighting. City Administrator Zabell said he would bring more information back 10/28.

Councilmember Myers moved that the City send 2 letters to the Health District expressing our opposition to the methadone program and county needle exchange program with those Councilmembers against the programs to sign the letters. Councilmember Pedersen seconded and the motion passed unanimously after brief discussion. Councilmember Pedersen offered to hand deliver the letters to John Garner, Chairman of the Health Board.

Councilmember Bartholomew noted last Friday's meeting regarding downtown parking had to be cancelled and she asked if it had been rescheduled.

Public Works Director Winckler said it had been rescheduled to 10:30 a.m., Friday, 10/18/96.

CURRENT BUSINESS:

1. Proposed Heather Glen Sanitary Sewer LID.

Public Works Director Winckler reviewed the agenda bill.

Lengthy discussion followed concerning 7 people who had deposited \$200 each to the City toward the City expenses of estimating what the LID would cost. Because the actual assessments came out considerably higher than originally estimated, because of dewatering, relaying pipe, etc., the 7 applicants in the Heather Glen subdivision are asking for their deposits back, even though it specifically states in the LID application form that they should forfeit same should the LID not become a reality.

There was discussion about the various options that were considered by the City, that the \$1400 is needed to pay for staff preliminary work time, City Attorney Weed referred to the MMC, discussion about adding wording to future applications clarifying the procedure more.

Public Works Director Winckler noted that originally the subdivision was going to involve 32 lots in the LID and not just 7.

Betty Krieger, 5232 142nd Pl. NE, addressed Council. She said they wanted this sewer system put in but since it's not going to be put in now, they want their deposits back and don't see why they should have to pay for work. She said they launched their request in good faith and actually where they live, they have had no problems with their septic. They are on the other side of the street from the person having the problem and wanted to go through with the LID until they found out what the balloon payment was going to be so they don't want the LID now, she said.

Councilmember Bartholomew asked if this LID was at the request of the City or the residents and Public Works Director Winckler explained only 3 out of 32 were in favor originally. If the City were to hook up to the present line (it's too shallow), only a couple lots would be able to come in but the City would pay for that new line and then the balance of the 32 lots would be able to hook up.

Darrel Pedersen, 5225 142nd Pl. NE, addressed Council. He said originally it was estimated that the cost of the LID was going to be \$6,000 to \$7,000 for each of 12 people; the price went up when the City increased the size of the LID to 32 people.

Councilmember Myers said he understands that the increase was actually because of the dewatering expense.

Mr. Pedersen said he is not prepared to pay the additional \$3,000, which represents too much of an increase for him because his septic is fine right now; he was just trying to be prepared for the future.

Shirley Perry, 5207 142nd Pl. NE, addressed Council, stating she feels bad for the neighbors. She said she asked for an estimate from the City and gave this to the neighbors and that's what the 7 people paid their \$200 based on. Then the City changed it to include more people and that's when the price went up, she said.

Councilmember Baxter said he also felt bad when the City found out how much it's going to cost to relay the pipe deeper.

Mrs. Perry said she talked to Rick Doan because she was having some septic problems and he suggested forming the LID.

Councilmember Myers asked about the increased cost and Public Works Director Winckler said the study showed the present line would not be able to serve more than a few lots, so the City would have to pay the cost of a new line if anyone wanted to come in, in the future. All the City Engineer did at the outset was look at a previous subdivision just done; the money is collected to do the study, he explained, for a more accurate estimate of what the LID will cost.

Mrs. Perry said she asked people to sign up based on the estimate the City gave them and then the estimate got doubled after the people had already paid their \$200 deposit.

Mike Jacobs, 5130 142nd Pl. NE, addressed Council. He said their septic is fine but they wanted to help out their neighbor. First of all, the work was scheduled for January instead of in the summer when the water table is lower and when he signed up, there were only 7 of them and his question is why don't the rest of the 32 people have to pay for the study also? They just wanted 7 lots served and they never heard back from the City on that, he said.

Councilmember Pedersen asked about the 20% requirement for forming an LID, about future septic failure and legality of refunding deposits, especially if the LID is eventually formed. She said she is looking for some kind of compromise and there was discussion about dividing the \$1530 for staff time by 32 people in the subdivision equalling \$45 each.

City Attorney Weed said the MMC makes it clear that just the petitioners are responsible for the staff or consultant's time, 20% to initiate an LID applies to the original request, but if the LID is expanded then 20% must be obtained to go forward with the LID.

Councilmember Pedersen asked if the \$200 could be allowed to be credited toward a future LID for these 7 people and there was discussion about this. It was noted that the information regarding design, etc. is already in the computer and already paid for now. There was discussion about gifting of public funds, adopting a different policy from the state's.

Mike Jacobs addressed Council again. He said he was under the impression it would go from 51st Av. NE one block in and the City then extended that area and so he thinks it should be a City-borne expense, he said.

With regard to the \$1530 cost for staff time, Public Works Director Winckler pointed out that it would have actually been twice that if they had used their usual consultant at \$100 per hour.

Councilmember Herman asked what it would have cost for only 7 participants in the LID and Public Works Director Winckler said he thought it would have been at least \$500 per lot more.

Mrs. Perry noted there was no legal description filled in on the petition.

Councilmember Bartholomew said she understood it was to be provided by the City Engineer and Public Works Director Winckler said it's usually filled in once the LID boundary is determined. He added they really have no idea who is going to sign the petition; the estimate is just a ballpark and the preliminary estimate is just that: preliminary. It's really difficult to pinpoint what the bid's going to come in at, he said.

Mrs. Perry said she wasn't informed of all this originally, she was told the City had actually estimated a little high.

Public Works Director Winckler noted that was just for an extension of the existing line and before they knew they would have to relay pipe lower than existing pipe and dewater.

The public testimony portion was then closed at 8:25 p.m.

There was further discussion after which Councilmember Baxter moved to continue this matter to 11/4/96 to give time to investigate the state statute legality, change of ordinance wording, whether deposit money can be applied toward the future formation of an LID, spreading the cost out over 32 lots, RUSA Committee review of revised form. Councilmember Pedersen seconded and the motion passed unanimously.

2. Continuance of Mayor's Discussion.

Mayor Weiser noted two workshops have been held concerning a full time mayor, additional duties, etc.

Bob Graef, 7311 69th Av. NE, addressed Council. He said he can recall a time when he was vying for Councilmember Bartholomew's position on Council. He read a statement with regard to a full time mayor, noting the last time we had a change in balance was for the position of City Administrator. He said this issue appears to be going around the voters and there appears to be a conflict with a change in the middle of a term. People need to have their say on this, eg. when Congress raised their wages in the middle of a session it developed a lot of raised eyebrows; the public needs to vote on these kinds of matters. This whole process tends to have an appearance of unfairness, he said and added he thinks we need to go through due process.

He said as a citizen of Marysville he would like to have input and knowledge of rebalancing of the leadership; these things have brought up many conflicts in other cities and the process is very important. It's a public matter, he concluded.

Councilmember Wright said she had received a call from Lee Cundiff (former Councilmember) who is not in favor of a full time mayor taking the place of a City Administrator. It was noted that is not what was discussed and it was also made clear that the Mayor had not been a part of any of the workshops/discussions.

Councilmember Herman noted public input is a valid concern, however there is no requirement to have a public vote on full time vs part time mayor; he asked about an advisory vote.

City Attorney Weed said an advisory vote would entail no commitment, could be outlined in a resolution and would have to be in the auditor's office 45 days prior to an election, although he said he would have to give this whole issue more investigation.

Councilmember Pedersen said she would like more public input; she is not in favor of a full time mayor at this point.

Councilmember Baxter said everyone he talked with seems to think the salary would really go up but he thinks if we need a full time mayor, now is as good a time as any and delaying it until the next election is not going to help anything.

Councilmember Bartholomew echoed his comments and Councilmember Leighan asked for an estimate of how much a full time mayor would make. Discussion revealed an estimate of \$100,000 including annual salary, benefits, travel expenses, car, air fare.

Bob Graef addressed Council again and asked about more hours being discussed, extra pay schedule for additional duties, compensation on this basis until the election takes place.

Councilmember Baxter noted the Mayor has used up all available part time hours; it's a similar situation with Councilmembers-- there are only so many hours available to give, he said.

Councilmember Herman said he would really prefer the advisory vote method of helping make this decision but Councilmember Bartholomew pointed out that the next election is in February and it is reserved for school issues. Councilmember Wright suggested a survey vs an election.

Councilmember Baxter moved to change the mayor's position to full time starting January 1, 1997 at an annual salary of \$50,000 plus normal City benefits, including a car. Councilmember Bartholomew seconded.

After discussion, this motion failed 5-2 with Councilmembers Myers, Wright, Leighan, Herman and Pedersen against.

Councilmember Myers then moved and Councilmember Bartholomew seconded to change the mayor's position to full time starting July 1, 1997 at an annual salary of \$50,000 plus normal City benefits, including a car. This motion passed 5-2 with Councilmembers Herman and Pedersen against.

NEW BUSINESS:

1. Recommendations from Gibson Traffic Consultants Speed Study.

Terry Gibson, 1712 Pacific #200, Everett, WA 98201, addressed Council. He referred to a study done 9/4/96 as well as an overhead showing existing speed limits throughout Marysville. He said they looked at Grove, State, Cedar, 67th, 4th. RCW 46 establishes 25 mph within City limits unless a study is done and that speed limit is subsequently changed, he said. After reviewing average speeds, counts, safety at different intersections, etc., they recommend 30 mph to the west of Grove & 67th (on Grove) and 25 mph to the east of Grove & 67th (on Grove). He explained that Grove is a very good arterial road because of its width and sight visibility.

After some discussion about peak traffic, topography, how the study was done, Mr. Gibson said they recommend increasing Cedar from 25 to 30 mph but to leave Beach at 25 for now. The recommendation for State is to leave it at 25 mph in the downtown area, 35 mph from 80th to 88th, 25 mph from 88th to 100th and then 35 mph north of 100th.

There was discussion about the varying of speed limits on State, the recommendation to remove 2 stop signs at Grove & 71st and revisiting the area on State after the 88th interchange is done. It was also noted that a 5th lane is scheduled between 88th & 94th sometime in March or April.

Mr. Gibson spoke about rumble buttons and narrowing lanes that might be considered to slow traffic; he noted you don't want to go down to a speed that's more than 5 mph lower than the ideal speed.

Councilmember Baxter moved and Councilmember Bartholomew seconded to leave State at 25 mph to 100th and revisit after the 88th interchange and widening of State are completed and including the other recommendations made by Mr. Gibson.

Councilmember Herman then made an amendment to the motion and Councilmember Wright seconded to delete the recommendation for removal of the stop signs at 71st & Grove (going east and west) but the amendment failed 4-3 with Councilmembers Leighan, Baxter, Myers and Bartholomew against.

The motion to accept Mr. Gibson's recommendations except for keeping State to 25 mph passed 6-1 with Councilmember Herman against.

Mr. Gibson noted the least desirable method of slowing traffic is stop signs.

2. Lighting in Comeford Park.

Councilmember Myers moved and Councilmember Bartholomew seconded to get the lighting and/or irrigation taken care of in Comeford Park as soon as possible. After discussion about interim lighting Councilmember Myers amended his motion and Councilmember Bartholomew seconded to look for interim lighting with this being direction only on irrigation. The consensus was that Parks & Recreation Director Ballew will report on this at the next Council meeting.

3. Smokey Point Information.

Mickey Jarvel, 3325 Smokey Point Dr., addressed Council. She referred to last Thursday night's meeting at the Lakewood High School. She thanked Marysville City Council for their farsightedness and protection of Smokey Point businesses with regard to the Marysville-Arlington agreement on utilities.

She said she wished to thank Marysville on behalf of their group "Save Our Schools" and on behalf of the businesses of Smokey Point. Their first choice was to remain united under a new city of Smokey Point-Lakewood with the same boundaries as the school district. This is greatly dependent on the Marysville agreement and on utilities from Marysville, she said, as well as annexation to Fire District 12. She said they would like a letter from Marysville with regard to a commitment for utilities; it was important for them to make this announcement to Marysville before anyone else and they would like to pursue this as an alternative. She presented a map depicting the Smokey Point-Lakewood proposed boundary and said they would like further discussion on this and Marysville's support.

She was asked about the specific process and Ms. Jarvel said the first step would be a Notice of Intent which then goes to the Boundary Review Board which is required to hold a public meeting prior to the circulation of a petition. The auditor's office assigns a number and the petitioners have 180 days to get 10% of the registered voters' signatures and then county council is required to schedule an election. She said the voters have to give a simple majority and then the Boundary Review Board has 120 days to schedule a public hearing; it takes both the Boundary Review Board approval and the validation of the voters.

Mayor Weiser asked about the prohibition of new cities forming under the Growth Management Act and Ms. Jarvel said that only applies if the new city has a population of less than 3000. The Smokey Point-Lakewood area, including Island Crossing's population of 311, totals 3500, she said; 3200 by the 1995 model without Island Crossing.

Ms. Jarvel said as far as the name of the city, they are merely referring to the area as Smokey Point-Lakewood area; they have spent a lot of time studying the statutes regarding this, she concluded.

City Attorney Weed asked about the Save Our Schools Committee, who they represent and how many members they have.

Ms. Jarvel said it's the same group who appealed the City of Arlington annexation petition; their ranks are swelling and is made up of business owners from Smokey Point-Lakewood area, with Ms. Jarvel serving as their legal representative. She said the group started out with 22 and is increasing; they are scheduling a public meeting for 10/30/96.

ADJOURNMENT: 10:20 p.m.

EXECUTIVE SESSION: 10:30 p.m. (Pending Litigation)

RECONVENE: 11:00 p.m. No Action

ADJOURNMENT: Approx. 11:00 p.m.

Accepted this 28 day of October, 1996.

David Weiser

MAYOR

Mary D. Swenson

CITY CLERK

Shanda A. Swenson

RECORDING SECRETARY