

MINUTES RECAP

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MARYSVILLE CITY COUNCIL MEETING JUNE 9, 1997

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:
1. City Council Meeting; 6/2/97 Approved

AUDIENCE PARTICIPATION: Tim Thometz

CONSENT AGENDA: Approved:
1. Approval of 6/9/97 Claims in the amount of \$1,018,056.64; paid by check nos. 34399 through 34574.
2. Approval of May 1997 Payroll in the amount of \$646,005.93; paid by check nos. 25678 through 26021, with check nos. 25638 and 25666 void.
(Item #3 moved to #2 under New Business)

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS: None

PUBLIC HEARINGS: None

REVIEW BIDS: None

CURRENT BUSINESS:
1. Project Update LID #64 Change Order Approved
2. Project Update Cedarcrest Golf Course Info. Only

NEW BUSINESS:
1. Proposed Golf Course Fees; Cedarcrest Golf Course Approved - Restaurant/ Snack Bar to be researched further
2. Maryfest Proposal for 1997 Strawberry Festival Approved

ORDINANCES & RESOLUTIONS: None

ADJOURNED: 9:37 p.m.

EXECUTIVE SESSION: 9:45 to 10:54 p.m.
1. Litigation No Action
2. Real Estate No Action
3. Personnel No Action

RECONVENED & ADJOURNED: 10:54 p.m.

MARYSVILLE CITY COUNCIL MEETING

JUNE 9, 1997

7:00 p.m.

Council Chambers

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

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at approx. 7:00 p.m. and led us in the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

1. Council Minutes 6/2/97 Meeting.

Councilmember Herman asked that in the June 2 minutes under Minutes of Previous Meetings, second paragraph, the words "for weeknights" be added after "They were not particularly interested in specific programming."

Councilmember Myers noted on page 3, second paragraph from the bottom, he asked about developers outside city limits having to meet city requirements.

Councilmember Pedersen noted on page 2, second paragraph, the words "Supreme Court" should be added after "issue going before the state" and then on page 3, under Call on Councilmembers, 4th paragraph, she noted she was referring to an RFP for the food facility at the golf course. On page 7, 2nd paragraph, it was the consensus that the words "deleted from the ordinance" be changed to "disallowed in the ordinance."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Myers seconded to approve the 6/2/97 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Tim Thometz, 8518 47th Dr. NE, addressed Council regarding the small farms ordinance. He said he understood the small farms ordinance was approved and enacted and that a letter was going out to notify all applicants of the small farms overlay. But then he received a letter saying he would have to go through a mailing process, a hearing process, etc. and then it would go before City Council. He said the actual ordinance talks about an administrative approval and he has met all of the criteria for being a small farm, was actually instrumental in drawing up the ordinance and has met all the requirements.

City Planner Hirashima said originally there was a discussion about designation at the same time as the ordinance was put in place but then it was decided to get the ordinance in place and then look at the applications. Also, it was to be fee free originally but it was not clear in the ordinance, she said. She

added that it was also not made clear previously about applicants having to notify others within 300' of their property. There actually is a \$50 fee in the ordinance but originally there was no intent to have a fee, she said and also, it was going to be a one time process. The Planning Dept./Planning Commission has now received 32 applications for review.

Councilmembers Pedersen and Herman expressed concern about the process here, noting they thought it was going to be a simpler method of approval.

Councilmembers Herman and Myers referred to grandfathering in of small farms and making sure the neighbors don't have an adverse affect on them rather than the other way around.

Mr. Thometz explained he has received a public hearing notice for 6/24/97 when testimony is to be given before the Planning Commission and then their recommendations would go to the City Council 7/7/97. He said he was at the Planning Commission meetings when they developed this ordinance and does not believe this was the intended process to be followed.

City Attorney Weed explained the application for a small farms overlay is not unlike a rezone and an adjacent developer may have to fence their entire property, for example. He said his recommendation is to treat these as quasi judicial matters. He added the GMA required open, regular, continuous public input and it's important to establish a record that everyone has been given the opportunity to speak. He said the small farms overlay ordinance has the intent to have a more streamlined process in the future but this is not unlike a site specific rezone for the original applications.

City Planner Hirashima agreed it was the intent originally to make it a very streamlined process, with no fee, a short application was specifically prepared. Notices were sent to everyone who had applied and at the last Planning Commission meeting they wanted a recommendation from City Attorney Weed, she said.

Councilmember Baxter noted he understands where there might be an impact to a developer but in most cases, the small farm was there first and the farmer is going to be the one impacted, so he expressed a concern that the new neighbors have any say as far as the small farm.

City Planner Hirashima said she believes the 30 applications will probably be reviewed very quickly and she doesn't anticipate any objection to the small farms.

City Attorney Weed noted he has never seen a process overturned with too much notice however, he has seen matters thrown out because of lack of notice.

Councilmember asked what testimony would be accepted and City Attorney Weed said it should focus on whether the criteria in the ordinance are met and if not, the Planning Commission would recommend the Council not approve that application but people should be given the opportunity to voice their opinion.

Councilmember Herman said he was in favor of having a hearing in order to create a defensible record however expressed concern over some lack of communication with Council, staff and applicants. He added that he does believe the small farms ordinance should be providing protection for the owner of the small farm.

Mr. Thometz said as he understands it, he does meet the requirements of the ordinance but after two years of process, approval by the City Attorney and Council, many meetings held after adequate notice given, he does not know why it's thought there was not enough public notice. It was a way to grandfather

small farms in, he said and noted his family has farmed his property since the 1940s and all people who have moved in next to his property have to sign a form saying they know they live next to a farm. If there are going to be hearings and it's restricted to whether the applicants meet the requirements, he doesn't see why there needs to be another hearing, he said. He added he went in to the Planning Dept. prepared to pay the \$50 but they would not take it.

City Attorney Weed noted the one distinction here is that there was a general process for a small farms overlay; it was not site specific but this phase now is for each application.

Councilmember Heramn asked if staff is going to have recommendations for each application and whether it is essential for each applicant to be present.

City Planner Hirashima explained all applications were forwarded to the Planning Commission but one of the points staff raised was there was no small farms criteria, per se, in the ordinance. For example, she explained, some people may just have a vegetable garden and so a further review of these is needed and the neighboring property owners should be informed of the application. She added that the only question the Planning Commission can ask is whether or not they are a farm and when it comes before Council, it would be a closed record hearing.

Councilmember Pedersen said she has a problem with not being informed of this whole process and asked further about criteria.

City Planner Hirashima said the ordinance talks about horticulture but there is no specific criteria and they are asking the applicants for their intent although originally, it was for existing farms. 2.3 acres was a limitation before, for example, she said and added she doesn't think it proper for the staff to make recommendations on each specific application because of the lack of specific criteria.

There was more discussion about protecting existing farms, lack of communication about the process here, appearance of fairness, the GMA process in general, sites need to be reviewed by the whole Planning Commission and/or the whole Council, definition of a small farm, uses that constitute a small farm, acreage criteria.

Mr. Thometz noted it was staff's idea to go out and visit small farms; the Planning Commission thought the small farms were grandfathered in. He said he knows of one farm who has applied where there is extensive development going on next door and the small farm has been denied approval. Mr. Thometz reviewed wording in the small farms ordinance and said it is not unclear to him as to what a small farm is and he asked how many of the applications are in question.

City Planner Hirashima said her understanding is that there is no question on 95% of the applications.

Mr. Thometz said that right now he has no animals on the property but he has a farm and raises beef and pork and chickens. He passed out individual letters to Councilmembers and said he is worried about the lady who has not received her approval of the small farm as yet.

Councilmember Herman moved to continue with the planned hearing but add a communication to each applicant about the process and that it's to make a defensible process, looking at whether they meet the requirements of the ordinance. Councilmember Myers seconded and the motion passed 5-1 with Councilmember Baxter against and Councilmember Pedersen abstaining.

CONSENT AGENDA:

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2. Approval of May 1997 Payroll in the amount of \$646,005.93; paid by check nos. 25678 through 26021, with check nos. 25638 and 25666 void.

(Item #3 moved to #2 under New Business)

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve Consent Agenda Items 1 & 2. Passed unanimously with Councilmember Leighan abstaining on Voucher #34565 under item #1 and Councilmember Baxter abstaining on Voucher #34504 under item #1.

STAFF'S BUSINESS:

City Attorney Weed said he is checking into whether the City has the authority to adopt an ordinance with regard to use of tobacco products by juveniles. He also reported that Division I of the State Court of Appeals has struck down Bellingham's curfew ordinance based on lack of freedom of travel and speech and vagueness in the ordinance.

He explained the specific situation in Bellingham and stated Marysville is in the process of reviewing the Court of Appeals documents very carefully and he will keep the Council and Police Dept. informed.

City Planner Hirashima reported the Planning Commission is reviewing the Comprehensive Plan amendments including the additional person's request that was discussed at the last Council meeting.

Public Works Director Winckler reported there will be a Parking Review Committee Meeting 6/11 and a RUSA meeting Thu. 6/12 when the wheeling agreement with PUD will be discussed. The Council tour of City utility facilities has been set up for 6/13 from 9 to Noon and on 6/11 there will be a Snohomish County Solid Waste Committee Cathcart Tour at 5:45, he said.

Parks & Recreation Director Ballew reported on 3 change orders for the Ken Baxter Building Committee, for changes to the heating system, glulam beams, etc., amounting to \$11,159.73 which is within the 10% contingency of the total project. He said the irrigation system at Comford Park is completed and the lighting will be done after Maryfest. He also reported that the 70th Celebrity Golf Tournament is planned for 7/31/97.

MAYOR'S BUSINESS:

Mayor Weiser reported on the Snohomish County Tomorrow/Puget Sound Regional Council Committee upcoming discussions about ISETEA funding for various projects throughout the county. He said a brief review of these projects will be on next Council's agenda and the recommendations need to be made to PSRC by the end of June.

CALL ON COUNCILMEMBERS:

Councilmember Leighan asked about a notice of an areawide rezone to General Commercial and City Planner Hirashima explained it was a Comp Plan Amendment Notice which went out, to be reviewed tomorrow night before the Planning Commission.

Councilmember Leighan asked about enforcement of sales to minors of tobacco products and City Attorney Weed said he is checking into this.

Councilmember Wright said she will be participating in the Public Works Tour 6/13.

Councilmember Pedersen said she will not be able to participate in the 6/13 utilities tour. She reported that in Sept. 1997 Sno Isle Library employees will all be wearing identification badges. She said the Library Board wants to put together an art display policy and would like an art council representative, if the art council is to be revived, to serve on the policy making committee.

Councilmember Baxter asked about the beam size at the Ken Baxter Building and whether it would support the additional heat pump. Also, he asked that the boilers be checked at the Ken Baxter Bldg. He said he still was not sure if he would be able to attend the 6/13/97 tour but has the name of the DOE person to be invited.

Councilmember Myers said he would be unable to participate in the 6/13 tour; Councilmembers Bartholomew and Herman said they would be able to.

CURRENT BUSINESS:

1. Project Update LID #64.

Public Works Director Winckler gave an update, reporting on the area north of 84th, rockery, hydroseeding, hydraulics permit, work to the south underway now. He spoke about the culvert replacement, bio swales, sewer main installation, embankment, half of the street to be done at a time.

He reviewed a change order for the bioswale as there is not enough room for the carpath, so it has been agreed to move the bioswale and 24" storm pipe and backfill at a cost of \$5059 which equals .3% of the LID. The total additional costs on this project now equal 12.75% of the original contract so this needs Council approval, he said.

After brief discussion, Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the Change Order as outlined by Public Works Director Winckler in the amount of \$5059 for moving the bioswale. Passed 6-1 with Councilmember Leighan against.

2. Project Update Cedarcrest Golf Course.

Golf Pro Don Shaw reported the golf course is moving along on schedule, everything has been planted except for a couple roughs, completion of bridges and fish ladders, rest rooms, painting of the pro shop and a couple other minor things.

City Administrator Zabell reported the number of site visits in the golf course architect's contract was reached in mid May and so Jim Ballew was allowed to authorize additional visits so the final punch list could be completed.

NEW BUSINESS:

1. Proposed Golf Course Fees; Cedarcrest Golf Course.

Parks and Recreation Director Ballew reviewed the agenda bill, debt service, goal for rounds of play, recommendations, standard and discounted fees, projected revenues, options for annual passes to provide start up capital, impacts, operation costs, loss of revenue through sale of passes, junior and senior discounts.

There was discussion about passes, elimination of passes, need to take it easy on the grass the first year, making regular annual adjustments in rates. Parks & Recreation Director Ballew recommended Plan "B" with no passes.

Golf Pro Shaw said he thinks there should be a yearly fee but not a daily fee. Also, to start 1/1/98 and not before. He added that

it gets confusing when there are so many different rates; that he thinks people are willing to pay reasonable rates. Senior rates should be based on 5 days a week, he said and noted they looked at rates at Gleneagle, Battle Creek, Kayak Point, etc. and are very competitive.

There was discussion about when seniors play (early morning), current fee structure (from 1992), acceptance of Visa/Master Card/Discover, shotgun format.

Councilmember Myers moved and Councilmember Bartholomew seconded to go with the Plan "B" (\$21 for 18 holes, not \$20 plus a \$400 extended fee) as outlined by Parks & Recreation Director Ballew, adopting the tournament ideas suggested, accepting all major credit cards and to look at selling passes issue before the end of the year. The motion passed unanimously.

With regard to the Snack Bar/Restaurant Facility Question, Golf Pro Shaw reviewed a floor plan from the architect of an addition to the clubhouse, with cart storage, pro shop, etc. He noted the proposal had a building capacity of 68 with an open deck area.

Parks & Recreation Director Ballew noted a deli/cafe style facility can realize \$240,000 annual revenue and he reviewed other facilities, RFPs, and noted he will be meeting with a gentleman Wednesday who wants to design his own kitchen. He said he thinks it's up to an operator to come up with his own design. He handed out materials to Council for review and noted that at \$32,000 revenue recovery a year it would take 15 years to cover the debt service. He said he recommended retaining a consultant to finalize a design, construction process, find an appropriate operator, and lend neutrality to the process. It was consensus that the RFP deadline is to be 6/27 to research cost of a consultant.

2. Maryfest Proposal for the 1997 Strawberry Festival.

Councilmember Bartholomew asked about the insurance coverage and City Administrator Zabell stated each vendor provides an insurance endorsement.

Councilmember Bartholomew asked about elected officials and agents of the City being covered and Parks & Recreation Director Ballew said yes. It was noted the only change in the proposal is that there will be no bed races this year.

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve the Maryfest Proposal as recommended/amended. Passed unanimously.

ADJOURNED: 9:37 p.m.

EXECUTIVE SESSION: 9:45 to 10:54 p.m.

- 1. Litigation (No Action)
- 2. Real Estate (No Action)
- 3. Personnel (No Action)

RECONVENED & ADJOURNED: 10:54 p.m.

Accepted this 23rd day of June, 1997.

David Weis
MAYOR

Lillie Levin
CITY CLERK

Wanda A. Sverson
RECORDING SECRETARY

Deputy