

MINUTES RECAP

ORIGINAL

MARYSVILLE CITY COUNCIL MEETING

OCTOBER 6, 1997

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All Present

MINUTES OF PREVIOUS MEETINGS:

1. City Council 9/22/97 Meeting Minutes

Approved

AUDIENCE PARTICIPATION:

Marci Jennings-Slickers
Richard/Kim Vendl

CONSENT AGENDA:

1. Reimb. for Oversizing at Smokey Point Business Park.

Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

None

PUBLIC HEARINGS:

1. Petition for Vacation of Street; Daniel & Eileen Schei; PA 9610043

Approved

REVIEW BIDS:

1. Barscreen Compactor for WWTP West Pump Station

Whitney Equip. & Pyramid
Elec. awarded bids NTE
\$35,000

CURRENT BUSINESS:

1. Meeting Reimb. for Councilmembers

MMC 2.50.50 Amended

NEW BUSINESS:

1. Pedestrian or Traffic Interference PH set for 10/27/97
2. Interlocal Agreement - Sno. Co. Commute Trip Reduction Continued to next CC mtg.
3. Snohomish County Tomorrow Growth Monitoring Report; Info. Only Information Only
4. 1998 Legislative Session Discussion/Information

ORDINANCES & RESOLUTIONS:

1. Ord. 2149 Approved Affirming the Decision of the Hearing Examiner for Preliminary Plat Approval, Street Variance and Rezoning Property Owned by John Harrison, Amending Official Zoning Map previously adopted in Ord. 772.
2. Ord. 2150 Approved Repealing Existing Sections 2.24.080, 2.30.050 and 2.35.050 of the MMC & Enacting New Sections 2.24.080, 2.24.085, 2.30.050, 2.30.055, 2.35.055 and 2.35.055 Specifying Certain Oaths of Offices for Municipal Officers and Authorizing Blanket Bond Coverages for Faithful Performance Bonds for Certain Officers.
3. Resolution 1861 Approved Supporting Legal Formation of the Association of Snohomish County City and Towns through the Incorporation Process, and Ratifying the Proposed Constitution and Bylaws to be used for said incorporation.
4. Resolution 1862 Approved relating to Ordinance 2149 under Item #1 of Ordinances & Resolutions above.

LEGAL MATTERS:

None

ADJOURNMENT:

9:51 p.m.

EXECUTIVE SESSION:

1. Pending Litigation

10:00 to 10:37 p.m.
(No Action)

RECONVENED & ADJOURNED:

10:37 p.m.

MARYSVILLE CITY COUNCIL MINUTES

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OCTOBER 6, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem

Councilmembers:

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
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Lt. Dennis Peterson, Marysville Police Dept.
Walt McKinney, Acting Police Chief
Wanda Iverson, Recording Secretary

CORRECTED: SEE MINUTES

CORRECTED: SEE 10/13/97 MINUTES

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting of 9/22/97.

Councilmember Herman questioned page 5, second paragraph regarding a firm "bid" and Public Works Director Winckler said the unit price is actually a bid price, but if more materials are needed, the price will come in higher but the unit price is a firm bid.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve the Sept. 22, 1997 Council Meeting Minutes. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Marci Jennings-Slickers, 1618 4th St., addressed Council and read a statement/letter she also passed around. She explained they live in the block after the one where there is a right hand turn only lane on 4th and people try to merge left from that lane instead of turning right. As a result, they have had 2 cars totalled because of other cars hitting their legally parked cars, on 4th St., totalling \$25,000 in damages, in the last 4 or so months. She pointed out they have 5 children and her concern is for safety of them and others. She would like something done about this situation, so people do not number 1) merge left from the right turn only lane and 2) speed.

CONSENT AGENDA:

1. Approval of Reimbursement for Oversizing at Smokey Point Business Park.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve Consent Agenda Item #1. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Zabell commented on the letter submitted by Ms. Jennings-Slickers and said he would be in touch with the State as 4th is a State Highway, to see if something can be done about the right turn only lane.

City Attorney Weed reported on the State v Wright case, regarding warrants check when police stop people. He noted this practice has been reestablished through passing of HB 3902, with an emergency clause.

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City Planner Hirashima said she will be bringing back a draft interlocal agreement between Arlington and Marysville; she reported county council is not invoking jurisdiction on the Braschler annexation.

Public Works Director Winckler reported on a Change Order for utilities on Beach, stating it resulted in a credit. He reported there will be a WUCC meeting Tuesday, 10/7/97 from 9-11 at the Public Safety Building and on 10/8/97 there will be a Snohomish County Solid Waste Advisory Committee Meeting at 6:30 p.m. at the Snohomish County Administration Building.

MAYOR'S BUSINESS: None.

CALL ON COUNCILMEMBERS:

Councilmember Myers said he will be out of town 10/27/97.

Councilmember Herman said on the 4th St. issue that perhaps the City could suggest to DOT traffic calming measures. He asked about the damaged curb at the 67th & Grove St. park and Public Works Director Winckler said he would check into that.

Councilmember Leighan followed up on the Library/CT turnaround and Public Works Director Winckler said CT talked with Jim Ballew and he is checking on the situation further.

Councilmember Herman noted the bus planned for that turnaround is quite heavy and so the weight the driveway was designed for needs to be checked.

Councilmember Myers noted it was designed for a 40' bookmobile full of books which may or may not be the same weight as the bus in question.

Councilmember Leighan asked about fog lines being put on Cedar to prevent accidents.

Councilmember Wright asked about the starting date for improvements on State between 88th & 94th and Public Works Director Winckler said it will be 10/13/97 now.

Councilmember Baxter noted the damage left by Wilder at Grove & 67th included a big hole in the road and Public Works Director Winckler said he would check on this first thing in the morning.

Councilmember Baxter gave a report on the golf course: Another tent has been installed, concession machines have been installed, course is a lot drier, paving has been finished and they are working on the restrooms.

PUBLIC HEARING:

**1. Petition for Vacation of Street; Daniel & Eileen Schei;
PA 9610043.**

City Planner Hirashima reviewed the agenda bill and gave the recommendation that compensation be required. It was noted 71st is substandard in part, also there is a water main on 56th where a maintenance easement needs to be allowed.

There was considerable discussion and it was noted the Engineering Dept. is allowing a hammerhead vs the cul de sac for the subdivision and they will not be required to provide a sanitary sewer easement. Also, City Planner Hirashima noted the topography of 56th is fairly steep with a ravine and stream that run through Aris Run and with the street vacation, they could include the area in their calculations for the square footage of the development. She noted they will not be allowed to build on the vacated roadway, however.

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Mark Garcia, 7301 56th Pl. NE, addressed Council, stating he lives just east of the 73rd easement. He asked if it is going to be blacktopped or left as it is.

City Planner Hirashima said she didn't have the preliminary plat file but noted the applicant is in the audience tonight.

Mr. Garcia clarified his access is on 56th and his concern is that if they come in and do construction he is going to have problems with his landscaping right now. He is in Verde Ridge.

City Planner Hirashima said there is potential for construction equipment to come up to his property line, she believed.

Mr. Garcia said he wants to put in a fence, garden, landscaping.

City Planner Hirashima assured him if any damage is done, the applicant/developer would be responsible for restoring it to original.

Jan Humphrey, 5600 71st Ave. NE, addressed Council. She said she lives due west of the road in question and in her opinion, it should not be a road. 71st is substandard, she said, only 16' wide in some places and it may end up attracting way too much traffic.

Chris Anderson, 5430 73rd Ave. NE, addressed Council. She said they are the existing renter and her understanding was that it was not really going to be a road, it's just to be a right of way. She said she is in favor of it not being a road because of the slope--it would not be practical and would be a nice part of the plat to use as open space.

Noel Hega, Hega Engineering, 1918 Sunday Lake Rd., Stanwood, addressed Council, representing the applicant. He explained there will be a small 12' wide access road only along the existing right of way, along 73rd, and then along 56th, for detention pond maintenance but no lot access except for about 30'. But mainly, it will just be for the vector to get in and for other maintenance, he said.

Tom Ferrick, 5605 72nd Dr. NE, addressed Council. He said because of the slope, they are going to have to move a lot of dirt around and he thinks that's going to affect about 5-6 people's back yards. Also, there are a lot of wild animals in there, he said and depending on how they are going to build the road, a lot of vegetation would be disturbed.

City Planner Hirashima noted there will be a separate subdivision public hearing.

Councilmember Baxter asked how wide the proposed easement is and City Administrator Zabell said 20' would be adequate. Some of it will stay in its natural state and some will be a maintenance right of way; it may be graded and landscaped, he said.

City Planner Hirashima clarified there will be no structures allowed.

Councilmember Herman asked who would be responsible for determining location of existing pipe and Public Works Director Winckler said the City Utilities Dept. is responsible.

Councilmember Myers asked about the size of the lots and City Planner Hirashima said the proposed development is for a PRD which actually has smaller sized lots (averaging 5000 sq. ft.) but there is considerable open space to preserve the stream and sensitive areas.

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Councilmember Baxter moved to approve the street vacation request as long as the City Attorney makes sure language is included to provide retention of adequate right of way, as determined by staff (probably 20') and to require compensation of \$9785.34. Seconded by Councilmember Leighan and the motion passed unanimously.

REVIEW BIDS:

1. Barscreen Compactor for WWTP West Pump Station.

Public Works Director Winckler reviewed the agenda bill, noting this has been budgeted for completely. Recommendation is that bid be awarded to Whitney Equipment in the amount of \$23,600 for the compactor and \$4,825 to Pyramid Electric for cost of electrical work, plus freight, sales tax, installation, not to exceed a total of \$35,000.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the NTE figure of \$35,000 as outlined by staff. Passed unanimously.

AUDIENCE PARTICIPATION, CONTINUED:

Richard and Kim Vendl, 621 Beach, were asked to address Council by the Mayor. They explained they have a problem in their neighborhood in that there presently are two metal buildings adjacent to their property and that they have produced increased noise, traffic, no parking for residents. There are quite a few older residents who are being inconvenienced because of there being a lot of cars from this business parked in the street, they play really loud music and are very rude people. With the construction on Beach, Mr. Vendl said they think the problem is going to get worse; these people don't have enough parking and are parking in front of fire hydrants, etc. They are also storing oily parts in the rear of the property as well as disabled vehicles and there is leeching of contaminants. Mrs. Vendl noted there would be adequate parking if they cleaned up the back and allowed their employees to park in the rear, for example. They noted the City is spending a lot of money on Beach and these people are ruining it for everyone; they also park ATVs and RVs on the street, including a picnic table and barbecue which is taking two parking places.

City Planner Hirashima said the City can pursue the illegal offstreet parking area and any inoperable vehicles parked on the street issues. She noted it is a mixed use overlay zone with a GC underlying zoning.

Councilmember Herman noted that the Comp Plan can be requested to be amended in January to change that.

Mayor Weiser explained the drains and offstreet parking will be looked into.

Councilmember Myers asked about inoperable vehicles and Mrs. Vendl said there are a lot of inoperable vehicles around and a lot of older people in the neighborhood are being inconvenienced because of the employees vehicles on the street in front of residences.

There was discussion about the junker vehicle ordinance and City Planner Hirashima said she will have the Compliance Officer look into the storage problem in the rear.

NEW BUSINESS:

1. Pedestrian or Traffic Interference.

City Attorney Weed reviewed the agenda bill and materials in the packets, other ordinances/cases concerning transients, people panhandling, lying and sitting on public sidewalks. He spoke about need for an ordinance, suggesting a public hearing 10/27/97 with appropriate findings to support an ordinance.

There was considerable discussion regarding the problem in downtown Marysville, especially, but also city wide. Councilmember Bartholomew submitted a fax for the record from a member of the school board, discussing a problem with 13-15 year olds hanging out with transients at the caboose and consuming alcohol all day long. It was pointed out that MSD doesn't have a truency policy.

There was more discussion and the City Attorney again suggested a public hearing with findings regarding time limits (if appropriate), areas of the city to which the ordinance would apply, need for public testimony, information from police dept.

Acting Police Chief McKinney stated he has been approached by several citizens who have been approached by beggars and they state it is very intimidating. Some of these transients are passed out in people's front yards around the downtown area, in Comeford Park, etc. and he would definitely recommend a public hearing.

Tom Grady, Jodi Hiatt, Denise Baker and Mary Kirkland were recognized as being in the audience from the Downtown Merchants Assn. and were asked if they wished to address Council.

Tom Grady, 4307 88th St. NE and Manager of the Downtown Albertson's Store, addressed Council. He noted Albertson's is open 24 hours a day and there is a big problem near the 4th St. store but an ordinance for that area would just make them move around the City. He said when they call the police, it takes too much time and they just haven't been doing it any more--there are many many times during the day when they should call. He said they are walking a lot of women customers to their cars in the parking lot and have closed their instore restrooms at night. He knows there is a problem by the caboose, not to mention all the litter created by the transients. He gave one example of someone who is very intimidating -- Bill Sherman, a transient, who is well over 6' tall, although Mr. Grady said he has not known Bill to be that aggressive--he just looks intimidating. Mr. Grady said they do not sell the transients anything and do kick them out of the store, they could call the police for every time but don't, most of the time it's during the day. They have even been seen drinking early in the morning, passed out in the parking lot, he said. He noted 99% are good people and Albertson's does cash their checks but there is one guy who talks to himself and one day he took his shirt off in the parking lot, was yelling and scared some people. He noted there are a lot of kids begging, too and he said he thinks there should definitely be a public hearing on this. He added that he knows they have a problem at the Albertson's Store in North Everett with people holding signs up, etc. and it's just not good for business, especially if you have a small business. He offered to start calling 911 every time so the police can see the frequency.

Councilmember Herman spoke about the problem in general, noting perhaps one of the way to curb this problem is not to donate to the specific person but to the charities that take them in. Also, he suggested that the City might have to put up portable toilets in the future to accommodate part of the problem.

Mr. Grady volunteered to be on a committee if one is formed regarding the problem. He noted there are people urinating on the buildings, vandalism in the bathrooms, shoplifting. Albertson's has spent \$3,000 to \$4,000 to fix up their public restrooms and these restrooms are no longer open to the public after 10 p.m. because of the abuse, he said.

Councilmember Bartholomew moved to set a public hearing for 10/27/97 and Councilmember Pedersen seconded the motion. Passed unanimously.

2. Interlocal Agreement - Snohomish County Commute Trip Reduction

City Planner Hirashima apologized for including the wrong information in the packets and suggested continuing this to next Council meeting.

**3. Snohomish County Tomorrow Growth Monitoring Report;
Information Only.**

City Planner Hirashima reviewed the information in the packets, noting growth figures are now being reviewed annually and she is also tracking building permit information carefully.

Councilmember Wright left Council Chambers at 9:03 p.m.

Councilmember Herman spoke about multifamily development.

Councilmember Wright returned to Council Chambers at 9:05 p.m.

City Planner Hirashima forecasted some spikes in multifamily activity and projects, eg. along 67th where it is zoned under the Comp Plan.

CURRENT BUSINESS:

1. Meeting Reimbursement for Councilmembers; MMC 2.50.50.

Mayor Weiser reviewed this issue and led the discussion. Discussion included whether councilmembers should be reimbursed for a meeting they attended as a regular member (eg. Chamber of Commerce), whether there should be special mention/incentive to attend functions such as DARE graduations, being more specific about which meetings to be reimbursed for and including them in the ordinance.

CORRECTED SEE 10/13/97
MINUTES add note

Councilmember Herman suggested being reimbursed for Snohomish Cities and Towns meetings but said maybe the City should just pay for the dinner in that case.

Councilmember Pedersen stressed that this is to indicate meetings for which Council may be compensated for and to give the Councilmember the choice of submitting a chit for compensation or not. It was also noted that political/campaign activities are to be excluded.

CORRECTED SEE 10/13/97
MINUTES

After extensive discussion, Councilmember Pedersen moved and Councilmember Myers seconded to approve the following meetings, effective immediately, unless already compensated for:

Reimbursable Meetings:

- A. Attendance at official functions of organizations the City belongs to: National League of Cities, Assn. of Washington Cities, Snohomish County Assn. of Cities & Towns.
- B. Attendance at meetings you are appointed or elected to by the Mayor, City Council, Snohomish County Cities and Towns, Snohomish County Executive, Snohomish County Council, the Governor, or state legislature if the reason for the appointment was because you are an elected official.
- C. City Council Workshops, City Council, Retreats, Emergency City Council Meetings, or Special City Council Meetings.
- D. Any functions at which you are representing the City at the request of the Mayor or by action of the City Council.

CORRECTED SEE 10/13/97
MINUTES delete comma

Councilmember Pedersen then moved to amend the above motion by adding "E" and Councilmember Herman seconded:

- E. City sponsored ceremonies, building dedications, awards banquets, such as police and/or fire awards banquets and DARE graduations.

The amendment to the motion passed unanimously.

The original motion then passed unanimously.

NEW BUSINESS:

4. 1998 Legislative Session.

Mayor Weiser reviewed the items listed in the agenda bill and some prioritizing was done, eg. consensus that water rights (2) should probably be (1). It was also suggested that more information should be obtained about CT/Transportation funding, Health District issues, Fire District issues, School District issues, Criminal Justice Funding, Clean Water Act criteria, surface water rules, contaminants, information about deregulation of electricity and telecommunications.

ORDINANCES AND RESOLUTIONS:

- 1. Ordinance Affirming the Decision of the Hearing Examiner for Preliminary Plat Approval, Street Variance and Rezoning Property Owned by John Harrison, Amending Official Zoning Map previously adopted in Ord. 772.**

Councilmember Myers moved and Councilmember Wright seconded to approve/adopt Ordinance 2149. Passed unanimously.

- 2. Ordinance Repealing Existing Sections 2.24.080, 2.30.050 and 2.35.050 of the MMC & Enacting New Sections 2.24.080, 2.24.085, 2.30.050, 2.30.055, 2.35.055 and 2.35.055 Specifying Certain Oaths of Offices for Municipal Officers and Authorizing Blanket Bond Coverages for Faithful Performance Bonds for Certain Officers.**

Councilmember Pedersen moved and Councilmember Leighan seconded to approve/adopt Ordinance 2150. Passed unanimously.

- 3. Resolution Supporting Legal Formation of the Association of Snohomish County City and Towns through the Incorporation Process, and Ratifying the Proposed Constitution and Bylaws to be used for said incorporation.**

Councilmember Pedersen moved and Councilmember Myers seconded to approve/adopt Resolution 1861. Passed unanimously.

- 4. Resolution relating to Ordinance 2149 under Item #1 of Ordinances & Resolutions above.**

Councilmember Bartholomew moved and Councilmember Herman seconded to approve/adopt Resolution 1862. Passed unanimously.


ADJOURNED: 9:51 p.m.

EXECUTIVE SESSION: 10:00 to 10:37 p.m.


- Pending Litigation. (No Action)

RECONVENED & ADJOURNED: 10:37 p.m.

Accepted this 13th day of October, 1997.



MAYOR



CITY CLERK



RECORDING SECRETARY