

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING NOVEMBER 3, 1997

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; 10/27/97 Approved
2. Council Budget Workshop 10/28/97 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

1. Authorize Mayor to Sign Final Plat of Sunnyside West; PA 9507041.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

1. Housing Authority of Snohomish Co.- Executive Director Bob Davis

PUBLIC HEARINGS: None

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

1. Camping Ordinance Draft/Discussion Ordinance to be drawn up & brought back before CC as per discussion tonight

ORDINANCES & RESOLUTIONS:

1. Ord. 2156 Approved Creating a New Chapter 6.37 of the MMC, Making Unlawful Intentional Aggressive Begging and Intentional Obstruction of Pedestrian or Vehicular Traffic.
2. Ord. 2157 Approved Creating a New Chapter 12.22 of the MMC.

LEGAL MATTERS:

1. Ord. 2152 - Commuter Trip Reduction Effective date 1/1/98 Readopted/Approved

ADJOURNED: 8:35 p.m.

EXECUTIVE SESSION: 8:45 to 9:32 p.m.

1. Personnel (No Action)

RECONVENED & ADJOURNED: 9:32 p.m.

MARYSVILLE CITY COUNCIL MEETING

00113

NOVEMBER 3, 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:  
 Steve Wilson, Finance Director  
 Dave Zabell, City Administrator  
 Grant Weed, City Attorney  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 11/10/97  
 MINUTES

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 10/27/97 Meeting.**

Councilmember Herman noted on page 3, second paragraph, the intent of his remarks was for a small viewer not a small window/or security device.

On page 2, Councilmember Pedersen noted in the middle of the 3rd paragraph, it should be "He did meet..." not "He did meeting...." and on page 3, 5th paragraph, it should be "Councilmember Leighan referred..." She also noted on page 6, in the second from last paragraph, the word "churches" should be replaced with "agencies" in two places.

Councilmember Herman noted also on page 6, in the 3rd paragraph from the bottom, "public property" should be "private property."

On page 8, Councilmember Bartholomew noted in the 5th paragraph from the bottom, partially "by" the county should be partially "in" the county.

There being no further corrections, Councilmember Bartholomew moved and Councilmember Herman seconded to approve the 10/27/97 Council minutes as corrected. Passed unanimously.

**2. City Council Budget Workshop; October 28, 1997.**

Councilmember Myers moved and Councilmember Wright seconded to approve these minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

**1. Authorize Mayor to Sign Final Plat of Sunnyside West; PA 9507041.**

Councilmember Baxter moved and Councilmember Wright seconded to approve Consent Agenda Item #1.

Public Works Director Winckler noted the City is currently proposing to serve water to that area however, it is in the PUD service agreement and the City is working with PUD. It was an

0010

oversight on staff's part and there are actually four subdivisions that the City is working cooperatively with PUD on, in a similar situation.

City Planner Hirashima said with respect to the mitigation and hookup fees, there are some subdivisions actually straddling boundaries so it's being proposed that each side of the boundary would pay equal fees based on Marysville's rates.

The motion passed unanimously.

STAFF'S BUSINESS:

Finance Director Wilson noted the Preliminary Budget for 1998 is available at City Hall for public review. He thanked Doug Buell for his help with the budget document. On the City's bond rating, he noted Moody's has upgraded the City from BAAL to an A rating which reflects a strong economic and financial situation in the City. He said the \$4.5 million bond issue for the golf course will be brought before Council next week.

CORRECTED: SEE 11/10/97 MINUTES

City Administrator Zabell thanked Finance Director Wilson for all his efforts working on this. He noted the Parks Board will be meeting on Wednesday the 12th, not Monday the 12th as per the calendar.

City Attorney Weed reported on the Washington Insurance Authority meeting he attended 2 weeks ago for city attorneys. He said close to 60 out of 80 cities were represented and it was a very good conference.

Public Works Director Winckler noted there will be a Utilities Committee Meeting 11/13/97 at the Public Works Building, 7:30 a.m. He gave a brief summary of the meeting with WSDOT at which they announced they are going to resurface the south bound bridge on I-5 in April 1998 and there will be a road closure for 50 days; the contractor will be working 24 hours a day. Then in the summer of 1998, the bridges over Ebey Slough are to be worked on, with more closures. He said WSDOT will be making a presentation before Council soon.

CORRECTED: SEE 11/10/97 MINUTES

He also reported on the Public Works Maintenance crew that has been busy flushing and maintaining 30 miles of sanitary sewers, retention ponds, cleaning of 2000 catch basins to be done plus 50 miles of storm sewers also plan to be maintained.

City Administrator Zabell noted the C-curbing on 4th St. is being repaired.

MAYOR'S BUSINESS:

Mayor Weiser reported he has had several conversations with DOT (since July 1997) concerning local concerns, especially the 136th exchange, and there will be another meeting with them tomorrow regarding this further. He said the intent is to get something resolved soon about getting the interchange built.

CORRECTED: SEE 11/10/97 MINUTES oncoming traffic

CALL ON COUNCILMEMBERS:

Councilmember Leighan spoke about bright lights in the 67th & Grove Park, shining into adjacent homes. Public Works Director Winckler said he would follow up on this.

Councilmember Wright said she went on the tour of Deering Wildflower Estates and was impressed that this is a true asset to the City for years to come.

Councilmember Pedersen said she was stuck in traffic for 20 mins. one day last week while a train stopped on the tracks on 4th St. near State. She asked about the time limit and noted this could be a potentially hazardous situation in the event of an emergency.

MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 3, 1997

Page 3

Mayor Weiser said he believed the time limit was 10 minutes after which Burlington Northern would have to break the train up in order for vehicular traffic to pass. He said he would follow up on this.

Councilmember Baxter noted this is an ongoing problem and has been for 30 years. He reported the Avalon Golf Course has announced their annual fees and he will be bringing this up at the golf board meeting Wed. He also had a call from a lady on Beach who has noticed a lot of litter near Grove and State and several "transient" litter spots.

Councilmember Pedersen noted another potentially dangerous and inconvenient situation when the CT bus stops immediately after crossing 88th on State (both north and south bound) and the traffic behind the bus then blocks the intersection. Councilmember Herman said he will bring this up at the next CT board meeting but he also suggested the City write a letter to CT to give this more of an impact.

Councilmember Myers said he would like to have reconsidered the alcohol issue at the senior center. It was the consensus that Councilmember Myers is not one of the members eligible to bring this matter back for reconsideration.

Councilmember Pedersen asked that it be checked into as to how many times this can be brought back for reconsideration and City Attorney Weed said he would do so.

Councilmember Bartholomew commended Finance Director Wilson on the efforts put into getting the City bond rating improved to an "A" rating. She also noted this is a reflection on the Mayor, staff and City Council.

Councilmember Herman said he agrees with Councilmember Wright that Deering Wildflower Acres is a real asset to the City. He spoke about receiving a notice in the mail for an upcoming Economic Summit and thanked Finance Director Wilson for providing figures relative to impacts of the initiative regarding property tax reduction on the ballot. He asked what might happen if this goes through and Finance Director Wilson noted the state school tax decrease of about 4% a couple years ago will become a permanent decrease if this referendum goes through. He added that with over 10,000 in population, it would only require a majority of City Council to pass a tax increase, also. Regarding substantial increases in property taxes, if your property tax goes up 50%, for example, it will be spread out equally each year, not to exceed 15% each year, eg. 15%-15%-15%-5%.

Councilmember Herman reported there is a backhoe parked without reflectors on 528 across from the Allen Creek Elementary School. He said he would like to get information about the utility rate review and ask some questions at the appropriate time.

City Administrator Zabell said they have nailed down the issues to be reviewed and probably there will be a rate review at the end of the year/beginning of 1998.

Councilmember Pedersen reported she had a citizen ask about the number of trucks using Alder since Beach is closed.

Mayor Weiser said he would follow up. He noted Alder is not on a truck route, but Ash is.

PRESENTATION:

**1. Housing Authority of Snohomish County; Executive Director Bob Davis.**

Mr. Davis gave his home address as 17011 11th Pl. SW, Normandy Park. He thanked Council for the opportunity to come and speak

NOVEMBER 3, 1997

Page 3

about affordable housing. He said he wanted to explain what the housing authority does so Council would have a better idea of their resources in this area.

He noted that sometimes people have misconceptions of what a housing authority does: They make home improvement loans, they have a repair program for senior citizens and low income people, as well as getting more and more involved in low income housing developments, for example, Cedar Street Apartments. He said they are actually going to change that name to Westwood Crossing after a successful rehab of the complex, working with the police department, gaining a substantial turnover of tenants who are now more inclined to follow the rules, hold onsite Boys & Girls Club meetings, etc. It was noted that they have started a Neighborhood Block Watch Program there as well as a Teen Block Watch Program (pilot program).

Mr. Davis explained the housing authority is a governing body authorized to operate outside the City of Everett with permission from the local authority (eg. City of Marysville). He said they have 1100 housing units in the county and work closely with the county for funding and starting a recent pilot program for low income working people. He said he invites the City of Marysville to use the Housing Authority of Snohomish County as a resource for funding sources, for example.

Councilmember Myers noted he has driven through the Cedar Street Apartments before and after the housing authority took over and it has really made a very positive change.

#### NEW BUSINESS:

##### **1. Camping Ordinance.**

City Attorney Weed referred to the draft ordinance in the packets and said this is based on Everett's ordinance which was adopted by them to prevent overnight camping, etc., especially in areas under overpasses. As far as transients on private business property, there are several ordinances on the books that can deal with several issues including a criminal trespass ordinance where if a private business person has an unwanted guest on the property he would approach the person and ask them to leave, he said. If that person refuses to leave, the police department is contacted. The business person then asks the unwanted guest to leave in the presence of the police and if the unwanted guest still refuses, the police have the ability to arrest the unwanted guest. He spoke about findings that came out of the last Council meeting/public testimony.

Councilmember Bartholomew asked about penalties under .040 and City Attorney Weed reviewed options such as 90 days in jail, community service, fines or a combination of these. He noted Everett's ordinance has not been challenged as to constitutionality.

Councilmember Herman spoke about civil infraction vs misdemeanor, penalties to include community service. He spoke again about supporting the agencies that support the transients rather than donating directly to the transient. He said he felt this ordinance is more objective than the other two previous draft ordinances.

Councilmember Wright asked about legitimately parked RVs and City Attorney Weed said the ordinance is intended to prohibit living in an RV in a park without a permit; it does not regulate camping on private property.

Councilmember Pedersen asked about type of community service the transient would do. She also spoke about missionary builders for churches who come to help churches and while they are in town, they live in their RVs in the church parking lot.

City Planner Hirashima explained most violations are not cited unless there is a complaint; the parking lot campers are potentially in violation of the City's zoning laws and possibly they could get a special events permit.

Councilmember Baxter noted that a lot of times camping paraphernalia is abandoned and City Attorney Weed said an officer would have to have probable cause with regard to who owns the paraphernalia in order to cite.

Councilmember Myers noted city parks are supposed to close at dusk and yet he has seen people at Jennings Park after hours. He asked about the City picking up abandoned personal property and City Attorney Weed said abandoned items of no value can be disposed of immediately when picked up by the City.

Councilmember Herman asked about securing private property and City Attorney Weed spoke about the public nuisance ordinance on the books and boarding up and/or demolishing vacant buildings as per the compliance officer.

Councilmember Bartholomew asked about the people who Judge Trivett sent down to Public Works today to do public/community service and Public Works Director Winckler said they only work one at a time and are supervised by Charlie Anderson, picking up litter, washing and waxing City vehicles.

Councilmember Bartholomew suggested looking into L&I insurance coverage requirements and City Attorney Weed said he would look into that.

Councilmember Leighan noted the findings at last Council meeting had to do with aggressive begging, panhandling, sitting and lying on public property but City Attorney Weed pointed out there was also some testimony with regard to transients camping at the caboose, under the overpasses, testimony that would support the camping ordinance.

Councilmember Leighan said he felt it was more about sitting, etc., mimicking Everett's ordinance which has not been actually court tested.

Councilmember Baxter moved to direct the City Attorney to draw up the camping ordinance with findings as outlined and including public/community service as a penalty, and to bring back before Council. Councilmember Bartholomew seconded and the motion passed 6-1 with Councilmember Leighan against.

#### ORDINANCES & RESOLUTIONS:

- 1. Ordinance Creating a New Chapter 6.37 of the MMC, Making Unlawful Intentional Aggressive Begging and Intentional Obstruction of Pedestrian or Vehicular Traffic.**

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve/adopt Ordinance 2156. Passed 6-1 with Councilmember Herman against.

- 2. Ordinance Creating a New Chapter 12.22 of the MMC.**

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve/adopt Ordinance 2157. Passed 6-1 with Councilmember Herman against.

#### LEGAL MATTERS:

City Attorney Weed explained Ordinance 2152 relating to Commuter Trip Reduction needs an effective date. He said the intent of staff was to make it effective 1/1/98 and the ordinance has been redrafted with that date.

128 #

Councilmember Pedersen moved and Councilmember Bartholomew seconded to readopt Ordinance 2152 with an effective date of Jan. 1, 1998. Passed unanimously.

ADJOURNMENT: 8:35 p.m.

EXECUTIVE SESSION: 8:45 to 9:32 p.m.

1. **Personnel.** (No Action)

RECONVENED & ADJOURNED: 9:32 p.m.

Accepted this 10<sup>th</sup> day of November, 1997.

*David Weiser*

MAYOR

*Mary Pedersen*

CITY CLERK

*Standa A. Sverson*

RECORDING SECRETARY