

MINUTES RECAP

ORIGINAL

9873

MARYSVILLE CITY COUNCIL MEETING

NOVEMBER 24, 1997

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

CORRECTED: SEE 12-1-97
MINUTES

MINUTES OF PREVIOUS MEETINGS:

CC Mtg.Mins. 11/10/97

AUDIENCE PARTICIPATION:

Approved
None

CONSENT AGENDA:

Approved:

1. Approval of Liquor Lic. Renewals for Alfys Pizza Inn, Angelos Ristorante Italiano, Buzz Inn, Jackpot Food Mart, the Village.
2. Affirm Hrg.Examiner's Recom. to Approve Request for Rezone & Street Var.with Conditions; Fred & Shirley Burton; PA 9706018.
3. Approval of 11/14/97 Claims in the amount of \$529,302.05; paid by check nos. 36606 through 36792.
4. Approval of Applicant's Request for 1 Year Extension of Util. Variance for 1 water connection & 1 sewer connection subject to normal Chap. 14.32 MMC requirements and frontage requirements; RLDS Church; 9629 67th Ave. NE; UV 95-016.
5. Acceptance of Cedarcrest Golf Course Project Contingent upon Completion of Minor Electrical Work still outstanding and Begin 45 day Lien Filing Period.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

Planning Commission Appt.
(Becky Foster)

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

1. ASCENT 21 - Charlie Earl
2. WSDOT - Richard Mitchell

PUBLIC HEARINGS:

1. 1998 Budget Continued to 12/1/97

REVIEW BIDS:

1. No. 67 Sanitary Sewer Project Awarded to SRV Const.

CURRENT BUSINESS:

1. Recommendation to Allow Alcohol by Permit in the Ken Baxter Senior/Community Center; Rental Fee Recom. for Ken Baxter Senior/Community Ctr. Cont. to 12/1 or 12/8/97

NEW BUSINESS:

1. Utility Variance for 1 water & no sewer connection for one single family residence only, subject to normal MMC Chap. 14.32 requirements & Frontage requirements; Pete Poeschel, 18223 Smokey Pt.Blvd.; UV 97-012 Approved

ORDINANCES & RESOLUTIONS:

1. Ord. 2160 Approved Repealing Ord. 1735 relating to Transportation Improvement Program No. 2.
2. Ord. 2161 Approved Clarifying Process to Obtain Waiver of Underground Wiring Requirements & Amending Provisions of MMC 20.24.200(3) and MMC 20.56.230(4).
3. Ord. 2162 Approved Affirming Hrg. Examiner Decision Rezoning Property Owned by Beach Buoys, Ltd. Partnership Ted and Georgean Maddy & Amending Official Zoning Map Previously Adopted in Ord. 772.
4. Ord. 2163 Approved Amending MMC 2.50.040 relating to compensation of Mayor & MMC 2.50.050 relating to compensation of councilmembers.
5. Ord. 2164 Approved Vacating Portions of 56th St. NE & 73rd Ave. NE.
6. Res. 1865 Approved giving intent to increase Regular Property Tax Levy to 101.9% of the 1997 Levy.

ADJOURNMENT:

10:00 p.m.

EXECUTIVE SESSION:

10:10 to 11:09 p.m.

1. Pending Litigation
2. Real Estate
3. Personnel

(No Action)
(No Action)
(No Action)

RECONVENED & ADJOURNED:

11:09 p.m.

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He reported the City has received warrants for the 67th & Grove intersection and the 60th & 528 intersection and are proceeding accordingly on these projects. He gave a report on the decant facility, noting the roof installation has now been completed.

MAYOR'S BUSINESS:

- 1) Mayor Weiser said he received a brochure from Washington State Travel & Tourism regarding a conference Feb. 10-12/98.
- 2) He reported he will be out of the office Monday and Tuesday, Dec. 1st and 2nd but will be attending the 12/1/97 Council meeting.
- 3) He submitted his choice for the Planning Commission appointment: Becky Foster, who has been active in the area between Marysville and Arlington.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to affirm/approve the Mayor's appointment of Becky Foster to the Planning Commission. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Baxter asked about the Storm Water Plan completion and Public Works Director Winckler said it was planned to have a workshop in Nov. but it will be December now.

Councilmember Baxter asked about the water rate review and City Administrator Zabell said it is still being reviewed internally and staff will try and get information put together as soon as possible.

Councilmember Myers asked about a decision on the golf pass price and Mayor Weiser said that is expected to be presented at the 12/1 meeting of City Council.

Councilmember Myers asked about cars being parked behind Capt. Dizzy's Car Wash and Councilmember Leighan said it was for the machine shop on Beach while Beach is under construction.

Councilmember Myers asked about a bicycle lane on 64th and Public Works Director Winckler said he would follow up on this.

Councilmember Herman asked about the street light problem at Grove & 74th and Public Works Director Winckler said he would follow up on this.

PRESENTATIONS:**1. ASCENT 21.** (See handout.)

Mayor Weiser introduced Charlie Earl to speak about ASCENT 21, a group put together to plan Snohomish County's infrastructure so that it will adequately accommodate its growth over the next 20 years or so.

Mr. Earl explained he has a consulting business in Everett and his role going around to the different jurisdictions to explain what ASCENT 21 is about. ASCENT 21 stands for Addressing Snohomish Environment Now and Tomorrow for the 21st Century. He spoke about population growth of 200,000 people in the 15 years from 1985 to the year 2000, employment figures, road maintenance, purpose of this large group (40 board of directors), infrastructure meaning:

- Roads and Highways
- Parks & Open Spaces
- Storm Water Facilities
- Water & Sewer Systems

He talked about phasing/stages of study, program and campaign as

well as implementation and funding. He noted this is mainly a fund raising entity vs a governing entity and spoke about committees being formed and specific City of Marysville projects being reviewed such as storm drainage, water, government/life safety, parks/open space, sanitary sewer and transportation. He said they are looking for input from cities to help identify projects and then ASCENT 21 will help identify funding sources and get priorities and approvals.

Councilmember Wright asked about makeup of the Citizens Advisory Committee planned and Mr. Earl said they are looking for people interested.

Mayor Weiser spoke about geographic balance, focus projects, legislative role in funding.

Councilmember Pedersen noted Marysville's county council district size is the largest in the county, regardless of city size and said she hoped that factor would be taken into consideration when dealing with representation from each of the cities in the county.

Councilmember Baxter noted Storm Drainage and Ground Water seem to be left out at this time.

Councilmember Bartholomew asked about funding sources, especially with the impact of the referendum on the last ballot.

Mr. Earl said it will probably have to be put on the ballot, not as a property tax, but indications are it could be from user fees, for example.

Councilmember Baxter asked about use of Clean Water Funds and Mr. Earl said whatever is done, will be in addition to existing programs/grants being sought by local jurisdictions.

Councilmember Herman spoke about King County methods of funding and Mr. Earl said ASCENT 21 will be copying some of their ideas, helping spend the State's 601-Growth Management money, for example.

2. WSDOT - Richard Mitchell. (See handout)

Mr. Mitchell explained the work to be done to 3-SR 529 bridges this spring - retrofiting, resurfacing, repainting, etc. and how the traffic will be detoured onto I-5 during the 85 total days of construction this spring.

Councilmember Herman asked about consecutive work on I-5 and the trestle and Mr. Mitchell said he did not have that information at hand but could get the information for City Council. He said he believed any work on I-5 and/or the trestles would be minimal and they hope within 3 years all the work will be done and there will be no more closures for 10 years. He explained impact of detours: With 12,000 vehicles per day on 529, there will be an estimated 6000 vehicles per day more on I-5 during the closure of the south-bound bridge on 529.

Councilmember Bartholomew expressed a concern about routing for emergency vehicles between Marysville and Everett and Mr. Mitchell said they would be able to use the shoulders, etc. He explained that 529 will not be adequate emergency access at all for 50 days of consecutive work but crews will be working 24 hours a day except when the surface is curing. They will be working with the construction companies and as an added incentive to get the work done on time, a fine of \$10,000 per day will be charged for every day the construction goes over the 50 days allowed to get the job done. Mr. Mitchell promised to get further information about any closures on I-5 or SR 2.

CORRECTED: SEE 12-1-97 MINUTES

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PUBLIC HEARING:

1. 1998 Budget.

Mayor Weiser delivered opening remarks, reviewing budgets over the years, decisions that have made impacts on the City's budget, capital improvement budgets. He made a proposal to maintain a unencumbered reserve balance of 20% of the total budget with anything in that fund above that, to be allocated as follows:
\$25,000 for an Economic Development Program
\$50,000 for the Planning Dept. for Area 13 Comp Plan
Balance to be used for Strawberry Fields Projects.

He explained City Council has 3 options at this time: To accept the budget as presented, to accept these additions or to accept these additions at a later time.

Finance Director Wilson reviewed the 1998 Budget documents before Council, reviewing the process, showing overheads and noting the budget includes 10.5 new FTEs. He reviewed the various funds, pie graph showing General Fund expenditures, revenues, eg. property taxes, charges for services, licenses and permits. He noted it is estimated the Cumulative Reserve Fund will be \$345,000 at the end of 1997 and the General Fund is estimated to be over \$2,100,000 at the end of 1998.

Councilmember Pedersen left Council Chambers at 8:29 and returned at 8:32 p.m.

City Administrator Zabell spoke about the long hours spent in arriving at this budget and the input from all the various committees, boards, department heads, private citizens. He thanked staff for all their work. He noted some of the new employees required are a computer system assistant/administrator, accountant, building permit/inspector, police officer to collect outstanding warrants, groundskeeper for the parks, associate office engineer and a solid waste collector because of 300 new accounts in North Marysville.

The hearing was opened to public testimony at 8:44 p.m.

Mike Papa, 57th Dr. NE, addressed the Council. He applauded the budget for including an additional computer assistant as he said he would like to eventually see the entire Council packet online and maybe that can happen in the next 4 years or less. He asked about the interfund service.

Finance Director Wilson explained it is when the same crew works on both Streets and Surface Water projects, for example, and the costs for that crew need to be split between the funds.

Mr. Papa concluded that he found the budget very easy to read this year, overall and commended the City on their format.

There being no one further from the audience wishing to speak, the public testimony portion of the public hearing was closed at 8:45.

Councilmember Herman agreed that the budget was easier to comprehend but he would like to see a further explanation included as to what the funds are, eg. Enterprise Fund. Also, he would like to see identified revenue sources and what the taxpayer gets back for that dollar. He spoke about Growth Management funds for the Strawberry Fields project and noted less than 4% of the initial phase is funded.

Councilmember Baxter left Council Chambers at 8:50 and returned at 8:52 p.m.

Councilmember Herman spoke about the 106% property tax ceiling with additional revenue to go toward the athletic field complex project, mitigation fees, street infrastructure needs.

CORRECTED: SEE 12-1-97 MINUTES

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Councilmember Bartholomew asked about the ER & R program and Public Works Director Winckler said it is 80% finished; it is to be finished this year. He said it is anticipated they will need to hire a fleet manager who will put the whole structure into place, starting about mid '98 with rental rate systems in place in 1999.

Councilmember Bartholomew clarified about the reserve fund and then moved to make Mayor Weiser's proposal part of the budget.

Mayor Weiser explained \$96,000 is budgeted for the planning process for the sports complex, permitting, etc. and Growth Management funds can be used.

City Administrator Zabell said there is a carry over of \$445,000 in the Growth Management Fund. Councilmember Herman said he would like some of this money used in order to move forward with the sports complex project as quickly as possible. He seconded Councilmember Bartholomew's motion to maintain a 20% General Fund Reserve and use the excess funds for the Mayor's recommendations. Passed.

Councilmember Bartholomew asked about the new police officer to be hired to collect on outstanding warrants of \$500,000 and Assistant Police Chief McKinney confirmed they will be taking an aggressive position on collecting outstanding warrants.

It was noted that the assessment figures have still not been received from the county assessor's office--it is expected they will be available by the 12/8/97 Council meeting.

Councilmember Baxter moved and Councilmember Bartholomew seconded to accept the proposed budget for 1998.

There was discussion about getting a more specific commitment on the Athletic Complex, getting golf course fees and pass prices resolved, waiting until information comes in from assessor's office. City Attorney Weed explained that the budget does not have to be passed tonight but by law the resolution certifying the City's intent to levy taxes must be passed by 11/30/97. It was noted the budget document is a separate document from the resolution.

Councilmembers Baxter and Bartholomew withdrew the original motion to pass the 1998 Budget and remade the motion to continue the Budget Public Hearing to 12/1/97. Passed unanimously.

Councilmember Bartholomew moved and Councilmember Baxter seconded to adopt/approve Resolution 1865 giving intent to increase Regular Property Tax Levy to 101.9% of the 1997 Levy. Passed with Councilmember Herman against.

REVIEW BIDS:

1. No. 67 Sanitary Sewer Project.

Public Works Director Winckler reviewed the agenda bill, noting the low bidder withdrew their bid and the second lowest bidder was SRV Construction who submitted their bid in the amount of \$158,320 plus state sales tax. It was noted the approval should be contingent on a satisfactory background check of the contractor's references.

There was brief discussion about return of the bid bond to CJs Construction.

Councilmember Myers moved and Councilmember Baxter seconded to award the bid to SRV Construction in the amount of \$158,320 plus state sales tax as recommended. Passed unanimously.

CURRENT BUSINESS:

1. Recommendation to Allow Alcohol by Permit in the Ken Baxter Senior/Community Center; Rental Fee Recommendation for Ken Baxter Senior/Community Center.

Mayor Weiser reviewed the agenda bill, giving history about reconsideration of the amendment motion to not allow alcohol at the Ken Baxter Senior Center by permit. He said he listened to the tapes of the 10/13/97 Council meeting and spoke with the City Attorney on this matter.

Councilmember Pedersen asked how many times this could be brought back for reconsideration.

City Attorney Weed noted Roberts Rules of Order are generally used; a motion to reconsider can only be made by someone on the prevailing side and anyone can second that motion to reconsider. Another motion for reconsideration must be unanimous, he said. He noted other motions available are to amend, to suspend the rules (Roberts Rules of Order)--that requires a 2/3rds vote but a substantially different motion would be allowed, eg. having the staff go back and investigate--is there a change in circumstances? Is there substantial difficulty in getting the facility booked because no alcohol is allowed?

Councilmember Herman said he felt circumstances do change and Councilmember Baxter noted there has now been enough time to have some rentals but none have come in.

Councilmember Pedersen said she knows the Soroptimists are having their Christmas party there and there is no proof that a lack of alcohol is the reason for non-rental. She asked if she could make a motion to reconsider in January if it is voted in tonight; she said she really doesn't see any substantial change in circumstances, however.

City Attorney Weed said it is a judgment call on the part of the Council and Mayor.

Councilmember Leighan noted the amendment was for staff to go back for more information; the Council did not vote on the proposal before them now.

Councilmember Herman said he would like to continue this to the next meeting with information regarding rentals. He said it's possible the facility is overpriced vs alcohol being a significant factor.

Mayor Weiser spoke about the process; the motion to amend was to have staff study further the issue of alcohol at the senior center, he said. He added he doesn't want to get bogged down on issues like this.

Councilmember Herman moved to continue this to next meeting, with staff to bring back information on experience of other jurisdictions who allow alcohol in city-owned facilities.

Councilmember Baxter pointed out that financing that operation/facility was somewhat dependent on rental of the facility.

Councilmember Wright said she would like to know how many problems there have been in other jurisdictions, resultant damage, whether they need a licensed bartender serve the alcohol.

Councilmember Herman said he would like to have included in his motion "experience from adjacent cities."

Councilmember Bartholomew expressed a concern about the issue of liability and Councilmember Pedersen asked about outside people bringing their own liquor in. Parks & Recreation Director Ballew said liquor can only be obtained by the applicant through a state permit.

Councilmember Pedersen seconded the motion made by Councilmember Herman to continue this to next meeting to allow staff to bring back information about experience from adjacent cities.

The liability issue was discussed, as was a contract between the renting group and the City, hold harmless clause, liability insurance, Parks & Recreation Director Ballew has information regarding rates and insurance information.

The motion passed 5-2 with Councilmembers Pedersen and Wright against.

NEW BUSINESS:

1. **Utility Variance for one water and no sewer connection for one single family residence only, subject to normal MMC Chapter 14.32 requirements and frontage requirements; Pete Poeschel, 18223 Smokey Pt. Blvd.; UV 97-012.**

Public Works Director Winckler reviewed the agenda bill and Councilmember Herman asked why this was not on the Consent Agenda.

There was brief discussion.

Councilmember Bartholomew moved and Councilmembers Wright and Baxter seconded to approve the utility variance. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Repealing Ordinance 1735 relating to Transportation Improvement Program No. 2.**

Councilmember Myers moved and Councilmember Leighan seconded to adopt/approve Ordinance #2160. Passed unanimously.

2. **Ordinance Clarifying Process to Obtain Waiver of Underground Wiring Requirements & Amending Provisions of MMC 20.24.200(3) and MMC 20.56.230(4).**

Councilmember Herman moved and Councilmember Wright seconded to adopt/approve Ordinance #2161. Passed unanimously.

3. **Ordinance Affirming Hearing Examiner Decision Rezoning Property Owned by Beach Buoys, Ltd. Partnership Ted and Georgean Maddy and Amending Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Herman moved and Councilmember Bartholomew seconded to adopt/approve Ordinance 2162. Passed 4-0 with Councilmembers Wright, Myers and Pedersen abstaining.

4. **Ordinance Amending MMC 2.50.040 relating to compensation of Mayor & MMC 2.50.050 relating to compensation of councilmembers.**

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve/adopt Ordinance 2163. Passed unanimously.

5. **Ordinance Vacating Portions of 56th St. NE & 73rd Ave. NE.**

Councilmember Myers moved and Councilmember Wright seconded to adopt/approve Ordinance 2164. Passed unanimously.

ADJOURNED: 10:00 p.m.

EXECUTIVE SESSION: 10:10 to 11:09 p.m.

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

RECONVENED & ADJOURNED: 11:09 p.m.

Accepted this 1st day of December, 1997.

David Weiser

MAYOR

Mary J. Swenson

CITY CLERK

Wanda K. Swenson

RECORDING SECRETARY