

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 8, 1998 00186

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:
1. City Council Meeting 8/24/98 Approved

AUDIENCE PARTICIPATION: Richard & Kim Vendl

CONSENT AGENDA: Approved:
1. Approval of New Application for Liquor License for Bella Luna Cafe Bistro; 6608-A 64th Ave. NE, Marysville (Thriftway Plaza)
2. Approval of Liquor License Renewals for Mai's Restaurant at 9501 State Ave. #F & Safeway Store #469 at 1258 State Ave.
3. Approval of Model Home Requests on Lots 4 and 17 of Aris Run.

STAFF'S BUSINESS:
1. Utility Billing Public Service Announcement Video (2 mins.)
2. Year 2000 Update/Video.
3. 800 MHZ Discussion (materials to be distributed at meeting).

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS: None

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:
1. Review of Alcohol Use in Ken Baxter Sr. Community Center; Private Rentals. Approved 4-3
2. Recommendation Prohibiting Skateboarding in Comeford Park Approved 6-1
3. Recommendation Prohibiting Paintball Guns in City Parks Approved

ORDINANCES & RESOLUTIONS:
1. Resolution Granting Utility Var. for Emerald Land Development LLC for Property in the 5800 Block of 108th St. NE, Marysville Res. 1901 Approved 6-1
2. Resolution Granting Utility Var. for Tony Flett for Property at 4729 84th St. NE, Marysville & Amending Res. No. 1660. Res. 1902 Approved 7-0

LEGAL MATTERS: None

ADJOURNMENT: 9:49 p.m.

EXECUTIVE SESSION: 9:55 p.m. to 10:30 p.m.
1. Litigation No Action
2. Real Estate No Action

RECONVENED: 10:30 p.m.
1. Update on 152nd St. Annexation
2. Visitor Information Center

ADJOURNED: 10:36 p.m.



MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 8, 1998

7:00 p.m.

Council Chambers 00197

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem

Brett Roark

NormaJean Dierck

Donna Pedersen

Mike Leighan

Otto Herman, Jr.

Shirley Bartholomew

Administrative Staff:

Grant Weed, City Attorney

Dave Zabell, City Administrator

Mary Swenson, City Clerk/Asst. to City Administrator

Ken Winckler, Public Works Director

Robert Carden, Police Chief

Gloria Hirashima, City Planner

Commander Dennis Peterson, Marysville Police Dept.

Mark Renner, Information Systems Manager

Doug Buell, Community Information Officer

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

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

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Meeting; 8/24/98.

Councilmember Herman moved and Councilmember Leighan seconded to approve the 8/24/98 minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Richard and Kim Vendl, 621 Beach, addressed Council. Mr. Vendl said they were back again to update Council on Beach. This morning he was awakened by a racing Camaro, very early. He then noted there was no parking available in front of his house again and yet the back of the neighbor's shop, where they should be parking, was totally empty. The cars are parked, in fact, in the way of the street sweeper and the Vendl's have to actually take the time to pick up garbage and litter in the gutters to keep the place looking half decent. He noted Everett can have restricted parking signs in cases such as this--apparently they value their residents' quality of life, he said. In Marysville, these people who park their cars in the street, in front of the Vendl's home, are there from early morning to late at night and they are trying to be very irritating and succeeding, he said. He said he thinks Marysville needs to take the bull by the horns in this matter and he would like the City to please do something about this.

Mr. Vendl said he did talk with the mayor this morning and probably wasn't too pleasant, but he was awakened at 5 a.m.

Councilmember Dierck asked about these cars in violation of the noise ordinance and City Attorney Weed said a police officer technically needs to be present to hear the noise.

Mr. Vendl said he called 9-1-1 this morning but if the cars aren't making the noise when the police come, it's not going to do any good but the City should do something about this because the neighborhood looks trashy and there is no parking all day on the street.

Mrs. Vendl added that they would just like a little fairness here.

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Councilmember Pedersen asked how long the cars park in front of the homes and Mrs. Vendl said all day and they are always "ratty" vehicles. She said they are loud and polluting, too. She also noted the Vendls seem to have inherited a lot of problems, especially since the street has been improved. Now there is more traffic than ever before, a lot of cars parking on the street and a lot of trash being thrown on the street.

Mayor Weiser said one of the possibilities is to have different parking and noise restrictions during the day. He said now, there are no parking restrictions but perhaps it could be 2 hour restrictions during the day as well as some noise level restriction--these were suggested by the Planning Dept.

Mrs. Vendl said the problem is in the summer they leave their windows open and there is a lot of noise they have to contend with.

Mayor Weiser pointed out that this is a problem in other areas, also; there are conflicts between sleeping schedules and people's work schedules.

Councilmember Roark said he sees the same problem on Sunnyside Blvd. but Mr. Vendl argued that this problem has come about since they have moved there, it was not there when they moved in.

Mayor Weiser said he would like the Planning Dept. to take a look at this.

Mr. Vendl said he would like to be a part of the process; mixed use seems to be "clashing" and not "mixing" too well in Marysville. The problem is that this was allowed to develop by the City and now it has created a problem, he said.

Councilmember Leighan asked him when he is away from the house and Mr. Vendl explained he only works on weekends. He said the first building went in a year or so ago. Mrs. Vendl added that there was an older house there that the business took over.

Mr. Vendl noted he has been informed by a real estate agent that he would not be able to get what he paid for his house 3 years ago, now, because of the situation. He asked anyone who wishes to call him for further information, to do so, at 659-8475.

CONSENT AGENDA:

1. **Approval of New Application for Liquor License for Bella Luna Cafe Bistro; 6608-A 64th Ave. NE, Marysville (Thriftway Plaza)**
2. **Approval of Liquor License Renewals for Mai's Restaurant at 9501 State Ave. #F & Safeway Store #469 at 1258 State Ave.**
3. **Approval of Model Home Requests on Lots 4 and 17 of Aris Run.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously.

STAFF'S BUSINESS:

Chief Carden reported on the 9/1/98 800 MHZ Workshop, stating the police dept. has done research on questions posed by City Council and Commander Peterson is handing out that information to Council. He said they have been asked to meet a deadline of 9/18 and if there are any further questions, he or Commander Peterson would be glad to help.

City Administrator Zabell spoke briefly about the upcoming one day seminar on "Creating a World Class Main Street" 11/5/98 at Seatac.

Planning Director Hirashima reported she had passed out the last Economic Development Committee Meeting Minutes and the survey that will be going out this week as well as a press release.

Councilmember Roark asked how the survey was developed and City Planner Hirashima explained it was created internally, responses are asked to be given by 9/25. There is a business as well as residence/consumer (telephone) survey and the analysis will be done by a professional; a survey firm will be reviewing the methodology, she said. She noted also she has been meeting weekly with the county planning dept. regarding the North Sub Area and will probably get the word in the next week and a half. She reported there will be a City and County reconciliation land use workshop at the end of the month and there will be a fairly extensive mailing of notices for this meeting.

Public Works Director Winckler reviewed two Change Orders: Change Order #5 for the State Avenue 88th to 94th project, for the traffic signal at 92nd in the amount of \$8937.50 for circuitry and a change order for modification of roadway on 60th Dr. which is actually going to result in a savings of \$4,000 because they will be changing from crushed rock to ATB.

Councilmember Pedersen asked about the traffic signal on 60th and Public Works Director Winckler said it is anticipated to be completed in 2 months. He said they are trying to call at least weekly to DOT on this; DOT does not have enough personnel for signal review.

Public Works Director Winckler noted there will be a Utility Committee Meeting 9/17/98 and on 9/14/98, at the City Council regular meeting, DOT representatives will be here for their presentation. (Councilmember Pedersen asked that the Globe be notified of the DOT presentation.)

Also on the 14th, Tom Nieman will be presenting the Comprehensive Groundwater Plan and that presentation will be about half an hour, Public Works Director Winckler said. On 9/15, there will be a workshop at which the consultant selection process will be reviewed, as well as information regarding how much has been paid out over the last year to various consultants. The workshop is at 7 pm in the Public Safety Center.

Utility Billing Public Service Announcement Video (2 minutes).

Community Information Officer Buell explained a new utility billing format has been developed recently and in addition to something in the newsletter and a press release, they have developed a 2 minute video for use on the community access channel. He attempted to show Council the video, however, it was not operational. He noted the public reaction to the new utility bills has been positive so far, especially with the return envelope being included. He explained the basic changes that are shown on the video and features of the billing, eg. usage.

Councilmember Pedersen asked how much it cost to produce the video and Community Information Officer Buell responded \$1100.

Councilmember Pedersen said as a member of the TV Advisory Committee, which has not been meeting recently, she wished she had had some input on the video as well as whether or not Council wishes to pursue the possibility of televising Council meetings.

Community Information Officer Buell said he would be able to bring back more information to Council on these issues but he noted TCI is about to pursue cable talks; the whole Council probably needs to get involved in these issues.

Councilmember Roark noted this is the first time he has heard about televising Council meetings and Councilmember Pedersen said she would like to see it put in the budget if that's the way they want to go.

Councilmember Bartholomew noted no one knows who our cable purveyor is going to be at this point because TCI is up for sale.

Community Information Officer Buell added that it's a three year undertaking to negotiate a franchise.

There was further discussion about purveyors, fiber optic wiring, negotiations with TCI, funding options, TV Advisory Committee, cable franchise, legal issues involved, need to make an ordinance change, TCI pending sale.

City Clerk Swenson noted the City is in the middle of the budgeting process and one of the things they have struggled with is the televising of Council meetings--not everyone has been in favor but she said she believes she remembers the estimates ranging as high as \$90,000 for doing this, depending on quality and whether some of it can be done inhouse. She said there were several options but they do have the figures and can bring these to Council.

Councilmember Pedersen noted it may be a cost savings to have someone on a contract basis and City Clerk Swenson said there are several things they can do but it needs to be brought forward as a budget item or as an agenda item first; staff needs some direction here. Also, she said they have the information on the AT&T and TCI merger and franchise information.

City Administrator Zabell noted information could be brought back about cost of televising council meetings and a decision about whether this should be pursued as an agenda item could be made at that time. He noted the financing for this would come from the General Fund.

Community Information Buell apologized for the video not working tonight but said he would make sure everyone gets a copy of the tape to review.

Year 2000 Update.

City Clerk Swenson showed a 10 minute video about the "Y2K" problem, compliance and conversion issues. She said she and Mark Renner, Information Systems Manager, recently attended a workshop on this topic and one of the things they are doing is creating a technical committee as well as a management committee with representation from City Council, to review the City's situation.

Information Systems Manager Renner reported that most of the City's systems are Y2K compliant but a lot of the systems are "imbedded" and controlled with microchips imbedded in them and that's what is going to take the work. Water and sewer infrastructure, for instance, all needs to be converted and it's time consuming, he said. He reported he would be able to have it wrapped up by the end of this year. Payroll, Utility Management, etc. will be taken care of by October, 1998, he reported.

Councilmember Roark asked if the City has diagnostic software, checklists and contingency plans in the event our computers are not compliant.

City Clerk Swenson assured him that yes, the City is developing a checklist and getting it out to all departments. Also, Bellevue has already gone through this process and will be able to provide Marysville with a lot of necessary information. She said the City is also working on contingency plans.

Councilmember Pedersen asked about the old PCs and Mr. Renner said if the non-compliant old PCs are turned off, the system will still work. He added that GTE and PUD still need to send information, also, so the City can tie in with their systems.

Councilmember Roark asked about cost and City Clerk Swenson said they will be identifying these costs at budget time for Y2K compliance. She added there is going to be an article in the upcoming newsletter about this.

Mr. Renner noted he is scheduled to meet with 9-1-1 9/14/98 regarding compliance of emergency services computers. City Clerk Swenson noted the City will not buy any new computers now unless they are Y2K compliant. She said, depending on Mark Renner's meeting with 9-1-1, there may be more costs involved for telephone and dispatch equipment; they are keeping in touch with all departments.

MAYOR'S BUSINESS:

Mayor Weiser reported on the Strawberry Fields Complex process with the county. He said a week ago Friday, the City was told that because there can be only one docketing process per year, this can't be considered now until 1999 or 2000 by the county. He said the City has had many phone calls with the county, meetings with the Snohomish County Planning Committee and has asked that the request be reviewed under the GMA Emergency Act and they have agreed to review it in October or November with a final decision by the end of the year.

CALL ON COUNCILMEMBERS:

Councilmember Herman noted he is going to be out of town on one of the dates for the upcoming budget workshops. City Administrator Zabell commented that the new Finance Director is very accommodating.

Councilmember Herman said regarding the Beach St. issue, he has some concerns and his suggestion would be to look at some local parking regulations. Also, he said he would like some resolution about the poor quality of the sound system in the Council Chambers.

Councilmember Leighan asked the City Planner to develop a comparison sheet between the county and the City regarding sensitive area setbacks, mitigation fees, stream setbacks, density bonuses, etc.

Councilmember Wright announced there will be a Cities & Towns meeting 9/17 in South Snohomish County and for everyone to hold open the date of Nov. 19 for "something special."

Councilmember Pedersen highlighted her attendance at the Snohomish Health District meeting today, regarding the hand washing equipment they had at the Fair and an immunization door to door survey in Everett and Lynnwood.

She asked about the information on road standards that she had requested.

Public Works Director Winckler reported that City Engineer Carter is still working on that; his schedule was to be finished up by this week or next and he will be available to Council.

Councilmember Pedersen noted that in the meeting with Rick Larsen, he requested Marysville to let the county know if they are interested in earmarking money for Mother Nature's Window and she asked for status on that.

Mayor Weiser said it was suggested that be reviewed during the budget process.

Councilmember Dierck asked about using some of the \$100,000 the City recieved from the Tulalip Tribes and Mayor Weiser and Councilmember Pedersen both recalled conversations with John McCoy indicating these funds had "no strings attached" and could certainly be used for a project such as Mother Nature's Window.

Councilmember Herman confirmed that many of the Tulalip Tribes' contributions are going towards non-law enforcement items and so he said he would like to have that clarified.

Councilmember Roark asked about the 800 MHZ status and Mayor Weiser said that will be coming back 9/14/98 as an agenda item.

Councilmember Pedersen said she talked with Sheriff Rick Bart and he is recommending Marysville go with the 800 MHZ system.

NEW BUSINESS:

CORRECTED: SEE _____
MINUTES The County

1. Recommendation Prohibiting Paintball Guns in City Parks.

Parks & Recreation Director Ballew reviewed the agenda bill, adding there has been no experience regarding paintball gun prohibition to draw from; the school district only has legislation against "weapons." He described paintball guns as a CO2 driven gun, noting they are very popular with adults who play war games. Recently, there have been incidents in Jennings Park with people shooting at trees and joggers. He spoke about WCIA comments, Mrs. Kessel's letter (in the packets) and the fact that the Parks Advisory Board is recommending prohibition of paintball guns in public parks.

There was considerable discussion about the dangers of the sport, sale of the equipment, about minors/juveniles using the equipment, how it is becoming more popular.

City Attorney Weed noted the City does have an ordinance aimed at air guns which may cover paintball guns, but it is aimed at juveniles under 16 only with their requiring the supervision of an adult in public. He said this ordinance could be expanded or a new ordinance created; one issue may be that Marysville Municipal Court does not have jurisdiction over minors and they would come under county jurisdiction. In other words, Marysville Police Dept. would have a difficult time with enforcement, he said, but added he would like to review this situation further.

There was further discussion about a current homicide case in LA involving a 20 year old who used a paintball gun, existing ordinance in Marysville, other misdemeanors such as assault and vandalism that use of paintball guns could fall under, the crime of shooting needs to be observed before it is a crime, whether a paintball gun is considered a lethal weapon, possession.

Cathy Kessel, 5415 67th St. NE, addressed Council and said that in addition to the information in her letter in the packets, yesterday she was in her backyard and could hear the kids pumping the guns. She estimated their ages between 10 & 14 and said she thinks paintball guns in general encourage kids to play with real guns and it also interferes with nature. She pointed out that the paintball can hurt others as well as cause property damage. She said she has not been hit herself but a couple months ago she saw a couple teens having a dual, ambushing each other, wearing fatigues. She did not see them actually hit each other but the whole thing looked very real and she did see some paint in the park afterwards.

It was pointed out that the paint is water soluble however, the impact of the paintball can be quite forceful. There was further discussion about public safety, the possession issue, existing ordinance needs to be updated, discharge in public places.

Albert Heidenbigner, 5412 67th St. NE, addressed Council. He said he hasn't had any problems with being hit with a paintball or anything but he did see a guy in camouflage with a paintball gun and the whole thing looked very real. He said there were a couple of guys, about 22 years old and his neighbor, Bob Dodge, saw them, too and later when Mr. Heidenbigner talked with Mr. Dodge, Mr. Dodge had said he was about to call police when he first saw them because it looked so real.

Dennis Kendall, 6518 55th Dr. NE, addressed Council. He noted he uses Jennings Park a lot and have seen people in the ravines and has to admit, even for a trained officer, he is sure the paintball guns look like real weapons. He said his concern is that the City is promoting use of the park and that's too scary for people walking in there. He said he hasn't seen anything himself but can imagine how frightening it can be.

Councilmember Roark said he was over there 2 to 3 weeks ago and there were two police officers looking for someone and it could have been a very real problem if they had run into people with paintball guns. He asked if the police officers are aware of the potential situation here.

Chief Carden said yes, but they will talk to the officers again, as well as keeping MSAC informed. He agreed there is some reason to revisit this ordinance.

Councilmember Leighan asked about any ordinance making it against the law to discharge a firearm within City limits and City Attorney Weed said he believed state law has been adopted by reference.

Councilmember Pedersen then moved and Councilmember Bartholomew seconded to have Chief Carden, Parks & Recreation Director Ballew as well as City Attorney Weed and other staff research and bring back a recommendation to Council as far as either improving and/or changing the present ordinance or redrafting a new one. The motion passed unanimously.

2. Review of Alcohol Use in Ken Baxter Senior Community Center; Private Rentals.

Parks & Recreation Director Ballew reviewed the agenda bill, noting out of 14 rentals through November, 1998 there have been only three requesting alcohol consumption and they had absolutely no problems with the two to date. He noted they do only allow beer and wine, people are required to get extra insurance and the premium is quite reasonable, through WCIA. He talked about the publicity being given the Senior/Community Center with reduced rental fees being more attractive for interested groups; the Lions are having a dinner there soon and taking advantage of the special non-profit rate.

After brief discussion, Councilmember Herman moved and Councilmember Roark seconded to continue the current policy and then reevaluate in 12 months again.

Councilmembers Pedersen and Wright indicated they wished to stand by their previous reasons for voting against alcohol consumption at the Ken Baxter Senior/Community Center.

The motion passed 4-3 with Councilmembers Pedersen, Wright and Dierck against.

3. Recommendation of Prohibiting Skateboarding in Comeford Park.

Parks & Recreation Director Ballew reviewed the agenda bill, noting that only this afternoon a skateboarder hit a car at Comeford Park. They skateboard on the sidewalks within the park, on the stairwell, in the parking lot and even on the roof of the Senior/Community Center. He said Comeford Park has really suffered a lot of abuse at the hands of the skateboarders and inline skaters, as well as there being some people having been knocked down by them and there are \$3,000 worth of repairs that need to be done as a result. He added that the school district has also had problems but Comeford Park seems to be a mecca and the Parks Advisory Board recommends signage prohibiting skateboarding and inline skating in Comeford Park. He said it really is negligent activity on the part of these kids and he noted Downtown Mount Vernon prohibits skateboarding.

There was discussion about alternative places for the kids to skateboard and Parks & Recreation Director Ballew noted on the Parks Capital Facilities Plan they are recommending some land acquisition for this purpose; it will be brought up at tomorrow night's Park Board meeting, he said. He noted that some of the more sophisticated skateboard parks can run \$800,000.

Jurisdiction over juveniles was discussed again and City Attorney Weed suggested making skateboarding or skating a "moving" or "traffic" infraction over which the Marysville Municipal Court System does have jurisdiction. He said that's how Everett handles it.

It was noted that signage would definitely help, especially if backed up by an ordinance, such as was done in the case of the cruising ordinance. Parks & Recreation Director Ballew added that having the tool in place will help a lot; MSAC is having problems without an ordinance to back them up.

Forfeiture and/or confiscation of the skateboard was discussed as an effective method, but it was recommended that it only be for a short period. Also discussed was to have Parks & Recreation Director Ballew get in touch with local churches, especially the one that recently turned their parking lot into a skateboard lot, and with minimal supervision, this could be a positive activity for these kids.

There was further discussion about portable/temporary equipment which is not really portable, using jersey barriers, finding a place and the volunteers to help with a skateboard park. It was also mentioned that in large shopping malls in Canada, sometimes they have a corner set aside for skateboarders, near a transit station, for example, so the kids can easily get to and from a popular spot.

Parks & Recreation Director Ballew offered to bring back some ideas but in the meantime, would like to see skateboarding prohibited in Comeford Park.

Councilmember Bartholomew moved and Councilmember Dierck seconded to accept the Parks Advisory Board recommendation to prohibit skateboarding and inline skating in Comeford Park, including signage, and direct staff to come up with an ordinance.

There was discussion about elements to be included in the ordinance: Penalties, impounding, effective date.

The motion passed 6-1 with Councilmember Roark against.

ORDINANCES & RESOLUTIONS:

- 1. Resolution Granting Utility Variance for Emerald Land Development LLC for Property in the 5800 Block of 108th St. NE, Marysville.**

Councilmember Bartholomew moved and Councilmember Pedersen seconded to adopt Resolution 1901. Passed 6-1 with Councilmember Dierck against.

- 2. Resolution Granting Utility Variance for Tony Flett for Property at 4729 84th St. NE, Marysville & Amending Res. No. 1660.**

Councilmember Herman moved and Councilmember Wright seconded to adopt Resolution 1902. Passed unanimously.

CALL ON COUNCIL, CONTINUED:

Councilmember Pedersen brought up something that was recently brought to her attention about covenants in some of the new developments that restrict daycare centers within the subdivision.

There was considerable discussion about this, noting daycare centers are regulated by DSHS, that the City has no authority to change covenants but could talk to the developer about advantages of keeping the children within their own familiar surroundings. It was also noted there are often cases where, because of varying circumstances, the covenants are no longer obeyed.

ADJOURNMENT: 9:49 p.m.

EXECUTIVE SESSION: 9:55 to 10:30 p.m.

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|------------------------|------------|
| 1. Litigation. | No Action. |
| 2. Real Estate. | No Action. |

RECONVENED: 10:30 p.m.

1. Update on 152nd St. Annexation.

City Administrator Zabell informed City Council that the county assessor has certified the 60% petition.

2. Visitor Information Center.

Mayor Weiser discussed with Council possible relocation of the Visitor Information Center into downtown Marysville.

ADJOURNED: 10:36 p.m.

Accepted this 14th day of September, 1998.

David Weiser
MAYOR

Mary Sverson
CITY CLERK

Standa A. Sverson
RECORDING SECRETARY