

original

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JANUARY 11, 1999 000 7

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilmember Wright exc.
Mayor Weiser arrived 9:53

MINUTES OF PREVIOUS MEETINGS:
1. City Council Meeting 1/4/99 Approved

AUDIENCE PARTICIPATION: Jeffre Seibert

CONSENT AGENDA: Approved:
1. Approval of 1/11/99 Claims in the Amount of \$324,793.19; paid by check nos. 42716 through 42811.

STAFF'S BUSINESS:
1. Grove & 67th Ave. Intersection; City Engineer Owen Carter Approved 5-1

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS: None

CURRENT BUSINESS:
1. Utility Variance Request for Sewer Only; 3327 Sunnyside Blvd.; Jess A. Darling; UV 98-005. Approved 5-1
2. TCI Retroactive Franchise Fees. Information/Discussion Only

NEW BUSINESS:
1. TCI Merger w/AT&T Request for Consent to Change of Control Continued to 1/25/99
2. Comprehensive Plan Amendments; PA 9711054. Workshop to be held 1/29; Public Hearing 2/1/99
3. Golf Fee Recommendation; Cedarcrest Golf Course. Approved 5-0

ORDINANCES & RESOLUTIONS:
1. Res. 1911 Approved 4-1 Stating Intention to Annex Certain Unincorporated Area, Located South of 152nd St. NE, East of I-5, West of 51st Ave. NE and North of 136th St. NE, excluding the Navy Support Complex and the Marysville School District Property, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.
2. Res. 1912 Approved 4-1 Stating Intention to Annex Certain Unincorporated Area, West of Armar Road and South of 152nd St. NE, owned by the City and known as "Strawberry Fields Park," and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.
3. Ord. 2226 Approved 4-1 Affirming the Decision of the Hearing Examiner for the Rezone Application of DGR Construction and Denying the Appeal of Jeffre Seibert for Property Located at the SW Corner of 51st Ave. NE & 80th St. NE, Marysville, WA.

LEGAL MATTERS: None

ADJOURNMENT: 10:55 p.m.

EXECUTIVE SESSION: 11:00 to 11:23 p.m.
1. Litigation No Action
2. Real Estate No Action
3. Personnel No Action

RECONVENE & ADJOURNED: 11:23 p.m.

JANUARY 11, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (arrived 9:53 p.m.)

Councilmembers:

Donna Wright, Mayor Pro Tem (excused)

Brett Roark

NormaJean Dierck

Donna Pedersen

Mike Leighan, Acting Mayor Pro Tem

Otto Herman, Jr.

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator

Grant Weed, City Attorney

Owen Carter, City Engineer

Gloria Hirashima, City Planner

Don Shaw, Golf Professional

Mary Swenson, City Clerk/Asst. to the City Administrator

Robert Carden, Police Chief

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary

1/25/99
CORRECTED: SEE MINUTES

CALL TO ORDER:

Acting Mayor Pro Tem Leighan called the meeting to order at 7:00 p.m. and asked Councilmember Dierck to lead us in the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting of 1/4/99.

Councilmember Herman noted on page 2, under Staff Business in the 4th paragraph, it should be the traffic light at 60th & 528 not 67th & 528 that is going to be turned on.

Councilmember Pedersen noted on page 3 under New Business, in the first line under Park Advisory Board Appointment(s), Mayor Weiser recommended "two" reappointments not "to" reappointments.

Councilmember Dierck asked that an explanation for her negative vote be included on page 3 under New Business/Park Advisory Board Appointment(s). She said she felt Suzanne Smith should have been appointed the new member of the Parks Advisory Board because she was the only one who met the deadline.

There being no further corrections, Councilmember Dierck moved and Councilmember Pedersen seconded to adopt the 1/4/99 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Jeffre Seibert, 5004 80th St. NE, addressed Council, saying he has a question about whether a citizen can question an ordinance or wording on an ordinance.

City Attorney Weed explained the procedure and how it's directed by Council. He asked what Mr. Seibert's question was.

Mr. Seibert stated he was referring to the Ordinance, Item #3, under Ordinances & Resolutions, denying his appeal.

City Attorney Weed said he could probably speak when that item comes up.

CONSENT AGENDA:

1. **Approval of 1/11/99 Claims in the amount of \$324,793.19; paid by check nos. 42716 through 42811.**

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

STAFF BUSINESS:

Chief Carden reported the police dept. is getting ready to purchase their fleet this year and would like approval to purchase four Jeep Cherokees, for the school resource officer and 3 sergeants. He explained there's not a huge difference between a Ford Crown Victoria and a Jeep Cherokee (\$65) and they feel they need the four wheel drive vehicles with the number of homes on the hill.

There was discussion about the Crown Victoria not being made after this year, comparisons with the Chevy Suburban and Ford Expedition, whether or not the Jeep Cherokees would be 6 or 8 cylinder vehicles, as well as training that will be provided for four wheel drive SUVs. It was noted this is going through the state bidding process and each of the Jeep Cherokees will run about \$22,000.

City Planner Hirashima reported there will be a joint Snohomish County Planning Dept. and Marysville Planning Commission/Dept. meeting regarding Sunnyside Blvd. Thursday from 4-7 p.m. at the Marysville Pilchuck High School Auditorium.

City Engineer Carter reported the Utility Committee meeting this week has been canceled. Also, the Engineering Design and Development Standards are being drafted and reviewed inhouse, to be reviewed by the public in February with a final review in March.

Grove & 67th Avenue Intersection.

City Engineer Carter reviewed information in the file as well as an overhead projection. He explained how the lanes will line up. He said he could not get ahold of the person at Community Transit but there is no commuter parking at the bus stop closest to this intersection; the commuter parking is further south, but he will still attempt to talk with CT about this. Regarding onstreet parking being removed on 67th, he said there was a very low response from the duplexes; each one of these units actually has room for 3-4 vehicles to be parked offstreet, including the garage. Otherwise overflow would have to park 350' away from the intersection, he said. Also, he said he will be meeting with CT and Snohomish County 1/19/99 regarding park and ride lots and will be bringing information back to the next Council meeting on that.

Councilmember Pedersen said she was hoping to see some commuter parking somewhere near 67th & Grove vs increasing the park and ride lot capacity on Ash. City Engineer Carter said he believes there are some arrangements for parking at the United Methodist Church on 528.

Councilmember Bartholomew noted schools can be a big parking problem if they don't provide enough offstreet parking for staff and City Planner Hirashima said they had not looked at any parking revisions in the code with regard to schools but noted it is a requirement for new construction of schools to provide adequate parking for staff off street. She noted that as far as drop off and pick up, that's not addressed in the MMC. She said the City should probably meet with the school district about this.

Acting Mayor Pro Tem Leighan asked about the level of service at 67th & Grove with the improvements recommended by the City Engineer and City Engineer Carter said definitely left hand turn movement will make the intersection more efficient.

Councilmember Bartholomew moved and Councilmember Roark seconded to approve the recommendation as set forth by the City Engineer. The motion passed 5-1 with Councilmember Dierck against.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen reported the Middle School PTA have requested better signage telling people how to get to the middle school. City Administrator Zabell said the City will work with Larry Price of the school district on that.

Councilmember Pedersen said she will be attending 3 meetings tomorrow: Downtown Merchants Assn., SR 529 bridge meeting and the Health District Board.

Councilmember Dierck asked if the City knew about the crack in the bridge over the Quilceda at 100th and City Engineer Carter said yes, the City is monitoring that culvert -- both the cracks and the fill. He explained the difficulty in getting state funding because it is not a bridge (yet) and it's a \$5 million project. He said he is talking with DOT regarding funds; they have talked with the geotechnical and environmental people also.

Councilmember Roark asked about the dip in the bridge on 528 at 47th and City Engineer Carter explained how WSDOT actually preloaded an area that still needs to be compressed over time; the City is following up on that, he said.

Councilmember Bartholomew commented on the new pedestrian crossing signs on 88th and how they really stand out well.

Councilmember Herman noted there is a DARE graduation as well as Cities & Towns meeting January 21, 1999. Councilmember Pedersen said she will be at the Health Board Annual meeting that night so it was decided Councilmembers Herman and Leighan would go to the DARE graduation ceremony and Councilmembers Bartholomew, Wright and Roark would go to the Cities and Towns meeting.

CURRENT BUSINESS:

1. Utility Variance Request for Sewer Only; 3327 Sunnyside Blvd.; Jess A. Darling; UV 98-005.

City Administrator Zabell noted this is a request for 62 sewer connections and was continued from a previous meeting.

Councilmember Dierck referred to Roberts Rules of Order, noting the vote at the previous meeting was a tie and therefore the request failed and the Mayor did not exercise his right to vote.

City Attorney Weed stated the motion, he believed, was to approve the utility variance and there was no motion to deny it, so that is why he suggested it be brought back before Council.

Councilmember Dierck reviewed the minutes noting Councilmember Bartholomew did move to continue this and that was another tie vote so that failed, too.

Councilmember Bartholomew said she does not believe a matter is restricted from ever being brought up again just because of one failed vote like that.

Councilmember Pedersen agreed a tie vote does fail but when they voted on the alcohol issue, the absent person came back and asked that the issue be brought up again, as the full Council was not present at the original vote.

City Attorney Weed said the conclusion that he came to is that there was no vote for denial.

Councilmember Pedersen pointed out that the Council doesn't usually vote to deny something that didn't get approved but she

said she thinks an absent person can have it brought up for reconsideration.

City Attorney Weed agreed that a prevailing vote could ask for reconsideration or any of the absent people could ask for reconsideration.

There was more discussion about precedent setting, the time frame in which the motion needs to be brought back for reconsideration. The previous minutes were then reviewed and it was noted the motion, made by Councilmember Bartholomew and seconded by Councilmember Leighan, was to continue the matter, not that it be reconsidered. Councilmembers Dierck and Roark were the dissenting votes.

Councilmember Herman said he does not see how an issue can be prevented from being continued especially when only 4 Councilmembers were present and three absent.

City Attorney Weed noted Roberts Rules of Order is a guideline only, there is no resolution on the books adopting Roberts Rules of Order as the official way of conducting City Council meetings and the ultimate decision is to be governed by City Council and if it is believed that an absent member can bring up an issue again, then that would seem to be relevant on this issue.

Councilmember Dierck referred to the City Council Handbook regarding a recommendation to adopt an ordinance or resolution complying with Roberts Rules of Order.

City Attorney Weed said overall, Roberts Rules of Order are used as a guide in conducting City Council business.

Councilmember Dierck said she doesn't feel the rules should be bent just for tonight.

There was more discussion regarding the final decision being made by Council; Councilmember Pedersen suggested this be brought up at the next retreat.

Councilmember Roark said he agrees with Councilmember Dierck however there are two people here that can move for reconsideration.

Councilmember Dierck stated that according to Roberts Rules of Order it can't be reconsidered after the meeting immediately following the one in which the matter was first brought up and failed.

Councilmember Pedersen pointed out that it's not the applicant's fault that there were 3 City Councilmembers absent.

Councilmember Herman said he thinks there are some cases where there may be exceptions to Roberts Rules of Order although for the most part they are a very good guideline. He said the Council needs to look at the underlying intent and in this case he thinks it's appropriate to reconsider this issue. He said he doesn't think it's correct for this Council to tie up or commit a future Council just as people who are present shouldn't have the right to speak for an absent member.

Councilmember Bartholomew said there is such a thing called "Suspension of the Rules."

City Attorney Weed agreed, stating that would allow Council to go ahead with reconsidering the matter and he said he knows of no reason why they can't at this point.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to suspend the rules and change the motion. Passed 5-1 with Councilmember Dierck against.

Councilmember Bartholomew moved to move ahead with the item and there was discussion about this bogging the process down; there was no second and the motion died.

Councilmember Roark moved for reconsideration of the matter and Councilmember Pedersen seconded. The motion passed 5-1 with Councilmember Dierck against.

City Administrator Zabell reviewed the agenda bill, picking up from paragraph two.

Jess "Bud" Darling, 1916 Grove St., addressed the Council. He said they actually made application in February and they thought it made more sense as a gravity feed vs pump so after Phase I was completed, it made more sense to put in a gravity feed on Phase II. He said they have talked with all the property owners and they would get one sewer connection free of charge and no recovery rights. Only three out of 20 have questions and do not want to go ahead with this as yet, he said.

Councilmember Herman said he understood it was just concerning frontage and Mr. Darling explained 17 property owners have agreed to all conditions.

Councilmember Dierck asked if he talked to property owners about annexing first and Mr. Darling said no, he hadn't.

City Administrator Zabell said annexation issues would be covered in a contract between the City and the applicant.

Councilmember Roark asked if the applicant agrees with the conditions set out by staff, eg. regarding annexation issues and Mr. Darling said he has been involved in 3-4 annexations in Marysville but this one is about 1.5 miles out and not contiguous to City limits. He pointed out, however, that he knows about 45% of the sewer variances approved are outside City limits and they would not protest an annexation once the boundaries came up to this property.

Councilmember Roark asked for an idea of time frame and Mr. Darling said if the property to the north is annexed, it will work down to the Sunnyside area; there is one already making application (Glein and Heinrickson).

Councilmember Roark asked him about participation in Trunk D development and Mr. Darling said they are agreeable to paying \$100,000 towards that; there are other properties that are going to participate he believes, also.

Councilmember Roark asked about the conditions proposed by the Utility Committee and City Administrator Zabell said they discussed the waiver of recovery fees, when the \$100,000 would be paid, other conditions to be included in the agreement with the applicant.

Mr. Darling noted they still have to get easements, so it's about another two months before they would get started on the construction.

Councilmember Pedersen asked about the time line, bidding, annexation criteria and City Administrator Zabell noted that annexation covenants would be required.

Acting Mayor Pro Tem Leighan asked about annexation lot by lot vs keeping a large tract as one piece and City Attorney Weed said the City could get Mr. Darling to sign a document for the entire parcel which would be a more efficient way to do it.

Councilmember Herman reviewed staff conditions regarding frontage, private and public road widths/standards. He asked City Planner Hirashima about items 2, 3 and 4 of her memo.

City Planner Hirashima said it was the intent to include mitigation of development impacts as per the agenda bill. If trees can be planted in the easement, that would meet the streetscape requirements, she said.

City Administrator Zabell noted the county will probably have the sewer easement placed in the center of the road so the frontage easement can be used for streetscaping.

Councilmember Herman asked when the contract would be finalized between the City and applicant and City Attorney Weed said it would be a condition of approval.

Councilmember Pedersen noted the City has some annexation guidelines with regard to contiguous parcels but asked if this could be annexed without being contiguous to City limits.

City Planner Hirashima explained there is a provision for waiving that requirement, i.e. if it's annexed the annexation covenant can be waived although that's the priority. This may be a policy that the City Council might want to review, she said.

Mr. Darling noted he has seen the Boundary Review Board deny annexations not contiguous.

City Planner Hirashima further explained that the code allows for the applicant to get petitions for a larger annexation parcel.

There was discussion about annexations, contiguous property, islands, asking applicant to petition property between his property and City limits, who is paying for Trunk D, utility boundaries, criteria for extension of utilities.

City Planner Hirashima noted the City's long term plan states that certain areas are eventually going to be annexed into Marysville and should be served by the City of Marysville. The Utility Committee is discussing a policy for currently unserved areas, eg. Lakewood and Sunnyside areas, she said and these are logical extensions of the utility boundaries, with regard to land use, etc. She pointed out there have been a lot of changes since 1982 and have never updated the RUSA boundary which does not reflect Marysville's UGA at this point.

Councilmember Roark said there will be some recovery fees but asked when the City can recover. He said his concern is if the City can recover within a time frame to make it worthwhile and cost effective for the City and if the City pays out the money for the trunk up to Mr. Darling's property, how soon before the City gets that back?

Councilmember Dierck said she thinks the area needs to be annexed before the City provides utilities out there.

Councilmember Pedersen said she would like to see the annexation policy change and City Attorney Weed noted currently the state annexation statute requires the property to be contiguous in order to be eligible for annexation.

Councilmember Bartholomew noted Marysville has provided service all the way to Smokey Point with no hope of annexation.

Councilmember Roark asked if the City had to pay for the infrastructure to Smokey Point and City Administrator Zabell said no, that was private money, ULIDs.

Councilmember Roark said he doesn't see an annexation and the City being able to recover any money for about 14 years in this situation.

Mr. Darling said they are going to pay for Phase II; Phase I will be paid for by individual property owners within one to five years. He said he believes there is a preliminary plat of 175

lots in the process so he thinks within the next year construction will be started out there on Phase I. He added that it's not an easy process to get an annexation petition signed but he could do it.

It was pointed out that Phase I is entirely within City limits; annexation petitions would be required for Phase II and some of the properties need to sign up for utilities immediately. There was discussion about supplying utilities within UGA and RUSA boundaries, need to address issues, eg. completion of trunk line for UGA, with infill to occur as it will, concerns about consistency with City's development standards.

Councilmember Roark moved to approve the utility variance request with all conditions recommended by staff, with a contract to be developed within the next 90 days and to be brought back before Council. Councilmember Bartholomew seconded and the motion passed 5-1 with Councilmember Dierck against.

2. TCI Retroactive Franchise Fees.

City Clerk/Asst. to the City Administrator Swenson stated that as there has been a question about procedure tonight, she is changing this item to make it an information/discussion only item. She reviewed the agenda bill, past action, proposed merger with AT&T. She noted TCI is not willing to refund the \$10,000 back to its customers at this point.

Lon Hurd, 3H Cable Consultants, 504 E. Main, Auburn, ~~addressed~~ Council. He explained that it had been ruled that TCI had been improperly calculating fees and payments to the City and the court ruled that TCI would calculate their rates differently and the bottom line is that all appeals have been made and the cable operators are to pay the City back. If the City chooses to take the money back, it can then be passed back to the subscribers; this can be paid back over one or two years, he said, i.e. at one cent per month to old Viacom (now TCI) subscribers over 2 years and at 7 cents per month to regular TCI subscribers for 2 years, twice those amounts if it is paid back over a year. He said Marysville is part of a group of communities that are eligible for a \$100,000 refund.

Janet Turpin, Director of Franchising, TCI, addressed Council. She reviewed the court decisions, noting she had available all documentation if the Council wished to review copies. She explained all the methods of calculations, appeals and decisions and how franchise fees are to be included in gross revenues. She said that 1/3 of the cities decided to stay with the way TCI was calculating their fees, 2/3 of the cities disagreed (Marysville is in this group), so the 2/3 has to be recalculated. TCI is following the 5th circuit court decision and passing the rebate on, she said. She concluded that they are required to follow FCC guidelines and zealously guard their rights under the law.

Councilmember Pedersen noted she doesn't have a problem with charging people now, but not retroactively. She said she is going to vote not to take the money from TCI because she doesn't want the subscribers to be charged retroactively.

Councilmember Herman asked if the City is not required to request funds lawfully owed them because not to do so may be construed as a gift of public funds.

City Attorney Weed agreed this is an interesting issue.

Councilmember Herman said he feels strongly that the ratepayers should not be charged any more.

Councilmember Roark said he thinks the City took an incorrect action; he said he can't see the government being asked to return money to the City, eg. and then not allowing the money to be recouped from the consumer.

Councilmember Pedersen said she is disappointed that the City will not be getting the money back from TCI but she doesn't want the consumer to pay, either.

CORRECTED: SEE 1/25/99
MINUTES

NEW BUSINESS:

1. TCI Merger with AT&T Request for Consent to Change of Control.

Lon Hurd addressed Council again and reviewed the agenda bill. He stated the City has 120 days to act, with an extension that expires tonight. He referred to a draft resolution and it was noted that this resolution has not been provided to Council as yet. The resolution outlines how TCI/AT&T would be bound by the City's franchise terms; the franchise with the City is for cable TV purposes only and they owe the City based on gross cable franchise fees only; any other services would have to be renegotiated.

Mr. Hurd explained that "At Home Internet" services would be included in the definition of cable TV purposes.

Councilmember Herman said he would like to see that addressed in the City's upcoming negotiations with TCI and Mr. Hurd stated that some communities have attempted to allow internet users to use AT&T fiber optics but that's still on the federal level. He said he recommends that not be included in this document; Portland did that and apparently there may be some lawsuits ensuing.

Councilmember Pedersen asked about staff changes at TCI and Mr. Hurd said most of the staff changes have already taken place and the current staff is the same staff TCI had in most cases.

Councilmember Pedersen asked about AT&T soliciting users to sign up for internet services with them and Councilmember Bartholomew asked about the time frame.

City Clerk/Asst. to the City Administrator Swenson said the City is in the process of asking for proposals at this point; probably staff will come back in a month before City Council with negotiations covering the next three years.

Mr. Hurd added that the term of the franchise is a negotiable item. He said usually they are 10-15 years and he would not recommend over 15 years; a lot of them lately have been 10 years. He said he recommends the City vote in favor of this resolution tonight because of some of the stipulations set forth on behalf of the City and to their benefit.

It was noted there is no draft resolution in the packets and the merger has not taken place as yet. The SEC and FCC are not in agreement at this point.

Councilmember Roark said he has heard the merger may not go through.

Mr. Hurd said should it not go through, it would be resubmitted to the City.

City Attorney Weed asked about a further extension until the resolution can be brought back before City Council and there was discussion about assuming the merger is going through, some cities having negotiated some favorable conditions.

Councilmember Herman moved to authorize and approve the resolution subject to review of the City Attorney and Mayor. Councilmember Bartholomew seconded the motion and there was more discussion.

Councilmember Roark said he feels signing of the resolution is totally premature and that this should be tabled until they see the resolution.

Councilmember Herman said he is doing this because he understand there are some favorable conditions in the resolution.

The Mayor arrived at 9:53 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to withdraw the previous motion.

Councilmember Bartholomew moved and Councilmember Dierck seconded to continue this matter to 1/25/99. Passed unanimously.

BREAK: 9:55 to 10:02 p.m.

Mayor Weiser reconvened the meeting at 10:02 p.m.

NEW BUSINESS:

2. Comprehensive Plan Amendments; PA 9711054.

Councilmember Pedersen asked if each item should be reviewed and/or approved separately and City Attorney Weed said it can be separate or as a package and Council has the right to have its own Public Hearing on any part of it or all of it.

City Planner Hirashima reviewed the agenda bill.

Councilmember Herman said he would like some additional time to review this fairly substantial written package, possibly with a public hearing preceded by a workshop and/or open house.

There was discussion on this point and it was noted a workshop could be advantageous, that staff feels it's important that Council understand rationale for recommendations, that tax lot numbers make the package a bit unclear and hard to understand as opposed to street addresses. It was noted this represents a lot of work on behalf of the Planning Commission and City Council owes them an appreciation dinner!

Gail Love, 4205 80th St. NE, said she wished to submit a letter she was going to read tonight but will not read now, if it could be simply distributed to the Councilmembers when they next consider this issue.

Councilmember Herman moved to have a workshop on Friday, 1/29/99, at 1 p.m. in the Public Safety Building/Council Chambers, with public hearing to follow that on another date. Councilmember Roark seconded and the motion passed 6-0.

There was discussion about public comment and it was noted public comment would not be part of the record until the public hearing.

Councilmember Herman moved to schedule the public hearing for 2/1/99 at the regular City Council Meeting, for testimony and possible action, with a notation on the notice that "City Council may hear testimony on any or all items at the Public Hearing." Councilmember Bartholomew seconded and the motion passed 4-2 with Councilmembers Leighan and Roark against.

3. Golf Fee Recommendation; Cedarcrest Golf Course.

Councilmember Bartholomew excused herself from Council Chambers at this time (10:30 p.m.) as she has a conflict of interest, being employed by the holding company that owns Kayak Golf & Country Club.

Parks & Recreation Director Ballew reviewed the agenda bill regarding increased fees, basically only an increase in adult 18 hole rounds from \$20 to \$22 and a \$10 youth round fee to fill in empty tee times.

Parks & Recreation Director Ballew said it is felt these increases will be sufficient to secure funds to go forward with the restaurant project; it is hoped and expected the fees will underwrite a loan for 5 years at 6%. He said this was presented to the Golf Committee and Building Committee as well as the Parks Advisory Board and they all are in favor and agreement with this proposal. He added that the youth fee is in response to a number of requests and they feel it is consistent with the industry as well as helping to fill up tee times.

Councilmember Roark asked about surrounding cities' fees and Parks & Recreation Director Ballew said Marysville is still well within the lower end of local rate structures, eg. Everett just put their rates up.

Councilmember Pedersen left at 10:37 p.m.

There was brief discussion and Councilmember Herman asked about the effect on rate of play.

Councilmember Pedersen returned at 10:39 p.m.

Don Shaw, Golf Pro, addressed Council and said last year they had 55,000 adult rounds of play; normally they would do 70,000 (with a restaurant). Prior to last year, they had 14,000 rounds with players on an annual pass, last year they only had 3,000 rounds so with a restaurant, he said he believes they would have 4 more players a day. He said he doesn't believe anyone will have a problem with an additional \$2.00 on 18 holes; the only complaint was for the yearly pass rate, he said.

Councilmember Dierck asked about expansion of the pro shop and Parks & Recreation Director Ballew said the proposal is to take some of the space for the restaurant but then adding some for the pro shop, too, in a different area. With regard to the recommended action, he noted it should read "Enterprise Fund 420" on the agenda bill, not "Enterprise Capital Fund."

Councilmember Roark moved to adopt the recommended action, accepting the Park Advisory Board recommendation to raise the regular 18 hole daily fee from \$20.00 per round to \$22.00 per round effective Feb. 1, 1999. This fee includes state and local taxes. All revenues received as a result of this adjustment are to be dedicated in the Enterprise Fund 420 providing funding support for development of a new restaurant facility, restroom additions and pro shop improvements. Also to authorize a restriction adjustment to the youth fee, allowing weekend play at a fee of \$10.00 effective Feb. 1, 1999. Play restrictions will be enforced on weekends only from May 1 through August 31. Councilmember Leighan seconded the motion and it passed 5-0.

ORDINANCES & RESOLUTIONS:

- 1. Resolution Stating Intention to Annex Certain Unincorporated Area, Located South of 152nd St. NE, East of I-5, West of 51st Ave. NE and North of 136th St. NE, excluding the Navy Support Complex and the Marysville School District Property, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

Councilmember Leighan moved and Councilmember Pedersen seconded to adopt Resolution 1911. Passed 4-1 with Councilmember Dierck against.

- 2. Resolution Stating Intention to Annex Certain Unincorporated Area, West of Armar Road and South of 152nd St. NE, owned by the City and known as "Strawberry Fields Park," and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

Councilmember Roark moved and Councilmember Pedersen seconded to adopt Resolution 1912. Passed 4-1 with Councilmember Dierck against.

3. Ordinance Affirming the Decision of the Hearing Examiner for the Rezone Application of DGR Construction and Denying the Appeal of Jeffre Seibert for Property Located at the SW Corner of 51st Ave. NE & 80th St. NE, Marysville, WA.

Jeffre Seibert, 5004 80th St. NE, addressed Council. He said his object is to item 3 on the second page regarding the appellant's letter; he said he objects to acceptance of the staff recommendation with 30 exhibits listed and parts of the letter.

City Attorney Weed explained that what is normally done is reflect in the Ordinance what was presented to Council and what was considered by them; the memo from Owen Carter was included as a finding of fact and usually the staff report is considered as something that was provided and probably should not have been shown as a finding of fact, he said. He said he would suggest deleting the paragraph in question and in the last "whereas" the closed record appeal was mentioned so that's probably all they really need; so delete #3, he recommended.

Mr. Seibert said he doesn't consider a lot of the letter to be part of the record. He asked if he could go over each one of his points here.

Mayor Weiser said no, Mr. Seibert had ample opportunity to do this at the closed record appeal.

Councilmember Pedersen moved and Councilmember Leighan seconded to adopt Ordinance 2226, deleting paragraph 3 as recommended by the City Attorney. Passed 4-1 with Councilmember Dierck against.

ADJOURNED: 10:55 p.m.

EXECUTIVE SESSION: 11:00 to 11:23 p.m.

- | | |
|-----------------|-----------|
| 1. Personnel. | No Action |
| 2. Real Estate. | No Action |
| 3. Litigation. | No Action |

RECONVENED & ADJOURNED: 11:23 p.m.

Accepted this 25th day of January, 1999.



MAYOR



CITY CLERK



RECORDING SECRETARY