

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
DECEMBER 13, 1999**

ORIGINAL
CORRECTED: SEE 1/3/00
MINUTES

000054

EXECUTIVE SESSION	6:00 p.m.
CALL TO ORDER/FLAG SALUTE	7:08 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. City Council Meeting, December 6, 1999	Approved as corrected.
AUDIENCE PARTICIPATION	M. Nelson, K. Swimm, H. McClurg, D. Mackinaw, I. Robinson, V. Brace.
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING 1. Parks and recreation mitigation ordinance and revised capital facility plan	Approved Ordinance 2300.
2. Water and sewer capital improvement fees	Approved Ordinance 2305
3. Preliminary budget	Approved Ordinance 2301.
CURRENT BUSINESS 1. Property tax ordinance.	Approved Ordinance 2302.
NEW BUSINESS 1. Gerald E. Weed consulting contract.	Approved.
2. Administrative leave policy	Approved.
3. Agreement for professional plans examiner service	Approved.
CONSENT AGENDA 1. Approve December 13, 1999 claims in the amount of \$271,796.27; paid by check nos. 49285 through 49451.	Approved.
2. Affirm the hearing examiner's recommendation to approve the request for rezone with conditions for Jubie construction; PA 9904016.	Approved.
3. Set a public hearing date of February 7, 2000 for Jay Zager street vacation; PA 9911052.	Approved.
4. Set a public hearing date of February 7, 2000 for Charles B. Cruzen street vacation; PA 9911057.	Approved.
5. Approve utility variance renewal; 4729-84 th street N.E., Marysville; Tony Flett; UV 98-022.	Approved.
6. Approve new liquor license application for J.R. Phinickey's; 1352 State Avenue.	Approved.
7. Approve resolution of the city of Marysville, Washington authorizing a one-year \$150,000 interfund loan from the current expense fund to the golf fund.	Approved as amended.
8. Approve no parking; north side of 76 th Street N.E.	Approved.
9. Approve historic property improvement exemption and authorize Mayor to sign agreement.	Approved.
10. Approve and authorize mayor to sign the SR529 detour agreement; Washington Department of Transportation.	Approved.
LEGAL MATTERS 1. City attorney retainer agreement for 2000	Approved.
2. Garbage and recycle contract with Northwest Management.	Approved.
3. Renewal of agreement with Whatcom County for jail transportation services	Approved.
ORDINANCES AND RESOLUTIONS 1. An ordinance of the city of Marysville amending Ordinance no. 2218 relating to the 1999 budget and providing for the increase of certain expenditure items as budgeted for in 1999.	Approved Ordinance 2303.
2. An Ordinance of the city of Marysville, Washington, approving and confirming the assessments and assessment roll of Local Improvement District No. 69 for the purpose of construction and installation of sewer main and appurtenances along Parkside Drive and 72 nd Street N.E., as provided by Ordinance No. 2189, and levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.	Approved Ordinance 2304.
3. An Ordinance of the City of Marysville levying taxes upon all property real, personal and utility subject to taxation within the corporate limits of the City of Marysville, Washington for the year 2000; (ordinance to be distributed upon action by council.)	Approved Ordinance 2302.
4. An Ordinance of the City of Marysville Amending MMC 14.07.010(2) Relating to Sewer and Water Utility Capital	Approved Ordinance 2305.

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
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000055

Improvement Charges.	
5. A Resolution of the City of Marysville Regarding Pipeline Safety Improvements.	Approved Resolution 1954.
6. A Resolution of the City of Marysville granting a utility variance for Tulalip Tribes (Terry Hawley) for property located at 2322 and 2330 Old Tulalip Road, Marysville, Washington.	Approved Resolution 1955.
7. A Resolution of the City of Marysville granting a utility variance for Leonard C. Bailey for property located at 6011 51 st Avenue N.E., Marysville, Washington.	Approved Resolution 1956.
INFORMATION ITEMS	
1. Mayor's business	
2. Staff's business	
3. Call on councilmembers	
ADJOURN	12:15 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
DECEMBER 13, 1999**

000058

EXECUTIVE SESSION

Councilmembers convened into Executive Session at 6:00 p.m. to consider personnel and litigation matters and adjourned at 7:00 p.m.

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor Weiser at 7:08 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:

Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem
Shirley Bartholomew
Jim Brennick
NormaJean Dierck
Otto Herman, Jr.
Mike Leighan
Donna Pedersen

Administrative Staff present:

Dave Zabell, City Administrator
Mary Swenson, Assistant City Administrator
Robert Carden, Chief of Police
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Jim Ballew, Parks and Recreation Director

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, December 6, 1999.

Councilmembers noted the following corrections:

- Page 1, Jim Raleigh should be Jim Rowley.
- Page 1, Sim Wilson's comments should read "owner of a business property on 5th and State."
- Page 6, Ordinances & Resolutions, first paragraph, "revisions to this ordinance" should read "revisions to this resolution."

MOTION by Bartholomew, second by Dierck, to approve the minutes of the December 6, 1999 meeting as corrected. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

Mayor Weiser noted there were requests to speak on the DARE program, but council had closed the public testimony portion of its budget deliberations. Councilmembers agreed to hear the citizen input. Mayor Weiser gave a brief explanation of the status of the budget, the removal of the DARE program, and possible alternatives.

Michele Nelson, 7111 47th Avenue #108, spoke in support of retaining the DARE program.

Kimberly Swimm, 8422 61st Drive NE, submitted her son's written comments and spoke in support of retention of the DARE program.

Heather McClurg, 7212 64th Avenue, spoke in support of retention of DARE.

Debbie Mackinaw, spoke in support of DARE and asked if the children in the current program would be allowed to finish; Chief Carden answered in the affirmative.

Inez Robinson, 1930 5th Street, supported retention of DARE.

Vanessa Brace, 1215 Cedar, supported retention of DARE.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

ACTION ITEMS

Review Bids

None.

1. Parks & Recreation mitigation ordinance and revised capital facility plan.

Ms. Hirashima gave the staff presentation from the agenda materials. Councilmember Dierck asked how the city would compare with national standards if the recommended action were approved. Ms. Hirashima responded the city was higher in some areas and lower in others, particularly fields for soccer, baseball, softball; indoor and outdoor pools; tennis courts; track.

Mayor Weiser opened the hearing to public comments.

Caldie Rogers, 8530 45th Drive NE, speaking for the Chamber, extended regards to Councilmembers Wright and Herman for their selfless service to the community. Regarding the proposed ordinance, she stated Parks and Recreation supported the quality of life and economic development of the city; state wide, business funded the lion's share of quality of life issues. The Chamber was concerned about the proposed fee on commercial and industrial properties as it would make it more difficult to recruit new businesses to town and would cost the city in litigation fees, as the proposed fees on commercial and industrial had not met the nexus test of the Supreme Court ruling. The comprehensive study needed to be done to establish a connection. She asserted the city already had a tough time getting business to come here without increasing those taxes. Imposing park mitigation fees on extensions of existing businesses would be a negative reward for prosperous growth. The developers she talked with felt the residential fees were in line with the rest of the county. Councilmember Dierck commented that the proposed ordinance was written as an emergency ordinance because it needed to be implemented before the first of the year to avoid having to go before a vote of the people as required by I-695. Ms. Rogers noted the ordinance covered capital improvements, only, not maintenance and operation costs, so unless there was a premier piece of property the city needed to acquire immediately, there was no emergency.

Jeff Seibert, 5004 80th Street, favored raising park mitigation fees, noting it was the standard other cities and the county used. The current fees were too low. Redmond assessed the fee on commercial and industrial properties as employees used the park and recreation areas during their lunchtime.

Bob Wicks, 8123 54th Drive NE, suggested if the city was imposing high mitigation fees it should discontinue the requirement for multi-family units to have 5,000 square feet of recreational space. He suggested the emergency designation was to aid the baseball parks planned for the north area and funds were needed because of I-695 cuts. Imposing the fees on businesses would serve a hardship which would only result in chain stores on the outskirts of town. Ms. Hirashima responded that the multi-family recreational space would be optional; the city could accept a fee instead. For the remodel of a business, the mitigation fee would be assessed on the additional floor space, only.

Aaron Metcalf, 7524 Sterling Place, Arlington, asked about vested rights in preliminary plats or building permits. Mayor Weiser responded that if parks and recreation had already been mitigated under a prior determination, then that determination would identify the amount. A development application vested with SEPA.

Suzanne Smith, 4821 75th Avenue NE, noted the ordinance anticipated collecting \$14 Million over the next five years to meet certain levels. By removing commercial and industrial properties the amount raised would be cut in half. This would severely impact the city's ability to reach an appropriate level of service in its park and rec program. Ms. Hirashima responded the Planning Commission had been uncomfortable with a straight level of service approach as the city was deficient in some areas.

Gary Wright, 5533 Parkside Drive, supported the proposed ordinance with three changes. 1) It was not an emergency. 2) Opposed payment of impact fees on existing legal lots for single family residences. If the lots had already been approved, they should not be charged when the building permit was issued. Ms. Hirashima responded the ordinance did not exempt existing lots; it only exempted property which had already mitigated its impact through some park mitigation requirement, such as SEPA. 3) Favored deleting impact fees for commercial and industrial space. He felt it was not in the city's best interest to have an impact fee that other jurisdictions were not charging as it would hamper business expansion or settlement here. Taxpayers were better off overall if the city had more of an industry and commercial tax base and this impact fee would hamper the city's ability to attract that. The city had not done the nexus step of connecting the impact fee with the specific impact.

Mr. Weed stated he did not have a copy of Redmond's analysis that showed the nexus between commercial/industrial development and the impact on the park system. Such a study would provide a sound basis for charging those fees. 000052

Councilmember Wright noted that budget cuts usually impacted the Park Department staff; she wondered if the city could maintain additional parks. Mr. Ballew responded that the capital facility plan approach had been preferred by the Planning Commission because it gave consideration to what the city was capable of maintaining. Because the city had existing deficiencies, he was not comfortable with a straight standards approach.

Councilmember Herman noted there were probably impacts on the park system from industrial/commercial but the city needed to do more work to identify those impacts. It was important to implement the ordinance by the end of the year so he favored removing that portion from consideration now. He felt the level of service approach was appropriate for residential and multi-family, and also that an emergency did exist that required immediate action.

MOTION by Bartholomew, second by Wright, to strike from the proposed ordinance all references to mitigation fees for business, commercial, manufacturing and industrial properties based on the fact that sufficient supporting data was not available.

Councilmember Pedersen expressed support for further study to support inclusion of that segment in the future and voluntary contributions in the interim.

Councilmember Brennick questioned the emergency language. Mr. Weed responded that the capital facility plan included facts to support declaring an emergency, including deficiencies in the park system.

Councilmember Dierck suggested increasing the fees, as removing the commercial segment meant the city would not meet its financial goals.

VOTE ON MOTION: Dierck voted nay; all others voted aye. Motion carried (6-1).

Mayor Weiser called a five-minute recess at this point.

Councilmember Wright asked for clarification on vesting. Ms. Hirashima responded that the ordinance would apply to anything that had not already paid mitigation fees under SEPA. Payments were tracked by her department.

MOTION by Herman, second by Dierck, to approve Ordinance 2300 using the level of service formula, which would make the fee for single family \$1,521 and for multi-family \$1,075.

Councilmember Wright asked if the city could be challenged because it could not maintain the park system at the level contemplated in the level-of-service calculations. Mr. Weed responded that the city's inability to maintain capital facilities that were newly constructed would not be a defect.

On roll call vote Dierck and Herman voted aye, all others voted nay; motion failed (2-5).

MOTION by Leighan, second by Bartholomew, to adopt Ordinance 2300 as presented, with the fees based on facility capital improvement plan calculations of \$963 and \$681 for single family and multi-family, respectively.

Councilmember Leighan revised his motion to include language as suggested by the city attorney regarding adjustment in the fees based on increases in the CPI. The seconder approved.

VOTE ON MOTION: Dierck voted nay; all others voted aye; motion carried (6-1).

2. Water and sewer capital improvement fees (continued from December 6).

Mr. Larry Wade of the consulting engineering firm of Hammond, Collier & Wade-Livingstone Associates, Inc. stated he had been asked to review two items: whether the increases could be phased in over time and if some users or connections could be grouped into categories, such as schools or churches. He recommended phasing, with

some increases to begin January 1, 2000 and others on January 1, 2001. Regarding commercial/industrial connection charges, these could be allocated based on fireflow as most of the capital projects in the water area were related to fire protection and flow. The proposed rates were based on flow volumes. He suggested three categories and cited the numbers included in the packet, specifically \$1.10, \$1.55, and \$2.05 per square foot depending on gallons per minute. The fees for outside the city would be higher. Reductions would be available for buildings that were sprinklered.

He then reviewed the proposed sewer fees, noting the existing rates charged the commercial/industrial sector was not in alignment with the rates charged to residential customers for connections. About 15 years ago the city began ramping up the charges to this sector, which led to its being out of proportion now. He stated the proposed charge for a residential hookup next year was \$1,265, and he equated the other categories to that. The first category was "retail sales, manufacturing, churches, schools, day care." These might have a lot of square footage but that didn't necessarily translate into lots of usage. The category of "offices, medical, dental, nursing homes and all other uses not listed," were considered medium users, as they were a higher density which translated into more use than retail. "Warehouses, storage" was at 50% of the retail rate. The category "restaurants, taverns" had the highest contribution per square foot. He then reviewed the rates for in-city connections, noting there was a 1.2% markup for connections outside the city. There was a 25% rate reduction for schools without kitchens; the schools desired wording that the reduction should apply to schools with warming kitchens, only, not complete meal preparation. Mr. Wade felt the proposed groupings would be easy to administer because there were not too many categories.

Councilmember Herman asked about a hotel; Mr. Wade responded it would be in the "office and all other uses not listed" category. Councilmember Herman asked about a facility that had more than one use. Mr. Wade said staff would have to make a judgment regarding which one category it fit into best as it would be impossible to list every type of use in these categories. Mr. Winckler stated that if a hotel had an adjacent restaurant, the city could charge the appropriate square footage fee for each use. Since the uses were distinguishable, they could be broken down.

Councilmember Pedersen asked if the proposed connection charge for sprinklered schools with warming kitchens would be less than the current charges. Mr. Wade responded that they would. He added that the overall dollars that would be collected from all categories of users would average out to be about the same as had been discussed at the previous meeting.

Councilmember Dierck asked if churches and schools would be getting a price break. Mr. Wade responded that they were in the lowest category of the three-tiered structure so their proposed connection fee would be less than had been discussed before in the flat rate discussions. Councilmember Dierck asked about charges for seniors and low income people. Mr. Wade stated there was no way to encompass that consideration in the connection charges; the connection charge was for the structure itself, not the people who occupied it. Consideration could be given in the monthly service charges. Mr. Weed added that state law allowed for a deferral of connection fees if council adopted by ordinance a program that allowed for that, but there was a distinction in state law between monthly rates and connection charges, with more latitude as to the monthly rates. The connection charge would not be decreased but deferred, with payment due when the property was sold or passed to heirs. The charge would be a lien against the property. This would not be a blanket application to seniors, but to low income or disabled.

Councilmember Leighan asked about changes in use, citing as an example a retail space converting to a restaurant. Mr. Winckler noted this was difficult to address, unless there was something to alert the city, like a building permit. Mayor Weiser cited the example of a business that started as a warehouse but was now manufacturing, employing 200 people.

Councilmember Wright asked about deferral for complexes built for seniors. Mr. Wade felt the city could have a mechanism for collecting a higher fee if senior housing later converted out of that usage. Mr. Winckler noted the city was in its fourth year of the five-year rate structure so during 2000 staff would begin analyzing the monthly rates.

Councilmember Wright asked about grandfathering or vesting of existing properties. Mr. Winckler responded that according to MMC 14.03.090 a builder or developer could prepay connection charges if they were at a certain point in the development process; they could not prepay on a vacant lot. Mr. Zabell gave the example of the Plat of Parkside Manor, which was platted in 1968 when capital improvement fees were \$100. When the builder came in he would pay today's rates, not the 1968 rates. Council could make some consideration in terms of final platted lots if it found a line that was easy to administer and fair. The life span of a preliminary plat was five years; staff

would recommend a point in the process that was more final than preliminary plat approval.

Councilmember Herman asked about the effective dates in the tables. Mr. Weed repeated the uncertainties about I-695 as to fees which go into effect January 1st and later. He felt the council was taking action and imposing the fees prior to December 31st, which was the best it could do.

Councilmember Pedersen asked about a specific project, Bethlehem Lutheran Church. Mr. Weed responded that for a development which required a conditional use permit, the applicant would pay the fee at the existing rate. Ms. Hirashima added that there was no vesting; that language related to a situation where the connection fee had been paid and the application for a connection granted. Just getting a conditional use permit would not vest an applicant or a project. Councilmember Bartholomew cautioned about discussing a specific application. Mr. Weed agreed that council's discussion should encompass the applicability of the ordinance to all churches. He asked Councilmember Pedersen if she had decision-making authority within the church; she replied she was co-chair of the Building Committee. Mr. Weed stated this would not disqualify her from deciding this issue as it was a legislative action.

MOTION by Brennick, second by Dierck, to reopen the public comment portion of this hearing. Motion carried unanimously (7-0).

Bob Graef, 7311 69th Avenue NE, representing Bethlehem Lutheran Church, provided councilmembers with a letter and stated the church desired to pay its connection charges immediately in order to take advantage of the current rates as the project was budgeted under that fee structure. Mr. Weed responded that until the church had a conditional use permit in hand it could not come in and prepay the fee. Reviewing MMC 14.03.090, exceptions to the new fee would be allowed if there were a preliminary plat application, a binding site plan application, a conditional use permit or a building permit. Council could allow a window of time within which it would allow pre-payments but it would have to apply to everyone, not just the application referenced by Mr. Graef. Mr. Winckler added that because there was an existing building, the church could ask for a utility connection and pay that fee now, but this would not cover the new square footage to be built.

Mayor Weiser closed the public input.

MOTION by Wright, second by Bartholomew, to approve Ordinance 2305 for the city's water and sewer capital improvement fees, pump station capital fees, and water service installation fees as presented by the consulting engineer this evening, with the effective date of the ordinance being December 20, which would be five days after publication, and with the effective date of the charges being December 31, 1999, and any fully completed applications which the city received prior to the effective date of the ordinance would have until 6/30/2000 to pay at the current rate. Motion carried unanimously (7-0).

MOTION by Herman, second by Bartholomew, to request the city attorney to draw an ordinance similar to the one used in the city of Snohomish for deferral of connection charges for low income and disabled to be acted upon by the council in January. Motion carried unanimously (7-0).

MOTION by Leighan, second by Wright, to dispense with the 11:00 p.m. meeting limit in order to allow council sufficient time to complete the agenda. Motion carried unanimously (7-0).

3. Preliminary Budget (continued from December 6, 1999)

Councilmember Herman suggested focusing on revenues, then on the budget which would be driven by those revenues. He spoke about increased cash flow demands and diminished operating capital, which would require the city to reduce services in a few years.

MOTION by Herman, second by Pedersen, to adopt an admissions tax. Herman and Pedersen voted aye; all others voted nay; motion failed (2-5).

MOTION by Herman, second by Leighan, to enact a 106% property tax increase in order to retain DARE and prepare for the long term. Herman and Leighan voted aye; all others voted nay; motion failed (2-5).

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MOTION by Herman, second by Wright, to enact a 104% property tax increase. Herman, Leighan, Wright, Bartholomew voted aye; all others voted nay; motion failed for lack of a super majority (4-3)

MOTION by Herman, second by Bartholomew, to approve a property tax increase at the implicit price deflator, 101.42. Herman, Leighan, Wright and Bartholomew voted aye; all others voted nay. Mayor Weiser noted the motion did not require a super majority, so the motion carried (5-3).

CORRECTED: SEE 13:00
MINUTES 4-3
2000

MOTION by Bartholomew, second by Brennick, to adopt the year 2000 budget as presented in the agenda packet with the addition of the 101.42 tax and the deletion of the HVAC roof at the library, being Ordinance 2301. Bartholomew, Brennick, Pedersen and Wright voted aye; all others voted nay; motion carried (4-3).

MOTION by Bartholomew, second by Pedersen, to direct staff to start work immediately on the HVAC system at the public safety building using available funds in the budget. Herman and Leighan voted nay; all others voted aye; motion carried (5-2).

Mayor Weiser called a five-minute recess at this point in the meeting.

Current Business

- 1. Property tax ordinance.

Mayor Weiser distributed copies of the proposed ordinance levying taxes for the year 2000.

MOTION by Herman, second by Bartholomew, to approve Ordinance 2302 as the property tax ordinance. Pedersen and Dierck voted nay; all others voted aye; motion carried (5-2).

New Business

- 1. Gerald E. Weed consulting contract

Mr. Winckler read the recommended action and explained the process staff had gone through to arrive the its recommendation.

No public comments were forthcoming.

MOTION by Bartholomew, second by Brennick, to approve the recommended action and authorize the Mayor to sign the contract. Dierck voted nay; all others voted aye; motion carried (6-1).

- 2. Administrative leave policy

Mr. Zabell read the recommended action.

There were no public comments.

MOTION by Wright, second by Bartholomew, to approve the recommended action. Motion carried unanimously (7-0).

- 3. Agreement for professional plans examiner service

Ms. Hirashima read the recommended action.

Jeff Seibert asked if funds were budgeted for this. Ms. Hirashima responded in the affirmative.

MOTION by Herman, second by Leighan, to approve the recommended action. Motion carried unanimously (7-0).

CONSENT AGENDA

000002

1. Approve December 13, 1999 claims in the amount of \$271,796.27; paid by check nos. 49285 through 49451.
2. Affirm the hearing examiner's recommendation to approve the request for rezone with conditions for Jubie construction; PA 9904016.
3. Set a public hearing date of February 7, 2000 for Jay Zager street vacation; PA 9911052.
4. Set a public hearing date of February 7, 2000 for Charles B. Cruzen street vacation; PA 9911057.
5. Approve utility variance renewal; 4729-84th street N.E., Marysville; Tony Flett; UV 98-022.
6. Approve new liquor license application for J.R. Phinickey's; 1352 State Avenue.
7. Approve resolution of the city of Marysville, Washington authorizing a one-year \$150,000 interfund loan from the current expense fund to the golf fund.
8. Approve no parking; north side of 76th Street N.E.
9. Approve historic property improvement exemption and authorize Mayor to sign agreement.
10. Approve and authorize mayor to sign the SR529 detour agreement; Washington Department of Transportation.

MOTION by Herman, second by Bartholomew, to approve items 1, 3, 4, 5, 6, 9, 10. Item 1 passed (6-0-1) with Leighan abstaining. The balance of the items passed unanimously (7-0).

MOTION by Wright, second by Bartholomew, to approve item 2. Councilmember Dierck wanted to set a public hearing for next year as the neighbors thought there would be another meeting with the developers. Ms. Hirashima noted there had been one neighborhood meeting with the developers and one open record public hearing on October 28; the city could not hold another public hearing.

MOTION by Dierck to amend the procedure for appeals on land use decisions for this application, with appeal being to the city council. Mr. Weed explained the method for appeal would be to Superior Court.

NO SECOND. There was no second to the motion.

VOTE ON MOTION: Dierck voted nay. All others voted aye. Motion carried (6-1).

MOTION by Herman, second by Leighan, to approve item 7 with the revision of charging interest on the loan at a rate to be determined by formula, specifically as recommended by the Local Government Investment Pool. Motion carried unanimously (7-0).

MOTION by Wright, second by Brennick, to approve the staff recommendation of no parking on the north side of 76th from 47th Avenue east to the barricade. Motion carried (6-0-1) with Dierck abstaining.

Legal

1. City attorney retainer agreement for calendar year 2000.

Mr. Zabell reviewed the agreement, noting there were no changes from last year.

MOTION by Leighan, second by Herman, to approve the recommended action. Motion carried unanimously (7-0).

2. Garbage and recycle contract with Northwest Management.

Mr. Weed noted council had authorized entering into this agreement subject to his working out some language to deal with I-695. He read his proposed language to council.

MOTION by Herman, second by Bartholomew, to authorize completion of the above contract with the language as read into the record by the city attorney. Motion carried unanimously (7-0).

2. Renewal of agreement with Whatcom County to provide jail transportation services.

Mr. Weed noted this agreement provided for jail transportatio services for Marysville inmates to and from King County and Snohomish County jails. It was the same as last year with no increase in the charges for the service.

MOTION by Bartholomew, second by Leighan, to authorize the signing of the agreement with Whatcom County. Motion carried unanimously (7-0).

Ordinances & Resolutions

1. An ordinance of the city of Marysville amending Ordinance no. 2218 relating to the 1999 budget and providing for the increase of certain expenditure items as budgeted for in 1999.

MOTION by Leighan, second by Herman, to approve Ordinance 2303. Motion carried unanimously (7-0).

2. An Ordinance of the city of Marysville, Washington, approving and confirming the assessments and assessment roll of Local Improvement District No. 69 for the purpose of construction and installation of sewer main and appurtenances along Parkside Drive and 72nd Street N.E., as provided by Ordinance No. 2189, and levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land and other property as shown on the assessment roll.

MOTION by Pedersen, second by Leighan, to approve Ordinance 2304. Motion carried (6-0-1) with Wright abstaining.

3. An Ordinance of the City of Marysville levying taxes upon all property real, personal and utility subject to taxation within the corporate limits of the City of Marysville, Washington for the year 2000; (ordinance to be distributed upon action by council.)

Action on Ordinance 2302 taken under Current Business.

4. An Ordinance of the City of Marysville Amending MMC 14.07.010(2) Relating to Sewer and Water Utility Capital Improvement Charges.

Action on Ordinance 2305 taken under Public Hearings #2.

5. A Resolution of the City of Marysville Regarding Pipeline Safety Improvements.

MOTION by Dierck, second by Leighan to approve Resolution 1954. Motion carried unanimously (7-0).

6. A Resolution of the City of Marysville granting a utility variance for Tulalip Tribes (Terry Hawley) for property located at 2322 and 2330 Old Tulalip Road, Marysville, Washington.

MOTION by Bartholomew, second by Herman, to adopt Resolution 1955. Motion carried unanimously (7-0).

7. A Resolution of the City of Marysville granting a utility variance for Leonard C. Bailey for property located at 6011 51st Avenue N.E., Marysville, Washington.

MOTION by Wright, second by Leighan, to approve Resolution 1956. Motion carried unanimously (7-0).

DISCUSSION ITEMS

None.

INFORMATION ITEMS

- 1. Mayor's business
 - The December 14 meeting with the Tribes was cancelled.
 - Proposed Saturday January 8 for an orientation meeting with the city's insurance authority and legal representative and requested council to contact Ms. Swenson regarding availability.
 - Thanked Councilmembers Herman and Wright for their service on the council.

2. Staff's business

Chief Carden

- Norm Eylander passed away; the service would be December 14 at Messiah Lutheran Church.

Ms. Hirashima

- Snohomish County Council held a hearing today on the city's docketing request. They did take action and would approve the ordinance next week.
- She also met with the county's planning department regarding the north area plan; they are interested in the city taking more of a leadership role.

All staff members expressed appreciation for outgoing councilmembers Wright and Herman.

3. Call on councilmembers

Councilmember Pedersen

- One member is still needed for the Library Board.

Councilmember Dierck

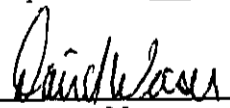
- Asked about the franchise with Olympic Pipeline. Mr. Weed responded he had started that research. Mayor Weiser added that several cities were researching the same issue and a task force would put together a model franchise agreement with an emphasis on testing.
- Received an anonymous phone call regarding a private lift station, Westview, which was leading less than 100 yards from the creek. She investigated the site, smelled raw sewage, and called the Department of Ecology. Mr. Winckler recounted the history of this site and the actions staff had taken.
- Regarding the same site, a large pipe is flushing directly into the stream. She asked that it be check for erosion control.

Councilmembers Bartholomew, Brennick, Pedersen and Leighan thanked outgoing members Wright and Herman for their work on the council.

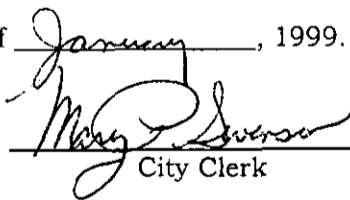
ADJOURN

Council adjourned at 12:15 p.m.

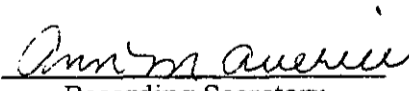
Accepted this 3rd day of January, 1999.



 Mayor



 City Clerk



 Recording Secretary