

MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JULY 9, 2001

000 54

| | |
|--|----------------------------|
| I. Call to Order | 7:00 p.m. |
| II. Pledge of Allegiance | |
| III. Roll Call | All present |
| IV. Swear in Sergeant Wendy Wade | |
| V. Public input on items not on the agenda | |
| James Anderson advocated banning fireworks. | |
| VI. Approval of Minutes | |
| 1. City Council regular meeting, June 25, 2001 | Approved as corrected. |
| 2. City Council work session, July 2, 2001 | Approved as corrected. |
| VII. Consent agenda | |
| A. Approve July 9, 2001 claims in the amount of \$629,784.33; paid by check Nos. 59866 through 60113 with check No. 59902 void. | Approved |
| B. Approve June, 2001 payroll in the amount of \$971,723.50; paid by check Nos. 40902 through 41128 with check No. 41128 void. | Approved |
| C. Approve new liquor license for Acapulco Mexican Restaurant. | Approved |
| D. Approve Puget Sound Energy easement at Cedarcrest golf course. | Approved |
| E. Authorize Mayor to sign Puget Sound Energy commercial gas service agreements for Cedarcrest golf course. | Approved |
| F. Authorize Mayor to sign Interlocal Agreement for the Snohomish Regional Drug Task Force. | Approved |
| VIII. Action Items | |
| A. Current Business | |
| 1. Utility service outside city limits 1) reaffirm the city's policy of delivering utilities within the UGA as set forth in the Marysville Municipal Code, particularly, but not limited to, Chapter 14.32; 2) ensure that city government did not backtrack on this issue by prohibiting the council from revisiting the issue while the current council was seated unless an emergency was deemed to exist; and 3) for staff to provide an accounting of the time and money which had been spent on preparing information on this issue for councilmembers. | Approved |
| B. New Business | |
| 1. Notice of Intention to Commence Annexation; 10% Petition; Quilceda Vista; PA 0105026. Accept the 10% Notice of Intent; establish the annexation area for circulation of the 60% petition as the area set out in Option 2, Expanded Boundary 1; waive the additional filing fee for annexations over 10 acres in size; and require the annexation to be subject to the city's bonded indebtedness, comprehensive plan and zoning. | Approved. |
| 2. Contract for Recovery of Utility Construction Costs for Sewer; Investment Golf Fund, LLC. | Approved Contract No. 234. |
| 3. Contract for Recovery of Utility Construction Costs for Water; Investment Golf Fund, LLC. | Approved Contract No. 235. |

| | |
|---|---|
| IX. Ordinances and Resolutions | 000 55 |
| <p>A. An Ordinance of the City of Marysville annexing certain unincorporated area for municipal purposes located at the intersection of Shoultes Road and 108th Street N.E. into the City of Marysville pursuant to RCW 35A.14.300</p> <p>B. An Ordinance of the City of Marysville annexing certain unincorporated area known as the Cedars on 60th Annexation Area into the City of Marysville.</p> <p>C. An Ordinance of the City of Marysville providing for the amendment of the city's Comprehensive Plan by the adoption of the Lake Stevens School District's Capital Facilities Plan as a Supplement of the city's Comprehensive Plan.</p> <p>D. An Ordinance of the City of Marysville providing for the amendment of the city's Comprehensive Plan by the adoption of the Lakewood School District's Capital Facilities Plan as a Supplement of the city's Comprehensive Plan.</p> | <p>Approved Ordinance No. 2379.</p> <p>Approved Ordinance 2380.</p> <p>Approved Ordinance 2381.</p> <p>Approved Ordinance 2382.</p> |
| XI. Executive Session | |
| XII. Adjourn | 9:45 p.m. |

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JULY 9, 2001**

000 56

I. Call to Order

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers.

II. Pledge of Allegiance

The assemblage joined in the flag salute.

III. Roll Call

A voice roll call of councilmembers was conducted. Attendance was as follows:

| | |
|-----------------------------|--|
| Councilmembers Present: | Administrative Staff present: |
| Dave Weiser, Mayor | Mary Swenson, Chief Administrative Officer |
| Mike Leighan, Mayor Pro Tem | Robert Carden, Chief of Police |
| Shirley Bartholomew | Gloria Hirashima, City Planner |
| Jim Brennick | Grant Weed, City Attorney |
| NormaJean Dierck | Ken Winckler, Public Works Director |
| Donna Pedersen | |
| Suzanne Smith | |
| John Soriano | |

IV. Swear in Sergeant Wendy Wade

Mayor Weiser administered the oath of office to Wendy Wade, who was promoted to Sergeant to fill the vacancy left when Sergeant Lamoureux was promoted to Commander. The Mayor recessed the meeting for a short coffee reception so councilmembers, staff and citizens could congratulate Sergeant Wade and welcome her to her new position.

V. Public input on items not on the agenda

James Anderson, 5315 74th Avenue E., recounted the difficulties he had endured and observed during the 4th of July celebration and recommended that Marysville ban fireworks. Mayor Weiser and several councilmembers recounted the extensive process with public meetings which had just been concluded and which resulted in no ban being put into effect. Chief Carden reported that the Police Department had worked with the Sheriff's Department and had made a dozen arrests and confiscated approximately \$1,000 worth of fireworks. These were not the "safe and sane" fireworks sold in the city. About 10,000 flyers had been printed and distributed to students before school was out. This level of enforcement was also planned for next year. He noted that illegal fireworks carried a fine of up to \$1,000. Mayor Weiser suggested that Mr. Anderson put his suggestions in a letter to the council.

VI. Approval of Minutes

1. June 25, 2001 City Council Meeting

Councilmembers noted the following corrections.

Page 1, add NormaJean Dierck under Councilmembers Present.

Page 1, under William Whitesell, change "prop" to "property;" change "all" to "call."

Page 2, under June 18 minutes, delete "councilmembers noted the following corrections."

Page 3, in first Motion, delete "all but."

Page 7, under Councilmember Soriano, revise to read "DOT's interest in having signal synchronization at"

Page 14, under first Motion, revise last sentence to read "and schedule a joint meeting with the business owners, city council members, and the design team"

MOTION by Dierck, second by Brennick, to approve the minutes of the June 25, 2001 city council meeting as corrected. Motion carried (7-0).

2. July 2, 2001 city council work session

Councilmembers noted the following corrections:

Page 1, first Motion, change Pederson to Pedersen.

MOTION by Dierck, second by Pedersen, to approve the July 2, 2001 work session minutes as corrected. Motion carried (6-0-1) with Councilmember Bartholomew abstaining because she was not in attendance at the meeting.

VII. Consent agenda

- A. Approve July 9, 2001 claims in the amount of \$629,784.33; paid by check Nos. 59866 through 60113 with check No. 59902 void.
- B. Approve June, 2001 payroll in the amount of \$971,723.50; paid by check Nos. 40902 through 41128 with check No. 41128 void.
- C. Approve new liquor license for Acapulco Mexican Restaurant.
- D. Approve Puget Sound Energy easement at Cedarcrest golf course.
- E. Authorize Mayor to sign Puget Sound Energy commercial gas service agreements for Cedarcrest golf course.
- F. Authorize Mayor to sign Interlocal Agreement for the Snohomish Regional Drug Task Force.

MOTION by Bartholomew, second by Leighan, to approve consent agenda items A, B, C, and E. Motion carried (7-0).

Regarding item D, Councilmember Dierck asked if this was for the remodel of the golf course restaurant. Mr. Weed responded that D and E were for the restaurant and pro shop. Regarding item E, Councilmember Brennick noted the easement did

not indicate where the pipeline would be on the property. Mr. Weed noted the proper legal description would be inserted.

MOTION by Bartholomew, second by Smith, to approve consent agenda items D and E. Motion carried (7-0).

MOTION by Brennicks, second by Leighan, to approve consent agenda item F. Motion carried (7-0).

VIII. Action Items

A. Current Business

1. Utility service outside city limits

Mayor Weiser opened the topic for public comment. There were no citizens wishing to speak, so the public comment portion was closed.

Councilmember Leighan noted that under growth management, the state mandated that cities establish Urban Growth Areas. These were designations wherein urban-level development would occur. The GMA also required that an urban level of services be provided within the Urban Growth Areas. Since 1982 the city had established an area, the Rural Utility Service Area, within which utility services would be provided. The agreement was not exclusive and allowed other providers, including the Lake Stevens Sewer District and the P.U.D. to deliver services in the area. Spreading the cost of upgrading and maintaining utility systems helped keep rates low for Marysville residents. The council had spent more than 1-1/2 years discussing this topic and staff had spent a great deal of time preparing information in support of those discussions,

MOTION by Leighan, second by Bartholomew, to 1) reaffirm the city's policy of delivering utilities within the UGA as set forth in the Marysville Municipal Code, particularly, but not limited to, Chapter 14.32; 2) to ensure that city government did not backtrack on this issue by prohibiting the council from revisiting the issue while the current council was seated unless an emergency was deemed to exist; and 3) for staff to provide an accounting of the time and money which had been spent on preparing information on this issue for councilmembers.

DISCUSSION ON MOTION.

Councilmember Bartholomew stated the city had legal and moral commitments to its customers. Under law, the city had been given control of the Urban Growth Area.

Councilmember Dierck disagreed with the motion, stating she did not receive all the information, which she had requested, about the revenue losses from park and school mitigation fees and from taxes on utility bills. Controlling growth and protecting rural areas had been important

issues during her campaign. She had information from a conference she attended which clearly showed that growth did not pay its own way. Councilmember Pedersen thought that previous councils had had the foresight to ensure utility service for future generations. Selling utility service was a producer of revenue when the city lacked business growth. She decried the council's delays in speaking to this issue as it had cost the city a major participant, the Tulalip Tribes, in the upcoming upgrade of the sewer treatment plant.

Councilmember Brennick voiced support for the motion, stating the budget anticipated revenue growth from the extension of utilities. The number of lots requesting utility service was already diminishing and this would create budget problems. The city needed to raise a great deal of money to upgrade the current system to meet the new standards. Councilmember Smith stated she would not support the motion because without annexation first, mitigation fees went into the county's coffers. Councilmember Soriano asked if the RUSA plan afforded the city flexibility to plan for urbanization. Ms. Hirashima responded that the city provided water and sewer service consistent with its Comprehensive Plan. That plan covered the entire UGA.

VOTE ON MOTION. On roll call vote, Dierck and Smith voted nay, all others voted aye, motion carried (5-2).

MOTION by Leighan, second by Bartholomew, to direct staff to put Trunk D Phase 2 out to bid as soon as it had completed the County's review process.

DISCUSSION ON MOTION:

Councilmember Smith stated she wanted to see the documentation as part of the agenda packet before voting on the matter.

Councilmember Brennick asked if this was the standard practice. Mayor Weiser said he did not recall a similar motion in the past. The matter would not normally come before council before going out for bid; it would come to council for approval after the bid process. Mr. Weed added that staff let a project out to bid when engineering was completed. Council always awarded the bid. Staff dictated the timing of the process, but there was nothing improper in council giving direction to staff on what it wanted the timing to be. Mr. Winckler added that there were a number of projects in the works and this motion would give the direction to staff that this project should receive top priority.

Councilmember Dierck supported receiving actual information before voting and questioned whether the motion was brought up properly. Councilmember Pedersen agreed with the importance of moving the project along to take advantage of the good weather for construction. Councilmember Leighan agreed that the matter had been discussed since May and if the city wanted to provide sewers that it had already committed to, it needed to move forward and stop the delays.

CALL FOR QUESTION: Motion by Pedersen to cut off debate. Motion carried (7-0).

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

B. New Business

1. Notice of Intention to Commence Annexation; 10% Petition; Quilceda Vista; PA 0105026.

Ms. Hirashima backgrounded council, noting staff had prepared two optional expanded boundaries. A mailing had been done to Expanded Boundary 2 and supporters had come in and signed the Notice of Intent. The signatures, which had already been obtained plus the covenants, did not provide the needed 60% in either of the expanded boundary areas. This area had been considered for annexation two previous times in the past nine years but neither attempt had been successful. The city's Comp Plan showed single-family medium density for the bulk of the area. Snohomish County had approved a preliminary plat for the area, so development would occur either inside or outside the city.

The Mayor called on the applicant.

Gary Petershagen, 9932 Vernon Road, Lake Stevens, clarified that the only utility to the area at this time was water. Part of their obligation was to extend that further and to extend the sewer from 90th to 94th. That could not be done without signed construction drawings, and the construction drawings would not be signed off until the matter of the annexation was firmed up. He had not yet talked to any of the property owners on the "unsigned" list, but felt there was no incentive for annexation and because of the resistance in the past he did not expect much success in being able to achieve 60% if an expanded boundary was used. He requested council grant Option 4 and waive the requirement to annex in order to obtain city water and sewer.

Ms. Hirashima verified that when the city received the 60% petition they would send it to the county for verification. As soon as it was verified the construction mylars could be signed off.

Mayor Weiser noted that if 60% of a chosen boundary could not be obtained, council could reduce the boundary.

There being no one else wishing to speak, the Mayor closed the public comment portion of the hearing.

MOTION by Leighan, second by Pedersen, to accept the 10% Notice of Intent; establish the annexation area for circulation of the 60% petition as the area set out in Option 2, Expanded Boundary 1; waive the additional filing fee for annexations over 10 acres in size; and require the annexation to be subject to the city's bonded indebtedness, comprehensive plan and zoning. Motion carried (7-0).

2. Contract for Recovery of Utility Construction Costs for Sewer; Investment Golf Fund, LLC.

MOTION by Bartholomew, second by Brennick, to approve Contract No. 234. Motion carried (7-0).

- 3. Contract for Recovery of Utility Construction Costs for Water; Investment Golf Fund, LLC.

MOTION by Pedersen, second by Brennick, to approve Contract No. 235. Motion carried (7-0).

IX. Ordinances and Resolutions

- A. An Ordinance of the City of Marysville annexing certain unincorporated area for municipal purposes located at the intersection of Shoultes Road and 108th Street N.E. into the City of Marysville pursuant to RCW 35A.14.300

MOTION by Dierck, second by Soriano, to approve Ordinance No. 2379. Motion carried (7-0).

- B. An Ordinance of the City of Marysville annexing certain unincorporated area known as the Cedars on 60th Annexation Area into the City of Marysville.

MOTION by Bartholomew, second by Leighan, to approve Ordinance No. 2380. Motion carried (7-0).

- C. An Ordinance of the City of Marysville providing for the amendment of the city's Comprehensive Plan by the adoption of the Lakewood School District's Capital Facilities Plan as a Supplement of the city's Comprehensive Plan.

Mayor Weiser advised that the Lake Stevens plan had been inadvertently omitted from the packet but should be adopted also. Ms. Hirashima advised that there had been no plats submitted between the time discussions began on these plans and now. Also, the areas of the school districts within the city limits were designated "industrial," not "residential."

MOTION by Dierck, second by Brennick, to approve Ordinance No. 2381 adopting the Lake Stevens School District's Capital Facilities Plan as a supplement to the city's Comprehensive Plan. Bartholomew voted nay; all others voted aye; motion carried (6-1).

MOTION by Dierck, second by Smith, to approve Ordinance No. 2382 adopting the Lakewood School District's Capital Facilities Plan as a supplement to the city's Comprehensive Plan. Motion carried (7-0).

X. Information items

A. Mayor's Business

None.

B. Staff's Business

Ms. Swenson:

- Council needed to resume its discussions of goals and the budget calendar. She asked about the fifth Monday in July. Smith and Dierck indicated they were not available. Ms. Swenson said staff would call to check calendars and set a special meeting.
- She encouraged councilmembers to attend the AWC budget workshop in Tukwila on August 23 and 24.

Ms. Hirashima:

- On Saturday July 21 the county was sponsoring an all-day bus tour of developments in Snohomish and King counties. Councilmembers should let Lillie know if they planned to attend. A brochure for a self-guided tour was also available.

Mr. Winckler:

- Reminded councilmembers of the Utilities Committee meeting on Thursday July 12 at 7:30 a.m.

C. Call on Councilmembers

Smith:

- The Library Board requested a copy of the signed resolution accepting the donation of the artwork.
- Requested that the city newsletter contain a notice of the vacancy on the Library Board.
- Questioned whether the membrane system under consideration by the Tulalip Tribes could be used in satellite systems by the city. Mr. Winckler said the membrane technology had been reviewed extensively by the city's consultants and rejected on several grounds, one of which was the difficulty and expense of disposing of the solid waste end product. The entity using that process now was trucking theirs to eastern Washington.
- Suggested the city continue to investigate moving a portion of the cemetery to allow for future improvements on 88th.
- Repeated her contention that the fireworks ban should be on the ballot for people to vote on.

Soriano:

- Complimented Mr. Winckler for the new school crossing signs.

Dierck:

- Suggested that the Finance Director join the other members at the staff table to better provide information to councilmembers during meetings.
- Regarding the Mayor's appointment to the Planning Commission,
MOTION by Dierck to reconsider the Mayor's appointment on the grounds the applicant had not complied with the timing and requirements for applying.
MOTION DISALLOWED.
 Mayor Weiser disallowed the motion, stating the Mayor made appointments, which were confirmed by the council, and the appointment was not now reversible.

XI. Executive Session

The meeting adjourned into Executive Session at 9:20 p.m. to discuss three real estate matters.

XII. Adjourn

The council reconvened, took no further action and adjourned at 9:45 p.m.

Accepted this 23rd day of July, 2001.

David Weiser
Mayor

Berry Becker
City Clerk

Ann M. Auers
Recording Secretary

**MINUTES
SPECIAL CITY COUNCIL MEETING
July 3, 2001**

000 50

CALL TO ORDER/FLAG SALUTE/ROLL CALL

Mayor David Weiser called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag, he then called the roll with attendance as follows:

- | | |
|--------------------------------|--------------------------------------|
| Councilmembers Present: | Administrative Staff Present: |
| Dave Weiser, Mayor | Robin Nelson, City Engineer |
| Mike Leighan, Mayor Pro Tem | Roberta Stevens, Recording Secretary |
| Jim Brennick | |
| NormaJean Dierck | |
| Donna Pedersen | |
| Suzanne Smith | |
| John Soriano | |

Mayor Weiser noted that Shirley Bartholomew was absent due to illness.

DISCUSSION STATE AVENUE PROJECT

The Mayor noted that this was a continuation of the council discussion from the June 25 meeting, and public testimony was closed. He noted that the council had heard the opinions about the bulb outs, left hand turns, tree plantings, parking on State Avenue, under grounding of utilities and business signs. The councilmembers had additionally received written testimony from the previous meeting, as well as hand-outs distributed immediately prior to the opening of this meeting. Mayor Weiser reiterated that a portion of the upgrade was considered a state highway and that the state has the final authority on changes. The Mayor asked Robin Nelson, City Engineer, what he had learned regarding any options of having narrower lanes on State Avenue. Mr. Nelson responded by saying that the Washington State Department of Transportation (WSDOT) Assistant Director of Improvements told him personally today that if the City changed the widths on State Avenue, all city streets would have to change to comply with those standards, that the TIB money would probably not be jeopardized; however, TIB does not have jurisdiction over the project, WSDOT does. Mr. Nelson referred to the e-mail memo from Mr. Lundgren stating that they would not allow deviation from State standards unless it was considered an irreconcilable problem. Councilmember Pedersen asked if perhaps a building would qualify as an irreconcilable problem, and the answer was in the affirmative. Mr. Nelson stated that the State does not consider parking places an irreconcilable problem, and they will not allow the deviation from the standards for that. The State does maintain signals; the reason for them having the final say. The LAG Manual design requirements are 12' wide exterior lanes. TIB has issued a memo that they do not require that, but they are not the governing body.

Mayor Weiser remarked that during the deliberations on June 25, when July 3 was chosen as the special meeting, there seemed to be a consensus developing regarding removing the bulb outs and medium planting of trees. The under grounding of utilities still needs to be explored so that the project may move forward.

Councilmember Pedersen said she arrived early to look over all of the documents available, then made the following motion: That the City Council approve the Phase One Design plan, with the following adjustments: bulb outs are to be removed, solid medians are to be removed, any elimination of left turn lanes must be a result of a consensus agreement reached between the City and affected business owners during Phase Two, the City initiates a new study specifically addressing future traffic levels to ensure current plans meeting future growth demands, the City will offer variances for any existing signage that are required to be moved due to the State Avenue project, the numbers of sidewalk trees are to be reduced to better allow for business visibility and minimized maintenance cost to merchants. All tree placements must be a result of a consensus agreement reached between the City and affected business owners, and that the City meets with the impacted business and property owners prior to going forward with Phase Two, the public notifications process for this project be expanded to include direct notification to impacted businesses and property owners on any and all actions pertaining to this project as they develop. A contact list will be submitted to the City no later than July 15, 2001, by the State Avenue Merchants and The Greater Marysville Tulalip Chamber of Commerce. Councilmember Leighan seconded the motion to approve Phase One with the noted changes.

Councilmember Dierck stated that it was of utmost importance to keep the parking on State Ave. She explained that she had spoken to the representative at TIB and WSDOT today on several occasions. The TIB money would not be forfeited if the parking was left on State. She indicated that the representative from WSDOT said that as long as the basic design was kept the same that WSDOT would have no problem and the City would be able to modify the lane width, and keep the parking on State. Councilmember Soriano asked if TIB said it was OK. Councilmember Pedersen said that according to the e-mail she had that everyone received, Jeff Lundstrom and Terry Paananen from WSDOT said that there must be 12' exterior lanes. The bottom line is that it is a state highway and the City must comply with LAG or lose FHWA funding.

Councilmember Smith remarked that she needed to hear someone come right out and say that we were forbidden to have parking on State. She said she asked for that at the last meeting and she is still waiting. Councilmember Smith said that the City is not in jeopardy of losing TIB funding, Mr. Nelson responded that the City was in jeopardy unless the State Avenue meets WSDOT standards.

Councilmember Smith said she didn't accept that answer last week and she still doesn't. She said that she would like to offer a friendly amendment to Councilmember Pedersen's motion to have the merchants work with WSDOT. Councilmember Pedersen did not accept the amendment. A discussion of differing lane and sidewalk widths took place. From the literature before the Councilmembers, Councilmember Brennick asked if there were two different downtown merchant groups with opposing views. He stated that for the record he supported the concept of the project, and asked what could make it work. As a council the members need to see what would work for everyone. There have been a number of issues brought forth by the property owners recently. The question was asked about the four-lane bridge and if the state was still planning on building it. Mr. Nelson responded that they are progressing with it and the channelization plan has been approved. The City needs to coordinate where the State bridge touches down on the City's plan, the TV and phone lines will need to be moved. Councilmember Brennick said that we need a buy-in from the property owners, we don't want to be in court trying to cram something down their throats. He suggested that we invite the two gentlemen that Councilmember Dierck spoke to from TIB and the two she spoke to from WSDOT to the next meeting. Mr. Nelson said that the representatives could be invited to a meeting to discuss the difference in the memos, if the council so directs. Councilmember Dierck asked to amend Councilmember Pedersen's motion to include having the four attend a special meeting. Councilmember Pedersen said that usually an amendment is about the issue, and that amendment would not be appropriate to this motion. Councilmember Dierck disagreed saying it is clear and simple. Mayor Weiser stated that the motion radically changes the original motion, and he disallowed the amendment made by Councilmember Dierck, he stated if the motion had dealt with moving the signal to 10th street, that might have been allowed as it was closely related to the original motion.

Councilmember Soriano questioned Mr. Nelson about 10' lane and 7' sidewalk dimensions, and if the State Board would amend. Mr. Nelson said that the Board only met once a month throughout the state at various locations and it would be August or September before the City could get on their agenda. The area north of Grove is not on their six year plan. Currently there are five lanes, with the exterior lanes being 12' per the WSDOT standards. Councilmember Pedersen said that she would like to get into the second phase of the design and would like to get the discussion wrapped up and get a vote.

Councilmember Smith replied if it takes six months or a year to get something everyone can agree to, then so be it. She said she cannot support taking the parking away on State Ave. She wants the two men from TIB and the two from WSDOT to walk up and down State and see that these are real live people, and find out what the merchants and property owners are talking about. Councilmember Leighan noted that when the City put the design contract out it was for half a million dollars, \$300,000.00 is already used up, there is a significant cost issue involved here. When the area north of Grove was redone in the late 1970s and early 1980s it impacted business there as well, now it is a good piece of road because the Councilmembers at that time had a hard choice to make and they stepped up to the plate and made it. Councilmember Pedersen asked for a consensus for

cutting off debate on the motion. Councilmember Pederson and Leighan voted aye, all others voted nay, consensus failed.

Councilmember Dierck reiterated her discussion earlier in the day with the man from TIB that she spoke to and told of his offer to walk the council through the necessary steps to have the 10.5' lanes. Councilmember Brennick noted that some of the Councilmember have only been members for a year and a half, while others have been members for eight to ten years. He wants to make certain that the council makes the right decision. Mayor Weiser gave an historical account of how the 10.5' lanes came into place in the beginning and how the person that approved them, was immediately removed from his position because of that decision. Councilmember Dierck said that when she spoke to WSDOT there was no pressure, and perhaps a variance could be found.

Councilmember Pedersen noted that there were no lights on to speak on the issue and asked for a roll call vote on the motion. Mayor Weiser re-read the changes to the Phase One design and conducted a roll call vote.

| Councilmember | Vote |
|----------------------|-------------|
| Leighan | Yes |
| Smith | No |
| Soriano | Yes |
| Pedersen | Yes |
| Brennick | No |
| Dierck | No |

Mayor Weiser remarked that after speaking with Councilmember Bartholomew twice that day on the issue, he was voting yes to break the tie, motion passed. (4-3)

Mayor Weiser adjourned the meeting at 8:00 p.m.

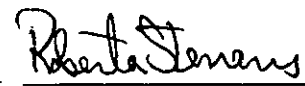
Accepted this 23rd day of July, 2001.



Mayor



City Clerk



Recording Secretary

**MINUTES
MARYSVILLE CITY COUNCIL
REGULAR MEETING - WORK SESSION
JULY 2, 2001**

000 43

I. Call to Order

The work session was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers.

II. Pledge of Allegiance

The assemblage joined in the flag salute.

III. Roll Call

A voice roll call of councilmembers was conducted. Attendance was as follows:

| | |
|-----------------------------|--|
| Councilmembers Present: | Administrative Staff present: |
| Dave Weiser, Mayor | Mary Swenson, Chief Administrative Officer |
| Mike Leighan, Mayor Pro Tem | Rob Lamoureux, Police Commander |
| Jim Brennicks | Gloria Hirashima, City Planner |
| NormaJean Dierck | Grant Weed, City Attorney |
| Donna Pedersen | Robin Nelson, City Engineer |
| Suzanne Smith | |
| John Soriano | |

Mayor Weiser advised that Councilmember Bartholomew was ill and, absent objections, the absence would be considered excused. There were no objections.

IV. Action Items

- A. An Ordinance of the City of Marysville amending the fire code to impose stricter minimum standards to require fire-sprinkling systems (cont. from 6/25/01).

MOTION by Pederson, second by Soriano, to adopt Ordinance 2377.
Motion carried (6-0).

- B. An ordinance of the City of Marysville updating the Uniform Fire Code applicable in the city by repealing the 1991 uniform fire code and standards and enacting with certain changes the 1997 uniform fire code and uniform fire code standards published by the international fire code institute (cont. from 6/25/01).

MOTION by Smith, second by Dierck, to approve Ordinance 2378 with correction of the scrivener's error on Page 3 ("Chief" should read "Fire Chief"). Motion carried (6-0).

- C. A resolution of the City of Marysville accepting a donation of a work of art for the Marysville Public Library (cont. from 6/25/01).

MOTION by Dierck, second by Smith, to approve Resolution 2037.
Motion carried (6-0).

- D. A resolution of the City Of Marysville accepting a donation of a 1990 Champion Ford van to the Marysville Parks Department.

MOTION by Pedersen, second by Soriano, to adopt Resolution 2038.
Motion carried (6-0).

Councilmembers stated they would like to personally sign the thank-you for this donation.

V. Discussion items

A. Council Meeting Procedures.

Councilmembers commented on the proposed procedure as follows:

Pedersen:

- The reasons, which constituted an excused absence, should be included: illness, illness of family, bereavement, vacation (two Mondays).
- Councilmember salaries had not increased for 12 years. Councilmembers were now attending one more regularly scheduled meeting a month for the same salary. She would propose an increase in council salaries prior to the end of the year, even though it would only be effective for newly elected councilmembers.

Dierck:

- Supported retaining the current way absences were dealt with and deleting the requirement to vote on whether an absence was excused.
- Questioned changing the review from even to odd years. Ms. Swenson responded that four new councilmembers could be coming on board next year, an even year. They would receive training on this process and have one year to become familiar with it. Then they would have more familiarity with it and able to suggest changes.
- Recommended retaining the current process for Motions for Reconsideration.
- On Page 6, paragraph 2, regarding not taking public comments, suggested adding, "unless council voted to do so," so the authorizing text would be in the paragraph it pertained to.
- Would not support a pay increase for councilmembers.
- Page 8, co-sponsor for agenda bill: did not support that.
- Page 9, regarding "the Mayor shall be the judge...": she did not support that and felt that it should be a council action.

Smith.

- Regarding Page 4, Motion for Reconsideration, opposed the requirement that a councilmember who voted on the prevailing side needed to second the motion. This requirement essentially meant that in cases where someone was absent and the Mayor voted to break the tie, the minority group would not be able to have the issue reconsidered because no one on the prevailing side would want to change their vote. Councilmember Leighan responded that the councilmember on the prevailing side would be agreeing to re-hear the matter, only; it was not necessary that they be willing to change their vote on the matter. Councilmember Smith further noted that provision should be made on the timing of the Motion for Reconsideration. If it was brought up at the next meeting where all councilmembers were present, but because of timing the topic couldn't be addressed, then it should be able to be delayed to the next meeting. Mr. Weed noted that the proposed language attempted to add more structure and predictability to the matter of motions for reconsideration. Mayor Weiser added that it could be placed on the agenda ahead of time or brought up under "Call on Council." Councilmember Smith suggested the Mayor could veto an action. Mr. Weed said the Mayor did not have general veto powers; they were restricted to certain ordinances.
- Questioned not taking public comment at work sessions. Mayor Weiser noted that the process allowed for waiver of the rules.

Soriano.

- Questioned the reference to Civil Court Rule 59 in regard to motions for reconsideration. Mr. Weed responded that the criteria used by judges for motions for reconsideration was the best guideline he could find as a reference for the council's process. He supported that someone who voted on the prevailing side must second the motion. Absent this, an excused absence could be used as a tool to continually bring up issues. He agreed that the second only indicated a willingness to hear the matter again, not an indication of a change in how that person would vote.
- Page 9, A.3., referred to individuals donating their time to speak. He questioned whether that should be limited to counteract one person dominating the testimony. Mr. Weed said that would be efficient; he suggested adding "provided the total time shall not exceed a reasonable number of minutes" because different circumstances and topics might warrant varying lengths of time.

Brennick:

- Supported Smith's statements regarding motions for reconsideration. Suggested placing a period after "councilmember" and deleting the last sentence. On item B, revise to "...pertaining to items" and delete the rest.
- Questioned the use of "he." Mr. Weed responded that "he" was used as a generic term, but "they" could be substituted.
- Questioned the disparity between the process, which says items cannot be added to the agenda and the text currently used on the agenda that says items may be added. Mr. Weed recommended eliminating the current text on the bottom of the agenda, so there would be no inconsistency.

- Page 9, item 3, council should have a voice in the times allowed.

Leighan:

- Did not feel it was difficult to meet the attendance requirements as he had only missed one meeting in nine and one-half years, and that was when he attended the National League of Cities conference in Washington, D.C. as a representative for the City.
- Supported revising the process for motions for reconsideration as they had been used in inappropriate ways in the past. He suggested that the motions be placed on the agenda.
- Supported the change review of this process in odd years, so new councilmembers would have a year of experience with the process before being asked to consider changes.
- Regarding the amount of time for testimony, the Mayor was in charge of the meeting and spelling out that detail or making it a council action undermined his authority and was not in the best interests of a well-run meeting.

Consensus of the council was to table the discussion of this matter until later in the meeting if time allowed or the next work session.

B. Utility Service Outside City Limits

Mayor Weiser advised that by previous motion the Council had determined to accept public comments on this agenda item.

Mr. Nelson gave a brief introduction and reviewed the additional information, which had been supplied to councilmembers.

Mayor Weiser left the room briefly at this point and the Mayor Pro Tem assumed chairmanship of the meeting.

Mr. Nelson noted the city had the following utility connections:

| | Inside city | Outside city |
|-------|-------------|--------------|
| Water | 7,349 | 7,982 |
| Sewer | 6,696 | 5,174 |

which roughly constituted a 50-50 split. The mitigation and connections fees for a 2000 sq. ft. single-family residence in the city would be approximately \$1,000 more than for the same structure in the county. The impact to the city of losing those fees would be lessened by the increased rates charged for utilities outside the city. For 2000, staff had calculated that connection charges generated capital improvement fees of \$4.2 Million. Applying the 50-50 split that would mean no further connections outside the city would eliminate approximately \$2 Million in revenue.

Reductions in revenue would have an impact on maintaining the system, an aging one, and meeting the challenges of changes in regulations.

Mayor Weiser returned to the meeting at this point and resumed the chair.

Councilmember Dierck stated she had not received the information she had requested, including loss of taxes from phone, PUD, natural gas, and cablevision, and suggested this topic be delayed until the information could be provided.

Councilmember Smith asked for information on how many utility connections the city had per year, the loss of real estate excise taxes, and the information mentioned by Councilmember Dierck. Her issues were 1) working with the county to achieve concurrency on school mitigation fees, 2) loss of traffic mitigation fees, and 3) loss of park mitigation fees.

The Mayor opened the topic for public comments.

Bud Darling, 1916 Grove St., recounted the history of the service of utilities outside the city and distributed maps to councilmembers of the urban growth area with the total numbers of connections indicated. He stated that the sewer plant upgrade was estimated to cost \$40 Million and it would be preferable to spread that among as many customers as possible.

Gayl Spilman, 505 Cedar, asked by why the council was even considering this action. Mayor Weiser replied that it had been placed on the agenda by one councilperson. Councilmember Smith recounted her reasons for concern, noting that the city felt the impacts from growth while the county received the funds, which could help mitigate those impacts. If annexation were required before utility service was granted, then those funds would come to the city.

Gary Petershagen, 9932 Vernon Rd, Lk Stevens, questioned what constituted a prior commitment or contract for utility service. He believed there were no contracts for utility service. There were Commitment Letters, but there was no "contract" until the fees were paid, the system already built and inspected by the city. Receiving a Commitment Letter created a fictitious situation used for planning, not a contract, and this had been demonstrated via past legal action against the city. Mr. Weed clarified that in order for a developer to move through the county's process it needed a letter from the city committing to the delivery of utility services. That commitment letter was a statement by the city to the county regarding the city's ability to serve the development. Over the years, the city had taken the position that when the lines were installed and actually connected to the buildings and the fees paid then the utility connection was actually sold and there was a binding commitment for service. Mr. Petershagen noted that this placed the developer in the position of having to completely build a system only to find out that there might not be utility service. Mr. Weed noted that if the council chose to change the current policy, consideration would have to be given to those projects, which were already under way. Mr. Petershagen further noted that the amount of money, which the council might be anticipating as a result of shifting development from the county to the city, would be unlikely to happen. This was supported by the greatly reduced numbers of plat applications; there had been no applications in the city's UGA during May, only two, for 44 lots, in Marysville, and only 600 in the entire unincorporated area of the county. A covenant agreeing to a future

annexation should be adequate to ensure that when growth occurred that area would eventually come into the city.

Jeff Seibert, 5004 80th St., stated the city's ordinance stated there would be no utility outside the city except by variance. The policy had been to allow those services. Mayor Weiser corrected that, noting a variance was required if the applicant property was outside the RUSA boundary, not the city limits. Mr. Weed further clarified that this policy had been in place since the mid-70's when the RUSA code was adopted. If the applicant property met the conditions of MMC 14.32, such as signing an annexation covenant and meeting the city's utility code requirements, then service was provided. If the applicant could not meet those requirements then a variance was needed.

John McCoy, Director of Governmental Affairs, Tulalip Tribes, 6700 Totem Beach Road, Tulalip, Washington 98271, stated that the council's delay in addressing this issue had caused the Tribes to look elsewhere for a solution. Representatives of the Tribe had visited an installation in the U.K. last week and were in agreement about the membrane process they saw. It could be accommodated in a relatively small area and the effluent was almost potable, at least pure enough to be used to irrigate a golf course. They planned to install such a plant, probably in the business park, and in the future would convert the plant on Tulalip Bay to the same process. A project charette was planned for later this month. The money to construct this installation would come from the Tribes' share of the regionalization plan which had been discussed, approximately \$15 to \$20 Million. He recommended the city honor its current commitments, but the Tribes' hoped to eventually move completely off the city's system. Mr. Nelson noted that staff had investigated a membrane system but it was more costly than the capital facilities plan, which had been proposed.

There being no one further wishing to speak, the Mayor closed the public comment portion of the topic.

Councilmember Soriano asked at what point of build-out did the city pursue annexation of an area. Ms. Hirashima responded that the city did not initiate annexations, but waited for petitions to come to it. The current policy of requiring annexation if a parcel was within two parcels of the city limits was producing more annexations.

Councilmember Soriano asked if there were a monetary incentive to annex. Ms. Hirashima said that the tax structure was fairly equal in and outside the city. The city's mitigation fees were higher but the county's permitting process took longer. There had not been many annexation petitions within the last two years except for those that were within two parcels. Councilmember Soriano asked if the treatment plant would keep pace with annexations. Mr. Nelson responded that the current upgrade would keep pace with the current regulations and supply capacity for the next 20 years. Ms. Swenson added that there were costs associated with annexations: police, fire and parks. Single family residents did not pay for themselves, which was one reason why a large commercial area was annexed a few years ago.

Councilmember Dierck requested further discussion be delayed until information could be provided about revenue losses since the inception of the Growth Management Act. Councilmembers Smith and Brennick supported a delay while further information was gathered.

Councilmembers Leighan, Pedersen and Soriano stated they had adequate information upon which to base a decision.

There being no consensus to place the matter on the next meeting's agenda for action, and because the designated time for adjournment had arrived, the Mayor adjourned the meeting.

VI. Adjourn

Council adjourned at 9:30 p.m.

Accepted this 9th day of July, 2001.

David W. Wren
Mayor

Berry Becker
City Clerk

Ann M. Averill
Recording Secretary