

MARYSVILLE CITY COUNCIL MINUTES

00001

MARCH 27, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
Ken Baxter, Mayor ProTem
Mel Schank
Dave Weiser
Bill Roberts
Larry Hots
Bob Lashua
Lee Cundiff
Administrative Staff:
John Garner, City Administrator
Jim Allendoerfer, City Attorney
Phil Dexter, Finance Director
Mike Corcoran, City Planner
Dave Zabell, Public Works Director
Doug Ronning, Fire Chief
John Turner, Police Chief
Jim Ballew, Parks Director
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank noted that on page 7, third paragraph, the year of expiration on the Sager lease should be changed from 1990. City Allendoerfer said he believed it expires in 1992 but said he would double check. Councilor Schank also noted that on page 9, paragraph 9, regarding the Annexation SHB 1251 it should read: "petition annexation signature requirements are reduced from 75 percent of assessed valuation to 60 percent. Additionally, signature requirements are reduced to 50 percent if the area to be annexed is 80 percent (or greater) surrounded by a city. That same signature requirement would apply in instances where a county boundary constitutes a portion of the boundary of the area to be annexed and the city boundary represents at least 80 percent of the remaining boundary."

Councilor Schank moved that the minutes of the 3/13/89 meeting be approved as corrected. Councilor Lashua seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

City Attorney Allendoerfer made a clarification of the Agenda, stating that the Fraser public hearing has been postponed until 4/10/89 and a resolution will be passed tonight establishing that date. He stated that Bernie Sigler was present in the audience and asked City Council if they wished to pass the resolution at this time.

Resolution #1347 - Establishing 8 p.m., 4/10/89 as the time and date for the Fraser Public Hearing - Councilor Baxter moved and Councilor Schank seconded that Resolution #1347 be adopted. Passed unanimously.

PRESENTATIONS:

1. Introduction of Maryfest Royalty Candidates.

A Maryfest representative presented the Mayor and each Council-

member with their new patron pins and she then had each of the eight candidates introduce herself and state why she was running for the Maryfest Court. The eight candidates were: Tami Erickson, Gisha Faulkner, Tracy Harris, Krista Holly, Vanessa Perry, Stephanie Riestad, Christine Sullivan, Karen Webber.

PETITIONS & COMMUNICATIONS:

1. From Barry Lamont, 3/9/89, regarding 1989 budget allocation to Stillaguamish Senior Center.

EXECUTIVE SESSION - Pending Litigation - from 7:40 to 8:20 p.m.

CURRENT BUSINESS: (Mayor's Prerogative)

1. L.I.D. No. 63 (64th Street N.E.) Interim Financing.

Mr. Steve Gaidos of Harper & McLean addressed the Council to submit their offer to pay \$99.325 per \$100 on bonds, effective 4/14/89, with the usual conditions they have offered in the past. He handed out information regarding current market conditions and interest rates and noted that the 7.2% interest they are offering is a very attractive rate and added that it's historically a very good time to invest and that they are very excited about being able to make this offer to the City.

After a short discussion regarding the attractive offer, Councilor Schank moved to accept the offer from Harper & McLean at 7.20%. Councilor Cundiff seconded and the motion passed unanimously.

Councilor Lashua then moved to adopt Ordinance #1680 to establish LID #63. Councilor Schank seconded and the motion passed unanimously.

PUBLIC HEARINGS:

1. Appeal of denial of Teen Club license for Chita's.

City Attorney Allendoerfer explained that this is a public hearing and as such the audience had a right to challenge any Council-member.

Mayor Matheny asked if there were any challenges from the audience and there were none.

City Attorney Allendoerfer explained that the first item of evidence is all minutes and testimony from the 12/5/88 public hearing and that would become part of the records. He explained that testimony received this evening would be "new evidence."

Steve Mumford, operator of Chita's, addressed the Council and stated that he had received the letter denying their business license on the grounds of inadequate security. He stated that they have now hired two police officers to work from 11-2 each night and noted that in comparison, the whole City of Marysville only has two patrol cars/officers per night and Chita's has fewer people than the City.

Councilor Hots asked if Mr. Mumford would be paying for the police vehicles as well as the two police officers and Mr. Mumford said yes.

Councilor Roberts clarified that Mr. Mumford meant two police officers and two vehicles and Mr. Mumford said yes.

Councilor Roberts asked if this proposal had received Chief Turner's approval and Mr. Mumford stated he didn't believe Chief Turner was aware of the new proposal.

Councilor Lashua noted that according to previous evidence, two police officers are not enough to handle the incidents at Chita's involving guns, fights, etc.

Mr. Mumford stated that he felt the incidents have been over-exaggerated and said he would like to see some other locations and arrests checked into like the guy that was killed at Billy Bob's recently when another guy ran over him with his vehicle (on purpose) in the parking lot.

Councilor Cundiff stated that actual infractions were presented by the Marysville Police Dept. as well as testimony from other experts and it had been stated that two patrolmen are not adequate.

Mr. Mumford again stated that if two patrolmen can take care of a whole city, two should be adequate for Chita's.

Councilor Weiser asked who Don Kincaidin was and Mr. Mumford said he was the minister at the Nazarene Church in Lynnwood.

Councilor Hots asked about other security and Mr. Mumford said there is other security personnel in the building, in addition to the use of a metal detector that would be used for everyone upon entering the establishment.

Councilor Baxter asked how big an area Mr. Mumford considers to be his area of responsibility and Mr. Mumford retorted, "How much area of responsibility do you have?"

Councilor Baxter pointed out that his (Councilor Baxter's) business doesn't have the crowds of people that Chita's does. He asked if Mr. Mumford would feel responsible for 1/2 block, a full block, 2 blocks radius and Mr. Mumford stated that having the patrol they feel is adequate and he would let them decide the area of responsibility.

Councilor Schank asked if the application for a business licence made in February was the most current and Mr. Mumford answered in the affirmative.

Councilor Schank noted that Mr. Mumford keeps comparing the City's police protection with Chita's but Chita's has a lot of concentration of active people in one place.

Mr. Mumford stated that the only real problem is at 1 p.m.

Tony Lopez, DJ and bouncer for Chita's, addressed the Council and said he felt two police officers are more than enough for approximately three blocks of parking. He said there are 6 bouncers who work for Chita's and as a DJ he said he could probably control a crowd inside better from the DJ's balcony than the police can on the main floor. He added that if fights do break out, they call the police but the main problem is letting all the kids out at the same time. He said if they were allowed to dwindle out like at Buzzy's, it would be better. He noted that Buzzy's (back in business now) has 3 cops there, they close at 1:30 and most of the kids are cleared out by 1:20 a.m.

Mayor Matheny asked what Mr. Lopez' job is and he said he was a DJ and trade off with bouncing. Mayor Matheny clarified that he doesn't do both jobs at the same time.

Councilor Schank asked Mr. Lopez if he was working at the present and Mr. Lopez stated no, that he is a paying patron of Buzzy's. Councilor Schank asked if he was a resident of Marysville and Mr. Lopez stated that he lives near Smokey Point.

Jason Jones, DJ at Chita's, addressed the Council and said he

took offense at the statement, "Most kids are bad." Mayor Matheny assured him she had not said that because she has five kids of her own and she would not be allowed to go home if she had said that! Mr. Jones stood corrected and said that with regard to two officers, he felt that would be enough to handle 419 kids because if Cascade High School only needs two officers for over 500 kids at dances, two officers should be able to handle 419 at Chita's.

Mayor Matheny pointed out that Chita's and Buzzy's have a slightly different operation than a high school dance and noted that Buzzy's needs three police officers.

Tony Lopez pointed out that Buzzy's over-occupies their establishment and therefore has more kids than Chita's.

Chief Turner addressed the Council and said that he wished Sergeant McKinney to give a brief synopsis of Chita's operations over the last year.

Sgt. McKinney addressed the Council and stated that the Marysville Police Department studied Chita's operations/arrest record for the period 11/87 to 11/88. 59 arrests were made which included 22 for possession, 11 assaults, 2 contributing to a minor, and 54 general documented complaints. Complaints included vandalism, drinking in a public place, these were in addition to complaints received from the neighbors. He also noted that when an officer is investigating these complaints, they are not out patrolling the streets.

Councilor Cundiff asked if the majority of the complaints involved local kids and Sgt. McKinney said that only 10 were from Marysville, the rest were from outlying areas such as Tacoma, Lynnwood, Olympia, Bellingham, etc.

Councilor Weiser asked how long it takes for an officer to process a complaint and Sgt. McKinney said approximately one hour per complaint.

Mayor Matheny asked if there were any other businesses with a similar type of complaint record and Sgt. McKinney said no, there weren't.

Councilor Roberts asked if Mr. Mumford's (new) security proposal was approved by the Marysville Police Dept.

Chief Turner stated the proposal for two officers is new as of this evening. He said that based on the experience record and incidents at Chita's, two officers are totally inadequate. He then read the definition of a "public nuisance" from the RCW and MMC and stated that Chita's situation fits in with almost every clause of the public nuisance law.

Councilor Baxter asked if in Chief Turner's opinion anything has taken place since the City's last denial of their business licence, effecting enough change for the Council to reconsider Chita's application.

Chief Turner said the only change that he knew of is the additional two officers (which is inadequate as far as security is concerned) and that nothing has been done to address any other issues. He said he believed that if this application for a business licence were approved, it would be sacrificing the safety of a large number of people so that a broad spectrum of people from out of the area can enjoy themselves at our expense.

Councilor Baxter said he would like Mr. Mumford to answer the same question.

Chief Turner said that Mr. Mumford had testified that the evidence was exaggerated, however both individuals involved in the drive-by

shooting are currently doing time and they were at Chita's in the beginning of the evening and made sworn testimony to that effect.

City Attorney Allendoerfer asked about off-street parking and Chief Turner stated Chita's have no off-street parking; the patrons park within about a three block radius on the street and in some of the business parking lots.

City Attorney Allendoerfer asked if that was considered a public nuisance and Chief Turner said no. City Attorney Allendoerfer asked if Chief Turner felt that Chita's should provide off street parking.

CORRECTED: SEE April 3, 1989
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Police Chief Turner said ~~yes and added that~~ Mr. Mumford does have the ability to provide that however Chief Turner stated that he felt public safety and welfare is the main issue here. He noted that 419 people may use the premises but a lot don't even go in-- they are cruising, dealing, just come to make contacts because the business serves as a magnet and clearly the case has been made where public safety is the issue.

City Attorney Allendoerfer asked if security would be more effective if they had their own parking lot and Chief Turner said he believed so. He noted there is a business in Lynnwood that also requires parking lot security as well.

City Attorney Allendoerfer asked if the inside security people wear any type of identifying uniforms and Chief Turner said no, and they do not have any arresting authority either.

City Attorney Allendoerfer asked Chief Turner if he would like to see uniforms and Chief Turner stated that may help but that he thought the biggest problem is outside the premises.

City Attorney Allendoerfer asked Chief Turner if he recommended one officer per car or two and Chief Turner stated that with the number of incidents and the type of incidents to date, they would need two officers working together as a team in each vehicle in the interest of public safety.

Councilor Hots asked, with regard to closing times, if the times of the arrests had been documented. Chief Turner said the arrests have been at all hours during operation and the arrests continue even after Chita's have closed. He noted they have problems for at least 1/2 hour after closing.

Mayor Matheny asked if another business went into the same place as Chita's, if they would be required to have off-street parking and City Planner Corcoran stated they would.

Councilor Schank asked why this type of business doesn't require off-street parking and City Planner Corcoran said he believed this use was grandfathered in and was not required to provide a parking lot.

City Attorney Allendoerfer explained that Al Matter had been asked if they could open as a restaurant originally, without off-street parking and he determined that they could as a restaurant. It was a historical building and its present use has a much higher impact than a restaurant.

Councilor Cundiff said he didn't really see what difference it made where they parked--the general activity would still remain the same.

Chief Turner agreed that the activity would remain the same but with off-street parking it would consolidate it to one place and it would be easier to patrol.

Councilor Cundiff asked if off-street parking would lessen the public nuisance factor and Chief Turner said not necessarily.

Sgt. McKinney stated that he had been checking the records with regard to the time of day/night the complaints were made and they were mostly between midnight and 1 a.m.

Councilor Schank noted there was no hard and fast rule; the complaints were made basically during all hours of operation and Sgt. McKinney agreed.

Rae Allen, Manager of Don's Restaurant, addressed the Council and noted that they have experienced vandalism and lack of parking for their patrons because of Chita's. (Don's Restaurant is situated just to the west of Chita's.)

Councilor Baxter repeated his question to Mr. Mumford with regard to any substantial changes that have taken place to make them think that the Council should change the decision.

Mr. Mumford said he felt one substantial change is to hire police officers to patrol the streets. He said he would like to see a comparison of figures regarding incidents at Don's Restaurant, the California Tavern, the Friendly Tavern, Billy Bob's. He said Chita's has had a lot of problems with people coming out of Don's bar.

Councilor Roberts referred to Chief Turner's comments that the officers should work in teams of two and asked Mr. Mumford if he meant to hire four officers and Mr. Mumford said no, two officers. He said he felt that was enough to cover 104 days of operation plus summer operation. He added that he felt two police officers in two vehicles -- one in each car should be able to handle 54 arrests over a year's time. He said he felt two officers was already "overkill"--more than enough.

Councilor Hots asked if the cost of the cars was included and Chief Turner said it is.

Councilor Cundiff stated that he had not heard anything to cause him to change his opinion from last time -- to deny the business licence. Councilor Schank agreed.

Councilor Roberts stated that there appears to be conflicts with regard to security measures to be taken. He said he sees security and parking to be two new issues and if the applicant wishes to work with staff further in coming to some resolution of these issues, he would be receptive to postponing the decision regarding the business licence.

Councilor Lashua stated that he did not want to see any bonafide business go out of business but that he saw Chita's as a public nuisance and said he was in favor of denying the business licence.

Councilor Baxter said he would be in favor of getting more information regarding comparisons of numbers/types of incidents that have occurred at the Friendly Tavern, the Buzz Inn, the California Tavern, Don's Restaurant, Billy Bob's, as suggested by Mr. Mumford.

Councilor Cundiff said he thought that information would be valuable however said he didn't feel it would have any bearing on the present situation.

Sgt. McKinney noted that it would take at least two weeks to get that information together and Councilor Baxter suggested delaying a decision for three weeks in order to obtain the information.

City Attorney Allendoerfer recommended asking Mr. Mumford if a

delay of that nature was his wish.

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Gene Omstead of Marysville addressed the Council and stated there is a new building going up in the same general vicinity as Chita's with a restaurant and bar. He said as Past Commander of the American Legion, the Legion, the Moose, Don's, all are concerned about police protection and everyone should be sharing in that cost. He noted that there is a concentrated area in the vicinity of Chita's that is devoted to drinking and entertainment.

Mayor Matheny asked Mr. Mumford about his wishes for delaying the decision until more information is received about other incidents and Mr. Mumford agreed that 4/10/89 would be OK.

Councilor Baxter moved that this public hearing be continued to 4/10/89 and Councilor Hots seconded the motion. There was further discussion regarding the parking requirements and it was decided that issue should be clarified by 4/10/89 also. A roll call vote was called for:

Councilor Schank - in favor of postponement as long as parking issue is clarified.
Councilor Weiser - in favor
Councilor Baxter - in favor
Councilor Roberts - in favor
Councilor Hots - in favor
Councilor Lashua - in favor
Councilor Cundiff - opposed. The motion passed 6-1.

**2. Grove Street Improvements: 67th Ave. N.E. - 71st Ave. N.E.,
Adoption of Transportation Improvement Program.**

(Councilor Roberts stepped down.)

Public Works Director Zabell referred to the packets and also presented vicinity maps. He noted that there are 858 lots projected to be in the benefit area of the Transportation Improvement Plan. He said the necessity of the improvement is evident with constant erosion problems, the vertical crest needs to be raised and Wight & Hardt's traffic volume study indicating 1100 peak hour trips per day. He added that most of the parties that will be affected by the TIP are in favor of the \$300 per lot fee for construction of the roadway although the fee would be reduced somewhat if a 38' roadway were constructed vs. 44'. For 44', he noted that additional right of way would be needed (at additional cost) as well as the possibility of having to rebuild culverts which would require working with the Dept. of Fisheries to obtain a hydraulics permit.

Councilor Schank said he understood there are no problems with the present culvert system but that there is a concern regarding fish travel.

Mayor Matheny asked if the zoning would remain single family and City Planner Corcoran said he believed so.

Councilor Baxter asked if there were other outlets going to come out onto 76th and Public Works Director Zabell explained that 71st would be the collector and that drainage would go into detention ponds, part of the regional detention system. There was further discussion regarding widening 71st and it was noted that would tend to encourage people to use it as an arterial and it was felt it should be just a collector, not an arterial.

Councilor Baxter said he thought 63rd would eventually alleviate traffic on 67th.

From an engineering standpoint, Public Works Director Zabell stated that a 38' roadway would be adequate and it would result in about \$10.00 less per lot but that he would have to recalculate it.

After further discussion, the concensus of Council was that 38' of roadway would be adequate and in light of the safety hazard that would be caused by people being closer to the roadway with a 44' wide roadway. Councilor Baxter noted that people just don't want to lose any more of their property, either.

CORRECTED: SEE April 3, 1989

Gene Omstead, 6937 67th St., Marysville, addressed the Council and stated that he is already paying a \$7,000 sewer assessment and didn't want to have to pay any more assessments. He noted that he is in the process of short platting his property.

Public Works Director Zabell stated that Mr. Omstead is not in this TIP benefit area but as part of the short platting process he is required to put in curbs, gutters and sidewalks.

City Attorney Allendoerfer stated that wasn't the issue at this time however if Mr. Omstead can show unusual hardship, he needs to present his situation to Council at another time for possible relief.

Gary Wight, 2722 Colby #617, Everett, addressed the Council, representing various property owners and noted that the proposal for the TIP was proposed by the property owners. He noted that meetings had been held with the property owners and clarified that if the property owners do not develop their property, they would not have to pay a fee. He said he saw the TIP as a very fair way to "pay and go" on the improvements and they concurred with the Dept. of Public Works' analysis and the TIP has the approval of the majority of the property owners in the benefit area.

Councilor Baxter asked if would be an MRIP or a TIP and Mr. Wight said it was a TIP which gives cities and counties support from the State. He said it is a very fair way to go and commended the Council for being very progressive in this regard.

Dick Mayer addressed the Council and said he has interest in property in the benefit area. He said he did have a concern with whether or not a 38' roadway would be able to handle future growth and he also stated he was not sure where traffic would go once they reached 63rd. He said he wished to state as a matter of public record that if the road is projected (63rd), it would fall on the Campbell property and that he would like it noted that the alignment is not set. Public Works Director Zabell stated that was correct--that 63rd would not disect the Campbell property.

Mr. Mayer asked that "reasonable amounts" as worded in the TIP be defined and Public Works Director Zabell stated that Belmark has already constructed half of the improvements and so that would have to be returned to them, in addition to Wight & Hardt's fees.

City Attorney Allendoerfer stated that the amounts could be compared with other similar fees; those that donate right of way do it at fair market value but there is no right of way in this case.

Public Works Director Zabell noted that there is a small part that has been dedicated as road by Belmark. He said if the TIP is approved, he would like to see it completed within the next year or two.

City Attorney Allendoerfer pointed out that this is a sizable project and noted that on page 2 of the TIP, it provides that the project be completed by December 31, 1992. He added that 20% of the road building costs are to come from public tax funds.

Ken Woge, 6911 76th St. NE, Marysville, addressed the Council and asked if 38' would be a legal width and Public Works Director Zabell said yes, it is. Mr. Woge said he just wanted to make sure so he wouldn't have to donate another 10' later on.

Councilor Baxter moved that the TIP be approved with a 38' roadway.

City Attorney Allendoerfer noted that the figures need to be adjusted to reflect the reduction in road width as well as inclusion of engineering fees.

Public Works Director Zabell stated that his guestimate would be \$275 to \$290 per lot. There was discussion regarding approving the concept with the final figures to be presented at next week's meeting.

Councilor Baxter moved that the TIP concept be approved, with a 38' roadway, with final figures to be presented 4/3/89. Councilor Schank seconded the motion and it passed unanimously.

3. Schmelzer Annexation.

City Attorney Allendoerfer explained that this hearing is to allow Council to consider the Boundary Review Board recommendations to add six new lots at the end of the street to the Schmelzer Annexation. He stated that an ordinance has been prepared in the event this is approved.

Councilor Baxter stated he saw nothing detrimental to the City coming out of adding the six lots.

City Attorney Allendoerfer noted that the six additional lots were originally not in favor of annexation but at least one changed his mind at the Boundary Review Board hearing.

No one in the audience spoke in favor and no one in the audience spoke against the annexation.

Mayor Matheny closed the public hearing.

Councilor Baxter moved that the Schmelzer Annexation be accepted with the additional six lots, as reflected in Ordinance #1681, including and establishing Comprehensive Plan designation for the property. Councilor Schank seconded the motion and it passed unanimously.

CONSENT AGENDA:

1. Use of City Vehicle by Fire Marshal.
2. Claim Vouchers through 3/27/89 - \$260,723.01
3. Personnel Report.

Councilor Cundiff moved and Councilor Weiser seconded that Items 1, 2 and 3 be approved. Passed unanimously.

CURRENT BUSINESS:

2. Cedarcrest Restaurant Lease.

Bob Neubauer addressed the Council and stated that all additional information had been submitted as requested and that VeeAnne (his mother) was present in the audience if anyone wished to ask her a question.

Councilor Schank asked if all reports were satisfactory and City Administrator Garner stated that the credit check was good; it was a very positive report overall.

City Attorney Allendoerfer noted that a clause had been added to the lease agreement stating that there would be an evaluation of management in two years and Mayor Matheny asked Mr. Neubauer if he had any objections to that. Mr. Neubauer said no he didn't and added that at first he will be putting out a large amount of money toward improvements and didn't expect a large return at first.

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City Attorney Allendoerfer assured Mr. Neubauer that there would be no change in the lease, they will only be evaluating the management.

Councilor Schank moved that the new lessee be approved. Councilor Baxter seconded.

Mr. Neubauer stated that his lawyer is drawing up the papers but the lease would be contingent upon approval by the Liquor Control Board; everything should be final in a month or less he projected.

Councilor Schank amended his motion to be subject to approval by the Liquor Control Board. Councilor Baxter seconded the amended motion. Passed unanimously.

3. Stillaguamish Tribe Request for Utility Consideration.

Reid Shockey, 2907½ Hewitt, Everett, addressed the Council on behalf of the Stillaguamish Tribe and stated that the subject property is referred to as the "triangle" at Old 99 and Hwy. 530. He said there are discussions/meetings going on now with the State, Henken and the Stillaguamish Tribe and there is going to be a 4-way intersection with the Marysville RUSA boundary going up to the triangle. He said the Bureau of Indian Affairs has approved a building on the triangle but they need utilities. Henkin will be on the SW corner and the Stillaguamish building will be on the SE corner of the triangle. The City of Arlington has no objection with the Stillaguamish Tribe going in there and they have signed a no protest agreement for annexation. Arlington also has no objection to Marysville serving utilities and Marysville, as Mr. Shockey understands it, has no objection to Arlington taking over the Petunia District, he said. He said he understood that negotiations are going well and it's his client's interest to satisfy the BIA that there will be utilities to the property; the request is for a letter from Marysville to that effect. He added that the triangle is about two acres and there's going to be some exchange of property between Henken and the Stillaguamish Tribe.

There was discussion regarding the proposed RUSA boundaries and Councilor Roberts noted that if Arlington doesn't take over the Petunia District, then they would be "back to square one"; Mr. Shockey said he understood that.

Councilor Baxter said that as he understood it, Marysville doesn't want to be providing utilities with Arlington on the same properties.

Mr. Shockey explained that there would be no industrial or manufacturing discharge and that he wasn't sure whether the property perks or not.

Councilor Roberts pointed out that Henken was approved based on Arlington taking over Petunia for water and Mr. Shockey asked if the Petunia District included water and sewer.

City Attorney Allendoerfer said that technically, no, it's two LIDs. He added that Henken was approved to hook in to water only.

Councilor Lashua explained that Henken needed the higher water pressure for fire protection.

Mr. Shockey reiterated that if sewer is required, it would be for domestic-type discharge only.

Councilor Baxter stated that he felt Marysville needs to hold to the policy of no more sewer hookups.

Mr. Shockey stated that he simply did not know if sewer is required; that they would at least like water approved.

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Councilor Roberts stated that he would like more specific information provided--actual requirements, volume, type of sewage, etc.

Councilor Lashua suggested that nothing is really going to be built this year and by the time everyone is ready for utilities, hopefully the Marysville-Arlington agreement will have been signed.

Mr. Shockey pointed out that the road project is actually moving ahead quite quickly.

Councilor Schank asked about the letter from the City of Arlington. City Administrator Garner explained that the letter does support the request of the Tribes however City Attorney Allendoerfer noted that it contained an escape clause, giving no recommendations because the specific needs are not known.

Councilor Baxter agreed that the type of facility to be built needs to be specific and volume needs information should be provided.

Mr. Shockey said until they have the utilities, they can't do a design, but they know they need water, at least.

Councilor Baxter stated that Marysville wouldn't want to grant water without a limitation and Mr. Shockey stated that a limitation would be acceptable.

City Attorney Allendoerfer noted that Mr. Shockey's previous request for water was approved on the basis of a "full package" of information having been presented and he said that there needs to be that same consistency with this request.

Mr. Shockey stated that there is urgency with the funding and once water is approved, they can come back with a plan. City Administrator Garner said he understood it was going to be a BAI vocational training site. Mr. Shockey said he understood there was a plan previously submitted but a final plan can't be submitted until the county finalizes the roadway. He added that he wished to leave tonight with at least approval of water and then come back and share plans with the Council as to what's going into the site; they need the approval for funding first and that's contingent upon utilities.

Councilor Baxter stated that without a more specific proposal, all that could be done would be to give Mr. Shockey a letter similar to the one that was given to Mr. Henken.

In that case, Mr. Shockey asked that the "Triangle Industrial Park" plan previously submitted be accepted as their interim plan, with a need of not more than 35,000 gpm water.

Councilor Hots stated he would like more information.

After further discussion, Councilor Baxter moved that the request be continued to 4/3/89 in order for Mr. Shockey to present more specific information/plans. Councilor Cundiff seconded and the motion passed unanimously.

4. School District Waterline Request.

Ward Sayles addressed the Council and noted that he had met with the Golf Board. Parks Director Ballew handed out sketches.

Mayor Matheny asked about the alternative of putting the waterline in on the west side of 67th vs. the east side and Public Works Director Zabell explained there would be better protection of the waterline on the east side and also the City already owns the easement on the east side.

Mr. Sayles noted that safety is also an issue.

Public Works Director Zabell explained the proposal is to put the waterline within private property on the west side until the golf course and then cut across to the east side of 67th; it will be looped through the line on 88th. He noted that Utilities Superintendent Kissinger prepared an agenda bill two weeks ago for improvements.

Councilor Roberts asked about the proposal as far as restoration of fences, cart paths, etc. and Mr. Sayles said the school district just wants to go far enough inside not to conflict with sidewalks, curbs and gutters. He said complete restoration of trees, fencing, etc. had not been discussed as yet; that Dean Farley or Dick Huselton would have to negotiate that item.

Councilor Roberts said he had a major concern regarding restoration of the fence, landscaping, existing roadway, the ditch and Mr. Sayles stated that if the school district is given permission to put the line in, they would want to restore it as it was before.

Parks Director Ballew stated that there had been discussion regarding doing all improvements at the same time--moving the fence line back far enough so it only has to be moved once and with the school going in, it's good timing for these improvements, he added. As far as recovery, he said there needs to be more discussion on that but right now the school district needs approval for funding and the water line will benefit the golf course also as far as fire protection. He said he estimated about \$13,000 for fence, \$6,000 to replace trees and changing #7 tee and green and #8 tee. He said the fence is 8' high and no, it doesn't stop all the balls, but neither do the trees. He said he felt confident all these things can be worked out and he recommended the Marysville School District be given approval with recovery costs to be paid by them for tree removal and replacement of fencing and trees. The City would pay for #7 and #8 tees/greens and service the tie in to the course, he recommended.

Councilor Schank noted that all of the trees need to be replaced now anyway.

Councilor Baxter asked about the ditch and Public Works Director Zabell said that was county property but the City would want to put the storm drain in there probably. He said the storm sewer would go in right under the curb but it will probably go in on the west side.

Councilor Baxter said he would like to see some mitigation from the school district on the trees and Mr. Sayles said they would be willing to repair the golf path and the fence but he was not sure they would be able to replace all the trees.

Councilor Baxter admitted that possibly something other than trees needs to be put in.

Councilor Lashua said he thought the school district should pay for the fence.

Councilor Baxter said if the school district were to restore the existing fence and trees, 4' deep trench for water line, repair cart path if damaged.....

Councilor Cundiff said he understood that the trees need to be replaced anyway.

Councilor Schank agreed, stating that some of the trees are already falling down.

Mayor Matheny asked if the county had been approached for funding and Mr. Sayles stated that no, they had wanted to stay within the City and as far as repairing the fence, tees and/or greens, cart

path, no problem, but no replacing of trees or moving the fence.

Councilor Baxter stated he didn't think the Golf Board wanted new trees and Parks Director Ballew said that was going to be deferred to the architect.

Mr. Sayles said he was not in a position to approve anything more at this time.

Parks Director Ballew stated that the architect will be reviewing the golf course in a couple of weeks and will have more information at that time.

Councilor Roberts asked if the City would be hooking up at no charge and Public Works Director Zabell asked if the City is paying for the oversizing, if it should have to pay recovery, too? He said it is the school district's request that the City to pay recovery.

City Attorney Allendoerfer said recovery costs usually include restoration but Public Works Director Zabell stated it can be two separate contracts.

City Attorney Allendoerfer said he felt oversizing would offset the cost of recovery and Councilor Roberts said he agreed with the proposal; that the City would forego recovery if paying for the oversizing.

There was further discussion regarding oversizing, the school district's need for the waterline, water circulation needs of the City, restoration, routing, looping, and Councilor Roberts said he thought the restoration should be done under the guidance of the design architect and Councilor Baxter pointed out that the fence would have to be moved 40' if it were to be moved only once.

There was more discussion regarding moving of the fence and Parks Director Ballew said that would reduce the size of the golf course which would require some redesign.

Councilor Schank noted that the school district's request was simply for a waterline and to restore what they damage.

Councilor Hots said he understood over \$2 million in funding was contingent upon the waterline going in and asked Mr. Sayles how soon they needed a decision. Mr. Sayles said they have to have everything in to the State by June 30th.

After further discussion regarding cost of improvements and restoration, Councilor Baxter suggested that further information be obtained as to a preliminary plan from the golf course architect and the county road dept. and for Mr. Sayles come back in two weeks. It was the concensus that the request be continued to 4/10/89.

NEW BUSINESS:

1. Appointment of "Acting Police Chief".

City Administrator Garner explained that with Chief Turner's leaving, the City will need an acting police chief for an interim period of about two months and asked for approval of Bob Dyer.

Councilor Baxter moved and Councilor Schank seconded that Bob Dyer be named as Acting Police Chief. Councilor Hots asked if Lt. Dyer's position would have to be replaced in the interim and Councilor Baxter noted that it hadn't been before. The motion passed unanimously.

2. Investment Policy.

In view of the late hour, Councilor Lashua moved to postpone this until 4/24/89. Concensus.

3. Janitorial Services - Public Safety Building.

Chief Ronning requested approval of changing janitorial services from Able Janitorial to Day & Night as per the proposal in the packets. He explained there have been several problems with Able of which they are aware and it is felt that Day & Night will do a better job, at the same price. He did note that it is very possible that the rate will go up for next year, however.

Councilor Schank asked if there was a formal schedule/agreement in place for cleaning services and Chief Ronning stated no, but Able had identified all areas that would be done and are just not sticking to their original proposal. He added that Day & Night was the second lowest bid originally.

Councilor Schank asked if the Day & Night proposal as far as schedule and frequency (in the packets) was satisfactory and Chief Ronning said it was.

Councilor Cundiff moved that Day & Night be hired for the balance of the year. Councilor Hots seconded and the motion passed unanimously.

There was discussion regarding getting out of Able's "contract" and Chief Ronning explained it was a cost proposal and not a formal contract.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Architectural Services for Expansion of Marysville City Hall.

City Attorney Allendoerfer said the architectural proposal request was to be submitted to newspapers in compliance with Council's wishes and he asked if 30 days was a reasonable time limit for the proposals to be submitted. He said the plan was to have the Globe publish the request and also to publicize the proposal request in Bellevue and Everett.

Councilor Schank submitted another plan for the Council to consider from the committee.

There was discussion regarding the wording of the proposal request, in that possibly it was too specific and should be left open for more creativity. Councilor Weiser pointed out that possibly rather than expending the majority of the budget on the exterior remodel and a three story structure, maybe it needs to be done in smaller segments at a time.

Mayor Matheny noted that the need for a larger building would be so it could also house Council Chambers upstairs.

Councilor Roberts commented that the ad is simply to invite proposals only and no drawings will be coming in as a result until the actual choice is made.

There was discussion regarding local versus out of town firms. Both Councilors Schank and Baxter said they would prefer to deal locally.

Councilor Lashua moved to advertise for proposals for architectural services for expansion of Marysville City Hall with a deadline of 5/1/89. Councilor Weiser seconded and the motion passed unanimously.

2. Ordinance approving a modification to the binding site plan for Grandview Village.

Councilor Cundiff moved and Councilor Schank seconded that Ordinance #1682 be adopted. Passed unanimously.

3. Ordinance establishing a speed limit for that portion of SR 528 which is within city limits and amending section 11.04.065 of

the Marysville Municipal Code.

City Attorney Allendoerfer noted that the 25 mph speed limit will probably be vetoed by DOT.

Councilor Hots moved and Councilor Lashua seconded that Ordinance #1683 be adopted establishing 25 mph as the speed limit on SR 528 between the western city limits and 53rd Dr. NE and 35 mph between 53rd Dr. NE and the eastern city limits. The motion passed unanimously.

CORRECTED: SEE April 3, 1989
 MINUTES

4. Resolution accepting a petition for the Adkins Annexation and fixing a date for a public hearing thereon.

Councilor Schank moved that Resolution #1348 be signed by the Mayor affixing the date of public hearing as 4/10/89. Councilor Cundiff seconded and the motion passed unanimously.

5. Resolution accepting a petition for the Jubie Annexation and fixing a date for a public hearing thereon.

Councilor Schank moved that Resolution #1349 be signed by the Mayor affixing the date of public hearing as 4/10/89. Councilor Baxter seconded and the motion passed. (Councilor Roberts did not vote.)

6. Lawsuit to foreclose under ULID #6 against Leifer and Lallemand.

After a brief discussion, Councilor Hots moved to authorize the Mayor to sign the lawsuit. Seconded by Councilor Lashua and passed unanimously.

7. 50/50 Improvement Program Policy clarification regarding commercial properties.

City Attorney Allendoerfer explained that clarification on sidewalk improvements policy is required--is it to apply to residential and commercial or just residential?

Councilor Lashua stated that he remembered commercial property policy was good for three years and Councilor Baxter said he recalled that it was for existing commercial sidewalk.

City Attorney Allendoerfer stated that Bundy Carpets wants to have their sidewalk replaced on 7th at State under the 50/50 program. Public Works Director Zabell noted that under the code, the word "salvagable" is used to describe sidewalks that would be eligible for the 50/50 program and Bundy's sidewalk is not considered "salvagable" however Council may see fit to subsidize an existing business.

Councilor Lashua stated that he was in favor of helping out an existing business and Public Works Director Zabell asked if that would be for all the improvements--curbs, gutters, sidewalks, asphalt and Councilor Lashua said yes.

Discussion then proceeded to whether or not "50/50" means a \$10.00 per foot contribution as it was on Armar Road. Consensus was that it would be 50/50 on State and \$10/ft. on 7th St. improvements.

CALL ON COUNCILMEMBERS:

Councilor Hots reported that he has now attended two court sessions with Judge Atwell presiding and has been very impressed with his principles and judgements. He said he would recommend that Judge Atwell's "probation" be waived as Judge Pro Tem.

Councilor Hots moved and Councilor Schank seconded that Judge Pro Tem Atwell be approved without continuation of probation. Passed unanimously.

Councilor Roberts asked about the RUSA boundary establishment by the Planning Commission and City Planner Corcoran stated another meeting has not been scheduled as yet. Councilor Roberts asked if City Planner thought one meeting would be enough and whether the boundaries will be established by June or July and City Planner Corcoran answered yes to both questions.

Councilor Roberts made some comments regarding SHB 1251 Annexation Bill and asked if the Council could send a letter of support. Councilor Schank noted there is an 800 number that you can call to support issues but stated the House has already passed the Annexation Bill.

Councilor Roberts moved that City Administrator Garner call Senator Vognild to give him Marysville's support of SHB 1251. Councilor Lashua seconded and the motion passed unanimously.

Councilor Roberts noted that he had received a letter from Pat Scott thanking Marysville for their support on the gas tax.

Councilor Baxter announced the next RUSA meeting time and date and complimented City Administrator Garner on the excellent Retreat and preparation for it.

Councilor Weiser noted that the fire hydrant at 3rd & Union is leaking again.

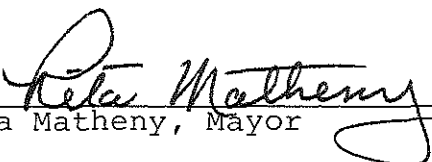
Mayor Matheny appointed the Public Safety Building Committee: Councilors Baxter, Weiser and Schank.

Mayor Matheny appointed Dick McAninch to serve on the Board of Adjustment, to replace Harry Mitchell.

City Administrator Garner stated that a three year agreement has been finalized between the City and the Police Union and asked for formal approval. Councilor Hots moved and Councilor Lashua seconded to approve. Passed unanimously.

ADJOURNMENT: 12:07 a.m. 3/28/89

Accepted this 3 day of APRIL, 1989.



Rita Matheny, Mayor



Phillip E. Dexter, Finance Director