

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 12, 1991

7:00 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright (7:06 p.m.)
 Lee Cundiff
 Bob Lashua
Administrative Staff:
 Carolyn Sanden, City Administrator
 Gloria Hirashima, Associate Planner
 Grant Weed, City Attorney
 Phil Dexter, Finance Director
 Roger Kelley, Community Information Officer
 Dave Zabell, Public Works Director
 Doug Ronning, City Fire Chief
 Bob Dyer, City Police Chief
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilor Pedersen noted that on page 11, in the 5th or 6th sentence, the letter referred to was signed by Lynn Jefferson, not Glenn Jefferson.

Councilor McGee moved and Councilor Pedersen seconded to approve the minutes of the 8/5/91 meeting as corrected. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Sanden referenced a memo in the weekly briefing regarding the Police Dept. removing the antenna from the roof of City Hall and Councilor Baxter said he felt strongly that the antenna should stay in place until the roof is removed/replaced so as not to cause any leaks in the roof in the meantime.

City Administrator Sanden reported an incident with the street sweeper and a private vehicle. She stated there were no injuries and the private vehicle damage did appear to be the fault of the private vehicle driver's erratic driving. She reported that nine candidates are being reviewed for the City Planner position, that TCI has given the City the editing equipment that was part of the contract with them now and that the City lost 91 pages of input for Channel 18, which is something that happens every time the power goes out and/or there's a power surge. She noted that is why the message on the air is that there are "technical difficulties being experienced".

Public Works Director Zabell reported the filter plant is in operation now and testing will begin tomorrow. He stated they are checking to see if polymers are necessary in addition to sand and there is a very high algae count at this time of year, so this will be a good testing period.

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Associate Planner Hirashima explained that Section VI of the draft Comp Plan has been completed by the Planning Commission and has been passed out to the City Council for review. She said next month the Planning Commission will be going back to a weekly schedule of meetings.

CALL ON COUNCILMEMBERS:

Councilor McGee stated the Library Building Committee met and would like to get concurrence from Council. He asked that this be added as Item #7 to tonight's agenda under Current Business.

Councilor Weiser reported that the traffic light at 4th & Liberty went to flashing with the power surge last Friday night.

Public Works Director Zabell stated that is under the State's jurisdiction, and that he would follow it up with them.

Councilor Weiser recommended the City write letters to Maryfest, the Food Bank and the Y regarding their requests for financial support, explaining when the next budget period is and for them to submit formal requests at that time.

Councilor Baxter asked about the next City Hall Roof meeting and City Administrator Sanden said she had intended for Council to have blueprints, with a meeting set up, but did not get this done in time for tonight's meeting.

Councilor Pedersen suggested that topic be added to next week's workshop agenda.

City Administrator Sanden explained that the metal roof exceeded the \$50,000 limit previously authorized by Council and that is why a new proposal had to be done. She said they did not have the exact cost of the metal roof, only that it was beyond the \$50,000 limit, but Council should have more details by the time they have the committee meeting, sometime before next Monday's meeting. She said her intent was that the committee meet with the consultant prior to the meeting.

Councilor Pedersen said that if major changes are going to be made, she would like to see the rest of the Council aware of the changes and would like some guidance also from Council regarding the roof.

City Administrator Sanden asked about having a pre-meeting with the consultant. She explained that she has a complete new set of blueprints now and the roof can be composition (same pitch as the metal roof), at a lower cost. She explained that there are now some window problems, for example, and received consensus from Council to go ahead and set up a pre-meeting at 6 p.m. next Monday, Aug. 19th, prior to the Council Workshop, to have the consultant explain the new proposal/blueprints.

Councilor Pedersen reported she will be out of town tomorrow.

Councilor Wright briefly reported on the Legislature attempting to reduce and/or change single occupancy vehicles on the freeway.

Public Works Director Zabell stated the Traffic Advisory Committee is aware of this.

Councilor Wright reported that Master Builders and the Realtors are interested in helping cities fund Urban Area Growth Boundary changes, studies, comprehensive plan updates, etc. and said the

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City might want to look into this avenue of funding.

Councilor Lashua asked if the Sensitive Area Ordinance deadline was being extended and City Administrator Sanden said it was not, that the President is merely coming up with a better definition, not an extension.

Councilor Lashua talked about City and PUD negotiations regarding serving the Sunnyside area and asked if there were a mutual agreement, if it would be subject to DOH approval.

City Administrator Sanden said no, she did not believe so, that DOH would review the agreement only to make sure it was in compliance and meet all needs required.

City Attorney Weed added that as long as someone commits to serving the area, DOH really doesn't care who that is.

Councilor Baxter asked about ongoing PUD meetings/negotiations and City Administrator Sanden said she had a conversation with Craig Thompson, with a meeting to be set up once he comes back from vacation.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. 7/31/91 Payroll Checks in the amount of \$436,234.49.

Councilor Weiser moved to approve Item #1 of the Consent Agenda. Councilor McGee seconded and the motion passed unanimously.

2. 8/13/91 Claims Checks in the amount of \$246,854.09.

Councilor Weiser asked about Voucher #2824 payable to Buck N Hank and why that came out of the Parks Dept. and Police Dept. budgets.

It was explained that it has been agreed that DARE (Police Dept.) would fund half of the clowns' expenses.

Councilor Weiser asked about expenses for June or July and Finance Director Dexter said he would follow up.

Councilor Baxter asked about vouchers #2850 & 2863 and it was explained that these were regarding the Police Annual Conference in Oklahoma City.

Councilor Baxter noted that not necessarily referencing these vouchers, that it seems like there are an increasing number of out of town trips being taken and he said he was just wondering if they are all necessary.

City Administrator Sanden said she could only think of the Parks Dept. and the Police Dept. who have had any such trips at all lately.

Councilor Baxter questioned Voucher #2954 for electrical breakers and Councilor McGee said he would like to have the year to date total for jail medical exams.

Councilor Baxter moved and Councilor Wright seconded to approve Consent Agenda Item #2. Passed unanimously.

CURRENT BUSINESS:

1. Hearing Examiner Decision/Hank Hassan (Sagebrush) Conditional Use Permit.

Associate Planner Hirashima briefly reviewed the request and Hearing Examiner's recommendation for approval.

Councilor Pedersen asked about a setback from building to driveway and Ms. Hirashima said a driveway easement would be included and it would be 5' minimum required, and they have about 40' from the building to the lot line, she said. She added that the existing house is 20' to the lot line.

Councilor Pedersen clarified the two lots' dimensions and made a comment regarding crowded conditions in this instance. She said she hoped a change could be made in the Comp Plan update to alleviate this type of crowding.

Councilor Wright moved to affirm the Hearing Examiner's recommendation to approve the Conditional Use Permit. Councilor Lashua seconded and the motion passed with Councilor Pedersen against.

2. Hearing Examiner Decision/Allegre-Mitzel (Kids 'N Us Daycare Operator) Conditional Use Permit.

Associate Planner Hirashima reviewed the request and noted that the Hearing Examiner has recommended approval of the request and staff recommends affirming of his decision.

Councilor Cundiff asked if there was any provision for a playground and Associate Planner Hirashima said yes, they are converting a portion of the parking lot for playground which still leaves enough room for parking.

Councilor Pedersen asked if they are vested for sewer and Public Works Director Zabell said he hasn't seen any analysis, which they will have to submit prior to issuance of the building permit.

Councilor Lashua noted that the recommendation is for the applicant to contribute towards TIP 2 & 3 and asked about mitigation for 92nd & State.

Public Works Director Zabell explained that Pay N Pak have paid into improvements at 92nd & State however there is no TIP for that intersection as yet. Fees are being donated on a voluntary basis only, he said.

There was discussion about the high volume of traffic at 92nd & State and how hard it is to turn left, who generates the traffic, etc. Public Works Director Zabell said he would look into it further, as far as alternatives for funding, etc.

Councilor Lashua moved to affirm the Hearing Examiner's decision to approve the request. Councilor Cundiff seconded and the motion passed unanimously.

3. Utility Variance, 2924 193rd St. NE; Graber, Gary.

Public Works Director Zabell reviewed the request, noting the Council denied the request without prejudice July 22nd. He referred to a letter in the packets from the City of Arlington stating the property is within the Arlington service area however Arlington has no intention of extending their service to the subject property. He stated Mr. Graber would sign a no-protest agreement.

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Gary Graber, Sr., addressed Council and reviewed the history of the request, explaining that the City "approved" the water service verbally originally however have subsequently requested that four criteria be met. He said he feels it meets the condition of being a "peculiar condition" because the county did change the regulations and it was once buildable and now is not. He pointed out that it's impossible to put a well 100' from the septic because of the size and shape of the lot and that they feel a hardship exists--the property tax alone is a hardship, he stated. As far as whether the variance would be detrimental to the public interest, he said they don't think it would be because there are 6 adjacent properties which enjoy the same service and utility that the Grabers are requesting and it seems to them that it would be in the public's best interest that they be served. As far as the fourth criteria is concerned, he said they didn't believe the granting of one hookup would overburden the City's water supply. As far as the staff recommendation for denial because other properties in the area have suffered the same imposition, he pointed out that in fact, they are receiving service. There was no intent to misinform, on the part of the City, he admitted, but it still occurred.

Public Works Director Zabell interrupted Mr. Graber and informed him that staff has recommended approval of the variance, with applicant providing an 8" water main with hydrants along an easement on the north boundary to serve the subject property.

Councilor Weiser asked about the status of water in the northern part of the county and Public Works Director Zabell responded that there is plenty of pressure and volume in that area.

Councilor Weiser asked if Phase II would help this area at all and Public Works Director Zabell said yes, but it's not due for 20 years. He added that with regard to Criteria 2 the applicant has a legal lot but the county did change the rules and so the only solution is Marysville water but it's not Marysville's fault that the county changed the rules, either.

Councilor Pedersen asked when staff changed the recommendation to approval and Public Works Director Zabell said staff changed their recommendation in the middle of the week with the completion of the Critical Water Area Study.

Mr. Graber referenced the 8" water line recommendation, stating they only need service for one lot and an 8" line would be a financial burden at this time. He pointed out that there is a line right in front of the property; if they were to put an 8" line in, they would want to develop the whole plat and would rather wait until they are ready to develop the whole plat before having to install the 8" line.

Public Works Director Zabell explained the main requirement is for fire protection and that the 8" line and hydrants are code requirement for a duplex.

Councilor Baxter noted it's about 600' from the existing fire hydrant over an open field.

Chief Ronning said the property would not be within the jurisdiction of the Marysville Fire Dept. but listening to the information given, he felt it would fall under the residential code requiring 600' or less between hydrants.

Councilor Cundiff asked if the other properties in the area would still have the same problems and Public Works Director Zabell said

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this variance request meets all four criteria.

There was discussion about other requests that were denied because they did not pursue all avenues regarding water service, the fact that it's impossible to put in a well on the Graber property.

City Attorney Weed pointed out that each variance should be considered on its own and not be precedent setting, as per the MMC.

Councilor Lashua asked about a 4" main shown on the drawing, near Highway 99.

Mr. Graber said there's a 1" line existing but they don't know anything about a 4" line. It was determined that Bob Kissinger must have drawn it in.

Mayor Matheny asked about a non-protest agreement and Mr. Graber said he would sign one, no problem.

Councilor Baxter moved to approve the request with staff recommendations and including the 4 findings of fact that Mr. Graber put in his letter (in the packets). Councilor Cundiff seconded and the motion passed unanimously.

4. Parkview Estates, PA8901001, Final Plat Approval.

Associate Planner Hirashima reviewed the request, noting that Ordinance 1723 was approved in September 1989 for the Preliminary Plat. She pointed out that there is a condition of Ordinance 1723 which reads "At the time of recording the first phase of the Plat the Owner shall dedicate to the City 31.1 acres of park/open space in the Allen Creek corridor, as designated on the Preliminary Site Plan" however staff is recommending that this dedication be made at a later time because of existing wetlands, treatment of storm water and the Parks Dept. is not ready to accept the dedication as yet. She added that staff recommends approval of the Final Plat.

City Administrator Sanden explained further that with the Parks Dept. grant application pending with IAC, there's some risk if the dedication is accepted upfront and so it is recommended that the City wait for the grant approval before accepting the dedication of the 31.1 acres.

City Attorney Weed said normally when a plat is recorded, if the dedication is shown on the face of the plat, it's automatically recorded and staff is asking that the dedication be effective at the time of the recording of a Warranty Deed. It was confirmed that this was acceptable to Centex.

Mayor Matheny mentioned that she had been by the property and commended the developers on a very attractive development.

Councilor Baxter moved to approve the request, including staff recommendations and including conditions set forth under sections 2 through 8 of Ordinance 1723. Councilor Lashua seconded and the motion passed unanimously.

Associate Planner Hirashima then mentioned that Centex has a sales office at the site and introduced Jack Hood, Snohomish County Project Manager for Centex, with their request.

Mr. Hood explained that they would like to use a 60 year old house on 1 acre, which is right in the center of the development, for a sales office. He noted they are in the process of rezoning this piece to include it in Parkview Estates and they would like to fix

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up the house and utilize it as a temporary information center and sales office while the model homes are being built. He added that they have improved the entire streetscape of 64th and eventually would use their model home and the existing house would then be bulldozed.

City Attorney Weed said this matter is going before the Hearing Examiner and City Council would be making a decision at a later date, so it's therefore not appropriate for City Council to make any comment on this at this time.

Associate Planner Hirashima explained that the applicant is before City Council because currently this is not a legal use and the applicant is having to request a variance because it's not a model home in the subdivision. She stated they would like permission to use the home until the Hearing Examiner hearing 8/29/91. She added that he is requesting a stay so that the Building Dept. doesn't have to shut down the use.

City Attorney Weed said he didn't think the City Council has the jurisdiction for this at this time and it was concluded that the Council should not entertain any further comments or make any commitment concerning this matter at this time.

5. Sunnyside Annexation, City of Marysville.

Associate Planner Hirashima explained this is 26.68 acres and is owned by the City of Marysville and utilized for Sunnyside Wells 1 & 2. The annexation would enable the City to assume lead agency status on review of land use and permitting for the property. She pointed out that currently, the Snohomish County Boundary Review Board is reviewing an annexation directly north of the City owned property (Southeast Annexation). Staff is recommending approval of the annexation proposal, to be then transmitted to the BRB.

Public Works Director Zabell noted that this is similar to the Cedarcrest Golf Course annexation, that the permitting process is so lengthy in the county and the City would like to use this property for storage of water pipeline.

Councilor Lashua indicated he was in favor of the annexation proposal.

Councilor Pedersen asked if the annexation would in any way hinder the Southeast Annexation and Public Works Director Zabell said he sees the Southeast Annexation as being contiguous and therefore should be a very straight forward annexation.

Councilor Baxter moved for approval of staff recommendation and Councilor Weiser seconded. Motion passed unanimously.

6. Participating Jurisdiction Letter of Intent.

Police Chief Dyer explained how Marysville PD's participation in the drug task force has been very valuable in terms of providing training, backup, surveillance assistance, etc. He said he didn't believe there was a citizens advisory board anymore but that he sits on the advisory board with other chiefs. He noted that our participation in the funding would remain the same as last year.

Councilor Weiser asked what happens to the drug money and Chief Dyer said it depends on how much is involved--it generally stays in the system and is used toward the total program, he said.

There was discussion about the program getting better and better,

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more training, getting drugs off the street, good exposure for MPD.

Councilor Baxter moved and Councilor Pedersen seconded to authorize the Chief to sign the letter of intent to participate in the SCRNTF.

Chief Dyer mentioned the "Knock & Talk" program and there was more discussion about keeping people informed in the community, crime prevention, information dissemination, Neighborhood Crime Watch, etc.

The motion passed unanimously.

City Administrator Sanden added that she spoke with a local banker recently and with regard to the recent training session that Chief Dyer gave, they commented on it being excellent.

City Administrator Sanden said with regard to City Council's concern about accessibility to the Public Safety Building, Chief Dyer is proposing a phone receiver intercom to replace the push-button intercom now in use, at a cost of \$1,000, with money from the janitorial budget. It was explained the phone would be lighted and more easily related to by the public--it would be like a phone booth. Consensus of Council was obtained for the new phone intercom as proposed.

City Administrator Sanden said that with regard to the reception area of the Public Safety Building, they are looking at ideas for that as far as accessibility.

7. Library District Annexation.

City Administrator Sanden explained that annexation into the District is a financial mechanism which receives taxes from people outside the City limits as well as within City limits, however, this will not be enough to fund the new library. She said this could be put on a bond but the intention is the funding mechanism and even though the original method would increase taxes, the second method would not. It's a two step process/issue and she stated it should be promoted that way.

Finance Director Dexter talked about the construction and phasing in order to stay within the councilmanic bond limits and as far as how soon after the bonds are to be issued, the law is silent on that he said, but 2-3 years would be appropriate. In other things, he said bond anticipation notes have been issued for architectural costs, etc., i.e., each item; phasing would require authorization to issue bonds unless councilmanic limit is achieved, he said. He added that the assessed value in this case doesn't give us the funding limit.

Councilor Lashua asked about the increase in taxes and City Administrator Sanden said the library district annexation would increase taxes by 47 cents per \$1000 of valuation, then you follow with a bond issuance with no increase in tax. She noted this is a very difficult concept to explain.

Councilor Lashua noted it is a popular way to fund libraries.

Councilor Baxter asked if annexing to the library district would pay for the new building and City Administrator Sanden said yes, but that's prorated over 20 years, whereas a bond provides the money upfront.

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Councilor Baxter said he sees it as a problem where people are going to think the City is not telling them the truth about additional taxes and City Administrator Sanden said staff would like to go ahead with the education process with the Primary Election being in September.

There was discussion about the time line, obtaining a site in early 1993, changes to the Log Cabin Room, etc. in the meantime, architectural plans, depending on the outcome of the vote.

Finance Director Dexter said the Auditor's office would work with the City as far as developing the informational packets for the upcoming election. The City would have to have the resolution prepared and information ready to be submitted to the Auditor's office by their 9/20 or 9/21 deadline, he said.

It was noted that all three local newspapers will be doing feature articles on the Library District/Annexation Issue prior to election time, also.

The consensus was to start the public education process.

ORDINANCES & RESOLUTIONS:

1. Resolution Supporting the Enhanced 9-1-1 Referendum.

Fire Chief Ronning explained that Legislation has authorized an additional statewide tax in the 1991 General Election, for an additional 20 cents over the 50 cent tax levy for all users in Snohomish County until 1998 and then to be lowered to a maximum of 10 cents per telephone line. He said the reason is so the system can be extended throughout the State of Washington. Some rural communities can't fund E-9-1-1 and with it statewide, there would certainly be a benefit throughout the state, he said, such as it is right now in Snohomish County. He clarified that E-9-1-1 has the benefit of their knowing the caller's exact location automatically and he said at present 82% of the state has no E-9-1-1 and 7% has no 9-1-1. He added that this is an international system and also, with the statewide E-9-1-1, we would not have to run a Snohomish County levy in 1992 if the statewide system is approved. He said it makes him nervous to think that if the Snohomish County levy fails, a lot of time and money would go to waste.

It was clarified that the 6 year levy would be superseded by statewide approval of the additional 20 cents. There was discussion about some areas subsidizing others.

City Attorney Weed pointed out that each county would be required to pay 50 cents plus 20 cents plus 10 cents so it would be the same for everyone.

City Administrator Sanden agreed, stating that AWC is requesting support here from cities and chambers of commerce and they are asking for Marysville's "strong support" of the issue.

Councilor Cundiff pointed out that if everyone pays in 50 cents, then there should be no need for the additional 20 cents but City Administrator Sanden noted 82% of the rural areas have no E-9-1-1 and a lot of them who do have 9-1-1, have to dial seven numbers, so there's a long way to go yet before the system is uniform statewide.

Councilor Wright moved to adopt/approve Resolution 1492 and Councilor Cundiff seconded the motion. The motion passed unanimously.

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LEGAL MATTERS:

1. Interlocal Purchase Agreement.

Fire Chief Ronning explained that the 1991 budget was approved to appropriate up to \$4,000 towards the purchase of a county wide air compressor at a cost of approximately \$40,000. He said the compressor would be purchased by Fire District 12 (for approximately \$50,000) with funding from all the agencies listed, with District 11 possibly housing the unit. He explained the mobile air compressor is to fill air bottles (for use at the scene of a fire).

There was discussion about use, storage, this being the first time all the districts have agreed to a joint purchase with Fire Dist. 12 as the purchasing agent. It was noted that this is "Step 1."

Councilor Baxter moved and Councilor Wright seconded to approve the request and authorize signing of the interlocal purchase agreement. Passed unanimously.

2. Security of Court Records/City Council use of Council Chambers.

Councilor Baxter brought up the subject of the door being kept locked now between Council Chambers and the Court Administration office. City Administrator Sanden explained the locked policy is for security reasons but Councilor Baxter pointed out that the building was originally built for the use of the City Council and the Courts and City Council needs to have some privileges/conveniences. He said he wished to go on record as objecting to the locked door.

City Administrator Sanden said she would check into it further.

Councilor Lashua said he understood it was a recommendation only that the door be kept locked and there was discussion about the security issues, locks, files, desks, alternatives. Councilor Baxter said he would like to see the door open at the next meeting and Mayor Matheny said she was in favor of that also.

City Administrator Sanden explained the auditor had a lot of concern with regard to high security and there was more discussion about the "chain of evidence", pass words to get into computers, information regarding the accused's right to privacy, liability issues, "reasonable procedure" including avoidance of traffic through the office.

Councilor Weiser said he would be in favor of leaving the door unlocked during City Council meetings only.

Fire Chief Ronning said he understands Council's concern and as far as taking away privileges of Council, that certainly is not the intent, and they have tried to address all concerns.

Councilor Baxter mentioned again also his concerns about access to the lobby and main entrance of the Public Safety Building for the general public 24 hours a day.

ADJOURNMENT: 9:10 p.m.

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Accepted this 26th day of August, 1991.

Kenneth DeBuster pro tem
MAYOR

Phillip E. Dexter
CITY CLERK

Nanda A. Iverson
RECORDING SECRETARY