

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JULY 6, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 6/22/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: Jean Willard, Marie Stebing, Bob Whalen, Linda Burchfield

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS: None

CONSENT AGENDA:

1. Water Line Extension Construction; ULID 18 Acceptance Approved
2. Sno.Co. Special Use Permit & Right of Entry Permit for Const. of WWTF Outfall Approved
3. Sno.Co. Waste Reduction/Recycling Grant Program Agreement Approved

REVIEW BIDS:

1. Jennings Nature Park Const. Bid Approved - Bid awarded to Grade Inc.

CURRENT BUSINESS:

1. Msvl. Community TV Channel 18 5 yr. contract w/AEI Appr.
2. SR 528 Channelization DOT Rev. proposal Approved
3. Request for Tourism Funds/Msvl. Tulalip Visitor Info. Center \$2500 Approved

NEW BUSINESS:

1. City Adopt-A-Street Program Approved
2. 911 Communication Relocation/Remodel Project Approved
3. Bloodborne Pathogen Exposure Control Policy Information Only
4. Parking Request - Business Dist. Staff Rec. Approved
5. Centex Hrg. Examiner Decision Remanded to Hrg. Examiner Appeal

ORDINANCES & RESOLUTIONS:

1. Ord. Placing Library Bond Issue on the 9/15/92 Ballot Ord. 1898 Approved
2. Res. Granting RUSA Variance MSD Res. 1559 Approved
3. Res. Granting Utility Variance; Wm. Carle Res. 1560 Approved
4. Res. re Education Incentive Pay Res. 1561 Approved
5. Res. Auth. Mayor to sign Sno.Co. Waste Reduction/Recycling Grant Program Agreement Res. 1562 Approved

LEGAL MATTERS:

1. Leasing of Land Near Sunnyside Well City Attorney to present more info. 7/13/92
2. Draft of Sensitive Area Ordinance Consensus to have a joint workshop w/Planning Comm.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:55 p.m.

1. Potential Litigation City Attorney to inter-plead funds retained for All Seasons Const. into US Bankruptcy Courts

RECONVENED & ADJOURNED: 10:40 p.m.

CORRECTED: SEE MINUTES

CORRECTED: SEE 7/13/92 MINUTES

MARYSVILLE CITY COUNCIL MINUTES

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7:00 p.m.

Council Chambers

Present: Dave Weiser, MayorCouncilmembers:

Donna Pedersen, Mayor Pro Tem

Dave McGee

John Myers

Ken Baxter

Donna Wright

Mike Leighan

Otto Herman

Administrative Staff:

John Garner, City Administrator

Grant Weed, City Attorney

Steve Wilson, Finance Director/City Clerk

Dave Zabell, Public Works Director

Jim Ballew, Parks &amp; Recreation Director

Gloria Hirashima, Planning Director

Charlene Hyde, Personnel Supervisor

Bob Dyer, Police Chief

Roger Kelley, Community Information Officer

Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Herman referred to page 3 of the 6/22/92 minutes and noted that in the second paragraph from the bottom, it should read Councilor Herman "speculated" not "stated". Also, at the top of page 9, first line, it should be "Beach" & Delta not "Cedar" & Delta.

On page 5, Councilor Pedersen noted that there are only 4 findings listed and the motion included 5 findings. City Attorney Weed said he would check further on this.

Councilor McGee moved and Councilor Pedersen seconded to approved the minutes of the 6/22/92 meeting as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner reminded Council of the RUSA meeting tomorrow morning and of the Solid Waste Committee meeting at 4 p.m. tomorrow. He noted he will be out of the building after 10 a.m. on Wednesday and that close to 100 applications have come in for the mechanic position. He added that the Asst. Finance Director position is still open and they are still accepting applications.

City Attorney Weed reported there were 5 findings of fact on the School District variance and those findings have been incorporated into a resolution before Council tonight, later on the agenda.

Public Works Director Zabell reported they have hit a few snags on the 80th St. project, regarding the sewer line, but expect the project to be completed in a timely manner. He reported the water usage for last week was down from 6 million gallons to 4 million

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gallons and the Everett Pipeline is basically complete, with a ceremony to be held under the powerlines on Wednesday (he gave directions).

With regard to the Outfall part of the WWTF project, Public Works Director Zabell said a problem has come up with the Army Corps of Engineers in that another 30 day notification period and 15 day review period must now be met for the permit. He stated he visited with them last week and the City is applying for a Nation-wide VII permit which has a review period of less than the 404 permit and we will still be able to complete the project this summer, but it will need an extension on the DOF permit probably, he stated. He said they are proceeding with the application for a 30 day extension on the DOF permit which expires 8/31/92.

MAYOR'S BUSINESS:

Mayor Weiser stated he has tentatively set up a meeting with the County Executive 7/15/92 at 10 a.m. and he will advise John Garner and Gloria Hirashima further on this.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the 57th St. Committee meeting and Mayor Weiser stated an action will be recommended later this evening on this.

Councilor McGee reported he talked with the Fire Dept. with regard to activity over the 4th and there was very little activity this year.

Councilor Pedersen reported she will be in Olympia for the next 2 days.

Councilor Wright asked about the Mayor's and Councilmembers' pictures to be put up in Council Chambers and Mayor Weiser said he would follow up on that.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Jean Willard, 5622 60th Dr. NE, addressed the Council, stating that several months ago she spoke in favor of the Sunnyside Annexation and they are now within City limits. She said she was also a member of the Mayor's Citizens Advisory Committee and one of the topics that came up was Nature's Window and she has sent a letter to the County Council about this pristine area, complete with wildlife and old growth. She said she has lived in this area for 16 years and never realized Nature's Window was here and she noted that part of Marysville's first road also runs through it. She explained that last Thursday there was a County hearing regarding this area, as well as an article in the Everett Herald and she quoted the Snohomish County Hearing Examiner, John Galt regarding the County not wanting to spend a lot of money to save this park if it is just going to be annexed into the City of Marysville. He referred to a map Mr. Wilcox presented which showed Nature's Window to be within Marysville's Urban Growth Boundary and Mr. Galt suggested the interested citizens get involved in the planning process, approach the City of Marysville and possibly gain enough support to fund the acquisition of the park. Ms. Willard presented petitions containing over 1300 signatures (obtained in a week's time) from people who would like to see this park preserved for future generations. She stated she had heard it might be possible for the City to apply for funding through the "Conservation Futures Program" and also, she noted that adjacent property owners are willing to include some of their

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property in order to make up the 45 acres with Mr. Turk's.

Marie Stebing, 9504 57th Dr. NE, addressed Council and said she has a lot of feelings about this property; it's a rare and unique piece of property and she invited everyone to visit Nature's Window. She read a prepared statement encouraging City Council to preserve this property and listed some of the activities that are already happening there: 200 people per week go through in the summer, 40-50 people per week in the winter, anniversary parties, boy and girl scouts, school parties, picnics, etc.

Bob Whalen, 9021 84th NE, Lake Stevens, addressed Council. He said he took issue with the way some of the City Council talked about the KSER programming--there was inference about gays not being as moral as others, he said. He noted there is a large community of gays in this area, he is one and has, in fact, three children. He noted the gays are not ogres like inferred--they want the same things and have the same values Council has and would like Council to think about this. He said the gay community feels they deserve an apology from Council because their remarks were hurting and insulted the gay community.

Councilor Herman stated he thought Mr. Whalen's letter to the editor was very well written and Councilor Herman said he was sorry if any of the Council's remarks were hurting.

Linda Burchfield, 5616 Grove, addressed Council. She explained she has lived in Marysville for many years, works at Boeing and is a lesbian mother. She said there are a lot more gays and lesbians around here, also.

CONSENT AGENDA:

1. **Acceptance of Construction; Water Line Extension; 86th Pl. NE; U.L.I.D. No. 18.**
2. **Authorize Mayor to sign Snohomish County Special Use Permit & Right of Entry Permit for Construction of Wastewater Treatment Plant Outfall.**
3. **Authorize Mayor to Sign Snohomish County Waste Reduction/Recycling Grant Program Agreement.**

Councilor Pedersen moved and Councilor McGee seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously.

City Attorney Weed commented that with regard to Item #3, the County Council wishes a resolution showing the City Council authorizes the Mayor to sign the agreement and this will come under Ordinances & Resolutions.

REVIEW BIDS:

1. **Jennings Nature Park Construction Bid.**

Parks & Recreation Director Ballew referred to the agenda bill, noting 8 bids were received, with the low one from Grade, Inc. The work would include the parking lot, trails, playground area, underground irrigation system, he said. Staff recommends acceptance of the low bid, he stated.

Councilor Pedersen moved and Councilor McGee seconded to award the bid to Grade, Inc. in the amount of \$72,488.00 as recommended by staff. Passed unanimously.

CURRENT BUSINESS:

**1. Marysville Community TV Channel 18.**

Community Information Officer Kelley explained KSER was put on the air as a trial and the City received 17 letters plus 4 more received today and 8 phone calls, most of whom want the City to return to the previous programming. He said the City can get AEI back very quickly if City Council wishes.

Councilor Pedersen asked for the results of the phone calls and Community Information Officer Kelley said 2 were for retention of KSER and 6 against.

Councilor Leighan asked if it would be a five year contract at \$70 per month and Community Information Officer Kelley said yes, a shorter term (minimum 36 months) would be at a higher rate.

Lee Cundiff, 5217 Grove St., addressed Council, noting that he had written a letter to each of the Council and said he appreciates this opportunity to address Council in person. He stated he monitored Channel 18 quite thoroughly and that he would like to see the community events calendar continue but it's very distracting to hear a conversation and read the message on the screen at the same time. With regard to the AEI contract, he stated that originally City Council approved music only. He said he also reviewed the KSER programming and it seems to him it's the same thing you see on 29 channels on TV already, so he said he hopes the City Council would see fit to go back to just background music.

Van Berkbigler, 6114 83rd Av. NE, addressed Council, stating he would lend his support to those against the KSER programming. He said the idea that we are going to get a "free lunch" -- what happens is you get their agenda and their programming and you are tending to validate their programming. He said he is personally not interested in that type of programming and thinks the City should stay neutral in controversial matters because their endorsement gives approval and there is no control of future programming. He said he would suggest the City go back to the older system where they have the control.

Greg Wright, 4802 76th St. NE, addressed Council and said he objects to some of the programming and feels some of it is promoting a homosexual lifestyle. He agreed gays have a right to their opinion but it bothers him that the programming is biased toward a "deviant" lifestyle in his opinion and there's nothing promoting his type of lifestyle. Also, he noted it's very difficult to have to turn off the TV when this type of programming comes on, so his children won't hear it. He admitted he spent less than 45 minutes listening to KSER but he did hear some controversial issues discussed, or at least heard of upcoming controversial issues to be discussed.

There was discussion by the Council regarding whether background music is necessary, the "buzzing" that is heard now when KSER is off the air.

Councilor Herman said he had a couple people say they like KSER and he listened to it and did rather enjoy the particular program (Bluegrass Gospel Music) he heard, he said. He added he thinks it's healthy for people to think about diverse issues.

Councilor Pedersen said she agrees but is looking at the original intent of Channel 18 - a presentation of community events and

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based on the public feedback, she calculated it to be 72.4% in favor of returning to background music only and 27.6% to stay with KSER.

There were comments about the distraction, original intent of the station, to advertise local events, communication within the community, increase in the price of background music, public interest in City Council's agenda, burning permits, other information, a lot of work to make it work right--coordination of TCI & City staff, getting Channel 18 finally to the point where we have a lot of audience, there being other stations people are welcome to listen to, possible future expansion of Channel 18 to include videotaped events, broadcasting of City Council/Planning Commission/Parks Board meetings.

Community Information Officer Kelley explained there are 109 screens on Channel 18 and AEI offers 3 different instrumental choices of music: jazz, classical and popular/elevator music.

Councilor Leighan moved to approve an AEI 5 year contract with instrumental background (popular/elevator) music, with the TV Advisory Committee reviewing this music and reporting back next Monday. Councilor Myers seconded the motion.

There was discussion about getting tapes for previewing and bringing the committee's decision back before Council next Monday night. The motion passed with Councilor Herman against.

## **2. SR 528 Channelization.**

Public Works Director Zabell reported on the recent meeting with DOT, the Downtown Merchants and the City. He referred to the memo and letter in the packets and read the DOT's proposal:

Eastbound to northbound left turns at the intersection of Delta Avenue and SR 528 would continue to be allowed.

Westbound to southbound left turns would be prohibited by use of c-curbing.

Southbound to eastbound left turns would be prohibited.

Southbound to straight through movements would be prohibited.

Northbound and left turn movements would continue to be allowed.

He noted that the State does have jurisdiction and their position is that if five accidents, correctable by the original c-curbing proposal were to occur within a one year period, that the WSDOT would move to execute the original proposal, c-curbing through the intersection, right-in/right-out at the Mall, and Delta Avenue accesses.

There was no response from the audience.

## **3. Request for Tourism Funds/Marysville Tulalip Visitors Information Center.**

City Administrator Garner reviewed the request, noting there is \$4,000 left in the Tourism Fund and the Visitors Information Center is requesting \$2,500. He said he would recommend a process whereby the City would pay the bills direct, up to \$2,500, if the request for funds is approved.

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Rita Matheny, 1322 Ash, addressed Council, stating she understood \$2,500 was approved for the Visitors Information Center out of the hotel/motel tax. She stated because of their wealth of information, they have just become the number one visitor information center on I-5; they are all volunteer and brochures/maps that are purchased are all paid for with contributed funds. She added they are open 7 days a week, 10 hours a day and provide the volunteers with incentives. She noted the facility is going to have to move with the 88th St. Interchange going in. They have an approximate budget of \$5,000 to run the center each year, she said, with about \$1,000 of that coming in from the fireworks stand. She pointed out that this visitor information center is very popular, with about 50,000 people going through each year, the center also helps people in distress, it acts as a truck stop and they have a sanican for public use, which costs \$125/mo. She noted they get no funding from the county or state and yet maintain approximately 300 brochures and maps as well as information from businesses that provide brochures. There is no charge for the brochures or maps and the visitor information center will also refer people to businesses in town, but are always provided with three names in each category, so one particular business is not shown favoritism, she said.

Mayor Weiser asked about restriction on the hotel/motel tax fund use and Finance Director Wilson stated the funds must be used to promote tourism.

Mrs. Matheny stated the volunteers go on familiarization tours, eg., a tour of the tannery, mattress factory, restaurants, fish cannery, parks, etc. She also noted they have been fortunate in having the City pay the utilities at the information center, but the information center is responsible for its own telephone.

Alda Paulsen, Treasurer and volunteer at the Visitors Information Center, addressed Council and stated the familiarization or "fam" tours are part of the state requirement and these are activities the volunteers suggest to the tourists, to promote the area. She added it's very difficult to budget from year to year but she would be glad to make up a list of major expenditures--it's usually about a minimum of \$4,000 a year, she said that they need. She stated they have a donation jar, also, which helps.

Councilor Baxter moved to approve the request for \$2500, with an accounting to be submitted as to funds spent on tourism. Councilor Pedersen seconded the motion.

Mrs. Paulsen noted that another expense is to send representatives to the state convention each year; even though this center doesn't receive state funds, it belongs to the state organization. She explained that only border towns and state parks receive state funds.

The motion passed unanimously to grant the \$2500 request.

NEW BUSINESS:

## 1. City of Marysville Adopt-A-Street Program.

Community Information Officer Kelley explained that several groups have requested a way to get involved in the community and this program has been suggested, similar to the Adopt-A-Highway program. He said he checked into the cost of 20 safety vests and 20 hard hats and they would run about \$340.00; the crews would have to be coordinated with the Street Dept. and he suggested the crews be given the mini training program provided by the state. The City

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would have complete control over which group is cleaning up which street, he said. There would also have to be coordination for garbage pick up, he said, but did not foresee any major problems.

Councilor Myers moved to accept the Adopt-A-Street Program, authorizing \$500 out of the Street Dept. budget for safety vests, hard hats and training of crews. Councilor Wright seconded.

Councilor Leighan suggested a video be purchased from the state for training and Councilor Herman asked about parks clean up also. Community Information Officer Kelley stated that could be accomplished as part of this program also. The motion passed unanimously.

2. 911 Communication Relocation/Remodel Project.

Sgt. Dennis Peterson explained that the Computerized Dispatch is now online and he thanked City Council and the Mayor for all their support in promoting 911, safety and the computer dispatch center. He explained that they are requesting a larger room for the computers for more work space, better ergonomics/safety and so they won't have radio feedback like they are getting now in the cramped quarters. The funding would come from the Fire District Dispatch Agreement, he said--\$15,000 to relocate to the old records center.

Councilor Baxter asked about monitoring the jail and Sgt. Peterson explained three communication officers will be on duty at peak hours, two on non-peak hours, out of the dispatch center, monitoring the TV screen. He explained monitoring via TV screen would actually be better than what they are doing now--trying to see the day room from behind computers stacked on one another. He explained they need partitions and enough work space for three computer terminals.

Councilor Wright asked about the length of time to change over and Sgt. Peterson estimated about 6 weeks.

Councilor Leighan asked if this was budgeted for and Finance Director Wilson stated no, but there is additional revenue, not previously budgeted, coming in from the Fire District Agreement, to cover this.

Sgt. Peterson said his estimate of \$15,000 he feels is a real close estimate of the total project.

Councilor Baxter asked about leaving part of it in the present location and Sgt. Peterson said it would be better if all the computers and dispatchers are in one room. He added that at the end of the year, the City will be receiving the second half of the Fire District funds from the agreement.

Councilor Baxter said it looks like this is a necessary move to protect the City's investment, saying he had some concerns about the security.

Sgt. Peterson explained it would be the same security for the day room and he explained the use of the day room. He noted they have come a long way since January and the dispatchers have adapted very well, but there just is not enough room for the three computers, he said.

Councilor Baxter moved and Councilor Pedersen seconded to approve the 911 relocation/remodel request. Passed unanimously.



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3. Bloodborne Pathogen Exposure Control Policy.

Charlene Byde addressed Council, representing Personnel and the Safety Committee. She explained the state standards are that any infectious disease must be protected against and in addition, OSHA (federal) requires annual training, hepatitis B vaccination and protective equipment to be provided by the employer. WISHA (state) has more stringent standards, she said and as of 5/26/92, every department must have an Exposure Control Plan in place with record keeping to be set up with regard to training records, etc. by 7/27/92. She noted that employees heavily impacted are police officers, janitorial workers, custodial officers, accident attendees. She explained the state requires regular inspections to ensure the Exposure Control Plan is being carried out correctly, that the City is providing the proper protective equipment and HBV vaccinations. She noted that medical files have to be kept separate from personnel files now and if an employee is exposed, they have the right to screening and the employer does not have the right to know the results of the screening. She noted that every employee must be trained in bloodborne pathogens and records must be kept for 30 years if an accident occurs; training program records need to be kept for 3 years. She explained that there are drafts in process of the Exposure Control Plan at this point, to be brought before City Council within the next month, a training schedule being set up, etc.

Councilor Pedersen asked about costs involved and Ms. Byde pointed out the police dept. is heavily impacted--hepatitis vaccine is required, eg. and she really doesn't know what the cost will be at this point.

Councilor Pedersen noted she is involved at the Washington Dental Association and it's estimated that an average dental office is going to be impacted up to \$30,000 per year. She asked about janitorial services/employees.

City Attorney Weed said he felt the City could expect the contractor to do the majority of the training.

Ms. Byde explained that each department has to have an exposure program, a stand alone program, separate from the other safety programs.

Councilor Baxter asked about budget and City Administrator Garner noted there is a budget for the hepatitis B vaccine already.

Ms. Byde speculated that the biggest expenditure will be the training and City Administrator Garner agreed.

4. Parking Request - Business District.

Public Works Director Zabell noted that SR 528 has brought to light some traffic/parking problems and he referred to the agenda bill. He said Public Works recommends #1 & #2 in the agenda bill.

Mayor Weiser asked how many parking places would be added and Public Works Director Zabell said about 50% more.

Councilor Herman asked about a one hour limit and said he understood some businesses would want more than that.

Ronn Beams, 945 2nd St., Mukilteo and President of the Downtown Merchants Assn., addressed Council, stating their primary concern is there is a two hour restriction now and the ordinance as it exists is not enforceable. He said in the past, they have had

CORRECTED:  
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problems with people parking on 3rd St. and the police have resolved that problem but there are some people who are abusing the parking on 3rd still, he said, and they would like to have someone come down and hand out tickets there. He said he has talked with most of the businesses in the area and they can live with a one hour parking restriction; this would be something that customers would have to be educated about, he said. He added that it was his understanding that 2nd was mixed diagonal and parallel parking and some merchants have requested the north side be changed, he said.

Darylee Bednar, 5329 130th NE, owner of the bookstore, addressed Council. She stated she has had problems with break downs and the cars stay on the street too long. For the most part, the merchants govern themselves very well, she said, but enforcement is a big issue and they need some teeth in this. She said they need the parking in that area--it's a premium and not to be abused.

Earl Hansen, owner of Cascade Music, 306 State, addressed Council and said he would also like to see an enforceable ordinance because right now, it is encouraging citizens to disobey laws. He gave examples of other laws being broken: no left turns, no signs on utility poles, etc. and he said he would like to see one hour parking if it's enforceable. Right now, he said the police dept. is unable to do anything about a car parked for two to three days because it's not an enforceable ordinance and they are legally parked. He suggested the possibility of someone from the police dept. coming down 1 or 2 days a week.

Councilor Myers asked about increasing the responsibilities of the Animal Control Officer and Mayor Weiser said his job description is being rewritten but it won't cover this problem.

City Attorney Weed explained the City's ordinance for some limited parking violations but it's not comprehensive enough to cover 1-2 hour parking, eg., it also does not explain the penalty or how it's enforced, he said and added we have some areas of the City that are designated as non-parking but there's no direction in the ordinance once someone is found illegally parked. A lot of cities have a general parking ordinance, he said, complete with penalty, direction and enforcement, eg., 3 tickets and you are required to attend a hearing and failing that a "boot" is put on your vehicle so you can't drive it away.

Councilor Pedersen asked about notification of the Dept. of Motor Vehicles and City Attorney Weed said with traffic infractions, yes, they could be notified; it would be up to Council if they choose to call a traffic violation an infraction then it would be reported to the DMV. He added that 1-2 hour parking restrictions would be easy enough to ticket.

Councilor Herman asked about the process of putting "teeth" in the present ordinance and there was discussion about having off-duty police officers write out parking tickets, utilizing the Animal Control Officer, having an Enforcement Officer, giving authority to someone other than a police officer to write up parking tickets.

Councilor Herman said he would support an ordinance with enforcement and City Administrator Garner said he would like to see the police dept./staff involved before drafting an ordinance.

Councilor Herman asked about moving to have staff work with the City Attorney in order to arrive at an ordinance to bring before Council.

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Councilor Pedersen said she would also like more input from staff/police dept. also, with the City Administrator talking with Chief Dyer, eg., including budgetary concerns.

Councilor Myers moved to approved staff recommended items 1 & 2 with diagonal parking on the north side as per staff recommendation, east of Carr's Hardware parking lot entrance. Councilor Wright seconded and the motion passed unanimously.

5. Centex Real Estate Corp.; Appeal of Hearing Examiner Decision; PA 9203009.

Planning Director Hirashima noted this was actually 2 requests: for a rezone and for approval of a revised site plan. She stated the revised site plan does not require any variances however it's not clear to her whether they are requesting consideration of their original request, she said.

Councilor Pedersen asked if the applicant is requesting a public hearing and Planning Director Hirashima said yes, but they have also submitted a revised site plan which does not require a variance. She added she felt it would be appropriate to remand the revised site plan to the Hearing Examiner.

Nelson Betty, Centex Homes, 2320 136th Av. NE, Bellevue 98005, addressed Council and explained they submitted the revised site plan for the Hearing Examiner, they talked with Eric Thompson but found out the Hearing Examiner could not recommend a variance so they reduced the number of lots. He stated the Hearing Examiner denied that because of the amount of variances, then they submitted a plan that required no variances. They are now requesting approval based on their attempts to achieve affordability, he said which would mean sidewalks on one side of the street, narrower streets, reduction in standards.

Planning Director Hirashima said the Planning Dept. recommendation would be to have the applicant revise the site plan and remand the matter back to the Hearing Examiner, to include the parcel that was the sales office.

Mr. Betty explained that Centex' preference is for single family dwellings rather than apartments.

Councilor Herman suggested the possibility of changing the minimum lot size under the PRD ordinance.

Councilor Pedersen moved to remand the matter to the Hearing Examiner and Councilor Myers seconded. The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. An Ordinance of the City Placing the Library Bond Issue on the September 15, 1992 Ballot.

Councilor Wright moved and Councilor McGee seconded to approve/adopt Ordinance 1898. Passed unanimously.

2. A Resolution Granting RUSA Variance; Marysville School Dist.

Councilor McGee moved and Councilor Herman seconded to approve/adopt Resolution 1559. Passed unanimously.

3. A Resolution Granting Utility Variance; William Carle.

Councilor Myers moved and Councilor Leighan seconded to approve/adopt Resolution 1560. Passed unanimously.

4. Resolution Amending Personnel Rules Relating to Education Incentive Pay.

Councilor Wright moved and Councilor McGee seconded to approve/adopt Resolution 1561. Passed unanimously.

5. Resolution Authorizing the Mayor to Sign Snohomish County Waste Reduction/Recycling Matching Grant Program Agreement.

Councilor Pedersen moved and Councilor Baxter seconded to approve/adopt Resolution 1562. Passed unanimously.

LEGAL MATTERS:

1. Leasing of Land near Sunnyside Well.

City Attorney Weed noted a second party is now interested but the insurance would require \$1 million liability insurance. Apparently, one party is still interested, he said, and it has been determined that the City can lease publicly owned land but the City would be required to hold a public hearing, he said. He added that \$400/year has been offered, with the lessee taking care of maintenance and insurance, as well as having to cut down the blackberries.

City Administrator Garnier said the fences are in need of repair and Public Works Director Zabell guessed the property is about 30 ac.

Councilor Pedersen asked if the lease would spell out their being restricted to usage, eg., grazing and City Attorney Weed said yes and he would recommend putting a maximum number of livestock in the lease also. He said it's a question of whether the City wants to be in the business of being a lessor, monitoring the lessee, etc.

Councilor Baxter said he would want to see more than \$400/year, something based on surrounding property/taxes, for example.

Public Works Director Zabell asked about animal grazing within City limits as this property was recently annexed. It was noted this should be double checked.

Councilor Baxter said he felt an amount for renting the land should be suggested to the people and if they are still interested, then have a public hearing.

City Attorney Weed stated he could get an estimate of the amount of taxes and bring that back to the Council next week.

Councilor Baxter noted that keeping the grass down might be worth it to the City to have a tenant.

There was brief discussion about fencing, keeping animals away from the well, etc.

2. Draft of Sensitive Area Ordinance.

City Attorney Weed explained the draft has been prepared by the Planning Commission/Dept. and he asked for direction as to whether the Council wished to meet jointly with the Planning Commission and/or have a public hearing.

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After a brief discussion, it was the consensus that the Council should meet jointly with the Planning Commission and Mayor Weiser said he would be attending tomorrow night's Planning Commission meeting and would get back to Council with a tentative date for a joint meeting.

ADJOURNED INTO EXECUTIVE SESSION: 9:55 p.m.

1. Potential Litigation.

RECONVENED: 10:29 p.m.

Councilor Wright moved and Councilor Myers seconded to authorize the City Attorney to interplead funds retained for All Seasons Construction into the U.S. Bankruptcy Courts. Passed unanimously.

ADJOURNMENT: 10:40 p.m.

Accepted this 13<sup>th</sup> day of July, 1992.

David Weiser  
MAYOR

Mary P. Swenson  
CITY CLERK

Wanda A. Swenson  
RECORDING SECRETARY