

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING APRIL 26, 1993 00033

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilor Wright excused

MINUTES OF PREVIOUS MEETING: 4/7/93 Approved
4/12/93 Approved

STAFF'S BUSINESS:

1. Supplemental Bond Refinancing Ord. #1946 Approved
Ordinance

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PRESENTATIONS: None

PUBLIC HEARINGS: None

CONSENT AGENDA:

1. 5 Liquor Lic. Renewals Approved
2. 1 New Liquor Lic. 1st Stop Deli Approved
3. 4/26/93 Claims - \$293,436.60 Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Msvl. Golf Center; Revision Approved
to Conditional Use Permit

2. Sno. Co. Tomorrow Steering Comm. Recommended that Msvl. not
Phase II Countywide Planning Pol. adopt addl. 4 policies

NEW BUSINESS:

1. Franchise Ordinance; Tele-Vue Public Hrg.set for 5/10/93
Systems (Viacom/Cablevision)

2. Utility Var./Water w/o Sewer; Approved
J & D Builders; UV 93-007

3. Recommendations for Human Svcs. Approved (\$7300)
Funding

4. Bid Policy Procedure To be continued

5. Code Enforcement Officer Position Approved - Grade VIII

ORDINANCES & RESOLUTIONS:

1. Ord. adopting 1991 Edition UFC Ord. 1947 Approved
& Fire Code Standards.

2. Ord. adopting 1991 Edition UBC Ord. 1948 Approved
& UBC Standards, etc.

3. Res. Honoring Stan Schaeffer Res. 1616 Approved

4. Res. confirming City's member- Res. 1617 Approved
ship in Sno. Co. Dept. of Emer-
gency Management

LEGAL MATTERS:

1. Recovery Contract of Utility R.C. #168 Approved
Const. Costs; Belmark Industries

ADJOURNMENT INTO EXECUTIVE SESSION: 10:34 p.m.

1. Personnel
2. Appearance of Fairness Issue

RECONVENED AND ADJOURNED: 11:05 p.m.



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 (excused)

Mike Leighan

Otto Herman

Administrative Staff:

Grant Weed, City Attorney

Steve Wilson, Finance Director

Dave Zabell, City Administrator

Ken Winckler, Public Works Director

Jim Ballew, Parks & Recreation Director

Mary Swenson, City Clerk

Jerry Jacobsen, Fire District Fire Marshal

George Mack, Bond Counsel

Gloria Hirashima, City Planner

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 Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilor McGee moved and Councilor Myers seconded to approved the Special Council Meeting Minutes of 4/7/93 as written. Passed unanimously.

Regarding the 4/12/93 Regular Council Meeting minutes, Councilor Herman noted on page 1 in the last paragraph that "LEF" should be "LEOFF"; on page 3, first paragraph, he asked that "and if this would correct problems with access to the sewer lagoon" be deleted from the first sentence. On page 5, in the fourth paragraph from the bottom, he asked that the word "solely" be deleted. On page 6, in the second paragraph from the bottom, third line down, he asked that the word "yet" be added after "he doesn't want to opt out."

Councilor Leighan noted on page 10, third paragraph, should read: ".....and if payment is not received from the City until it's published,....."

Councilor Herman moved and Councilor Pedersen seconded to approve the minutes of the April 12, 1993 meeting as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson explained the City is due to close on the refunding bond issue this Thursday and as part of the transaction, there was a special Council meeting 4/7/93, passing Ordinance 1945 which sets forth new standards, etc. However, even though attempt were made to make sure that the ordinance was accepted by all parties, MBIA of New York has asked for some changes, which appear in the supplemental ordinance which he handed out, he said. He introduced George Mack of Foster, Pepper & Shefelman to explain the needed additions.

George Mack reviewed the three items:

1. Variable Rates. MBIA wishes it set out as to how the City pays a maximum rate on the ordinance for purposes of building up a reserve, etc. (He said this is standard wording.)
2. Attachment B relates to Reserve Insurance and sets forth certain conditions in the event this insurance, surety bond, etc. is taken out in lieu of a reserve amount of cash.
3. Attachment C lists Permissible Investments. He stated the MBIA does permit investment of funds in a state administered pool.

City Attorney Weed asked if the list of permissible investments is consistent with state accepted investments and Mr. Mack said it is not too different from state law--they may permit some broader investments, but you would be restricted (by state law) if something is on the list and not permitted by state law.

Councilor McGee moved and Councilor Pedersen seconded to approve/adopt Ordinance 1946. Passed unanimously.

City Administrator Zabell announced that the Adopt-A-Street Program is now off the ground and 36 bags of litter were collected recently from two different locations: North State and State to Ash between 4th & Grove. *from 20th - 8th on*

CORRECTED:
MINUTES SEE 5/3/93

He reported the Jennings Park Petting Zoo burned down Sunday night and Jim Ballew would give more information on this; there seems to be some interest developing on ULID 64 now as far as the petition method, with it probably going to be presented before Council next week. He talked about the criminal justice funding which is possibly going to be pulled and AWC is encouraging cities to contact legislators. He said Marysville stands to lose \$120,000 in this type of revenue because of the proposed legislation. He reported he recently attended a ceremony at Mrs. Wright's house at 10th & Quinn. The house burned down a year ago and was rebuilt at the same location, the house was apparently insured but the contents weren't and local elementary kids had a penny drive and raised \$610 for Mrs. Wright, he said. He said it was a very heart warming ceremony.

City Attorney Weed reported he will be out of the office from Wednesday to Sunday of this week and if there are any questions or support needed, the City could contact Tom Graafstra who will be filling in.

Public Works Director Winckler presented the sign issue on the Public Works Building again. He suggested the City look at different types of signs similar to Everett's and said it would be somewhere between \$3,000 and \$4,000 for painting on the side of the building in addition to directional signs. He stated the low bids to put "City of Marysville Public Works and Planning Depts." on the side of the building were:

- \$2269 plus tax for painting, 3 year warranty
- \$2990 plus tax for vinyl sign, 5-7 yr. warranty

Without the three words "City of Marysville", the low bids are:

- \$1550 plus tax for painting and
- \$1640 plus tax for vinyl.

There was discussion about the need for directional signs, Public Works Director Winckler pointing out that there are already signs up or else they are in progress at 4th & Columbia, 1st & Columbia, 1st & State and 1st & Cedar.

Councilor Baxter said he thought we needed both sets of signs (on the building and directional signs) and there was further discussion about the Welcome to Marysville sign which got wrecked by DOT during bridge enhancement at the south end of town, having

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the building sign on the north side, no off premises signs allowed, all departments should be listed not just "Public Works", possibility of simply painting the word "Marysville" on the building, defining the problem, maybe the Chamber could include something in their brochure about what's at City Hall, what's at the Public Safety Building, what's at the Public Works Bldg., needing a combination of signs, possibly:

- "Public Works Building"
- "Public Works & Planning Entrance"
- "Welcome to Marysville" sign
- Directional signs.

Councilor Herman noted it sounded like we have 2-3 objectives: how to find a particular department and/or building and aesthetics. He said he would suggest painting "City of Marysville" on the side of the building in conjunction with direction signs showing "Building and Public Works Depts."

Councilor Pedersen noted Everett and Bothell both have nice welcome signs and it's a good idea.

Councilor Leighan suggested the possibility of painting the motto on a welcome sign, once it's established and providing the motto is not too long. There were further comments regarding replacing the "Welcome to Marysville" signs.

Parks & Recreation Director Ballew reported on the petting zoo fire, noting it was at 1:30 a.m. Monday morning and was not put out until 3:00 a.m. He asked Fire Marshal Jerry Jacobsen to expand.

Fire Marshal Jacobsen explained that investigation indicates somebody had taken a garbage bag and set it up against the exterior wall of the building, setting it on fire, along with other available combustibles. He stated this is similar to 2-3 other fires set very recently in unoccupied buildings and there will be a meeting soon regarding other similar fires in the county.

Parks & Recreation Director Ballew stated there was insurance on the building with a \$1000 deductible but there may be a problem with putting the building back in the same place due to the City's sensitive areas ordinance. He noted there had been discussion about moving the petting zoo to the west side of the park which would afford better access to utilities, better security and a bigger facility. He added that they were to be dedicating the opening in 2-1/2 weeks.

Councilor Baxter asked about a temporary facility and Parks & Recreation Director Ballew said they haven't thought that one through yet but will be speaking with the high school coordinator and see what they suggest.

Councilor Baxter noted the City has had real good participation on this and said he would like to see the program continue, even if it has to be with a little different type of animal that maybe doesn't need as much shelter as before, he suggested.

Councilor McGee asked for more information about the proposed new area for the petting zoo and Parks & Recreation Director Ballew explained the proposed site to the west, current use, holding area, compost pile, Gehl home. He said they would have to meet with all parties concerned, including neighbors to the park, to check into the most safe and feasible location. He noted that much rewiring has to be done also as the fire damaged all the new wiring just put in for the Nature Park.

Councilor Pedersen asked if the back gate is locked every night and Parks & Recreation Director Ballew said yes, but the front gate was not and the Coke machine was wrecked the same night as

the petting zoo barn was burned down. He said there was a \$25,000 value on the barn, he will be meeting with the insurance adjuster and more information will follow.

MAYOR'S BUSINESS:

Mayor Weiser reported he attended the third Growth Management Coordination Committee meeting last Monday night and definitions and designations of ag lands were discussed. He said there was discussion about what plans Marysville has and the county and City were supposed to work together on the areas outside City limits as far as whether they are of long term significance. He said they are planning on having a representative from the Snohomish County Economic Development Council, someone to speak on the Quil Ceda/Allen Creek system as well as Steve Toy to speak about land capacity at the next GMCC meeting.

He reported he would most likely be attending the upcoming Puget Sound Regional Council meeting this Thursday from 3-6 p.m. in the Seattle Center regarding the regional transportation issues.

CALL ON COUNCILMEMBERS:

Councilor Herman stated he would be at that meeting also. He said he had a call just before tonight's Council meeting regarding erosion control on the east side and he said they wanted to know who to contact at the City.

City Planner Hirashima stated that depending on what phase of construction the project is in, it would be either the Planning Dept. or the Public Works Dept. She added that most of the plats have had siltation and erosion plans approved during construction but there have been a lot of changes in subcontractors, for example, and the Planning Dept. has received a number of calls also and have sent out letters and are investigating a number of cases right now. She said the Dept. of Fisheries might also be called out in some cases.

Councilor Herman noted the creek which runs through the golf course seems to be the one that's of concern to a lot of people, especially when it runs very fast, full of muddy water.

City Planner Hirashima suggested people call her, Eric Thompson or even a building inspector. She said they would have to know the exact subdivision in question.

Public Works Director Winckler noted the Public Works Dept. always has an employee on call all weekend long and people can go through the Dispatcher and they will direct people to the on call person.

City Planner Hirashima offered as explanation for an increased number of calls this year, that a lot of developers may have cleared and graded in anticipation of the burn ban which is in effect now. She said she feels their clearing may have caused erosion problems.

Councilor Herman said he would like more feedback with regard to solving the problem.

Councilor Baxter noted there have been a lot of changes and there are a lot of preventative measures which have been made on the hillside and he invited Councilor Herman to visit that area again.

Councilor Leighan added that there is a lot of volume to take care of, for example, this past weekend when it really poured down.

Councilor Herman reminded everyone of the 5/11/93 deadline for the motto contest and invited the press to include something about it in the newspapers so every member of the community has an opportunity to participate.

Councilor Baxter said as far as the GMCC meeting the Mayor was at, he said he got the impression from the county that Marysville's opinion really didn't count regarding ag land because the county gets the last word, anyway, about zoning and urban growth boundaries. He said he feels like these meetings might just be a waste of Marysville's time, and not very productive if the county isn't going to consider Marysville's position, needs or desires.

Mayor Weiser said that's why he said it's important to include ag land in joint planning; there is some very definite differences of opinion as to the ag use of the land, but Marysville utilities are already in that area so we have a vested interest there, he pointed out. He added that hopefully, we will have some say about where the urban growth boundary will be.

Councilor Baxter noted that the committee is trying to consider some very important, long lasting decisions and he said he wishes more City Council people were there.

Mayor Weiser noted there is a Growth Management Hearings Board which is available after all other avenues are exhausted, for example, the Growth Management Coordination Committee. He said the whole area at one time was forestland, it was then turned into ag land and what happens to it now is going to have to be decided.

Councilor Baxter pointed out that the owners of the land have the opinion that the land won't sustain a business any longer and people on the committee have never farmed and are insisting that these lands remain ag, even if they won't produce a product that will support the business. He said it's very difficult to listen to this type of argument when there is conflicting information.

With regard to the Tudor property, Councilor Baxter stated the clean up is proceeding well, thanks to our City Planner. With regard to the lights at the driving range, he said as soon as it stops raining they will be able to put some more screening up.

Councilor Myers announced he will be attending a meeting tomorrow night regarding the new location for a recycling transfer station.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Friendly Tavern, Kuhnle's Tavern, and Marysville Deli & Video.**
2. **New Liquore License for First Stop Deli, 70 State Avenue, Marysville.**
3. **4/26/93 Claims in the Amount of \$293,436.60.**

Councilor Myers asked about voucher #15383 and City Administrator Zabell explained this was a City employee who got ticketed in the City of Everett in a City of Marysville vehicle.

Councilor Pedersen said she would like to see some kind of policy about that. It was also noted that Mayor Weiser attended the same meeting in his personal vehicle, he also extended his time on the parking meter but did not get ticketed.

Councilor Baxter moved and Councilor Leighan seconded that Consent Agenda Items 1, 2 & 3 be approved. Passed unanimously.

CURRENT BUSINESS:

1. **Marysville Golf Center; Revision to Conditional Use Permit; PA 8709039.**

City Planner Hirashima reviewed the agenda bill, noting the appli-

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cant is asking that restrictions l (g) & (h) be lifted and the hearing examiner recommended dropping these two conditions, with the provision they could be reinstated in the event it was necessary. She stated the current (new) owner has a number of new policies including a good neighbor policy and he actually now lives in the neighborhood, she noted. He is familiar with the problems of a business adjacent to a neighborhood and was able to get support but if problems arise, the neighbors would petition for the conditions again. She said the new owner actually bought the home that was having the most problems with errant balls in the past. She added that the log in system has been lifted; the current owner said he would take responsibility for any damage done by errant balls--he has a \$1 million insurance policy, naming the City as co-insured, she pointed out.

Councilor Pedersen asked about the disposition of the lighting at the golf center and City Planner Hirashima said they are going to work with the Planning Dept. administratively with regard to changes in the lighting; there is apparently a security problem.

Councilor Pedersen asked about the glare to drivers and City Planner Hirashima said they had talked to the owner about additional lighting on the north facing south rather than the lights being on the south facing north and she said they will probably have him extend the black netting to reduce the glare. When the lights were relocated on the buildings, she said it was made clear the City had the authority to make him remove them if there were any problems.

Councilor Herman asked about woods vs. irons in all of the stalls and if full responsibility on the part of the golf center has been put in writing.

City Planner Hirashima said it was actually felt advantageous for the owner to continue with the log in system but it was deemed a non-productive exercise; she said she could check further with the owner with regard to his signing an agreement.

Heather Cartmill, 11715 47th Dr. NE, Marysville, addressed Council and said she is in favor of the owner's plans, that she works there and would like to explain a bit about what the plans are. She explained about the extension of the nets 2' from the ground and the boards are now angled so it's harder to hit balls out. She said they are planning to bring the nets on the side to come up further, too and there was a problem on the corner which they are fixing, too--it's still pretty hard to hit a ball out, she said, even with the proposed changes not completed.

Mayor Weiser asked if a change to the hearing examiner recommendation would require a new public hearing and City Attorney Weed said only if it's a substantive change.

Councilor Pedersen referred to the golf center acceptance of full responsibility and asked about the necessity of getting an agreement.

Councilor Herman pointed out that it's already in one of the hearing examiner's conclusions and City Attorney Weed noted it's on the record and so would not be necessary to have an additional public hearing. He said the question would be if it's appropriate for the City to require that condition as it's not going to cover every case--their responsibility may have to be looked at on a case by case basis but he said he thinks it's appropriate to request a copy of the liability insurance policy.

Councilor Pedersen read from the minutes and City Attorney Weed said he felt the public hearing pretty well covered the situation as far as the owner stating they would be responsible.

Councilor Leighan noted that the City always has the out of reimposing restrictions, if necessary.

Councilor Pedersen said she would support the revision to the conditional use permit as requested.

Councilor McGee moved and Councilor Myers seconded to approve the revision to the conditional use permit as requested. The motion passed unanimously.

**2. Snohomish County Tomorrow Steering Committee; Phase II
Countywide Planning Policies.**

Mayor Weiser explained there were 8 policies required under the GMA plus there were four other areas/countywide policies that have now been presented in addition to the original 8. He said the steering committee has not been able to come to any decision on these; as a compromise, they sent the 8 policies on to the county in February with the other four to be looked at further by the subcommittee. He noted it has been pointed out that these four policies are basically already included in most cities' comp plans and Lynnwood and Mill Creek have indicated that they no longer wish to participate in any further discussion of the additional countywide policies, which are not mandated by the GMA.

Councilor Pedersen said it sounded like other cities had valid reasons for not participating in additional areas and she asked how much staff time would be involved.

City Planner Hirashima stated the Phase II policies are optional and it was pretty well unanimous that most cities do not want to participate because it is envisioned that there would be additional staff time needed to meet with the county with regard to the policies, planning staff teams, developing projects; a lot of cities felt we had already made substantial effort, for example, through the Growth Management Coordinating Committee, dealing with the GMA issues and this would involve many hours of staff time. She added that they thought Marysville's plan would include these issues, which would be coordinated with the county and she said they feel there is an adequate process in place already in order to get a combined land use review between city and county. She added that the City often already deals with the county, sending each other staff comments and are working with them on a number of projects and in a number of areas.

Councilor Pedersen asked, in view of the number of cities opting not to participate, if the county indicated what's going to happen if the four additional policies are not discussed at the steering committee level any more and Mayor Weiser said the possibility of a weighted vote has always been there but it's never been used. He gave a little background on county representation in the steering committee, noting the county has since passed a resolution that will force the three county representatives to vote as a block. He stated Carolyn Sanden is the county staff person and she said the figures aren't in yet, but he commented he didn't see how they can come to a consensus on this.

Mayor Weiser said when a weighted vote is called for, they have to declare how they are going to vote, however, this has not happened yet and for the most part, everyone is trying to avoid conflict.

Councilor Pedersen suggested the possibility of this taking more than one meeting to reach a consensus and she recommended only calling for a weighted vote if you (the Mayor) knows the vote is there.

Councilor Herman observed that it looks like there has been a lot of discussion and work in a lot of the policies and Mayor Weiser agreed, noting there's a lot of agreement in the planning policies

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but most of the cities are already incorporating most of the additional policies in their comp plans/planning policies.

Councilor Herman asked what happens if these four additional policies are set aside, if the county will establish these policies anyway or if individual cities will set their own policies. He added that it seems like an agreement is close at hand and it might be worth trying to get a consensus.

Mayor Weiser explained a lot of work has gone into these policies and they have produced volumes and volumes of paper however, the additional policies are probably better served by allowing the individual cities to include them in their own comp plans. He pointed out that the GMA deadline has not been extended--it's still 7/1/93.

Councilor McGee said he would support a weighted vote but doesn't know which way.

City Planner Hirashima stated a lot of cities maintained these additional policies were unnecessary; there is a great deal of frustration and they are not 100% supported by all cities. She said there are only a few areas where they are in agreement and it's felt this would subject every policy to disagreement between the city and county. She quoted some examples, such as open space issues, where there is very subjective interpretation for policies and this detracts from the individuality of the various comprehensive plans of the cities, she said.

Councilor Baxter said as far as a jurisdiction to provide a trail system, wildlife habitat, etc., the policies then expect the same jurisdiction to protect that wildlife habitat and he said it sounds like parts of the additional policies are in conflict.

Councilor Herman said there have been some subtle changes where "shall" has been changed to "may" and he said he thinks it's desirable to have a consistent policy between cities if it's possible but it sounds like they don't want to spend any more time on this.

Councilor Pedersen said she would leave the weighted vote question up to the Mayor and there was more general discussion about consistency (or lack of it), transportation issues which have already been addressed in other parts of the countywide policies.

Councilor Pedersen suggested Marysville should vote "no" on the four additional policies.

Councilor Baxter asked what would happen if the county tries to adopt them anyway and City Planner Hirashima said the state would have to challenge and only if the board adopts the countywide policies then the City would have to adopt them also. She added it looks like we will have to adopt the 8 original countywide policies.

Councilor Baxter asked what would happen if the City insists on selectively adopting policies that everyone else adopts. Mayor Weiser said there would be a withholding of revenue.

City Attorney Weed said if everyone else adopts, Marysville would not have a choice but if all cities are against and can come up with good reasons for being against, he said he thinks the county will have to reassess the situation.

City Planner Hirashima said she thinks not only will the cities be against, so will citizen interest groups, probably, with regard to these four additional policies.

Councilor Pedersen moved that the Mayor vote "no" for all four

additional policies, with the Mayor using his own discretion regarding a weighted vote. Councilor McGee seconded and the motion passed with Councilor Herman opposed.

NEW BUSINESS:

1. Franchise Ordinance; Tele-Vue Systems (Viacom/Cablevision).

City Clerk Swenson explained the City now has two franchises in it because of recent annexations. She reviewed the agenda bill, noting that the two franchises actually have a conflict in that Viacom can't show the Community Access Channel and TCI can't show the Playboy channel. She noted that TCI has made an agreement not to have adult channels in Marysville and so if the customer wishes, Channel 1 (Playboy Channel on Viacom) can be permanently tuned out. She explained that with the \$900 revenue the City will receive for allowing Viacom to operate in Marysville, it is hoped Council will approve staff recommendations to develop videos to explain LIDs, the annexation process, etc. Also, with the election coming up, she said they could do a spot on that process, offering candidates an appearance on TV, she said. She concluded that Council does need to hold a public hearing on this issue and she said she would suggest 5/10/93.

Councilor Pedersen asked about the technology restrictions referred to and City Clerk Swenson said it is actually not that TCI can't offer the Playboy channel, it was a corporate decision and agreement with the City of Marysville not to offer it and the technology is there that either TCI or Viacom can trap it out, if requested by the customer.

City Attorney Weed explained that City Council can't take action tonight, the franchise has to be applied for by Viacom. Councilor Pedersen asked if franchise agreements are by location and City Attorney Weed said yes, they are by prescribed service area and these two are contiguous, they do not overlap.

Kay Deasy of Viacom, addressed Council. She stated the City does not have the legal right to dictate programming but it is in fact usually a mutual agreement with the City being served. She said as far as programming out the Playboy channel, for example, they are happy to work with the customers, putting in filters, etc. and basically this area was built as part of their countywide programming out of Everett, she said. She added there was no anticipation of annexation and right now, they have no way to break out a specific area to provide the Marysville public channel but their franchise would expire the same time as TCI's (in 7 years) and at that time, TCI may buy out Viacom's section of the City or the other way around; this is happening all over the county, she said and she explained that Viacom started with a countywide franchise.

City Attorney Weed noted the franchise is connected with the street use permit and Ms. Deasy added that under state law, the term of the lease would be the time left under TCI's agreement, 7 years, eg.

Councilor Pedersen compared cablevision to long distance companies and asked about choices.

Ms. Deasy said she would say the competition is around the corner: you will see long distance companies getting into the cablevision field and vice versa very soon.

Councilor Leighan said he would be in favor of a non-exclusive agreement.

Councilor McGee moved that a public hearing be set for 5/10/93. Councilor Herman seconded and the motion passed unanimously.

2. Utility Variance/Water Without Sewer; J & D Builders; UV 93-007

Public Works Director Winckler reviewed the agenda bill, noting the subject property is outside RUSA, that an 8" line was installed in 1991 and the variance expired 1/92 for 14 lots. He referred to the map in the packets.

City Administrator Zabell stated this variance would be for the 5 lots to the south and he gave some background. He noted that the 14 lots were held up subject to the Everett waterline and the property is outside of RUSA but within the CWSA.

After brief discussion, Councilor Baxter moved to approve the request, as recommended by staff. Councilor Pedersen seconded and the motion passed unanimously.

3. Recommendations for Human Services Funding.

City Clerk Swenson outlined the four applications which were received for Human Services Funding:

Marysville Food Bank - \$1,500
Snohomish Co. Literacy Coalition - \$800
Stillaguamish Sr. Center (Elderscreen Program) - \$5,000
Marysville YMCA - \$2,000

She explained the committee, made up of Mayor Weiser, Councilor Wright, Nancy Thatcher (citizen), Bob Lashua (citizen) and City Clerk Swenson recommended all the requests be granted with the exception of the Elderscreen program. It was their recommendation they receive \$3,000 vs. the \$5,000 requested. The total then would come to \$7,300 out of \$10,000 allotted, she explained, which would leave \$2,700 in a reserve fund.

There was some discussion about the role of the Snohomish County Literacy Coalition and their request.

Councilor Herman declared that he is on the Stillaguamish Sr. Center board of directors and City Attorney Weed stated it would be appropriate for him to abstain from voting with respect to the Elderscreen program.

Councilor Baxter asked if there were any statistics about who these groups serve, etc. and Mayor Weiser said he would like to see some kind of report at year end, for example.

City Clerk Swenson explained each group is required to account for the funds the City grants them, receipts, etc.

Councilor Pedersen commented on the nice variety of organizations being recommended for grants by the City and City Clerk Swenson added that she was very pleased with the process, being as how this was the first year.

Mayor Weiser asked if there were any requests the City had to turn down and City Clerk Swenson said no. She added that other cities have asked for Marysville's policy in order that they might model theirs after ours.

Councilor Pedersen moved and Councilor McGee seconded to approve the requests as recommended: Marysville Food Bank - \$1,500; Snohomish County Literacy Coalition - \$800; Stillaguamish Sr. Center - \$3,000; Marysville YMCA - \$2,000. The motion passed unanimously.

4. Bid Policy Procedure.

City Clerk Swenson reviewed the agenda bill and the draft resolution in the packets. She noted that under the public work

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definition there is some controversy regarding what is meant by "ordinary maintenance" and she recommended replacing this section with wording from the RCW/WACs (by reference). The resolution would then be brought back next week, she said, before Council.

Councilor Pedersen asked about telephone quotations and City Clerk Swenson stated these are allowed as per Resolution #1269 passed by City Council.

Councilor Pedersen suggested deleting "Whenever possible" on page 3, fourth paragraph and then under Change Orders, there should be a change from "exceeding the budget amount" so that the total of the bid plus the change order will not exceed the amount budgeted.

There was discussion about the state auditor requiring written procedures, distinctions on dollar values, small vs. large projects, change orders, budgeted amounts, using a percentage of the original budget amount, what other cities do, units it would take to complete a job, ease of administering change order policy.

City Attorney Weed explained the Council has the authority to change a contract and this resolution would in essence be giving preapproval for staff to administer a change order.

There was more discussion about looking at it on a case by case basis, depending on the type of project, changing the word "budgeted" to "contracted" amount or the "bid" amount, definition of the word "budget", acceptance of an "allocated" amount to include the bid amount plus a change order contingency amount. It was the consensus to include this change as well as Councilor Pedersen's deletion recommendation for "Whenever possible" on page 3, changing the word "budgeted" amounts and including the RCW/WAC definition of "public work" by reference. These changes to be brought back to Council next week in the form of a revised resolution.

Councilor Baxter left Council Chambers at 10:10 p.m.

5. Code Enforcement Officer Position.

City Administrator Zabell said this position would be funded out of the Surface Water Utility Fund as well as the General Fund. He stated the position would include interpretation/enforcement of the sign code, shoreline and grading permit enforcement, checking on public nuisance complaints.

Councilor Baxter returned to Council Chambers at 10:15 p.m.

City Administrator Zabell stated there is agreement within the departments as far as what jobs would be assigned to this position and what jobs wouldn't be and who this person would report to. He stated the position has been budgeted for a Grade VIII, a comparable study was done, it would be a non-union position and probably won't be filled until the beginning of June.

City Planner Hirashima said she would have further information also in about a month concerning how this position will coordinate with other departments and personnel.

Councilor Pedersen suggested adding as a requirement of the position that the person be required to employ "tact and diplomacy" and City Administrator Zabell said that was a good idea and could be put in the section regarding coordinating and working with staff.

Councilor Baxter asked if this position was in conjunction with the Animal Control Officer and it was explained this is a separate person/position which was approved in the 1993 budget.

There was discussion about the scope of the job, a lot of this person's duties will be to do with investigating surface water complaints, public nuisance complaints, budgeting of the position.

Councilor Myers said he was in favor of the position at Grade VIII as recommended by staff.

Councilor Baxter asked about the inclusion of "electric shock risks" in the job description and City Planner Hirashima explained this was out of the ADA requirements.

Councilor Myers moved to approve the position as recommended by staff at Grade VIII, Councilor McGee seconded and the motion passed with Councilor Baxter in opposition.

ORDINANCES & RESOLUTIONS:

1. Ordinance Adopting by reference the 1991 Edition of the Uniform Fire Code and Fire Code Standards.

Fire Marshal Jacobsen explained the 1991 Edition of the UFC is the most current version.

Councilor Herman moved and Councilor Pedersen seconded to approve/adopt Ordinance #1947. Passed unanimously.

Fire Marshal Jacobsen presented the First Annual Marysville Fire District Report to Council on behalf of Fire Chief Ronning. He briefly highlighted activities for the last year including 3217 alarms, fire training, maintenance of equipment.

2. Ordinance Adopting by reference the 1991 Edition of the Uniform Building Code, Uniform Building Code Standards, Uniform Plumbing Code, Chapter 4 of the Uniform Sign Code and Uniform Mechanical Code.

Councilor Baxter moved and Councilor Herman seconded to approve/adopt Ordinance 1948. Passed unanimously.

3. Resolution Honoring Stan Schaeffer for service on the Sno-Isle Regional Library Board.

Councilor Myers moved and Councilor Leighan seconded to approve/adopt Resolution 1616. Passed unanimously.

4. Resolution Confirming the City of Marysville's Membership in the Snohomish County Department of Emergency Management.

Councilor McGee moved and Councilor Myers seconded to approve/adopt Resolution 1617. Passed unanimously.

LEGAL MATTERS:

1. Recovery Contract - Belmark Industries.

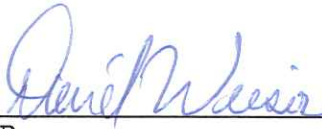
Councilor Baxter moved and Councilor Pedersen seconded to approve/adopt Recovery Contract #168. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:34 p.m.

1. Personnel.
2. Appearance of Fairness Issue.

RECONVENED & ADJOURNED: 11:05 p.m.

Accepted this _____ day of _____, 1993



MAYOR



CITY CLERK



RECORDING SECRETARY