

MINUTES RECAP

00036

MARYSVILLE CITY COUNCIL MEETING

SEPTEMBER 27, 1993

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilor Myers excused

MINUTES OF PREVIOUS MEETING:

9/13/93 Approved

AUDIENCE PARTICIPATION:

None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION:

None

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

- 1. Front Yard Setback Variance - Tomulty Approved

REVIEW BIDS:

None

CURRENT BUSINESS:

- 1. Contract w/Al Gordon & Assoc. for collection of court fees Approved - 3 year contract
- 2. Purchasing System. Approved Phase I.

NEW BUSINESS:

- 1. Preliminary Plat, Private Road Variance & Conditional Use Permit - Robert Aldridge Public Hearing set for 11/8/93
- 2. Msvl. YMCA Request for Human Services Funding Approved

CONSENT AGENDA:

- 1. 9/27/93 Claims - \$215,840.03 Approved

ORDINANCES & RESOLUTIONS:

None

LEGAL MATTERS:

- 1. Contract w/Chrysalis for Clearing Grass & Debris from Specified Ditches within Marysville Approved
- 2. Agreement for Joint Operation of Fire & Emergency Medical Protection Facilities Approved
- 3. Agreement for Construction & Operation of Fire Station Approved
- 4. Transportation Improvement Bd. (TIB) Consultant Agreement - Hammond, Collier, Wade, et al Approved

ADJOURNMENT INTO EXECUTIVE SESSION:

10:45 p.m.

- 1. Real Estate
- 2. Personnel
- 3. Litigation

RECONVENED & ADJOURNED:

Approx. 11:45 p.m.

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7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers (excused)
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 Grant Weed, City Attorney
 Dave Zabell, City Administrator
 Steve Wilson, Finance Director
 Gloria Hirashima, City Planner
 Ken Winckler, Public Works Director
 Sue Jensen, Court Administrator
 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:

In the 9/13/93 Council minutes, Councilor Herman noted under Minutes of Previous Meetings, Corrections, first line, "his" should be changed to "the" and in the third line from the bottom of the same paragraph, he asked that "'recommended plan'; that" be deleted and insert the word "that" after "confusion". In other words, the sentence should read: "He said he does take exception to the confusion that has been created....."

On page 2, in the third paragraph from the bottom, the word "form" should be "from" and at the bottom of page 6, "until" completion should be "upon" completion of the plat.

Councilor Wright noted that on page 2 in the last sentence of the second paragraph under "Call on Council" the words "they don't have a vote on first" should be deleted.

There being no further corrections, Councilor McGee moved and Councilor Baxter seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

Finance Director Wilson reported the 1994 budgeting process has started, to be reviewed in the next couple weeks and then brought to the Finance Committee, to be then brought before Council by the second meeting in November.

City Administrator Zabell reported County Council is having a public hearing 9/30 in the Ginny Stevens Room on the Interim Growth Area and there will be a RUSA meeting 7:30 a.m. 9/30 at City Hall. The next library building committee meeting is scheduled for 3:30 on 10/6 with a 10/4 Council workshop prior to that, to decide the ultimate use and placement of the library building, if Council is willing to have a workshop and if so, he asked if it should be for 1 or 2 hours.

Councilor Pedersen said if they keep to the issue it can be kept to one hour.

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It was agreed to have the workshop at 5:30 on October 4, just prior to the regular Council meeting.

City Administrator Zabell reported the EPA is looking at drinking water regulations and staff will be putting together some information on that for Council, etc.

City Attorney Weed stated there have been an increasing number of queries regarding ballot measures and public resources that can and can't be used for what measures. He stated he will copy the information brochure that he has, for Council.

City Planner Hirashima reported that there will be a WSDOT rail presentation at the Planning Commission meeting tomorrow night, regarding service from Oregon to Washington.

Public Works Director Winckler gave an update on Change Orders for the WWTF concerning the damage to pilings, etc. He stated the first of two new garbage trucks arrived last week, the second one to be here this Wednesday. He said there will be training tomorrow and they are targeting 10/4/93 to start the new routes and have gotten a lot of press on this. He gave the 528 & 67th intersection signal update, stating staff has submitted the final application to the state and they have assured us there will be no further delays, he said. He stated plans are in process to be sent to the State. The alley between 7th & 8th has been completed, he reported and there will be a celebration of "No Waste Recycle Week: 10/18 to 10/24" with the Mayor signing a proclamation. He said part of this program will be to have a battery pickup kick off which is a pilot project. Another plan in the works is a Halloween costume swap drop where people can swap Halloween costumes at no charge, he said.

MAYOR'S BUSINESS:

1. Mayor Weiser explained that two people were interested in being named to the library board however one subsequently asked not to be considered at this time. He stated Wanda Haas has some very similar concerns to what has been raised in the past by Council and others: children's facilities, building placement, availability of library materials, etc. and he recommended that she be appointed.

Councilor McGee moved and Councilor Baxter seconded the affirmation of the Mayor's appointment of Wanda Haas to the Library Board until 12/31/95. The motion passed unanimously.

2. Mayor Weiser suggested two more Council workshops regarding the Interim Comp Plan: Tue. 10/5 at 7 PM & Mon. 10/11 at 5:30 prior to Council meeting. Both meetings would be held in Council Chambers, the second one only if necessary to be held, which would be determined after the first meeting is held.

3. He reported on the Snohomish County Tomorrow Steering Committee meeting, stating they finalized employment and population forecasts figures that came out of the Office of Fiscal Management. He said the discussions dealt with calling these "target" numbers with planning to be included within the various cities' environmental impact statements. The figure they are working with is a population target of 214,000 for the county for the next 20 years. He stated this figure was acceptable to all the cities in the county with the exception of three; Marysville was in agreement.

CALL ON COUNCIL:

Councilor Leighan asked about the burn ban boundaries and Councilor Baxter stated 108th to 83rd and west of 67th.

Councilor Leighan noted there was an application for a bed and breakfast a couple years back but there is nothing in the MMC. He asked if the Planning Commission would be taking a look at this.

City Planner Hirashima said yes, as time allows, but right now the Planning Commission is discussing the subdivision code.

Councilor Leighan reported last Friday ~~night~~ he attended a workshop on gangs as part of the Snohomish County Gangs Task Force. He passed out some interesting information and explained a CK ad and all the gang inuendo included in it.

Councilor Wright reviewed AWC Legislative Committee issues including transportation, crime, regulatory reform, Oregon's Proposition 5 (similar to Washington's Prop. 601 & 602). It was noted that it had a serious effect on Oregon cities' budgets. She reported an upcoming subcommittee meeting 10/20 to 10/22 and 11/18 will be the full committee meeting.

Councilor Pedersen referred to the proposed health district budget in the packets. She talked about the presentation from the architects on the library building and stated 1/95 is the proposed target date for completion of the library building. She reported she attended the fire board retreat last weekend where an overview of the EMS facilities, equipment, strategic planning, etc. was discussed. She reported the light bulb above her in Council Chambers is burned out again. She asked about the acting fire chief's concerns and what Marysville's strategy would be at the upcoming County Council meeting.

add: legislative action

Mayor Weiser said as part of the GMA, the county is to come up with interim boundaries and he said he and City Planner Hirashima met with several county people and asked about extension of the City's deadline for making the decision on the Interim Annexation Boundary (Oct. 1) but they would not extend and correspondence has been going back and forth with the county and the plan is to discuss this more this Thursday, he said.

Councilor Pedersen noted the best time to reach a compromise is when you have a firm deadline but she said she would like to see if there's any room for negotiation on the boundaries; maybe approaching the GMCC, eg.

Mayor Weiser said he will be talking with the GMCC and yes, there might be some room for compromise; some of the areas in the past were agreed on and some were not, he said.

City Attorney Weed stated that during the course of the Planning Commission hearings he got the impression the whole thing may not have agreed with all the boundaries recommended by county staff; Lake Stevens issues were much more confusing and he said he got the sense that there might be changes later on. He said he thought Marysville's hearings actually lasted longer than other cities but the time constraint was tight. They may consider additional hearings; October 1 is the current deadline, he pointed out.

Councilor Baxter said he got a letter from Joy Smith of Lakewood regarding the water situation and it was decided to put this on the RUSA meeting agenda for Thursday. He asked about cruising on State and Mayor Weiser said it has been pretty quiet.

Councilor Baxter referred to a drawing of the proposed boat ramp and it was noted it came out of Larry Wade's office. Councilor Baxter said there have been ongoing meetings regarding the First St. Bypass.

City Administrator Zabell remarked that the drawing is actually the same one that was presented in 1984 or 1985.

Councilor Baxter also commented on the fire board retreat, noting they talked about aid, paramedics' problems in Lake Stevens, Monroe, etc. He said the fire departments are trying to put together a plan to operate and respond to paramedics/aid calls on a different level.

CORRECTED: MINUTES SEE 10/4/93 delete

CORRECTED: SEE 11/19/93 MINUTES

He explained that hospitals are running out of money for these programs and there are only a couple ambulance services left in the greater Seattle area; Marysville is working on the problem.

Councilor McGee asked about road work at 53rd & Armar today and Public Works Director Winckler said it was removal of a PRC and re-location, he believed, but he would double check this.

Councilor Herman handed out new CT route brochures, noting Marysville now has Route 421 that originates in Marysville and goes non-stop to downtown Seattle. This started 9/12 and has attracted quite a few riders; in the past people either got bypassed because the buses were too full or else they had to stand all the way from Marysville to Seattle.

There was brief discussion about utilization of park and ride lots in Marysville.

PUBLIC HEARINGS:

1. Front Yard Setback Variance; Tim Tomulty; PA 9307024.

Mayor Weiser asked about any conflicts of interest, disclosures, challenges, etc. and there were none.

City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill, noting the hearing examiner recommended approval. She stated what happened was the applicant began construction of a single family home and then the garage was discovered to be within the setback, after the City inspection had been made and Mr. Tomulty had been given the OK to go ahead with building. She read from the staff findings, noting that to some extent the hardship was self imposed however the foundation inspections were completed and problems not identified. She read the conclusions and findings in the staff report, noting measurements were provided by staff on a 9/22 memo in the packets.

Councilor Herman said he had requested more specific dimensions, i.e. a drawing and distance from the corner of the garage to the property line.

City Planner Hirashima said she misunderstood what he had meant, but did provide the measurements in the memo.

Mayor Weiser asked about measurements in a cul de sac, if they are taken from the closest point of the building and City Planner Hirashima said yes. She said she believed the problem was when it was first sited they took the measurements on a perpendicular angle, rather than from the closest point.

Linda Tomulty, 506 123rd Av. SE, Lake Stevens, addressed Council. She stated she is also the real estate listing agent (as well as the applicant's wife) and referenced comments made by Mr. Everest at the last hearing. She said at no time did Mr. Everest have any interest in the subject house, he does not live in Marysville and she felt she needed to make this point. His kids had an earnest money and because the Tomultys could not please the father, they offered a rescission which was accepted by Mr. Everest's kids, she said.

Mayor Weiser asked about the front yard set back.

Jim Madison, 15418 29th Av. SE, Mill Creek, addressed Council. He stated he built 50% of the houses in Emerald Ridge, where the subject house is located, and he is not opposed to the granting of the variance, he said.

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Tim Tomulty, 506 123rd Av. SE, Lake Stevens, addressed Council. He submitted a couple of exhibits, including a letter from the residents of Emerald Ridge agreeing to the variance. He said the hardship to them would be if it were not granted. He said the set back was calculated by measuring 23' back from the south and 20' from the north point and then they took an average of these measurements and he said he believed Ostergaard & Robinson did the same. With regard to topography, he said if the house were to be located further back on the lot, it would pose potential drainage problems. He pointed out it meets or exceeds all but one requirement for setback; the south corner sits 27' back. He stated he would not place a house knowingly inappropriately and has been building houses in Marysville for about 5 years.

Councilor Pedersen asked how many homes in Emerald Ridge were occupied and Mr. Tomulty said 10 out of 14.

Councilor Baxter asked about the inspection made by the City and Mr. Tomulty explained often the radius is not shown on plot maps and so it's real easy to miss this.

Councilor Herman asked about the garage door being automatic, noting people tend to park in the garage more often with an automatic garage door opener. Mr. Tomulty said the new owners would have to provide that.

The public hearing was closed at 8:08 p.m. as no one further from the audience wished to speak.

Councilor Baxter said with the inspection and approval from the City, as well as the hearing examiner's recommendation for approval, he would move to approve the variance. Councilor Pedersen seconded the motion, with the inclusion of the three findings as per the packet information. The three findings/criteria were then listed:

- 1) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and
- 2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- 3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The motion passed unanimously.

There was then considerable discussion regarding revisiting the PRD ordinance and it was noted that the Planning Commission is already looking at the Comp Plan and the TDR ordinance. Councilor Pedersen said her major concern is with lot size and qualification for a PRD and City Administrator Zabell suggested a list be prioritized by Council of all the issues that need to be looked at by the Planning Commission and brought back before Council.

Councilor Pedersen suggested that this be finalized prior to the final Comprehensive Plan being put in place.

Councilor Baxter noted there are no more 5 acre parcels left in the City, no more 2.3 acre zoning and very little, if any, 12,500 and he said he thinks we need to talk about densities probably after the meeting with the county.

Councilor Herman said a lot size averaging ordinance might be a useful tool; it could supplement a PRD ordinance and he noted that

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on the PRD ordinance someone brought up the issue that the additional density could be built in with multifamily units. He added there are some nice 4-plexes dispersed in a subdivision in Burlington, for example and it can make a nice mix.

City Administrator Zabell said he would submit a list for prioritizing and there was more discussion about mix of multifamily or a lack of mix of multifamily in a PRD ordinance, putting high density closer to arterials, design criteria, "PCB" land use.

CURRENT BUSINESS:

1. Contract with Al Gordon & Associates, Inc. for Collection of Court Fees.

City Administrator Zabell reviewed the agenda bill and introduced Sue Jensen, Court Administrator. He referred to a letter from Al Gordon and Associates.

Councilor McGee left Council Chambers at 8:20 p.m.

Court Administrator Jensen said she did suggest a 3 year contract and noted it can be terminated by either party at any time and as long as things are going fine she said she would recommend a three year contract.

Councilor McGee returned at 8:23 p.m.

Gail Ryan, Marketing and Customer Service Rep for Al Gordon & Assoc. addressed Council and referred to the graph in the packets. She explained that on a principal of \$100, say, a \$35 commission would be added, collected and retained by Al Gordon & Assoc., with the \$100 going to the City, so the City would not be out any fee whatsoever. She stated the court revenue would actually equal the principal plus 50% of the 35% interest that's collected, in some cases.

Councilor Herman asked for further clarification and Ms. Ryan noted that the commission rate can vary from 30 to 35%.

Councilor Pedersen asked if there were any changes between the old and new contracts and Court Administrator Jensen stated no, they are identical.

City Attorney Weed asked about the interest collected and if it includes interest on the commission. Ms. Ryan said yes, and added they felt it only fair to split that with the municipal courts, although some collection agencies don't, she said.

Councilor McGee asked if the City Attorney had any more questions and City Attorney Weed said he felt his concerns had been covered.

Councilor Herman said he feels in defense of a one year contract, they tend to keep people on their toes; he also feels an annual review is a good idea. He said he thinks 50% ~~interest~~ ^{5/6 Commission on interest collected} is a little high and he gave some suggestions for information to be given in future presentations.

Councilor Pedersen argued in favor of a 3 year term and Councilor Herman asked about assigning a collector: whether all the items are completed with the agency originally assigned.

Ms. Ryan said yes and added they don't receive any commission unless it's collected and that's their incentive, not the one or three year contract.

Councilor Herman asked what the time frame was covered by the graph and Ms. Ryan said from inception.

Councilor Pedersen moved and Councilor Wright seconded to renew the contract for 3 years, as written.

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CURRENT MINUTES
10/9/93

The motion passed with Councilor Herman against.

2. Purchasing System.

Councilor Baxter left Council Chambers at 8:36 p.m.

Finance Director Wilson gave an overview of what is happening now in terms of purchasing: one person in the dept. certifies/approves and then it goes to Accounts Payable.

Councilor Baxter returned at 8:38 p.m.

An invoice is processed by Accounts Payable and a voucher prepared which is approved by the Finance Director and a claims listing is then prepared, reviewed by City Council, approved and paid. He said there are current checks and balances in place but in a PO system, a requisition is completed, signed by the dept. head, it then goes to the purchasing agent, goods and services are ordered and received, invoice and PO matched up and paid by Accounts Payable as in the current system, from Accounts Payable on.

Councilor McGee asked if each dept. would have its own PO log and Finance Director Wilson said he is proposing a system where POs could be filed by vendor and/or PO number/Account number line item. He admitted this needs further working out.

Councilor Baxter asked about open purchase orders and suggested using a different PO for each purchase for better recordkeeping.

Finance Director Wilson said there would need to be records kept within the dept. for budget purposes and he referred to the proposed purchase requisition form in the packets. He explained approvals --the dept. head would be authorized for items over \$100. Computers would be signed off by Deb Lytle, eg., in order that the computer is consistent with the City wide practices. The invoices would go to a designated person in the dept. and matched with the requisition, sent to Accounts Payable and paid on that basis, with the indication that the goods or services have been received, approved by Council as per present system. On maintenance contracts, he said (Exhibit 3) this would indicate the need for a maintenance agreement. He said he would propose sending out letters to vendors explaining who is authorized to make purchases and up to what amounts. Also, he said he would propose determining a bulk purchasing method for things such as computer supplies, maintenance contracts, eg., so the City would get a volume discount. All other items--travel, salaries and wages would be covered by the current method/forms, he said.

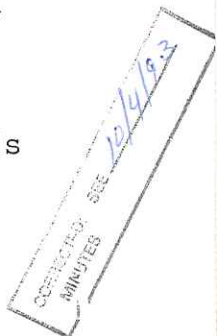
City Administrator Zabell explained the City is already using some bulk purchasing practices and Councilor Pedersen asked about the expense voucher sheets.

Finance Director Wilson explained their use and need.

Councilor Pedersen asked why his proposal was to implement this as of 11/1/93 vs her suggestion of 1/1/94 to coincide with the fiscal budget year. She asked when formal policies would be implemented and noted she would not be interested in open POs being used. She noted that she reviews the claims vouchers and has noted several purchases where she doesn't believe the City is getting a discount --on office supplies, eg. She noted there is no policy in place to make sure the taxpayer is getting the lowest prices.

Finance Director Wilson said they are looking at these issues very closely.

Councilor Pedersen said you can buy a box of pencils, eg., at a savings, and even a small savings adds up. She said the City needs some kind of policy in place for restricting purchases to "basic black" in and out boxes, for example. *Consistent & reasonable purchases*



Finance Director Wilson said staff is making efforts in this direction but it's pretty hard for them to watch every item on people's desks. He admitted there would be a savings but he is not sure that would support a full time purchasing agent.

Councilor Pedersen noted this has been on her mind for 4 years and all these savings can add up over the years.

Mayor Weiser noted there are contract items and there is a policy that staff looks and buys locally. He mentioned an old typewriter they had with a maintenance agreement on it because the typewriter could not be replaced, but the maintenance agreement has since been allowed to lapse, he said.

Councilor Pedersen said she ^{s/b could agree with parts of the} liked the proposed system and definitely agrees there should not be a maintenance agreement on a \$400 typewriter.

Mayor Weiser noted there does have to be some flexibility and Councilor Herman said he would strongly support Councilor Pedersen's points and don't think it precludes flexibility. He agreed there should be no open purchase orders.

Councilor Leighan asked how monthly services would be handled then, such as car washes, items that are too small for their own PO unless added up on a monthly basis, eg.

Finance Director Wilson said an open PO is what's generally used.

Councilor Herman said he would not accept an annual open PO but for a certain number of car washes for a month, for example, that would be OK and by department and by month. He said he thinks it would promote better planning and become a good tool for budgeting, accountability, etc. He asked about back orders.

Finance Director Wilson said open POs are used to handle back orders.

City Administrator Zabell explained the open PO would eliminate 15 invoices in a day from the same vendor for asphalt truckloads, etc.

Councilor Baxter said he takes exception with regard to where items are purchased from; the local businesses should be supported.

There was discussion then about quality, cost, this proposal being a good start and not the absolute, there being better controls internally, limits for certain people to purchase, bidding procedure, CT's system having been recently fine tuned, lower limits for obtaining competitive quotes, centralized purchasing, maintaining records by vendor, periodically checking prices of routine items, development of guidelines, appropriate methodology, policies, state auditor regulations, \$2500 or more go to phone bids, eg.

Finance Director Wilson said there is a purchasing procedure/controls that are needed to be fine tuned, but he didn't realize Council had wanted it to be in effect 1/1/94.

Councilor Pedersen explained that would coincide with the annual budget and Councilor Herman said he agrees this is the first step in the right direction. He asked what Finance Director Wilson sees as a time frame for something like this.

Finance Director Wilson said his intention was to get this started as soon as possible with this as a beginning. As far as a full PO system, he said his intent was to look into a purchasing agent situation with salary ranges, looking at some of the items purchased to see if a purchasing agent would pay for their own salary.

Councilor Pedersen said she feels the City needs to look at the protection a purchasing agent would have for the City.

Finance Director Wilson said he would want to see this person also involved in contract applications, prevailing wage issues, other

duties, developing procedures, etc.

Councilor Pedersen said she does appreciate the efforts put into this proposal but was looking for a time frame also on policies and procedures, for example.

Finance Director Wilson said a lot of it is written already; he said he thinks 11/1 would be "pushing" it, however.

Councilor Baxter said he thinks this is a good start and he explained his system and said he feels the City should start with what the Finance Director has proposed as soon as possible in order to get the system in the computer.

Councilor Pedersen reiterated she would like the policies and procedures to infer that they would look for the best price and maybe they are doing that now.

Finance Director Wilson assured her they are and said staff actually already has the City vendors on the computer.

Councilor Baxter noted that some things are seasonal and that is more information you put on the computer, such as when you get the best deals on certain items.

Councilor Herman noted at one time he kept track on a manual system and he said he knows you can save a great deal of money when you compare costs and vendors although there are more factors than cost: time limitations, dealing locally, etc. Perhaps we can get more information from the state, he suggested.

Councilor Pedersen said letting vendors know what you are looking for and that a new system will be in place is something the City needs to do and Finance Director Wilson said that is something else they have already started to do.

Councilor Baxter moved to approve what has been presented so far, changing #5 to a monthly PO vs an annual PO. Also including in the motion Item 3: Purchase requisitions may be copied for multiple purchases--this whole sentence to be crossed out, changing annual to monthly POs and with implementation to be effective 11/1/93, with a review no later than 1/1/94 or the first Council meeting in January. Councilor McGee seconded the motion and it passed, with Councilors Pedersen and Leighan against.

NEW BUSINESS:

1. Preliminary Plat, Private Road Variance & Condition Use Permit; Robert Aldridge; PA 9303007.

City Planner Hirashima reviewed the agenda bill, noting this is for 12 dwelling units, 3 of which would be duplex lots. It is 7200 zoning, the surrounding property is similarly zoned and the hearing examiner has recommended approval of the request with 15 conditions, she said. She did note the neighboring property owners had concerns about storm water runoff, a small wetland that may exist, wildlife, traffic, parking, views, crime, growth. She noted the required mitigation fees, parking, geotechnical report, grading and drainage plan, etc. covered in the conditions.

Councilor Leighan asked about turnarounds being required by the fire dept. and City Planner Hirashima said they do not require a turnaround with a road of this short length; a technical review meeting was held and the applicant is meeting all requirements of the fire dept., she said.

Councilor Pedersen noted one additional offstreet parking place is being required and City Planner Hirashima said this was in response to the fire department's requirement.

Councilor Herman asked what TIPS 1 & 2 cover.

City Planner Hirashima stated TIP 1 is for Grove St. between 67th & 71st and TIP 2 is for the intersection at 528 & 47th and the intersection at 67th & 528. She stated the mitigation fee is based on peak hour trips of each development as calculated by the traffic consultant. She said she believes on TIP 2 it averaged \$500/lot.

City Administrator Zabell questioned why this developer has to pay fees under TIP 1 because it is actually for properties east of 71st and this property is outside of the benefit area, so this may be an error, he said.

There was discussion about the per lot share of the mitigation fee and Mayor Weiser explained the three options the Council has at this point: Accepting the hearing examiner recommendation to approve, hold a public hearing or send the matter back to the hearing examiner.

Robert Aldridge, 5420 79th Pl. NE, addressed Council. He said on the road variance for 6 lots, that was asked for by the staff. He said he thinks he has worked closely with staff and all City departments in order to meet all requirements. He said he is working very hard to have a project that will be in compliance and one that will add to the City.

Mayor Weiser asked about curbs being installed on the private roads and Mr. Aldridge said no, having no curbs provides better infiltration and they also planned angle parking rather than parallel.

Lynn Parrish, 7420 57th Dr. NE, addressed Council. She stated many of her neighbors and she were dissatisfied with the hearing examiner's report: the density being their main concern. She said the growth issue is a concern, too, but the hearing examiner said the density fits in with the Comp Plan but the smaller single family homes are going to be affected by the two story structures. The wetlands, she said, she feels have been overlooked--it's an underground stream and she said she thinks this needs to be looked at a lot more carefully. She said she would like to see a Council public hearing and there are a lot of other people who couldn't be here tonight but would be in favor of the Council public hearing also.

Mayor Weiser asked if she testified in front of the hearing examiner and if he explained she could file an appeal. Ms. Parrish said yes but the hearing examiner said she would be better off giving her opinions to the Council.

City Planner Hirashima said that was in reference to the Comp Plan public hearings.

Councilor Herman noted Council has had several instances where no appeal is filed and yet they want a Council public hearing. He said without education in that area, he feels Council should provide ample opportunity for public input (being sensitive to the proponent's time line).

Councilor Herman moved to set a public hearing date for 11/8, the soonest the applicant would be able to appear again before Council.

Councilor Pedersen stated she heard a concern about density and the hearing examiner had indicated it's within the Comp Plan designation so she said she is not sure Council is accomplishing anything by having a public hearing.

Councilor Herman said he heard a concern from the public, one of them being density.

Councilor Baxter seconded the motion and it passed 4-2 with Councilors Wright and Leighan against.

There was discussion about the hearing examiner process, appeals process, suggestion to relay these concerns to the hearing examiner regarding reminding the public of the appeal process.

City Administrator Zabell noted letters are sent out with this information and City Planner Hirashima added there does need to be some consistency as to when a public hearing is held, i.e. sometimes a Council public hearing is held whether an appeal is filed or not.

City Attorney Weed said his understanding is that the Council originally wanted to be in a position to review all the hearing examiner decisions including those where no appeal was filed, but a number of jurisdictions will not hold their own public hearing if no written appeal has been filed.

Councilor Pedersen said she thought that was discussed for a one year time period only and possibly Council should take a look at that process further now.

There was more discussion about Council making decisions, people not reading the letters about an appeal, people not knowing the rules, City should make it easier for people to file an appeal if they want to, people who don't get notification because the letter went to the mortgage company, perhaps the ordinance needs to be changed, develop a form with a valid reason for appeal, better public education, press releases, time frame and posting of notices or lack of it, putting it on the Consent Agenda, shortening the agenda.

2. Marysville YMCA Request for Human Services Funding.

City Administrator Zabell reviewed the agenda bill, noting the dances they wish to have a police officer at would be for about 200 to 500 children and Shelly Scott, who is well versed in youth programs has recognized a small gang element, requiring a police officer to be on hand at the dances. He noted MPD had not budgeted for this and the request is actually for an off duty officer for 4 events in a year, totalling \$480.00.

Councilor Leighan asked about computing charges normally for an officer and City Administrator Zabell explained this request is for \$120 per dance which would be for the entire evening, at \$40 per hour.

Councilor Leighan asked what the cover charge is being used for and City Administrator Zabell explained they are not all being charged the \$3.00, a lot of kids get in free.

Councilor Pedersen moved to approve the \$480 Human Services Funding request for the YMCA, Councilor Herman seconded it and the motion passed unanimously.

Councilor Wright said she would like to see a report on how this goes, for Council information.

CONSENT AGENDA:

1. 9/27/93 Claims in the amount of \$215,840.03.

Councilor McGee moved and Councilor Pedersen seconded to approve Consent Agenda No. 1. Passed unanimously.

LEGAL MATTERS:

1. Contract with Chrysalis for Clearing Grass & Debris from Specified Ditches within City of Marysville.

Public Works Director Winckler reviewed the agenda bill, noting Chrysalis has offered to do some surface water work and because of the limited time period in which to get it done, staff is recommending Chrysalis do the work at their price of \$25 per hour for the crew, a total bid of \$1687 which includes mileage. He said a

DOF permit has been obtained. He added that this is an area of the City that was annexed (in the Sunnyside area) and has been a problem area for 10 years--the county promised to do the work but never did. Residents were required to move fences for the drainage ditch to flow through with the understanding that the county would clean it out periodically but they never have, he said and water is actually encroaching their property line now.

Councilor Baxter moved and Councilor Wright seconded to authorize the Mayor to sign the Contract with Chrysalis as per staff recommendation. Passed unanimously.

2. Agreement for Joint Operation of Fire & Emergency Medical Protection Facilities.

City Attorney Weed reviewed the agenda bill, stating the agreement was to be reviewed periodically and this is the first review to try and improve the agreement. One of the changes was identifying parties involved in the agreement as far as what terms/definitions to use: Department, Fire Dept., Joint Fire Dept., he said, and he referred to Section 1.3.

Councilor Wright noted what constitutes a quorum has changed, on page 2 and City Attorney Weed said yes, it's changed to any 4 members and also on page 6 there is clarification about the fire marshal, who he reports to and works with. He also pointed out minor changes in paragraphs 23, 27 and 12.

Councilor McGee moved and Councilor Pedersen seconded to authorize the Mayor to sign the agreement.

There was discussion about the quorum issue, fire board retreats, good working relationship on the fire board, absenteeism more likely to occur on the commissioner side before the City Council side.

The motion passed unanimously.

3. Agreement for Construction & Operation of Fire Station.

City Attorney Weed stated this agreement recognizes the need for a future fire station in the Sunnyside area near the Sunnyside Well. He reviewed the agreement in the packets, including the value of the 3 acre parcel, per capita assessments/contributions toward the fire station and equipment (same as the JOA) to be paid by the City and the fire district, construction and permitting, service area, finances, disposition of property in the event of termination, miscellaneous provisions.

Councilor Baxter noted this was discussed at the RUSA meeting and an agreement was reached about the configuration of the facility for use of the Fire District and Parks Dept. There is some possibility the premises can be used for training prior to construction, he said, for example, it could be blacktopped and ladder and hose work could be done there. He talked about the limitations of any other facilities in the area.

City Attorney Weed stated there was a request that if there is need for additional ground, the City and fire district would meet with the fire district, giving them "first rights" before it's dedicated to any other use.

Councilor Pedersen moved to authorize the Mayor to sign the contract and Councilor Herman seconded the motion. The motion passed, with Councilor Leighan against.

**4. Transportation Improvement Board (TIB) Consultant Agreement -
Hammond, Collier, Wade, et al.**

Public Works Director Winckler reviewed the agreement, noting the construction portion of the project was awarded to Belmark recently; this is for consulting services and it is fully funded by TIB funds, he said. He added staff recommends Hammond, Collier, Wade & Livingstone.

City Attorney Weed said he has reviewed it and it is a standard form of agreement. He said his only comment was with regard to the "not to exceed" liability amount because he felt they should have their own liability insurance and so it has been deleted and initialed. He said for the most part, other than that, it's an acceptable agreement.

Councilor Baxter moved to authorize the Mayor to sign the consulting agreement for the 53rd to 67th on 528 project with Hammond, Collier, Wade & Livingstone, as per staff recommendation. Councilor McGee seconded and the motion passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:45 p.m.

1. Real Estate.
2. Personnel.
3. Litigation.

RECONVENED & ADJOURNED: Approx. 11:45 p.m.

Accepted this 4th day of October, 1993.

David Weiser
MAYOR

Mary D. Swenson
CITY CLERK

Tanda A. Swenson
RECORDING SECRETARY