

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MARCH 28, 1994

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilor Pedersen excused

MINUTES OF PREVIOUS MEETINGS: CC 3/14/94 Approved 6-0

AUDIENCE PARTICIPATION: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Countdown to Earth Day Proclamation - Apr. 22/94
2. Swearing in Police Officers Deb Soren & Brad Akau.

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATION:

1. Msvl. Seniors Against Crime Video

PUBLIC HEARINGS:

1. Verde Ridge Street Vacation Approved 4-2

REVIEW BIDS: None

CURRENT BUSINESS:

1. Poortinga Annexation 60% Petition P.H. set for 4/25/94

NEW BUSINESS:

1. Brennick Annexation 10% Petition Approved 5-1
2. Bulk & Dimensional Ht. Ordinance Approved 4-2
3. Subdivision Ordinance Consensus/City Attorney to redraft & bring back in 2 weeks

CONSENT AGENDA:

1. 3/28/94 Claims - \$363,687.74 Approved 6-0
2. Liquor License Renewals for Conto's Pizza, Hereth Red Apple, Las Margaritas Approved 6-0

ORDINANCES & RESOLUTIONS:

1. Ord. establ. a Tribal Gaming Fund Ord. 1981 Approved 5-1 & recognizing the sources & uses of funds
2. Ord. amending 1993 Budget Ord. 1982 Approved 6-0
3. Ord. affirming Hearing Examiner decision re Okada Rezone Ord. 1983 Approved 6-0
4. Ord. relating to the sale of new & used autos and used car lots & amending Table of Permitted Uses in MMC Ord. 1984 Approved 5-1

LEGAL MATTERS:

1. Commercial Recycling Consultant Contract - Approved 5-1
2. Janitorial Services Contract Amendment - Approved 6-0

ADJOURNMENT INTO EXECUTIVE SESSION: 10:12 p.m.

1. Real Estate No Action
2. Litigation No Action
3. Personnel No Action

RECONVENED & ADJOURNED: Approx. 11 p.m.

MARYSVILLE CITY COUNCIL MEETING

MARCH 28, 1994

7:00 p.m.

Council Chambers

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

CORRECTED: SEE <u>4/4/94</u> MINUTES

CALL TO ORDER:

Mayor Weiser called the Council 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 THE PREVIOUS MEETING:

On page 6 of the Council Minutes from 3/14/94, Councilmember Herman noted in the 4th paragraph "March" should be "April" in two places.

There being no further corrections to the minutes of 3/14/94, Councilmember McGee moved and Councilmember Myers seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

Heather Earnheart, Recycling Coordinator, handed out a schedule of events for "Countdown to Earth Day April 1 through April 24" and explained this is a national event with focus on clean up and beautification, recycling, composting (workshops to be held April 20 & 23 in Jennings Park), and smart shopping tours at 5 area super markets. They also hope to utilize Channel 2 to show several videos on waste prevention, recycling, composting and manufacturing of recycled content products, she said. She noted this is the second annual Countdown to Earth Day event.

Councilmember McGee asked about Hazardous Waste Roundups and Heather explained about the county hosted events several times a year.

City Administrator Zabell reported he and City Planner Hirashima attended a meeting today regarding the County Ordinance 9408 and the Memorandum of Understanding with the City. He stated the ordinance passed 3-0 (3 county council members were absent) and they also discussed annexation issues at the meeting. He noted he has also had conversations with Lake Stevens people regarding the Soper Hill area.

City Attorney Weed said he would like to give Council a 10 minute update on current legislation at the next Council meeting.

City Planner Hirashima reported the Planning Commission reviewed the proposed small farms ordinance and animal code and they should be finished up at the next Planning Commission meeting. She said she will be meeting with Noah Davidson Wednesday regarding the animal code and he will be attending the next Planning Commission meeting also.

CORRECTED: SEE <u>4/4/94</u> MINUTES <u>5/6 2</u>

MARCH 28, 1994

Page 1

Public Works Director Winckler reminded Council of the party for Ken Snyder 3/30/94 and Thursday's RUSA meeting.

MAYOR'S BUSINESS:

1. Countdown to Earth Day Proclamation read and signed by the Mayor.
2. Mayor Weiser swore in Deb Soren and Brad Akau, newest Marysville Police Dept. officers. He presented them with their official police badges.
3. The joint meeting of Snohomish County Council and Marysville City Council has been scheduled for next Monday at 5 p.m. in our City Council Chambers just prior to the regular Council meeting. Dinner to be provided. The agenda to consist mainly of philosophical ideas since it has been 6 years since the last joint meeting.
4. Rescheduling of tour and PRD workshop - 4/12/94 at 5 p.m., everyone to meet at Planning.
5. Seminar on Livable Urban Densities to be held 4/14/94 from 4-7 p.m. at the Jackson Center, Everett Community College.
6. 3/29/94 - Informational Open House from 10-4 at the County Courthouse.
7. Mayor received a letter from the Puget Sound Regional Council asking if Marysville is interested in joining a group with adjacent jurisdictions. Mayor Weiser to send a generic response.
8. AWC is looking for people interested in serving as officers and on committees. Councilmember Wright indicated she would be interested in serving on the Resolutions Committee.
9. Mayor Weiser reported on a meeting with BN at which he, City Administrator Zabell, Asst. Police Chief McKinney and Fire Chief Corn attended regarding blockage of railroad crossings. BN apparently explained about the sensors they have to detect trains on the tracks, one being up around 136th and the other being south of 4th. They also explained the train had to stop on the particular day in question (and blocked several residents from getting in or out of their subdivisions) because of a 12 hour time limit, they had no caboose and so could not safely back up, had to have taxis come and take crew home and bring new relief crew in. Apparently there was a major communications problem and rules and procedures were discussed at the meeting, he said. It also came to light that the 12 hour time limit comes up quite often in this area and BN is going to make sure any train stoppages will be up by 136th in the future so as not to jeopardize the neighborhoods where their only access in and out is over railroad tracks, he said.

Councilmember Baxter said he found out about a person who has medical problems who is also in one of these inaccessible areas.

Mayor Weiser added there are meetings coming up regarding the high speed trains.

CALL ON COUNCILMEMBERS:

Councilmember Wright asked about the traffic counters on Grove at 51st and 47th and Public Works Director Winckler said the Public Works Dept. has asked a consultant to do traffic counts in order to determine whether these corners could justify 4-way stops.

Councilmember Baxter said he was curious about the Smokey Point utilities issue and whether this is going to be discussed at the RUSA meeting Thursday.

Public Works Director Winckler said it wasn't on the agenda.

Councilmember Baxter pointed out Marysville is not being asked to participate in the many meetings and it is our infrastructure in place.

City Administrator Zabell added there is an upcoming meeting regarding Lakewood and he plans to attend. He said he would bring information back to Council from that meeting. He added that one of the gentlemen they talked with through the RUSA process he thinks may have some misconceptions in that area.

Public Works Director Winckler said that issue in particular will be discussed at the next RUSA meeting.

City Administrator Zabell noted City Council has not addressed the issue of expanding RUSA to that area.

PRESENTATION: MSAC Video.

Councilmember Leighan, as a member of the TV Advisory Committee, presented the brand new video about Marysville Seniors Against Crime, about 10 minutes, depicting seniors doing house security checks, developing and coordinating neighborhood block watch programs, patrolling around the schools every day after school, recruiting for more volunteers for MSAC. Director, Loree Parker, added a few comments, noting they have about 15 volunteer seniors and the program has been going for about 4 years. He said they talk to people about personal security and he is happy to have participated in the making of this video and hopefully they will get some recognition statewide from it. He said they are getting some good publicity locally and are looking forward to helping the MPD even more.

Councilmember Leighan talked a bit about the cost of producing the video and said this would be good to have on Channel 2, such as the way they have presented parks videos in the past on Ch.2.

PUBLIC HEARINGS:

1. Verde Ridge Street Vacation; PA9312040.

City Planner Hirashima reviewed the agenda bill and stated staff is recommending approval of the vacation request for 56th St. NE although they are recommending the 73rd Av. NE right of way be changed. The compensation to be paid by the applicant for the almost .3 acres would be \$1702, she said, or \$1350 with the 56th St. portion only (.24 acres). By way of an overhead, she showed the entire vacation vs. the partial one. She said she understands the applicant was looking for a full vacation in the event of a detention pond being needed.

Councilmember Leighan noted normally the adjacent property owner would be given a chance to participate but City Planner Hirashima explained the adjacent property owner would be Crystal Heights and it was determined that the City did not need any more right of way on 56th.

Councilmember Wright asked about Lot 10 on 56th on the north side and City Planner Hirashima said they would not be on a public road however a public road would be stubbed up to their west property line.

Councilmember Baxter asked about 75th Av. going through north-south and City Planner Hirashima said yes, it does extend currently from Brighton Park; just north of 52nd was vacated as a trade and 75th Av. was constructed further east and looped back to Crystal Heights.

Mayor Weiser asked if it will continue on north.

City Planner Hirashima said the connection to 57th St. is likely to be the furthest north it will go.

Councilmember Herman noted there is still only a 30' right of way.

Bill Roberts, 4129 76th St. NE, addressed Council, representing the applicant, although Mr. Bartlett still owns the property, he said. He said their feeling is the open space and pond are part of the vacation and he assumed the Council was aware that this portion was going to be vacated for the open space and detention pond. He noted this is the same procedure that was used for Brighton Park for another lot and street right of way. He said they are requesting vacation along 73rd as well as 56th basically so they can accommodate the detention pond and they submitted construction plans to the City but are not completely sure the pond will work unless they have the complete vacation, he said. He referred to the overhead and noted there is very little developmental potential on 56th.

City Planner Hirashima concurred, adding there is only a 30' ROW at this time which is not enough to develop a full width road.

Councilmember Baxter asked where 75th Av. is going to be and Mr. Roberts stated between 52nd and 56th. He said the majority of that area is wetlands, however and there is a significant channel going through there but they did connect Brighton Park and Crystal Heights for an emergency access and there is an easement road also for Near Town Acres.

Councilmember Myers moved for the complete vacation of 56th and 73rd as recommended, at the compensation recommended (\$1702) to the City. Councilmember Baxter seconded the motion and it passed 4-2, with Councilmembers Leighan and Herman against.

CURRENT BUSINESS:

1. Poortinga Annexation; 60% Petition; PA9308025.

City Planner Hirashima reviewed the agenda bill, noting there is rural conservation and AG 10 land use contained within it and it is within MAR 1 which was the subject of the public hearing at the county this afternoon. She noted the county did include this area within Marysville's Interim Urban Growth Boundary. She said additionally one of the agreements between the City and County is that an interlocal agreement is to be negotiated relating to this annexation and inclusion of certain properties within the UGB, adoption of the Shoreline Management Plan as well as there being mitigation for parks and traffic. She noted the Planning Commission is currently working on the animal code and small farm ordinance and they would like this completed prior to the public hearing for the Poortinga Annexation, she said.

Councilmember Leighan asked about the asterisks on the list of people who were in favor of the annexation and City Planner Hirashima said she believed it meant the previous owners of property signed a covenant and then the property has since changed ownership, but she said she could check further on this.

Councilmember Leighan noted the letters in the packets regarding conditions under which they signed the annexation petition.

City Attorney Weed noted there is no provision in the state statute for bargaining; either their signature is on the petition or it's not, he said and added he doesn't believe the City would be bound by these letters and there is enough valuation (with covenants) without these 3 people who wish to condition their signing of the petition. He added there has been a recent state supreme court decision regarding annexation covenants--they are still allowed and recognized as of now although legislation is attempting to do away with them, he said.

City Planner Hirashima confirmed that the asterisk indicates who signed the covenant and that there was a change of ownership since the covenant was signed.

Reid Shockey, Shockey & Brent Consultants, 2924 Colby, Everett, addressed Council, representing Pete Poortinga. He made himself available for any questions and said he would like this matter to move to a public hearing.

Bill Roberts, addressed Council again, this time as a resident of the proposed Poortinga Annexation. He commented regarding the 3 letters, noting these people all operated small businesses out of their homes--one sells water ski handles, another is in the auto repair business and the third has a machine shop and does repair work. He said they all want to be part of Marysville to get onto the sewer. He also noted they are licensed businesses with the county at present.

City Planner Hirashima said two out of three at least would be legal non-conforming uses once annexed into the City.

City Attorney Weed said it's important to not for the record that the City may not be able to provide guarantees, particularly those that Mr. Murray is asking.

Councilmember Wright moved to have a public hearing 4/25/94 on the Poortinga 60% Annexation. Councilmember Baxter seconded the motion and it passed 6-0.

NEW BUSINESS:

1. Brennick Annexation; 10% Petition; PA9203007.

City Planner Hirashima reviewed the agenda bill, noting this was formerly the "Scott Ray Annexation", that the City had recently extended utilities to the property on the corner but they are not interested in annexing. Lot 6, the subject property, is about half an acre, she said. She pointed out that this is at the 10% phase and so Council may elect to expand the boundary.

Councilmember Wright asked if Lot 4 signed a no protest covenant and City Planner Hirashima said they did.

Councilmember Leighan asked about Lot 3 and there was discussion about boundaries, expanding, other no protest agreements in the area, reminder that the Council was going to encourage larger parcel annexations, straightening out City boundaries, making it more attractive for people to annex.

Councilmember Herman stated he would support the single parcel annexation at this phase.

Councilmember Leighan said he would like to see the annexation include Lots 4, 5 and 6.

Councilmember Baxter moved to accept the 10% petition, establishing the annexation area for circulation of the 60% petition subject to the City's bonded indebtedness and comprehensive plan designation. (For Lot 6 only.) Councilmember Myers seconded the motion and a roll call vote indicated 3 for and 3 against (Councilmembers McGee, Wright and Leighan).

There was discussion about why larger annexations fail and it was noted the City needs to spend some money on a campaign. It was noted there have been some larger annexations in the past year or so, although the boundaries of some of these were determined by the Boundary Review Board. (Griffore Annexation, Northwest Annexation, Quil Ceda Annexation and O'Brien Annexation were mentioned.)

Councilmember Leighan then moved to reconsider the previous motion and Councilmember Herman seconded the motion. Passed 5-1 with Councilmember McGee against.

MARYSVILLE CITY COUNCIL MINUTES
 MARCH 28, 1994
 Page 6

Councilmember Baxter then remade his motion, with no change, Councilmember Myers seconded and the motion passed 5-1, with Councilmember McGee against.

2. Bulk & Dimensional Height Ordinance; PA9402009.

City Planner Hirashima reviewed the agenda bill, noting this would repeal the current building height definition. She added that the Planning Commission has recommended a handout with information being given early in the procedure so that the applicant is given adequate notice. She stated the definition as proposed would not change any height restrictions currently in the MMC: 30 & 35', however it would change the way the height is measured.

Councilmember Herman stated he remembers some examples given previously and this seems to solve the problem for structures located downhill from the sidewalk, but he said he is not sure about the structure sloping uphill from a sidewalk.

City Planner Hirashima explained the measurement would be taken from the base topography/elevation, whichever is the greater.

Councilmember Herman argued that "greater building height" sounds like the greater difference rather than "above sea level" and there was discussion about the definition not being clear, very ambiguous. Councilmember Herman said he would like a reference to sea level and starting the measurement from the pad and the sidewalk shouldn't have anything to do with the height.

City Planner Hirashima said for the building inspector, the sidewalk is the easiest way to take a measurement.

Councilmember Baxter said the most practical point is the base pad of the house; a problem on the hillside is obstructing a view and until the City can come up with a ruling on how to prevent that, this ordinance needs to be passed to restrict building height, he said. He suggested: "Will be determined from the base or foundation."

There was more discussion about footings, daylight basements, using a midpoint elevation to measure from, starting the measurement from the lowest level of footing, base elevation vs. footing, 30' should be changed to 35' throughout the code.

City Planner Hirashima noted other cities were looked at and generally their building height restrictions run 28-30' and she said she doesn't know why the MMC has 30' and 35' in it for the different densities.

Councilmember Herman suggested deleting the "Building height is measured from....." sentence.

Mr. Roberts explained the reason for the sidewalk reference is in Munson Creek, for example, lots are on such a slope that you can have 3 stories before being at sidewalk level. He said the term "sea level" is not appropriate, either. Sidewalks come into play if you have an extremely sloping lot so you don't get 2 story daylight basements before you get to the main house, he said.

Councilmember Herman said the problem he had was where the building was higher than the sidewalk and would like to see the sidewalk reference taken out of the equation *to encourage common sense/simple application of the ordinance.*

City Planner Hirashima explained staff was mainly concerned with utilizing the sidewalk for ease of measurement for flat lots.

After additional brief discussion, Councilmember Herman moved to have the City Attorney rewrite the ordinance, based on Council's discussions, regarding the building height definition. Councilmember Wright seconded and the motion passed 4-2 with Councilmembers Leighan and McGee against.

CORRECTED: SEE 4/4/94
 MINUTES

CORRECTED: SEE 4/4/94
 MINUTES

3. Subdivision Ordinance.

City Planner Hirashima reviewed the agenda bill, noting the Boundary Line Adjustment section was handed out prior to the meeting and so another meeting will need to be held to review this. She said Title 20 is included in the packets and basically, the ordinance utilized Everett's short plat and Boundary Line Adjustment ordinances, tech review comments were included, it was then reviewed by the City Attorney and many workshops were held.

Councilmember Leighan asked about actual owner or resident notification under 20.08.010 and City Planner Hirashima stated it would be both in both the case of a mortgage company, bank, owner, renter.

Councilmember Wright asked how much more that extra step is costing the City and City Planner Hirashima said it's basically just a little extra time and postage; the information is available. She added that the notification process does include short plats which the City does include currently in the notification process, as far as signs and letters.

Councilmember Wright asked about the notification signs being standard and noted it shouldn't sound like the City can place these signs illegally.

There was discussion about placement of signs and standardization of them.

City Planner Hirashima reviewed the changes under the private road standards, noting a 20' wide easement is required for one lot, for 2-4 lots a 30' easement, for 5-9 lots a 40' easement (was 50') and if there is a potential for more than 9 lots, the applicant would be required to put roads in as per public road standards, she said.

City Administrator Zabell noted this does not allow room for drainage and that pavement should not be required for one lot. He said even 2-4 lots don't have that much traffic to require a paved surface.

Public Works Director Winckler stated the Public Works Dept. has just started to review public road standards.

City Administrator Zabell said he thinks it makes a difference as to whether the home is a single family home or a duplex, too.

Councilmember Baxter noted there is a landscape requirement, requiring natural vegetation and he said he would rather see pines, for example, and no blackberries and alders.

City Planner Hirashima agreed the interpretation is a little vague but the intent is forest practice applications, for example if there is an imminent preliminary plat after logging/clearing has just been done and revegetation does not always benefit the jurisdiction. This would apply where you have a large vacant tract, she said and she agreed the Planning Dept. would prefer evergreen trees to be planted vs. blackberries and alders.

Councilmember Baxter expressed the concern about thinning out trees and creating a hazard in a windstorm.

Councilmember Herman expressed a concern on page 30 where it says interior lot lines have to be straight lines.

City Planner Hirashima explained the intent is to prevent a lot of jig-jogging but said the wording could be changed to "should" instead of "shall".

Councilmember Wright referred to page 36, noting that any person, whether a property owner or not, could appeal a decision and she said she thinks it should be left "property owner" in the appeal process. She noted that anyone and everyone can be heard in the earlier steps of the process.

Councilmember Herman noted that just because the appeal process is expensive is not a good reason to exclude a "person" from the appeals process because someone from outside the community is a potential property owner. He added that Council has the responsibility to decide whether the person has an interest and if they raise an appeal issue with merit.

City Attorney Weed noted the person themselves may decide they have been affected; the intent is that there be a direct and substantial impact but that can mean different things to different people, he said. He added that Title 58.17 (State Subdivision Code) allows anyone within 300' to say they have a standing interest; City Council has the discretion beyond that.

Councilmember Baxter gave the example of a person who is a member of a national program, noting these groups can appeal any project and tie it up indefinitely.

Councilmember Herman admitted there needs to be some reasonable basis with regard to whether they are affected.

City Attorney Weed suggested possibly giving the hearing examiner the say on that but there would have to be criteria set down. He offered to try to come up with a wording for that.

Councilmember Herman agreed that perhaps someone other than the party himself deciding he is aggrieved, it should be the hearing examiner or City Council.

City Attorney Weed said yes, he would have to come up with some different language.

City Planner Hirashima pointed out that there are 3 or 4 sections that refer to the appeal process.

Councilmember Baxter asked about clearing and grading and burying of rocks and stones.

City Planner Hirashima said the intent of the Planning Commission was that sometimes developers bury building materials and large boulders at the building site.

Councilmember Herman referred to the Planning Commission minutes and noted the concern about garbage being buried and/or disposed of and City Planner Hirashima stated the concern is for a stable foundation.

Councilmember Baxter said a foundation should be put in undisturbed soil and he said he has a problem with restriction of burying rocks and stones--you should restrict burying of wood, debris, vegetation, etc., but rocks and stones should be OK, he said.

City Planner Hirashima referred to the Planning Commission minutes but said Council can amend this wording if they so desire.

Councilmember Baxter said he thinks this puts the City building officials in a very awkward position, with this wording.

Councilmember Herman asked about the EIS process and time frame and City Planner Hirashima said it is felt the time frames can be met. She noted in most cases the delay is caused by an incomplete application with the exception of possibly a short plat ordinance that may not be consistent with calendar days vs working days. She mentioned there is some regulatory reform in the works now that may increase some predictability of land use standards.

City Attorney Weed noted it's important to determine what constitutes a complete application for vesting purposes, etc.

Councilmember Herman noted there are at least 2 areas that refer to a preliminary review and he said he was wondering if there is a fee for that, for example if you only have a preliminary review

CORRECTED:
MINUTES
SEE 4/4/94
add

with calendar days vs working days, staff is encouraged to come back when there is a problem to Council.

CORRECTED:
MINUTES
SEE 4/4/94

and nothing more which can take staff time.

City Planner Hirashima said currently the City doesn't charge for a preapplication meeting but some other cities have a fee for this which is refunded if the application doesn't go beyond the pre-application stage. *fee is applied to application fee not refunded.*

Councilmember Herman said that is what he would like to see here.

Councilmember Baxter asked about underground utilities and if that reflects the new PUD requirements.

City Planner Hirashima said no, it's what was in the Everett ordinance and she said she thinks this section may not be necessary with the PUD requiring all new utilities to be underground.

Councilmember Wright referred to page 38, noting the section about the City Planner promulgating information was proposed to be removed. After brief discussion, it was the consensus that this should be left in.

Councilmember Herman asked about public hearing requirements on the subdivision ordinance and City Attorney Weed said there are no requirements for a public hearing.

Councilmember Herman said he would like to see a revised draft.

City Planner Hirashima asked about the Council's feeling on the road standards and Councilmember Herman said he would like to see that worked on at the staff level.

City Attorney Weed noted his office did a comprehensive draft in May/93 and he would like to review that also, he said. He said he could bring a redraft back in 2 weeks. Consensus.

CONSENT AGENDA:

1. 3/28/94 Claims in the Amount of \$363,687.74.
2. Liquor License Renewals for Conto's Pizza & Pasta, Hereth Red Apple Market and Las Margaritas Family Mexican Restaurant.

Councilmember Leighan moved and Councilmember Herman seconded to approve Consent Agenda Items 1 & 2. Passed 6-0 with Councilmember Baxter abstaining on Voucher #19212 under Item 1.

ORDINANCES & RESOLUTIONS:

1. Ordinance Establishing a Tribal Gaming Fund and Recognizing the Sources and Uses of Funds.

Councilmember Wright moved and Councilmember McGee seconded to adopt/approve Ordinance #1981. Passed 5-1 with Councilmember Leighan against.

2. Ordinance Amending 1993 Budget.

Councilmember Myers moved and Councilmember McGee seconded to adopt/approve Ordinance #1982. Passed 6-0.

3. Ordinance Affirming Decision of Hearing Examiner and Rezoning Property owned by Charles Okada.

Councilmember McGee moved and Councilmember Herman seconded to adopt/approve Ordinance #1983. Passed 6-0.

4. Ordinance Relating to the Sale of New and Used Automobiles and Used Car Lots and Amending the Table of Permitted Uses as Codified in MMC Section 19.16.010.

Councilmember Herman moved and Councilmember Myers seconded to adopt/approve Ordinance #1984. Passed 5-1 with Councilmember Leighan against.

LEGAL MATTERS:

1. Commercial Recycling Consultant Contract.

City Attorney Weed explained there are time constraints to getting the recycling program more available and under this agreement the consultant would contact 300 businesses to provide them with recycling program information and determine the level of interest. Four firms submitted bids and staff chose one through an interview process, he said.

Public Works Director Winckler explained the scope of work was approved in 7/93 under a grant and the county provided the City with a list.

There was discussion about actual services involved, scope of work, program set up by the county, \$5,000 grant already in place, just because we have the money doesn't mean we shouldn't be careful how it's spent, current staff level and responsibilities/coordination, whether the City will be able to increase the business recycling participation.

Councilmember Herman asked more of what will be done during the contact.

Public Works Director Winckler said basically it's giving information to the business; it's an established program through the grant process, it's been determined to be successful and cost effective and he offered to provide the documentation.

Councilmember Baxter said he used to have one large dumpster at his business but Duke (Carrier) explained the use of time, separating out recyclables and going to 2 containers and it's actually saving his business money now.

Mayor Weiser noted Duke used to do this on a volunteer basis, going around to various businesses at time permitted.

Councilmember Herman said he could support that, he would just like more information.

Councilmember Myers noted it was a savings for his business also when he went with the recycling program.

Councilmember Baxter moved and Councilmember Myers seconded to authorize the Mayor to sign the Commercial Recycling Consultant Contract. Passed 5-1 with Councilmember Leighan against.

Councilmember Herman added he would still like further information and Councilmember Wright said she would like to see a report as to the success rate, status of how it goes.

2. Janitorial Services Contract Amendment.

Councilmember Baxter moved and Councilmember McGee seconded to authorize the Mayor to sign the amendment. Passed 6-0.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:12 p.m.

1. Personnel. (No Action)
2. Real Estate. (No Action)
3. Litigation. (No Action)

RECONVENE & ADJOURN: Approx. 11 p.m.

Accepted this 4th day of April, 1994.

David Weiser

MAYOR

Mary Swanson

CITY CLERK

Wanda A. Swanson

RECORDING SECRETARY

Marysville City Council Special Meeting
Executive Session - March 24, 1994

PRESENT: Dave Weiser, Mayor

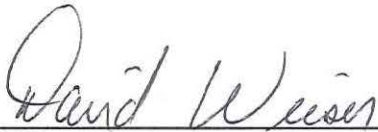
Councilmembers:

Ken Baxter
Mike Leighan
Dave Mc Gee
John Myers
Donna Wright

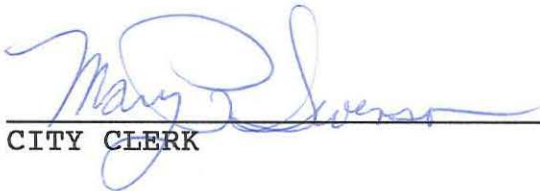
Administrative Staff:

Mary Swenson, Assistant to City Administrator
Grant Weed, City Attorney
Mike Walter

Mayor Weiser called the Executive Session to order at 5:04 p.m. to discuss pending litigation. The Executive Session adjourned at 6:14 p.m. with no action taken.



MAYOR



CITY CLERK