

Original

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

OCTOBER 3, 1994

00187

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

9/26/94 Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

None

STAFF BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

Boyden, Robinett & Assoc.

PRESENTATIONS:

None

PUBLIC HEARINGS:

- 1. Animal Code Title 10, Planning Commission Recommendation

Continued to 11/14/94

REVIEW BIDS:

- 1. Marysville Public Library

Base Bid awarded to G. C. Finn w/alternate bid items to be brought back to Council 10/10/94

CURRENT BUSINESS:

- 1. Proposed Street LID #64; Street & Drainage Improvements for 67th from Grove to 88th St. NE
- 2. Interlocal Agreement; Poortinga & Sunnyside Annexation
- 3. Grant Agreement between Dept. of Ecology & City of Marysville for Shoreline Master Program
- 4. Golf Study Report

Public Hrg. to be set at next Council meeting

Extension to be requested from Boundary Review Bd. Approved

Option A Approved

NEW BUSINESS:

- 1. Applewood Homes Request for Comprehensive Sign Plan
- 2. Dally Homes/Strawberry Hills Request for Comp Sign Plan
- 3. Economic Development Element Consultant Agreement w/Economic Consulting Services

Cont. to 10/10/94

Cont. to 10/10/94 Festival

Cont. to 10/10/94

ORDINANCES & RESOLUTIONS:

- 1. Ord. affirming Hrg.Examiner Dec. with modifications, rezoning City property & Approving Conditional Use Permit for Const. of Library

Ord. 2005 Approved

LEGAL MATTERS:

None

ADJOURNED INTO EXECUTIVE SESSION:

11:30 p.m.

- 1. Personnel

RECONVENED & ADJOURNED:

Approx. Midnight.

MARYSVILLE CITY COUNCIL MINUTES

00268

OCTOBER 3, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Pedersen, Mayor Pro Tem
John Myers
Ken Baxter
Donna Wright
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Steve Wilson, Finance Director
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Grant Weed, City Attorney
Dave Zabell, City 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:

Councilmember Myers noted in the 9/26/94 minutes, on page 4, 3rd paragraph from the bottom, his name is misspelled "Mayers." He was asking about a street light "behind" Brenda Taylor's house.

Councilmember Herman noted at the top of page 5, the Councilmember's name is omitted and it should be Councilmember Pedersen's name filled in.

There being no further corrections, Councilmember Myers moved and Councilmember Wright seconded to approve the 9/26/94 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

Finance Director Wilson said he believed the purchasing manual will be completed the 2nd week of November.

City Administrator Zabell reported on the bidding process for the City Newsletter, noting it has not been done recently and so it will be rebid.

City Attorney Weed referred to a resolution that was adopted two meetings ago regarding a 4 way stop at 528 & 67th but no Resolution No. was assigned. Councilmember Myers moved and Councilmember Bartholomew seconded to adopt Resolution No. 1707. Passed unanimously.

Public Works Director Winckler reported the next RUSA meeting will be Thursday at 7:30 a.m. in the Public Works Conference Room.

MAYOR'S BUSINESS:

Mayor Weiser commented on the pins handed out from our Japanese sister city.

CALL ON COUNCILMEMBERS:

Councilmember Wright talked about unfunded mandates and suggested

a letter to senators or a resolution regarding Oct. 24-30 being the week designated to bring this concern to everyone's attention. It was the consensus to have the City Attorney draft such a resolution for presentation/adoption at the next Council meeting.

Councilmember Pedersen asked about planting and streetscapes and Public Works Director Winckler stated Jim Ballew is working on this element.

Councilmember Pedersen said she would like some public involvement in this process and Public Works Director Winckler said he would pass that message along to Jim Ballew.

Councilmember Pedersen then presented a situation where a neighbor of hers who qualifies as a low income senior (couple) have been trying to pay their water bill on installments and have been repeatedly charged the \$1.00 late charge by the City, even though they have notified the City that they wish to pay their water bill in half payments.

Councilmember Bartholomew noted public agencies are allowed additional time to pay a bill and so individuals should be also. There was also discussion about PUD's payment policy to help facilitate low income customers, staff discretion about whether or not to charge the late charge, interpretation of the ordinance with regard to notification on a temporary vs permanent (ongoing) basis.

Councilmember Pedersen moved and Councilmember Herman seconded to make it clear that the Finance Director has discretion to waive the late fee as he sees fit.

There was further discussion about what to do if a person agrees to pay at a certain time and then doesn't, need for a cutoff date, clarifying that the Finance Director has that discretion.

The motion passed unanimously.

Councilmember Herman noted Grove St. has areas that have a fog line and some areas that don't and a lot of activities occur along Grove after dark, eg. jogging, biking, and he expressed a concern about public safety.

It was made known that the Mayor, Public Works Director and Parks & Recreation Director are looking into this, especially from Armar Rd. to 67th, also on 4th.

PETITIONS & COMMUNICATIONS:

City Planner Hirashima reviewed letters from Boyden Robinett & Assoc. concerning annexation of PUD and City property on 100th. It was noted that PUD's position is that they could not sign an annexation petition with regard to their substation property as they are a public agency.

City Administrator Zabell explained the City doesn't have a policy with regard to the City signing a petition and there was discussion about policy, helping the proponent reach 60% sufficiency, the City staying neutral in annexation issues, annexing City properties independently of this annexation, time table.

At this point, George Wilcox indicated a desire to speak and there was discussion about whether or not this should be allowed as this is not a public hearing.

Councilmember Herman then made the motion to allow public participation under Petitions & Communications on an ongoing basis, Councilmember Wright seconded the motion. It was defeated however, 5-2 with only Councilmembers Pedersen and Herman in favor.

CORRECTED: SEE 10/10/94 MINUTES. Note: SLD have same standards as stat.

CORRECTED: SEE 10/10/94 MINUTES. 4

w/regard to other economic hardship cases & the appropriate clause in the minc regarding this slb revisited
can have

Councilmember Herman then moved to allow public comments on this particular item under Petitions & Communications, Councilmember Wright seconded and the motion passed unanimously.

George Wilcox, 1522 3rd St., addressed Council. He stated the one reason this annexation has been controversial is it's the shape of a large ax with a handle along 67th which makes the island of property in the county actually larger. He said he would hope the City would not set a policy of signing the petition because it may very well put it over 60%. He said it's a jurimandered boundary and in this case he thinks the City should stay neutral.

Mike Papa, 8127 54th Dr. NE, addressed Council and he said he recalled a quote from Marion Davis that the school district didn't want to sign a petition so they would be perceived as the neighborhood bully. He said he agrees with George and thinks the City should stay out of this issue.

Councilmember Bartholomew asked what would happen if the City property is annexed independently.

City Attorney Weed pointed out that you can't have 2 annexations going on at the same time in the same location, even if they are two different processes.

Councilmember Herman noted the Sunnyside and Poortinga annexations were concurrent and had an overlapping area but City Planner Hirashima pointed out the one public hearing was delayed and the overlapping area was added into the Sunnyside Annexation and taken from the other.

Councilmember Pedersen asked about the definition of the total area and 60% and City Attorney Weed said that's determined at the 10% stage.

Councilmember Pedersen moved and Councilmember Myers seconded to not assist in obtaining signatures from PUD in this annexation. The motion passed unanimously.

Councilmember Pedersen moved for the City not to sign a petition to annex in this case. Councilmember Leighan seconded and the motion passed with Councilmembers Baxter and Wright against.

There was brief discussion about overall policy being discussed further at the Council Retreat, also petition vs ballot issues and City Attorney Weed said he would make copies of the RCWs that are pertinent here.

PUBLIC HEARINGS:

1. Animal Code Title 10, Planning Commission Recommendation.

City Planner Hirashima reviewed the agenda bill and changes that Council had talked about at last Council meeting to make to the code.

Councilmember Pedersen brought up several changes she would like to see or have clarified and there was discussion about licensing cats, the animal control officer being a reserve police officer, allowing option of court hearings, pooper scooper enforcement, no trespassing signage or cleanup signage in the park, consistency with sign code in residential areas for kennels, dog runs in a kennel needing to be 20' from all property lines.

Diane Williams, 1401 7th St., addressed Council. She said animal owners have the right to expect reasonable tolerance and she said she sees the whole ordinance as punitive. She pointed out that we have prisons overflowing with people and yet animals don't have

the same rights at all. She asked about the right of an animal control officer to come into your yard and check on a tag and impound your animal.

City Attorney Weed explained that is in the case of a dog that bites, is vicious or under other circumstances.

Ms. Williams questioned Section 7 - Noisy dogs and cats. She asked if the Animal Control Officer has the right to take that animal. She said she thinks animals should have rights; we have a lot of problems today because of a lack of respect for animals, she said. She added she is having a hard time with someone else having the right to come on to her property and impound her dog for being a "nuisance."

City Attorney Weed said what would probably happen is a discussion would be held with the owner and the Animal Control Officer; a citation is not issued the first time around, it would be verbal and written warnings.

Ms. Williams stated she is home almost all the time, she brings her dog in at night and she is glad to have the dog bark when someone is out there. She noted she has had only 2 complaints in 2 years and everyone has to be somewhat tolerant. She said she believes 3 people should have to complain in writing before it's a legitimate complaint. She pointed out that the 14th Amendment provides for fairness and consistency with no arbitrary enforcement and said she thinks people have a common purpose in this world--we all want a quality life and to get along with our neighbors. She noted in King County they have a citizens action committee composed of veterinarians, dog owners, non-biased, knowledgeable people and she said there needs to be an open arbitration method. She said this is a scary document--people should have to sign a document, put their complaint in writing.

Councilmember Myers noted there are certain people who ignore their barking dogs.

Ms. Williams agreed but noted that is the exception and she sees this ordinance as it stands as having too much power.

Councilmember Herman pointed out the Council did amend this section, it's a 2 step process.

Ms. Williams reiterated that the accuser needs to face the person they are accusing.

City Attorney Weed explained that if a hearing were requested, the accuser's name would have to be made available.

Councilmember Baxter left Council Chambers at 9:00 p.m.

Ms. Williams said she really thinks more than one person should have to sign a petition and she would like to see a citizens advisory committee formed. She said someone could contact Vicki Schmidt of King County for further information, 296-4015. She also noted she didn't feel there was adequate notification of this public hearing tonight.

Councilmember Baxter returned to Council Chambers at 9:02 p.m.

Gary Halsey, 1052 Beach, addressed Council. He said he also wished to express a concern about the Noisy Dogs & Cats section where only one person plus a police officer or animal control officer make the determination. He said he has personal experience with this and does not feel it's adequate protection for the animal owner. He said he thinks the protection should be adequate and more fair; if it's a substantial problem then there should be more than one person who can testify to the problem. He said he has had

knowledge of an incident where an animal control officer came to someone's house because her dog was barking in her own house and he said he feels this section should be dropped from the ordinance.

Ed Collins, 6916 69th Pl. NE, addressed Council. He stated Mr. Davidson has threatened to take his dogs from him, he has been fined for all 4 dogs even when it was the neighbor's animals who were in the Collins' yard. He noted it's a fact that dogs bark and he had one bark when a burglar was in the neighborhood and another neighbor objected to the barking when the dog was actually doing him a favor. Mr. Collins stated all his animals are licensed and fixed but he has had problems with cats so he had the animal control officer come out with a raccoon cage and they caught 18 cats in one day and he has a 6' fence around his yard. He said he doesn't see the justice here if the Animal Control Officer keeps picking on his dogs--he gets penalized if only one person complains--it needs to be more than one and he said he thinks there should be more fairness to the dogs and the dog owners. He stated he has problems with Noah Davidson--he needs to be a better representative of the City. One time he had a threatening sign put on his house and Noah Davidson simply told him it wasn't his problem. He also had a neighbor threatening his dogs with a broom, he said. He said he thinks all animals should be licensed, there should be more than one complainant and more fairness in the ordinance overall.

Debra Brevik, 7028 60th Pl. NE, addressed Council and said she believes this ordinance gives the ACO too much power. She said she has also had a bad experience with Noah Davidson: There was a party in their neighborhood and several dogs were barking but hers was the only one cited. Noah Davidson's response to Ms. Brevik was that her dog barks all the time and he said he doesn't like it, she said. She noted she tried to find out who was complaining and any proof that Mr. Davidson could make a legitimate case for 3 tickets but she couldn't and doesn't have any recourse here at all, she feels. She said Mr. Davidson told her to get a gun or move out of town. She said she really has a problem with giving this man that much authority, that only a commissioned police officer should be able to go onto someone's property and issue a citation. She said if she has a real problem with her dog she will be glad to give it more training, she wants to get along with her neighbors; her husband is away a lot and she likes to have the protection with the dog but she doesn't want to get another ticket and so she ends up keeping the dog inside a lot when it should be outside. She pointed out that they have problems with burglaries in the neighborhood but she is afraid to put her dog out for fear of getting a ticket and also she doesn't think the ACO should be able to give a ticket after the fact like he did before. She concluded that City Council needs to change the ordinance so there is more than one complaint from more than one household and also that the Animal Control Officer's credentials should be checked into with regard to his proper training and authority.

Councilmember Leighan asked about the party and if the MPD were called out because of the party in progress or because of the barking dog and Ms. Brevik said apparently because of a barking dog but the kids were provoking the dog by pelting it with food. She reiterated that she should not have received the citations.

No one else from the audience wished to speak about this and so the Mayor closed this portion of the public hearing at 9:19 p.m.

Mayor Weiser summarized that this ordinance needs to be looked at more, especially with regard to having more than one person other than the ACO or a police officer to testify about noisy animals.

Councilmember Bartholomew moved and Councilmember Myers seconded to continue this public hearing to 11/14/94 to include further

public testimony on changes that staff makes in the following areas: Noisy animal section, fee structure, authority/training of the Animal Control Officer, cleanup enforcement/penalty. After brief discussion, the motion passed unanimously.

REVIEW BIDS:

1. Marysville Public Library.

City Administrator Zabell recognized Ross Jamieson (architect), Cindy Lyons, City Librarian and Bob Graef, Library Building/Furniture Committee Chairman in the audience. He reviewed the agenda bill, noting 14 total bids were received and the low bid was received from G. C. Finn Construction Co.

Mr. Jamieson explained \$2.4 million was the original construction estimate and this was the budget they were projecting towards. He said they tried very hard to stay within budget. He noted the base bid without some of the alternate items was \$2 million, with the alternate items, \$2.39 million which is \$300,000 under the original estimate. He added that all of the sub bids were within 15% of Lewis & Company's estimate. He gave considerable history and reference information on G. C. Finn Construction Co., noting they have worked on several library buildings in the area: Mountlake Terrace, Mercer Island, Mill Creek, Shoreline and the Sno-Isle Service Center in Marysville. He stated out of all the people he spoke with, including three other architects and sub-contractors, there was one project about 4 years ago on a fire district where Finn asked for arbitration and they had nothing good to say about the contractor, however that seemed to be the exception and not the rule, he said. He said he thinks in this particular case, there were some disagreements about change order items but in the recent projects, the vast majority of change orders were owner requested; on Mill Creek the change order percentage was very low. He said they recommend G. C. Finn.

Mr. Jamieson then reviewed the alternate bid items and noted these total \$89,000:

1. Asphalt walkway and lighting;
2. Tongue & groove ceiling in some areas vs. painted sheetrock ceiling;
3. Interior upgrades (bulletin boards, etc.);
4. Wood fence;
5. Trees;
6. Data Cabling.

He recommended a decision be made on Items 1 & 4 very soon as these would have an impact on the construction of the actual library building.

After a brief discussion and clarification regarding the Prevailing Wage Act, Councilmember Baxter moved to accept the base bid of \$2 million plus sales tax and award it to G. C. Finn Construction Co. Councilmember Pedersen seconded the motion.

Councilmember Pedersen asked about delays and change orders and Councilmember Bartholomew asked about the brick veneer exterior having been approved when it is a more costly item than what was originally discussed. Mr. Jamieson explained these items and there was further discussion about another meeting of the Library Committee regarding the alternate bid items, tree removal, tree relocation, etc.

The motion passed with Councilmembers Bartholomew and Herman against.

Councilmember Pedersen then moved to refer the alternate items back to the Library Building Committee meeting and for them to bring that issue back to Council 10/10/94. Councilmember Herman

seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Proposed Street LID #64; Street and Drainage Improvements for 67th Av. NE from Grove St. to 88th St. NE

Public Works Director Winckler reviewed the agenda bill and introduced Larry Wade who explained the revised method of assessment and referred to spreadsheets in packets. He noted the assessments for Elliott and Reece would be considerably lower and the rest of the properties would take up the difference. He also noted that everyone was contacted regarding this.

After discussion about water lines, widening of 67th, relocation of the stream onto the golf course, possibly; possible construction to take place next summer; permits required; Councilmember Baxter moved to proceed with the recommendations as presented by Larry Wade and City staff with the 33% revised assessment for single family non-divisible lots. Councilmember Myers seconded and the motion passed with Councilmembers Herman and Leighan against. It was noted a public hearing would be set at the next Council meeting, when this is brought back.

2. Interlocal Agreement; Poortinga & Sunnyside Annexation; cont. from 9/26/94.

City Planner Hirashima reviewed the agenda bill, noting she has handed out another revised document with further recommendations for revision, the first area being the flood plain language and shoreline management policy consistency with the county.

Danielle Glover, County Planning Dept., addressed Council and explained the City and County have an agreement that an interlocal agreement would be executed within the Boundary Review Board period of 45 days but it is possible that an extension can be explored on this, in view of the fact that Council did not get the changes until tonight. She noted that if the County Council allows the agreement to lapse there may be a problem with invoking jurisdiction.

County Councilmember John Garner addressed City Council and noted that a lack of an agreement can have a detrimental effect on the county's shoreline; this is new language and they are working within a tight time frame but they understand the City Council's concern over just receiving the new draft. He explained a problem that came up a couple years ago when they did not have this shoreline management/consistency with the County language in place.

There was more discussion regarding duration of the agreement, the termination clause, Marysville having some unique urban uses and needing to come up with a revised/updated Shoreline Management Master Plan, land use matrix/ag/conservancy designations, adoption of county's shoreline management plan, regulating land uses, etc., fees, sunset clause.

Councilmember Pedersen moved to request staff to work with the county to get an extension of the 45 days with the Boundary Review Board and get copies of the Flood Plain Management and Shoreline Management Plans for Council review. Councilmember Bartholomew seconded and the motion passed 4-3, with Councilmembers Wright, Leighan and Herman against.

3. Grant Agreement between Dept. of Ecology and City of Marysville for Shoreline Master Program.

City Planner Hirashima reviewed the agenda bill, noting it has been estimated it will take \$37,500 to complete the Shoreline Management Master Plan update for Marysville. She said the intent

is to bring it back to Council by 7/95 (or at least a Planning Commission recommendation by that time).

After a short discussion, Councilmember Myers moved and Councilmember Bartholomew seconded to approve the grant agreement and to transfer the \$10,000 as recommended by staff on the agenda bill.

Passed unanimously.

4. Golf Study Report.

City Administrator Zabell reviewed the agenda bill and submitted a copy of the report which outlines the Golf Committee's recommendations with regard to operation of the golf course, maintenance and establishing a standing committee. Finance Director Wilson explained revenues and expenses on the last page of the report.

There was discussion about maintenance costs, golf professional duties vs. Don Shaw's proposed job description, golf course operations, committee meetings, revenue being up and showing a lot of promise, Parks Bd. involvement, giving Mike and Don more access to Council/communication process, noting a golf course is a retail business.

Councilmember Baxter moved and Councilmember Myers seconded to proceed with Option A as outlined in the report, with an oversight committee set up for 18 months for the transitional period. The motion passed with Councilmember Herman against.

Councilmember Bartholmew then moved to establish a Golf Advisory Committee made up of no more than 5 members (1 or 2 golfers, 2 Councilmembers, one staff person) for at least a 12 month period for the transitional period. Councilmember Baxter seconded the motion and it passed with Councilmember Herman against.

NEW BUSINESS:

1. **Applewood Homes Request for Comprehensive Sign Plan.**
2. **Dally Homes-Strawberry Hills Request for Comprehensive Sign Plan; PA 9405023.**

It was noted the applicants were not in the audience at this time.

Councilmember Bartholomew moved and Councilmember Leighan seconded to continue this item to 10/10/94, with the item being put on a little earlier in the agenda, if possible. Passed unanimously.

3. Economic Development Element - Consultant Agreement with Economic Consulting Services.

City Planner Hirashima reviewed the agenda bill, reviewing Ben Frehrich's credentials and proposal. She noted his proposal for \$10,000 is less than 6 other cities who were contacted in the area for their Economic Development Consulting study budgets:

Everett - \$18,000
Tukwila - \$12,000
Federal Way - \$50,000
Issaquah - \$27,200
Woodinville - \$20,000
Centralia - \$20,000

Discussion centered around whether or not the scope of work could be completed for \$10,000 with no subsequent increases in the budget. It was the consensus to continue this to 10/10/94, with Mr. Frehrich being present for questions and for City Planner Hirashima to provide a copy of Tukwila's Economic Development package.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Affirming the Decision of the Hearing Examiner, with Modifications, Rezoning Property Owned by the City of Marysville, and Approving Conditional Use Permit for Construction of a Library Facility.**

Councilmember Herman moved and Councilmember Wright seconded to adopt/approve Ordinance #2005. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:30 p.m.

1. **Personnel.**

RECONVENED: 11:44 p.m.

Councilmember Baxter moved and Councilmember Myers seconded to approve the Teamsters Union Contract as amended by the mediator. Motion carried unanimously.

ADJOURNED: 11:45 p.m.

Accepted this 10th day of October, 1994.



MAYOR



DEPUTY CITY CLERK



RECORDING SECRETARY