

MINUTES RECAP

00088

MARYSVILLE CITY COUNCIL MEETING

APRIL 24, 1995

CALL TO ORDER:

7:00 p.m.

ROLL CALL:Councilmember Baxter
excusedMINUTES OF PREVIOUS MEETINGS:4/13/95 Council Workshop &
4/10/95 Regular Meeting
Minutes ApprovedAUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Approval of 4/24/95 Claims in the amount of \$766,472.97.
2. Approval of Prel. Plat/Rezone; Tuscany Ridge (formerly Saratoga Ridge); PA 9309031.
3. Authorize Budget Amendment & Expenditure from Tribal Gaming Funds to Purchase Computer System for Marysville Jail.
4. Authorize Mayor to Sign Final Plat Mylar 75th Avenue, subject to submittal of a Mylar copy of the Final Plat to the City.

STAFF'S BUSINESS:MAYOR'S BUSINESS:

1. National Infant Immunization Week Proclamation Apr. 22-29/95
2. Disaster Preparedness Week Proclamation Apr. 24-30/95

CALL ON COUNCILMEMBERS:PRESENTATIONS:

None

PUBLIC HEARINGS:

None

REVIEW BIDS:

None

CURRENT BUSINESS:

1. Fireworks Request; cont. from Apr. 10/95 - Approved
2. 1994 "Draft" Water Comp Plan Approved
3. Smoking in City Vehicles
If not a union negotiable item, Smoking & Chewing Ban in City Vehicles to be implemented

NEW BUSINESS:

None

ORDINANCES & RESOLUTIONS:

1. Ord. Annexing Certain Unincorporated Area, consisting of approx. 4.822 acres, into the City of Marysville. Ord. 2021 Approved
2. Res. Denying without Prejudice a Utility Variance for One Water Connection without Sewer Conn. for Property Owned by Tom Lucas, located at 64XX 83rd Av. NE Res. 1733 Approved
3. Res. Amending Res. 1609 to provide for an extension of time for the H.D. Fowler Co. to connect to City Utilities. Res. 1734 Approved

LEGAL MATTERS:

1. Firearms Disposition Ordinance Draft to be prepared
2. Adult Entertainment Moratorium Ordinance 2022 Approved

ADJOURNMENT INTO EXECUTIVE SESSION:

8:57 p.m.

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

RECONVENED & ADJOURNED:

Approx. 10 p.m.

MARYSVILLE CITY COUNCIL MINUTES

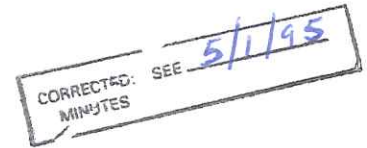
APRIL 24, 1995

7:00 p.m.

Council Chambers

00089

Present: Dave Weiser, Mayor
Councilmembers:
Donna Pedersen, Mayor Pro Tem
John Myers
Ken Baxter (excused)
Donna Wright
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Steve Wilson, Finance Director
Dave Zabell, City Administrator
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Ken Winckler, Director of Public Works
Walt McKinney, Asst. Police Chief
Doug Buell, Community Information Officer
Wanda Iverson, Recording Secretary



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:

Councilmember Herman asked that the first two sentences of page 3 of the Council Workshop Minutes of 4/13/95 be corrected as follows: "The consensus of the Council was that their first obligation to Marysville Citizens is to manage their utilities to their best benefit. City Administrator Zabell that residents outside City limits are not responsible for the City's bonded indebtedness."

Councilmember Bartholomew noted that in the last paragraph of page 4 of the Workshop Minutes, Mr. "Peterson" should be "Pederson". His name is also misspelled later in that same paragraph.

There being no further corrections, Councilmember Bartholomew moved and Councilmember Herman seconded to approve the 4/13/95 Workshop Minutes as corrected. Passed unanimously.

Councilmember Herman noted in the Council Minutes of 4/10/95 at the top of page 2, regarding the Consent Agenda, the vote was unanimous to approve.

Councilmember Pedersen moved and Councilmember Wright seconded to approve the Council Minutes of 4/10/95 with the addition in the paragraph above. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of 4/24/95 Claims in the amount of \$766,472.97.
2. Approval of Preliminary Plat/Rezone; Tuscany Ridge (formerly Saratoga Ridge); PA 9309031.
3. Authorize the Budget Amendment and Expenditure from Tribal Gaming Funds to Purchase a Computer System for the Marysville Jail.
4. Authorize Mayor to Sign the Final Plat Mylar "75th Avenue", subject to submittal of a mylar copy of the Final Plat to the City.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve Consent Agenda Items 1 through 4. Passed with Councilmember Leighan abstaining from voting on Voucher #24117.

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STAFF BUSINESS:

City Administrator Zabell reminded those interested in a Golf Board meeting Thursday night. He talked about 164 passing and that there is a referendum under way to get 164 on the November ballot. Also preliminary plats have now been extended from 3 to 5 years, he noted.

City Attorney Weed added that 164 is a very short bill; one which seems to have raised more questions than answers and the case is not closed at this time--we will see what happens in terms of the referendum process, he said.

He reported that the Marysville Municipal Court and Judge Trivett got a nice feature article in a state wide publication "Washington Journal" recently.

City Planner Hirashima reported the Economic Development Plan will be presented at the Chamber breakfast this Friday; there will be attendance from Downtown Merchants and the Chamber Board.

Public Works Director Winckler reported this Wednesday & Thursday will be "Earthquake Shakedown" days in Marysville. Councilmember Pedersen requested that a notice be put on Channel 2 to make sure people know what is happening in view of what has just happened in Oklahoma.

Councilmember Bartholomew suggested the Police Dept. get the word out about their new Incident Response Vehicle so people know what it's about.

MAYOR'S BUSINESS:

Mayor Weiser announced this Friday from 10-12:30 is the Tulalip Tribes New Recovery Home Grand Opening. He thanked Councilmembers Myers and Leighan for their work on the Incident Response Vehicle and informed Council that they will be receiving letters regarding Earthquake Shakedown; they are being asked to participate in the drill and will be receiving their personal instructions very soon.

Proclamations:

1. Mayor Weiser read and signed the National Infant Immunization Week Proclamation, declared April 22 to 29, 1995.
2. Mayor Weiser read and signed the Disaster Preparedness Week Proclamation, declared April 24 to 30, 1995.

CALL ON COUNCILMEMBERS:

Councilmember Herman announced an open public forum this Saturday from 9-Noon at the Stillaguamish Center regarding the public's opinion of the center's activities. He asked about the fire/traffic signal at Alder & Grove and Public Works Director Winckler responded.

Councilmember Leighan brought up the subject of the 67th & Grove St. Park where there seem to be a lot of vehicles and boats for sale, vandalized vehicles and no one is mowing the grass. He asked who could be held responsible for this.

City Attorney Weed explained the contact ought to be to the Homeowner's Association which may or may not be active; the junk vehicles and vandalism can be handled under the MMC, he said.

City Administrator Zabell stated apparently this park is owned by all the homeowners and not a homeowners association.

Councilmember Leighan suggested the neighborhood be made aware of the responsibility. City Planner Hirashima said her office could take care of that.

Councilmember Wright reported on the Regional Services Committee on SB 5038; the county has been divided into 3 regions and there will be another meeting of the "North Region" (Marysville, Arlington and Stanwood) May 17 at the Arlington Boys & Girls Club. She also passed out a short plat fee schedule from the county and talked briefly about the initiative/referendum process.

Councilmember Wright then moved and Councilmember Bartholomew seconded to adopt a resolution of intent for Marysville to become a city which would enact/be eligible for the initiative/referendum process.

There was discussion about having a formal workshop first, giving this topic serious consideration; City Attorney Weed explained the process. The majority of Council wished to have more information first, examples of successful cities in this process, having a workshop and/or hold a public hearing, discussion about taking action within a 90 day time limit.

The motion and second were withdrawn and remade: Councilmember Wright moved and Councilmember Bartholomew seconded to have a workshop on the initiative/referendum process, tentatively set up for 6/6/95 at 6 or 7 p.m. Passed unanimously.

Councilmember Pedersen asked about timelines for the new library and City Administrator Zabell stated the original completion was set for 5/28; that has now changed to June 13th or 15th. He stated the move could take until July 15th.

Councilmember Pedersen asked about the estimate for the old library to become a City Hall and City Administrator Zabell stated there is a meeting tomorrow to finalize the report from Ross Jamieson on this.

Councilmember Pedersen asked about signage for 3rd & State and Public Works Director Winckler stated a field visit has been done and signs have been ordered.

Councilmember Pedersen then made a special presentation to the Mayor of thank you letters from Kellogg Marsh Elementary first graders with whom he had recently visited.

Councilmember Myers suggested with regard to the Regional Services Meeting the Mayor appoint people to attend in order that we have continuity. Mayor Weiser asked who might be interested and Councilmembers Herman, Myers and Bartholomew indicated interest.

Councilmember Bartholomew noted Marysville has 9 days left to appeal the high speed train issue/decision. She said she was not surprised when it looked like they were going to upgrade the line whether we have passenger service or not and a high speed train takes approximately 1 mile to stop. State and local governments are having to pay for federally mandated improvements, she noted.

Councilmember Bartholomew then moved to appeal the decision in the interests of safety, Councilmember Wright seconded.

Lengthy discussion followed with Mayor Weiser noting that once Amtrak is discontinued, there is nothing saying that the speeds have to go down. It was also noted they are having trouble getting approval for trains to not have to stop at customs. City Attorney Weed mentioned that Edmonds has already filed an appeal and it's possible to file a joint appeal, eg. Marysville and some other cities, in order to defray legal costs of an appeal.

There was further discussion about the appeal process, whether we are wasting taxpayers' money on an appeal, was this a foregone conclusion/decision? City Attorney Weed noted there are legitimate issues to base an appeal on but Councilmember Herman noted this is only the first phase in increasing speed; there needs to be grade separations for ultimate safety to the community

and this is not something Marysville can afford nor can other local communities. City Attorney Weed talked about the importance of making a record against the high train speeds.

There was more discussion about BN avoiding a crew change and so having to keep the time to under 4 hours from Point A to Point B, concerns about being able to sue the railroad in the event of a train accident, what has happened in previous train accidents in the area, more discussion about what can be done.

The motion passed unanimously to file an appeal on behalf of the City of Marysville against BN/WSDOT's decision regarding high train speeds.

CURRENT BUSINESS:

1. Fireworks Request; continued from April 10, 1995.

City Administrator Zabell reported the Fire Dept. feels adequate protection has been provided and recommend approval of the request.

After brief discussion, the consensus was to approve the fireworks request.

2. 1994 "Draft" Water Comp Plan.

Councilmember Bartholomew left Council Chambers at 8:10 p.m.

Public Works Director Winckler reviewed the agenda bill and City Administrator Zabell noted an extensive amount of time was spent with the RUSA Committee discussing and reviewing the Draft Water Comp Plan.

Larry Wade briefly reviewed recent amendments that were made prior to the plan being submitted to the DOH. He summarized some of the statistics, noting the RUSA boundary is to be put in line with the CWSP boundary, the urban growth boundary has been included as well as land uses within these boundaries to determine population, there are 38,000 current water customers and there will be 57,000 by 2014 with 42,000 within RUSA.

Councilmember Bartholomew returned to Council Chambers at 8:14 p.m.

Larry Wade reviewed sources, storage, transmission line locations, current and peak use, demand, future usage of the 13 million gallons a day with a primary source of 17 million gallons per day. It was noted however, that peak usage is 19 million gallons per day (in the summer). He stated this system is good for the next 20 years; the Stilly can be used as emergency backup as can Hwy. 9, Sunnyside and Edwards Springs. He reviewed the JOA services/line (Everett and Tulalip Tribes), alternate service outside the coordinated water planning area. He suggested there be no more urban growth boundary changes.

City Administrator Zabell explained the relationship of capital improvements, rate increases that won't be immediately necessary.

Mayor Weiser mentioned a study being developed comparing our rates with other cities.

Councilmember Pedersen moved for approval of the Water Comp Plan as presented and Councilmember Wright seconded. Passed unanimously.

3. Smoking in City Vehicles.

City Administrator Zabell reviewed the agenda bill and information in packets. *Councilmember Herman asked the minutes to reflect that he originally contemplated a motion for a policy to negotiate a smoking ban.*

After brief discussion, Councilmember Herman moved to authorized the City Administrator to research whether this is a mandatory

CORRECTED: SEE 5/1/95 MINUTES

bargaining issue and if not, to implement ~~arbitrarily~~ a smoking and chewing ban in City vehicles. Councilmember Pedersen seconded and after further brief discussion, the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Annexing Certain Unincorporated Area, consisting of approx. 4.822 acres, into the City of Marysville.

Councilmember Myers moved and Councilmember Wright seconded to adopt/approve Ordinance 2021. Passed unanimously.

2. Resolution Denying without Prejudice a Utility Variance for One Water Connection without Sewer Connection for Property owned by Tom Lucas, located at 64XX 83rd Av. NE.

Councilmember Leighan moved and Councilmember Wright seconded to adopt/approve Resolution 1733. Passed unanimously.

3. Resolution Amending Resolution 1609 to provide for an extension of time for the H.D. Fowler Co. to connect to City Utilities.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1734. Passed unanimously.

LEGAL MATTERS:

1. Firearms Disposition Ordinance.

In preparing an ordinance with regard to firearms seized by the MPD, City Attorney Weed asked for Council direction with regard to the Chief of Police having discretion with regard to legal firearms: allowing him to sell or trade to a licensed auctioneer or to auction, sell, trade only rifles, or only trade or sell antique firearms (as per a published list). In other words, the options would be a) dispose of all legal firearms except those that can be used by MPD; b) dispose of all legal firearms except rifles and shotguns; c) allow the police chief to sell or trade all legal firearms to a licensed auctioneer; d) allow the chief of police to dispose all firearms except antique firearms as per a published list.

Asst. Chief McKinney stated their preference would be to trade the guns; he said they feel people who are going to end up with guns have had a security check. As far as antique weapons are concerned he said they do not come across that many. He spoke briefly about (illegal) sawed off rifles and shotguns and availability of the guns whether the MPD destroys any or not.

There was considerable discussion about what is being apprehended, conversion of firearms for MPD use, leaving it to the discretion of the Police Chief, discussion about value and safety of weapons.

Councilmember Leighan moved and Councilmember Herman seconded to leave it to the discretion of the Police Dept. as to what legal guns are kept or destroyed. Passed unanimously.

2. Adult Entertainment Moratorium.

City Attorney Weed noted there are three ways currently to address adult entertainment establishments: Through Marysville's business license regulations, through criminal code provisions and through the zoning code, all of which were adopted in the 1980s. He pointed out that the law and city has changed since then and a number of jurisdictions have adopted regulations related to adult entertainment, especially with the Navy coming in, the casino being expanded and sunset provisions in Everett's Adult Entertainment Regulations. He noted the possibility of people looking to site establishments in Marysville and our ordinance should be reviewed to comply with the laws and needs of the City. He suggested a moratorium ordinance up to a one year period with the Mayor appointing a committee to

study this issue with a public hearing in 60 days to review the moratorium requirement and then to decide whether to proceed from there.

Councilmember Bartholomew reviewed reasons why she asked for this review.

Councilmember Bartholomew then moved and Councilmember Pedersen seconded to adopt Ordinance 2022 placing an emergency moratorium on adult entertainment establishments. Passed unanimously.

There was discussion about size of committee, who would be interested in serving on the (citizens advisory) committee, consideration to be given to including input from Chamber of Commerce, MPD and youth organizations.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:57 p.m.

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

RECONVENED AND ADJOURNED: Approximately 10 p.m.

Accepted this 1st day of May, 1995.

David Weiser

MAYOR

Mary S. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY