

Marysville City Council

00233

September 18, 1995

6:30 p.m.

City Hall

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem (excused)
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman
 Shirley Bartholomew
Administrative Staff:
 Dave Zabell, City Administrator
Others:
 Bob Braun, Braun Consulting Group

Call to Order: Mayor Weiser called the City Council meeting to order at 6:30 p.m. and immediately adjourned into Executive Session.

Executive Session:

1. Personnel.

Reconvened and Adjournment:

The City Council reconvened and adjourned at 9:10 p.m. with no action taken.

Accepted the 25th day of September, 1995.

Dave Weiser
 MAYOR

Mary D. Swenson
 CITY CLERK

Lillie Lein
 RECORDING SECRETARY

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

SEPT. 25, 1995

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

MINUTES OF PREVIOUS MEETINGS:

9/11/95 & 9/18/95 Approved

AUDIENCE PARTICIPATION:

Debra Teachout, Bud Darling & Gary Van Engen

CONSENT AGENDA:

Approved:

1. Approval of 9/25/95 Claims in the Amount of \$373,024.48; paid by check nos. 25989 through 26146 w/check nos. 25495, 25602, 25913 and 25965 void.
2. Authorize Mayor to sign Final Plat Mylar for Foothills East; PA 9409032.
3. Authorize Mayor to sign the Interlocal Agreement between City of Everett, Snohomish Co. & Cities of Snohomish County for In-Service Training Sessions; Washington State Training Commission.
5. Approval of Liquor License Renewal for Market Place of Msvl.
6. Authorize Mayor to Sign Supplemental Agreement #3 for Engineering Svcs. for Appraisals, Negotiations, Preparation of Title Work and Closing Details for 19 Parcels within the Limits of the Project; Perteet Engineering.

(Item 4 moved to Item 6 under New Business.)

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

REVIEW BIDS:

1. Emergency Tower Bid Project. Ducap Bid Awarded

NEW BUSINESS:

1. Vehicle Purchase, Parks Maintenance Approved
2. Recreation Program Mgr. Position; Approved
3. Request for full time designation
3. Interim funding of LID 64 & 65 Ord. #2043 Approved
4. Removal & Disposal of Abandoned Approved Option 2
Cedarcrest Reservoir
5. Tulalip Tribes Util. Variance Approved
Mayor authorized to sign
6. HUD Housing Authority Contract

ORDINANCES & RESOLUTIONS:

1. Ord. Amending Sec. 19.16.060 of MMC Ord. #2044 Approved relating to Temporary Uses & Adding a Variance Procedure
2. Ord. establishing policies & proc. Ord. #2045 Approved for the enforcement of the MMC, setting monetary penalties for violations of MMC.
3. Ord. amending Chap. 6.24 of the MMC Ord. #2046 Approved establishing policies & proc. for Abatement of Public Nuisances.
4. Ord. affirming Hearing Exam. decision & rezoning property owned by Dale Olson. Ord. #2047 Approved
5. Res. granting conditional use permit & variance for MSD 25 property, subject to conditions. Res. #1751 Approved
6. Res. amending Res. 1687 granting a 1 yr. extension for Pacific Coast Feather variance. Res. #1752 Approved

LEGAL MATTERS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

1. Personnel 9:25 p.m.
No Action
2. Real Estate No Action
3. Litigation No Action

RECONVENED & ADJOURNED:

10:20 p.m.

MARYSVILLE CITY COUNCIL MINUTES

SEPT. 25, 1995

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

Grant Weed, City Attorney

Gloria Hirashima, City Planner

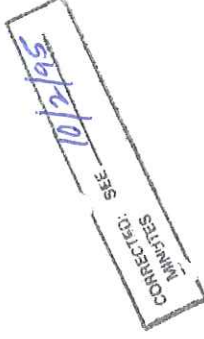
Ken Winckler, Public Works Director

Dave Zabell, City Administrator

Lt. Dennis Peterson, MPD

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary



CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led us in 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 noted on page 1 of the 9/11/95 minutes, in the last paragraph on the page, the word should be "taxes" not "taces." On page 4, under discussion of the Council Retreat, Councilmember Herman stated he remembered the majority opinion was that the retreat should be held out of town.

Councilmember Wright noted on page 4 under Call on Council, the question about the roadway on 76th between 47th & 48th was whether it was a street or an alley, not that there were holes there.

There being no further corrections, Councilmember Herman moved and Councilmember Myers seconded to approve the 9/11/95 Council Minutes as corrected. Passed unanimously.

Councilmember Herman moved and Councilmember Wright seconded to approve the 9/18/95 Special Meeting Minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Debra Teachout, 5833 Parkside Dr., addressed Council on behalf of the Greater Marysville Artists Guild. She read a prepared statement (also handed out to Council) in which the Greater Marysville Artists Guild is requesting \$2000 to help with mailing and advertising costs for Marysville Sights & Bites and also to request reestablishing of a Marysville Arts Commission.

Mayor Weiser said he was looking into the hotel/motel tax funding and noted the City is authorized to have an Arts Commission per the current MMC. Councilmember Herman asked about the time line.

Ms. Teachout explained they start sending applications out in Jan. and February to invite artists to participate in Marysville Sights & Bites.

Councilmember Pedersen stated she is an advocate for funding out of hotel/motel tax and to reestablish the Arts Commission.

Councilmember Bartholomew suggested we contact Everett and find out about their funding of Arts in the Park and their community theatre.

Councilmember Leighan said he would like to see a more formal process for hotel/motel tax funding requests and Mayor Weiser promised to be in touch with Ms. Teachout further.

Gary Van Engen, Executive Director of the YMCA, addressed Council. He presented a beautifully framed piece of artwork done by a local 9 year old thanking the City for all the support given to the YMCA.

Bud Darling, 1916 Grove St., addressed Council. He noted first impressions of anything are always very important and Marysville has nice parks, hanging baskets, etc., but he invited City Council to take a look at the area immediately surrounding the 4th St. exit off I-5--the grass is long, very poor aesthetics, etc. He suggested possibly having the State help us beautify it a bit as it is a state interchange.

CONNECTED: SEE MINUTES 10/2/95 Page 2

CONSENT AGENDA:

1. **Approval of 9/25/95 Claims in the Amount of \$373,024.48; paid by check nos. 25989 through 26146 w/check nos. 25495, 25602, 25913 and 25965 void.**
2. **Authorize Mayor to sign Final Plat Mylar for Foothills East; PA 9409032.**
3. **Authorize Mayor to sign the Interlocal Agreement between City of Everett, Snohomish Co. & Cities of Snohomish County for In-Service Training Sessions; Washington State Training Commission.**
5. **Approval of Liquor License Renewal for Market Place of Msvl.**
6. **Authorize Mayor to Sign Supplemental Agreement #3 for Engineering Svcs. for Appraisals, Negotiations, Preparation of Title Work and Closing Details for 19 Parcels within the Limits of the Project; Perteet Engineering.**

(Item 4 moved to New Business.)

It was noted under the Perteet Engineering Agreement Supplement No. 3, Exhibit B-1, Time for Completion, should be 90 days and not 900 days.

Councilmember Pedersen moved and Councilmember Leighan seconded to approve Consent Agenda Items 1, 2, 3, 5 & 6. Passed unanimously. (Councilmember Baxter abstained from voting on Voucher #26077 and 26012 under Item #1.)

STAFF BUSINESS:

Finance Director Wilson noted the 1996 Budget process has begun and will be reviewed by the Mayor and City Administrator the first week of October. Oct. 16 & 17 from 6-10 p.m. will be budget workshops at the Public Works Bldg. He reported the purchasing manual is being modified slightly by the consultant, after input from staff at City Hall, etc.

City Administrator Zabell summarized the last change order on the new library for framing revisions, change to plaque, etc., in the amount of \$11,859, bringing the grand total of the cost for the new library construction to \$2,149,808.

City Planner Hirashima reported the Planning Commission will be holding the first Comp Plan public hearing tomorrow evening. The hearing can be continued to the following Tuesday, October 3.

Public Works Director Winckler reviewed a change order to the 1994-95 Water Capital Improvements Plan for hydroseeding and fertilizing in the amount of \$3200 for an area around the 100th St. Reservoir. He noted paving is going to have to be dug up but laying of pipe has gone well. He said he would like Council to view the reservoir site and there was discussion about who could participate in tours and when.

Public Works Director Winckler reminded Council of the RUSA Committee meeting as well as the South Snohomish County Coordinating Committee meeting Thursday.

CALL ON COUNCILMEMBERS:

Councilmember Baxter talked about the article in the Globe regarding the architect's plans for the golf course and noted that in the future the golf course committee should be aware of what is going to be printed in the newspaper before it is printed. He asked about the skateboard park.

Councilmember Leighan stated there was a meeting at the beginning of the summer but nothing since. Discussion followed.

Councilmember Myers said he will be attending a Regional Services Meeting tomorrow in Arlington.

Councilmember Bartholomew reported BN continues to have signal problems at 4th & Cedar. Apparently there are some exposed wires and the arms are not operating properly at a very heavily traversed crossing. Mayor Weiser said he is following up on this.

Councilmember Herman reported on a recent trip to Centralia and how nice their downtown looks without overhead power lines. He asked how this could be made possible in Marysville, how much it would cost, how it could be accomplished. He reported on a recent CT meeting where they discussed Marysville alternative service delivery. He talked about a circulator route in Marysville and CT may start using smaller vehicles with "on demand" service. He asked about the 4th St. Bypass traffic volume and Councilmember Baxter reported everyone seems to be getting along OK with no conflicts or problems with lack of parking, etc.

Councilmember Leighan reported last Thursday there was a tour of 9 Work Release Sites in the area, 4 or 5 of which are "A's" (not in Marysville but very seriously considered sites), with only one "B" actually in Marysville. As a member of the Old Library/New City Hall Committee, he asked about touring the facility now that all the books and equipment have been removed.

Councilmember Wright talked about the Cities & Towns meeting coming up as well as the fact that the Parkside Manor PUD luminaires are finally going to be installed soon.

Councilmember Pedersen talked about the Cities & Towns meeting, a funding mechanism for the Public Health District (motor vehicle tax?) and a "mortgage burning party" Friday for the Snohomish Health District Building which has been paid off. She asked about landscaping improvements in the new Safeway parking lot and City Planner Hirashima stated they will be completed within the next 2 weeks, that some additional improvements have been made.

Councilmember Pedersen asked about the Citizens Advisory Group for Streetscaping and Mayor Weiser stated he has 9 people interested so far in serving and Jim Ballew is to follow up on a couple more things before the committee meets.

Councilmember Pedersen asked about new lights for Comeford Park and Parks & Recreation Director Ballew stated he is getting an electrical engineer to look at it next week.

Councilmember Pedersen asked about bus service to the new library and Councilmember Herman said it's being considered to be part of the "on demand" service.

Councilmember Leighan triggered discussion regarding RFPs for the old library/new City Hall.

Councilmember Bartholomew asked about lights in the park and noted the need for security, safety and prevention of vandalism.

Parks & Recreation Director Ballew said they have had problems in Comeford Park again today; it was worse than after Strawberry Festival. Park hour signs have been installed, furniture has been replaced and he talked about the different kinds of lighting that can be used, costs, ornamental vs servicable, upgrading a power transformer and pedestal which could cost several thousand dollars, he said. He noted the light poles that are being considered are vandal resistant, they have increased the patrol and several arrests have been made. He said he has personally been going to the park in the evenings to check things out. He said he has also been looking at possible sites for a skateboard park and talking about some mechanism where a neighborhood park is automatically put in a subdivision or nearby if 50 or more kids live in that neighborhood. He talked further about a temporary skateboard park that can be reverted if it doesn't work for the kids.

Councilmember Pedersen commented on time limits/curfews for these facilities and Parks & Recreation Director Ballew noted Marysville can have signs made up prohibiting skateboarding in certain areas.

Councilmember Bartholomew stressed the need for lighting in the park, especially when there are going to be meetings and other activities at the old City Hall building. Parks & Recreation Director Ballew to follow up further.

REVIEW BIDS:

1. Emergency Tower Bid Project.

Lt. Peterson reviewed the agenda bill, noting staff is recommending DuCAP Electronics be awarded the bid. He said they are already doing all the repair work on the 9-1-1 Dispatch.

Councilmember Baxter moved and Councilmember Bartholomew seconded to award the bid to DuCAP Electronics in the amount of \$17,822.95 plus applicable freight charges and sales tax. Passed unanimously.

City Administrator Zabell stated this project will be funded by Public Works and MPD.

NEW BUSINESS:

1. Vehicle Purchase; Parks Maintenance.

Parks & Recreation Director Ballew reviewed the agenda bill, noting they are requesting \$13,000 for a used 3/4 ton truck. There was discussion about the state bid process, General Fund funding, possibly looking at a new vehicle for very little extra, need for towing capacity.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the request as recommended by staff, not to exceed \$13,000. Passed unanimously.

2. Recreation Program Manager Position; Request for Full Time Designation.

Parks & Recreation Director Ballew reviewed the agenda bill. He spoke highly of Tara Mizell's work to date, as did Councilmembers Leighan, Pedersen and Wright.

Councilmember Leighan moved and Councilmember Myers seconded to approve the request. After discussion about funding and budget for next year, the motion passed unanimously.

3. Interim Funding of LID 64 and 65.

Finance Director Wilson reviewed the agenda bill, noting there are two choices: Open market or go through the banks. Two banks re-

spended, Seafirst with a rate of 4.66% and Skagit with a rate of 4.7% and the City has just received its tax exempt status on the arbitrage so there is an added section to the ordinance, he said.

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve Ordinance 2043 as recommended by the Finance Dept., with the added section regarding the City's non-arbitrage status. Passed unanimously.

4. Removal and Disposal of Abandoned Cedarcrest Reservoir.

Public Works Director Winckler reviewed the agenda bill and there was discussion about use of the site including a neighborhood park, trail system, skateboard park, sport courts.

Parks & Recreation Director Ballew talked about lease and/or purchase of the property and turning it into a park, grading, good opportunity to remove the reservoir. There was further discussion about removal or burial of concrete and other materials, depending on future ownership, need for future parks property.

Councilmember Wright moved and Councilmember Baxter seconded approval of Option 2 (including burial of concrete material at the site). Passed unanimously.

5. Utility Variance for Sewer; Tulalip Tribes (Destination Resort).

Public Works Director Winckler reviewed the agenda bill, noting the RUSA Committee has made a recommendation to approve with conditions. City Administrator Zabell noted 9/16/95 was the actual application date.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the request as per the RUSA Committee recommendation and conditions.

City Administrator Zabell asked about the perpetual easement wording and John Klacell of the Tulalip Tribes stated the wording should be "permit" as it's on trust land, the same as what PUD and other utilities have. He said a permit is the same as an easement and he does not see the issue of crossing other than Tulalip property as an issue.

City Attorney Weed explained the legal difference between "permit" and "perpetual easement", noting a permit could be revocable, a perpetual easement runs with the land. He noted this is something new to him tonight; he has no other concerns.

Discussion followed about onsite systems, City policies regarding regional service, variance criteria, improving Marysville's utility service to the north, condition 1 regarding perpetual easement and under #5 "deviations from maximum" should be inserted.

Mr. Klacell explained PUD & GTE have been under a permit for years vs a perpetual easement. He explained a perpetual easement is a very long process through the Tulalip Tribes and BIA for trust land. If the City wants to leave it as is, it can be sent over to the Tribes and it may have to be "tweaked", he said, but permits are in perpetuity, for example, the present one for PUD just says the line is permitted with no time limit on it, he said.

Mayor Weiser said he would like to leave the wording as is and said he does understand the problems associated with tribal lands.

It was clarified that the motion includes the 11 conditions of the RUSA Committee, with the minor change under #5 of "deviations from maximum" to be inserted. The motion passed unanimously.

CORRECTED: SEE MINUTES 5/6
K/K/S/2/10/2/95

MINUTES
CORRECTED: SEE
10/22/95
"Add Housing"

6. HUD Housing Authority Contract.

Councilmember Bartholomew said she was offended by the letter stating Marysville has an unsavory element, also noting the liability for law enforcement seems to be on the side of the City.

It. Peterson said this contract is separate from the Monty property; HUD wishes a police presence and this is being funded by a grant to allow MPD to be in there 4 hours a week.

City Attorney Weed said he didn't have any problem with the indemnification language but on page 2, F.-- he said he didn't feel it appropriate for the MPD to enforce HUD rules so they were to change the word to "may" from "shall."

There was discussion, suggesting we add an address in the contract, noting this is an attempt to prevent the area from deteriorating, discussion about enforcement of regulations, funding, monthly summary report, this has worked in other areas, economic criteria for living in this development is stipulated.

Councilmember Myers moved and Councilmember Leighan seconded to authorize the Mayor to sign the contract with HUD for the grant money, with an inclusion of the address in the contract. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance of the City of Marysville Amending Section 19.16.060 of the MMC Relating to Temporary Uses and Adding a Variance Procedure.

Councilmember Myers moved and Councilmember Leighan seconded to approve/adopt Ordinance 2044. Passed unanimously.

2. Ordinance of the City of Marysville Establishing Policies and Procedures for the Enforcement of the MMC, Setting Monetary Penalties for Violations of the MMC and Establishing a Code Enforcement Procedures Manual for the Enforcement Code.

Councilmember Leighan moved and Councilmember Myers seconded to approve/adopt Ordinance 2045. Passed unanimously.

3. Ordinance of the City of Marysville Amending Chap. 6.24 of the MMC Establishing Policies and Procedures for the Abatement of Public Nuisances; Incorporating RCW 9.66.010, 9.66.020, 9.66.030 and 9.66.050 and Repealing MMC 6.24.070, 6.24.080, 6.24.090, 6.24.100, 6.24.105 and 6.24.110.

Councilmember Wright said she is really uncomfortable with this ordinance as it seems to be overregulating. There was lengthy discussion about covenants, civil issues, vegetation, code enforcement process for nuisance complaints, mowing to avoid fire hazards, the area adjacent to the driving range and what an eyesore it is, other eye sore areas, being handled on a complaint call-in basis, graffiti on City property.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2046. Passed with Councilmembers Baxter and Wright against.

4. Ordinance of the City of Marysville Affirming the Decision of the the Hearing Examiner and Rezoning Property Owned by Dale Olson Amending the Official Zoning Map Previously Adopted in Ordinance 772.

Councilmember Leighan stepped down.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2047. Passed 6-0.

5. Resolution of the City of Marysville Granting a Conditional Use Permit and Variance for Property Owned by Marysville School Dist. 25, Subject to Conditions.

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Resolution 1751. Passed unanimously.

6. Resolution of the City of Marysville Amending Resolution 1687 Granting a One-Year Extension to the Variance from the Requirements of MMC 14.05.020(1) for Pacific Coast Feather Company.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve/adopt Resolution 1752. Passed with Councilmembers Herman and Pedersen against.

ADJOURNED INTO EXECUTIVE SESSION: 9:25 p.m.

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

RECONVENED & ADJOURNED: 10:20 p.m.

Accepted this 2nd day of October, 1995.

David Wessin
MAYOR

Mary D. Jensen
CITY CLERK

Wanda K. Jensen
RECORDING SECRETARY