

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 24, 1997

00113

CALL TO ORDER:

7:00 p.m.

CORRECTED: SEE 3/3/97
MINUTESROLL CALL:Councilmembers Herman &
Pedersen excusedMINUTES OF PREVIOUS MEETINGS:

1. Council Mins. Feb. 10, 1997

Approved

AUDIENCE PARTICIPATION:Several people regarding
Teen Curfew/Parental
Responsibility IssueCONSENT AGENDA:

Approved:

1. Approval of the 2/24/97 Claims in the Amount of \$253,092.25; paid by check nos. 32868 through 33089 with check nos. 32247 and 32755 void.
2. Authorize Mayor to sign Final Plat Mylar of Northpointe East Division II; PA 9410039.
3. Approval of Liquor License Renewal for Smokey Pt. Blvd. Chevron & 7-Eleven Food Store #29536; New Liquor License Application for State Avenue Bar & Grill; and Liquor License for Special Event for Christopher Funk Guild.
4. Authorize Mayor to Sign Local Agency Agreement with WSDOT for the SR 529 (State Avenue) and First Street Signal.

STAFF'S BUSINESS:MAYOR'S BUSINESS:CALL ON COUNCILMEMBERS:

1. Curfew/Parental Responsibility Committee Report.

PETITIONS & COMMUNICATIONS:

None

PRESENTATIONS:

1. Citizenship Award Presented to Ted & Janet White

REVIEW BIDS:

1. Sanitary Sewer Improvements - Allen Creek Pump Station Replacement Approved - Thomco Const.

CURRENT BUSINESS:

None

NEW BUSINESS:

1. Braschler Annexation; Notice of Intent - 10% Petition; PA 9702002 Approved 4-0

ORDINANCES & RESOLUTIONS:

1. Ord. 2116 Approved Amending MMC 7.08.030 & Providing Limited Exemption from Compulsory Garbage Collection Service.
2. Ord. 2117 Approved Amending MMC 14.07.060 and 14.07.070 as Adopted in Ordinance No. 2109.
3. Ord. 2118 Approved Annexing Certain Unincorporated Area Known as the Wickham Property into the City of Marysville.
4. Resolution 1843 Approved Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale Thereof.

ADJOURNED:

9:20 p.m.

EXECUTIVE SESSION:

9:30 to 10:30 p.m.

1. Pending Litigation
2. Real Estate

No Action
No ActionRECONVENED & ADJOURNED:

10:30 p.m.

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 24, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen (excused)
John Myers
Ken Baxter
Mike Leighan
Otto Herman (excused)
Shirley Bartholomew
Administrative Staff:
Janet Berg, Asst. Finance Director
Bruce Keithly, City Attorney Pro Tem
Mary Swenson, Asst. to City Administrator
Doug Buell, Community Information Officer
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Walt McKinney, Acting Police Chief
Tara Mizell, Parks & Recreation Dept.
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order and led us in the pledge of allegiance at approximately 7:00 p.m.

ROLL CALL:

Asst. Finance Director Berg called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilmember Wright noted that on page 3 of the 2/10/97 minutes, in the 4th paragraph from the bottom of the page, the word "discussed" should be "discussion" and also on page 5, in the first paragraph, the word "fro" should be "for."

Councilmember Bartholomew noted that on page 3, in the second paragraph, "TCI" should be "TVW."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Leighan seconded to approve the 2/10/97 Council Meeting Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mayor Weiser noted public input would not be taken under Call on Councilmembers concerning the Curfew/Parental Responsibility Issue but audience members could participate under Audience Participation.

Lou Yager, 4529 80th St. NE K-21, addressed Council. She said she is very concerned about the vandalism that's been occurring lately and they had over \$300 worth of damage a week ago and she is in favor of the Council exploring the possibility of a teen curfew or parental responsibility ordinance. She noted the people weren't caught in this case but she would like to see some kind of community service in place.

John Allgere, 6625 69th Dr. NE, addressed Council. He said he just heard someone saying they are in favor of a curfew but there are a lot of kids under 18 who are not vandalizing. He said he likes the idea of parental responsibility and is not in favor of a teen curfew.

Nicole Suhardolnik, 4114 107th Pl. NE, addressed Council. She said she is opposed to the teen curfew; she said she thinks it's the parents' responsibility. She said her personal curfew (from her parents) is 12:30 on weekends because dances don't get out until midnight, for example.

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Andrea Armstrong, 5410 91st St. NE, addressed Council. She said she was opposed to the curfew for several reasons: First, it is parents' responsibility to tell teens when to be home rather than the City. A City curfew would undermine parents, she said and she noted her curfew now is 12 or 12:30 a.m. The second reason she is opposed is there is no proof the vandalism cited earlier was done by teenagers; her third reason is if kids are just out on their skateboards or walking, that's not harmful and the fourth reason is only 16 kids were interviewed from Marysville Pilchuck High School, not the majority.

Jesse Nickelberry, 5123 91st Pl. NE, addressed Council and said he is also opposed to the curfew because it's grossly unfair to the vast percentage of teens who are not causing problems in the community. He said there is a very small percentage who are causing problems and if a study was made, it would show that most teens are law abiding. When asked, he responded that he doesn't go to Everett.

Mike Maddux, 4114 107th Pl. NE, addressed Council and said he is opposed to the teen curfew. The main reason is that only 16 out of 2000 students were surveyed from Marysville Pilchuck High School and there are many others who go to the Alternative High School, etc. He said if the teens are just hanging out he doesn't see what is wrong with that. He said he does go to Everett and has never been stopped by police, even though he has been in Everett past their curfew. He added he doesn't see anything wrong with just going to 7-Eleven or Taco Bell and the vast majority of kids are not causing trouble. He noted there is not that much to do and some of the teens don't have very nice homes to go home to, either. When asked, he said he has a parental curfew on occasion.

Jim Stone, 17309 43rd Dr. NW, teacher at MPHS, addressed the Council and said he is opposed to the curfew. He pointed out that there are some adults who commit crimes but there are no curfews for them. He asked if it would be fair for him to impose punishment on the whole class if one member misbehaves. He noted it's very easy to suspect teens and it takes a lot of courage to trust teens but he has seen some really good kids. Every day he said he teaches the future and he thinks these kids deserve the City's trust.

Councilmember Wright said the idea is to have a tool or a way to just work things out with the kids.

Mr. Stone said he knew a kid who used to live in his car but every day he came to school. He asked what would happen to him, out after the curfew. He noted we don't live in a perfect world but he's asking the Council to trust our kids.

Janet Duffy, 1248 Cedar #B, addressed Council. She said she is the apartment manager for Cedar Springs Apartments and there has been a big change since the early 1990s with teens. She said she sees a lot of kids at the apartments who don't live there and she said she sees a curfew as a tool to help the kids and protect them. There are an increasing number of 13 year olds hanging out with 20 to 22 year olds, for example, she said and in addition, a curfew would support parents who do care and also a tool for protection of the kids when their parents don't care.

Diane Grice, 6922 Armar Rd. #A, addressed Council. She said she also works for the Marysville School District and she has had runaways live at her house, but the majority of kids are good and she doesn't believe in a City-set curfew. She said she sets one for her own kids but she doesn't think they should get harassed for not doing anything, just because they are out late. She said she knows there are some destructive

people, children and adults, and she doesn't think it's right to make the good ones suffer for the bad ones. She said she believes in community service but she does not believe in a City set curfew.

Mayor Weiser said it is his understanding that Everett has only made one arrest under their new curfew law, 99% of the kids stopped are just told to go home.

Ms. Grice said she is worried police on slack duty are going to stop kids that are just driving around or not doing anything and a lot of times, too, when you tell kids "no" that's when they do it.

Councilmember Baxter asked what her major fear is with a curfew and Ms. Grice said she sees the City curfew in conflict with parental curfews and if the teens are stopped by the police it could get out of proportion and she doesn't want to get wakened up in the middle of the night. Her children have been confronted by police before and things come up; she said she doesn't think good kids need to be harassed.

Councilmember Baxter asked if she thought the police would be out of line to stop a 13 or 14 year old at 1 a.m. and Ms. Grice said no, but sometimes things get out of hand, people get defensive and rude.

Brianna Thornberry, 7310 126th St. NW, addressed Council and said she is opposed to the 11:00 p.m. curfew because she feels the community is premature and not taking everything into consideration such as:

- there's nothing for the kids to do
- at 11 p.m. that's just when you might come up with an idea of where to go
- Everett kids are coming to Marysville and it looks like Marysville kids now.

Alicia Potter, 7008 126th St. NW, addressed Council. She said she is opposed to the 11 p.m. curfew also. She said when you get older, you get to stay out later, it's a privilege and a trust and it's up to her parents to ground her or give her a curfew, not the City. She said she sees this as the City taking away her freedom.

Mayor Weiser explained a curfew is not to make everyone go home.

Ms. Potter said she doesn't understand why the proposed curfew includes 16-18 year olds, is her main concern.

CONSENT AGENDA:

1. Approval of the February 24, 1997 Claims in the amount of \$253,092.25; paid by check nos. 32868 through 33089 with check nos. 32247 and 32755 void.
2. Authorize Mayor to sign Final Plat Mylar of Northpointe East Division II; PA 9410039.
3. Approval of Liquor License Renewal for Smokey Pt. Blvd. Chevron & 7-Eleven Food Store No. 29536; New Liquor License Application for State Avenue Bar & Grill; and Liquor License for Special Event for Christopher Funk Guild.
4. Authorize Mayor to Sign Local Agency Agreement with WSDOT for the SR 529 (State Avenue) and First Street Signal.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 through 4. Passed with Councilmember Baxter abstaining on Voucher #33022 under Item #1.

STAFF'S BUSINESS:

City Planner Hirashima reported that the Memorandum of Understanding the Council approved will go before the County Council tomorrow night at a public hearing.

Public Works Director Winckler reported the Marysville-Arlington agreement will be reviewed at tomorrow's RUSA meeting and on Thursday there will be an EWUC meeting.

MAYOR'S BUSINESS:

Mayor Weiser announced the 88th St. Interchange dedication is scheduled for Monday (3/3/97) at 9:30 a.m. and the annual dinner for Councilmembers will be Monday night at 5 p.m. at the Library.

CALL ON COUNCILMEMBERS:

Councilmember Wright reported on Legislative Day in Olympia that she and Councilmembers Herman and Pedersen attended and they had a chance to speak with legislators.

Councilmember Baxter reported the Groundwater Advisory Committee is going to step up the number of meetings and he said he is looking for backup--anyone interested in hydrology, small farms issues, nitrate levels, GMA--these are all upcoming issues to be discussed and they may increase their meeting schedule to once a week. Right now, they are 3 hr. meetings once a month.

Councilmember Bartholomew touched on several items: The Solid Waste Advisory Committee will be starting to develop the 1998 budget, residential parking permits, keeping the USS Lincoln based in Everett (trying to get legislative support for this) and turning the 136th and State intersection into a diamond interchange at I-5.

Councilmember Leighan reviewed 1997 construction projects discussed at the Transportation Advisory Committee meeting.

Councilmember Myers gave a presentation on the curfew/parental responsibility issue as a result of meetings and surveys. He noted over 500 surveys were given out to schools and businesses and unfortunately, only a few were returned from the high school. He showed overheads with statistics of incidents where juveniles were involved and noted 100% of the Marysville businesses are in a favor of a youth curfew with the most preferred times being 10 p.m. to 5 a.m. for youths under 14 on weekdays and 12-5 weekends. For older teens, 11-5 weekdays and 1-5 weekends and holidays. It was noted that more than 50% of the high school surveys said they have no parental curfew and responses regarding curfew times were very similar to responses from the businesses. He pointed out that youths have also been victims of crime by other youths and adults and protection of the youths is a major concern and reason for a curfew. *of the surveys returned, business and teen combined,*

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He noted the meeting at Cedarcrest School on Feb. 11th was attended by only 5 adults and one teen in addition to committee members. He showed a newspaper article about Lake Stevens now having a teen curfew as well as other cities who either have or are planning a teen curfew enactment and that's going to mean more kids coming to Marysville, he said.

He reiterated that his concern is about youth safety because there is a whole different kind of people out on the streets after 1 a.m. and he gave the curfew times suggested by the committee:

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| | | |
|-----------------|---|---------------------------|
| 16 & 17 yr olds | - | 11 to 5 weeknights |
| " | | 1 to 5 weekends/holidays |
| 15 & under | - | 10 to 5 weeknights |
| " | | 11 to 5 weekends/holidays |

He suggested the possibility of having a public hearing 3/24/97 and Mayor Weiser suggested having the City Attorney draft an ordinance.

Councilmember Myers stated he has more information from cities that have curfews and there is going to be another committee meeting when they can pass surveys out at the door.

There was discussion about statistics from cities before and after enacting their curfew, Acting Police Chief McKinney's stating curfews were made illegal in 1976 and that's when Marysville's curfew was discontinued in the past, Marysville's curfew used to be at 10 p.m.

It was the consensus to have the City Attorney draft an ordinance and to have an open house meeting to be publicized and a public hearing to follow in the near future.

PRESENTATIONS:

1. Citizenship Award.

Councilmember Myers presented a Citizenship Award to Ted & Janet White for their work raising money for the Library as members of Friends of the Library. Other members of Friends of the Library were also recognized in the audience for their untiring efforts through the years with the book sales that raise funds for things such as the bronze sculpture located outside the Library, near the front entrance.

REVIEW BIDS:

1. Sanitary Sewer Improvements - Allen Creek Pump Station Replacement.

Public Works Director Winckler reviewed the agenda bill, stating staff recommends the bid be awarded to Thomco Construction in the amount of \$686,542.50 plus sales tax, plus a budget amendment of \$350,000 to be transferred from the utility construction account for additional work. He explained the need for getting easements, underground problems encountered, having to borrow money from the Edward Springs project account, the sanitary sewer improvements being a more viable and important project than the Edward Springs project.

There was discussion about the need for the sanitary sewer improvements, trucking sewage out (expense).

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the Thomco Construction bid of \$686,542.50 plus sales tax, plus the budget amendment of \$351,542.50, transfer from the utility construction project account.

None of the bidders were present in the audience and it was noted that the estimated construction time would be 60 days, once the project is started in about a month.

The motion passed 5-0.

NEW BUSINESS:

1. Braschler Annexation; Notice of Intention - 10% Petition; PA 9702002.

Councilmember Wright stepped down.

City Planner Hirashima reviewed the agenda bill, noting the Barr Annexation is still pending with the Boundary Review Board and the county has been advised of the Braschler request. She noted some of the concerns of the sheriff's office and property owners to the north but explained that the Barr Annexation really resolved these issues.

Greg Wright, 4802 76th St. NE, applicant's representative, addressed Council. He explained that the status of Mrs. Braschler's property has changed considerably in 34 years: She no longer has her horses and her husband has died. She is an elderly woman now and would like to annex into the City; Emorys want to be included in this annexation, he added. He pointed out that Mrs. Braschler actually has to work outside the home in order to pay for her taxes. He said they held a neighborhood meeting regarding the annexation and most of the concern was from the north; they were opposed to being included without a vote. He said they are just asking for the Braschler and Emory property to be annexed, the existing zoning is residential, in the City's Comprehensive Plan it is Community Business and in the county's Comprehensive Plan it is Residential 9600.

Gilbert Emory, 3717 88th St. NE, addressed Council. He said they feel the same as Mrs. Braschler, that the property's best use is commercial now because it's right next to the freeway and they want to be part of the City so they can develop the property; they don't want to impact the people north of them but they are being impacted with the train, freeway, bridge, traffic noise, etc. He said they gave up some of their property to the county for the 88th St. interchange and they want to be included in the Braschler annexation. He noted the State took Ridgely's property in order to build the interchange and the Emorys basically want to develop the property in the City because it's easier to work with the City than the County.

Angie Smith, 3819 97th Pl. NE, addressed Council. She said she was at the neighborhood meeting and the people west of Emorys have planned to start an annexation also. She said it is the Smiths' intention to oppose every annexation and they don't think the BRB has the right to put them in when they don't want to be; they are fighting for the right to remain in the county, she said. She added that they told her that if the Barr Annexation goes through Smiths would be included.

Mrs. Smith said this whole thing started a long time ago and she knows a lot of people say they can't get anything built in the county but she is seeing a lot of building going on. She said they would prefer to stay in the county and would like the City to be aware that they feel like they have been railroaded into something. (She explained they are north of what's being shown on the map/overhead.)

City Planner Hirashima stated the BRB can only expand the annexation to double the size applied for and can't include the Smiths. She said she has spoken to the county about the concerns of the property owners to the north and their not wanting to be included in the annexation.

Rick Barr, 8270 Blakely Hts. Dr., Bainbridge Island, addressed the Council. He said they have been working with the Emorys and on the annexation south of 88th and Emorys would like to be included with the Braschler Annexation. Mr. Barr said they have contacted 3 out of 5 county council members and are looking for their approval. The county seems to have no plans to look at the zoning, he said nor expanding the size of the annexation as is the concern of the people to the north.

Rocky Hoglund, 3819 97th Pl. NE, addressed Council and said he wanted to clarify on the size of the pieces. With Braschler's 9.54 acres and the Emory's, you are up to 21 acres, so doubling

would be 42 acres the Boundary Review Board could go up to, he pointed out. He asked how far north they would go.

City Planner Hirashima said she would find out more information on that.

Councilmember Baxter left Council Chambers at 8:58 p.m. and it was noted there was not a quorum present so a short break was called.

The meeting was called back to order at 9:01 p.m. with a quorum present (Councilmembers Baxter, Bartholomew, Myers and Leighan.)

Scott Wurle, 9909 35th Av. NE, addressed Council and said it seems that money is the motivating factor here, with Messrs. Emory and Wright. He said he read an article in the Globe and he knows Marysville is experiencing progress but he is not sure this is the right thing for the community. He pointed out that they live in a secluded neighborhood and don't want it opened up to gas stations, fast food restaurants, etc. He said he has seen other cities having problems and he doesn't think commercializing an area is best; he would encourage the Council to visit that area and see how hectic it has become with the new interchange. He said he knows people have property rights but he would rather see something like a park and ride versus a Car Sound Stereo store, for example; the City is going to have to address transportation issues, he warned.

Greg Wright addressed Council again and said he would like to extend an invitation to people to park in the Emorys' front yard for the dedication of the 88th St. Interchange Monday if they can't find another place to park. He pointed out that the Braschler property is right on a high speed railroad track and can't be developed residentially. He argued that money is not what motivates everybody and they do not want to see the area to the immediate north included in the annexation.

Councilmember Baxter pointed out that this annexation would actually preserve shallow wells because the annexed portion would be going to City sewer if it's developed commercially; residential development actually is a problem with nitrate levels in drainfields and if annexed, it would go to City sewer and water, he said.

Councilmember Leighan asked about the election method and City Planner Hirashima explained the process. There was further discussion about the two proposals for annexation boundaries and language could be added to reduce the boundary at a later date, discussion about sending this back to the Boundary Review Board, not including the property to the north.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the 10% petition on the Braschler Annexation, PA 9702002, with the Alternate B boundary. Passed 4-0.

Councilmember Wright returned to Council Chambers at 9:15 p.m.

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Section MMC 7.08.030 and Providing a Limited Exemption from Compulsory Garbage Collection Service.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve/adopt Ordinance 2116. Passed 4-1 with Councilmember Leighan against.

2. Ordinance Amending Sections MMC 14.07.060 and 14.07.070 as Adopted in Ordinance No. 2109.

Councilmember Wright moved and Councilmember Myers seconded to adopt/approve Ordinance 2117. Passed 5-0.

00421

3. Ordinance Annexing Certain Unincorporated Area Known as the Wickham Property into the City of Marysville.

Councilmember Leighan moved and Councilmember Baxter seconded to approve/adopt Ordinance 2118. Passed 5-0.

4. Resolution Declaring Certain Items of Personal Property to be Surplus and Authorizing Sale Thereof.

Councilmember Myers moved and Councilmember Wright seconded to approve/adopt Resolution 1843. Passed 5-0.

ADJOURNED: 9:20 p.m.

EXECUTIVE SESSION: 9:30 to 10:30 p.m.

- 1. Pending Litigation. (No Action)
- 2. Real Estate. (No Action)

RECONVENED & ADJOURNED: 10:30 p.m.

Accepted this 3rd day of March, 1997.

David Weiser

MAYOR

Mary Swenson

CITY CLERK

Shanda A. Swenson

RECORDING SECRETARY