

MINUTES RECAP

00101

MARYSVILLE CITY COUNCIL MEETING MAY 12, 1997

CALL TO ORDER: 7:00 p.m.CORRECTED: SEE 5/27/97
MINUTESROLL CALL: All presentMINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; 5/5/97 Approved

AUDIENCE PARTICIPATION:Larry Caldwell, Archie
Fonken & Dave AultmanCONSENT AGENDA:

Approved:

1. Approval of 5/12/97 Claims in the amount of \$1,160,974.24; paid by check nos. 34017 through 34198 with check nos. 27642, 33114 and 33948 void.
2. Approval of April 1997 Payroll in the amount of \$638,939.30; paid by check nos. 25302 through 25677, with check nos. 25255, 25256, 25284 and 25415 through 25448 void.
3. Approval of New Liquor License Application for Mai Restaurant located at 9501 #F State Avenue, Marysville.

STAFF'S BUSINESS:MAYOR'S BUSINESS:Joint Meeting w/Arlington
City Council 6/30/97 7-9PMCALL ON COUNCILMEMBERS:PRESENTATIONS:

None

PUBLIC HEARINGS:

None

REVIEW BIDS:

1. Sanitation Truck Bid; Low Entry Front Loading Refuse Collection Truck, Body, Cab & Chassis Approved - Bid Awarded to Western Peterbilt Inc.
2. 10-12 Yard Dump Truck, Cab & Chassis - Approved - Bid Awarded to SeaTac Ford

CURRENT BUSINESS:

None

NEW BUSINESS:

1. Hearing Examiner Recommendation to Approve the Request for Rezone & Preliminary Plat w/conditions & Denial of Street Variance; Foxwood; PA 9601005. Approved/Affirmed w/Street Variance Request Denied
2. Financial Report to Council for Quarter ended 3/31/97 Finance Director Wilson - Information Only

ORDINANCES & RESOLUTIONS:

1. Ordinance Providing for Residential Permit Parking Regulations, establishing zones for said regulations, providing for permit issuance, fees, exemptions, revocation of said permits, and appeals and penalties for violation, and adopting a new Chapter 11.09 of the MMC. TABLED - Committee to review further
2. Resolution #1846 Approved authorizing application(s) for funding assistance for a Washington Wildlife & Recreation Program Project to the Interagency Committee for Outdoor Recreation (IAC) as Provided in State Statute Chap. 43.98A RCW, Washington Wildlife & Recreation Program.

ADJOURNED:

9:15 p.m.

EXECUTIVE SESSION:

9:25 to 10:26 p.m.

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

RECONVENED & ADJOURNED:

10:26 p.m.

MARYSVILLE CITY COUNCIL MEETING

00402

MAY 12, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem (7:05 p.m.)
 Donna Pedersen
 John Myers
 Ken Baxter
 Mike Leighan
 Otto Herman
 Shirley Bartholomew
Administrative Staff:
 Dave Zabell, City Administrator
 Steve Wilson, Finance Director
 Grant Weed, City Attorney
 Gloria Hirashima, City Planner
 Ken Winckler, Public Works Director
 Jim Ballew, Parks & Recreation Director
 Walt McKinney, Acting Marysville Police Chief
 Charlie Anderson, Equipment Rental Supervisor
 Wanda Iverson, Recording Secretary

CORRECTED: SEE	5/21/97
MINUTES	

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at approx. 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 PREVIOUS MEETINGS:

1. Council Minutes 5/5/97 Meeting.

Councilmember Herman moved and Councilmember Pedersen seconded to approve the Council Minutes of 5/5/97 as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Arlington City Councilmember Larry Caldwell addressed Council and stated he was here in his capacity as a Board Member of the Stillaguamish Senior Center. He introduced the new Executive Director of the Stillaguamish Senior Center, Archie Fonken.

Mr. Fonken thanked Council for the City of Marysville's long term support of the senior center and offered any help they could provide with Marysville's Senior Center future organization and plans.

Dave Aultman, Contractor, 5416 140th Pl. SE, Everett, WA 98208, addressed Council. He referred to the handouts and explained that since April 17th he has been involved in a dispute with the City of Marysville with regard to location of a water pipe. He said the City has chosen to make him responsible for something he feels they are responsible for and that is that a certain water pipe is not located within the easement as it is supposed to be. He referred to correspondence between himself and the City regarding this situation and noted his building permit has now been suspended as a result of the City's position that Mr. Aultman is responsible for the water pipe not being within the easement. He pointed out that he feels the City doesn't meet its own requirements and he referred to a catch basin in the street and the fact that the City has basically not honored the easement. He said he has spoken with Mr. Withers, Group IV, Mr. Laughlin, Mr. Zabell, Mr. Carter, Mayor Weiser and the City is expecting Mr. Aultman to remedy the problem which he thinks the City ought to do. Messrs. Weiser, Carter and Zabell have all come out to the property and seen it; the pipe is outside the easement and two representations are saying the as built is incorrect. He said he welcomes anyone to come out and look at the site.

Mayor Weiser said he understood there was an agreement reached in this situation.

Mr. Aultman said he asked that the City outline the conditions, for example, the suspension of his building permit and he has not heard from Mr. Carter. He pointed out that the City has already been granted easements and Mr. Aultman doesn't wish to give up another 10' of his property. He added that the City should understand the pipe needs to be put within the easement; no agreement has been reached between him and the City--the City wants a setback of 6' when next door, they are only 1' from the easement. There is no consistency, he said, and added he feels the City has the responsibility to move the pipe and to let him continue to build. He noted he has a responsibility to the people who wish to buy these houses and he simply disclosed there was an encroachment of the pipe and the City then suspended his building permit which he would like reinstated as soon as possible.

Councilmember Baxter questioned who installed the pipe in the first place and Mr. Aultman said he believed one of Withers' subs. He added that there are as built but the City can't seem to find them; Chicago Title has researched this carefully, also.

City Attorney Weed stated he thinks Mr. Aultman has provided plenty of information, that Mr. Weed has been to the site also and that follow up should be done. He stated he has a strong difference of opinion as to legal responsibility of the City with Mr. Aultman; that staff should follow up and hopefully, an agreement can be reached.

Mr. Aultman said he thinks a common sense approach could have been taken and he just can't wait any longer on the construction. He noted he has had to come up with all the research and the City has not come up with anything.

Mayor Weiser said he didn't feel anything was being accomplished by this going on any further tonight but that he would make sure Mr. Carter gets in touch with Mr. Aultman as soon as possible.

Public Works Director Winckler noted Mr. Carter has been out of town for a week, is still out of town, and that he (Public Works Director Winckler) will follow up on this personally on Mr. Carter's behalf.

Councilmember Baxter asked about the responsibility of the placement of the water pipe and City Attorney Weed said originally, the original developer was responsible and the City does inspect but it is the ultimate responsibility of the developer to make sure the pipe is placed correctly within an easement.

CONSENT AGENDA:

1. Approval of 5/12/97 Claims in the amount of \$1,160,974.24; paid by check nos. 34017 through 34198 with check nos. 27642, 33114 and 33948 void.
2. Approval of April 1997 Payroll in the amount of \$638,939.30; paid by check nos. 25302 through 25677, with check nos. 25255, 25256, 25284 and 25415 through 25448 void.
3. Approval of New Liquor License Application for Mai Restaurant located at 9501 #F State Avenue, Marysville.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously.

STAFF'S BUSINESS:

City Attorney Weed noted the new curfew ordinance will go into effect 6/1/97 and he has facilitated one of two training sessions with the Marysville Police Dept. The second one will be this Friday, he said. He added that the fact that the curfew was given

so much press in Everett helped make most of Everett's problems disappear before their curfew ordinance even went into effect and he would suggest the same thing for Marysville.

Councilmember Wright added that the curfew ordinance could be given publicity through the schools, also.

Councilmember Bartholomew suggested giving notification to the Downtown Merchants Assn. and the Chamber of Commerce.

Public Works Director Winckler announced the RUSA Committee meeting, Thursday, May 15th, 7:30 a.m. at the Public Works Bldg.

Parks & Recreation Director Ballew thanked everyone who attended the rededication of Library. He gave an update of the progress at the Ken Baxter Building, noting they have been seeking donations for furniture and fixtures; the Afternoon Rotary and Marysville Firefighters Assn. have already volunteered some donations, he said. He noted this coming weekend is going to be a busy one in Marysville with several activities: Little Kids Fishing Derby, Maryfest Royalty Pageant, March for Jesus and the Multicultural Diversity Event.

MAYOR'S BUSINESS:

Mayor Weiser stated the City of Arlington has suggested 3 possible dates for a joint meeting with Marysville City Council. Their preference is 6/30/97 from 7-9 p.m.; alternative dates are 6/9 or 7/14. After brief discussion, consensus was that 6/30/97 (fifth Monday in June) would be suitable for a joint meeting, with the location to be announced.

Mayor Weiser reminded Council of the workshop next Monday, 5/19/97 to discuss whether to have a restaurant or a snack bar at the golf course, also usage of the Ken Baxter Building plus a short agenda (Review of Bids).

CALL ON COUNCILMEMBERS:

Councilmember Herman spoke about Comp Plan issues, densities, etc. He noted he wished specific information about numbers of acres impacted by less density than called for in the Comp Plan and said he thinks it important to know whether the Comp Plan is reflecting reality.

City Planner Hirashima responded that the Planning Commission is reviewing Comp Plan amendments, staff has initiated some issues, also, for example minimum densities; multifamily areas was a major concern, she said.

Councilmember Leighan said he would like to see some kind of dedication policy adopted, for example, criteria and community involvement. As a note of interest, he said he read where the Edmonds Senior Center has an annual budget of \$620,000.

Councilmember Wright announced she will be in Washington, DC from 5/14 to 5/20/97.

Councilmember Pedersen attended the Library Board meeting today and noted there have been no more problems with the roof. She said she was impressed with the Masons' dedication ceremony at the Library and asked about a TV-W test run tomorrow. (Staff to follow up on this and let her know.)

Councilmember Baxter said he would like staff to research how much money the City spent in 1996 on legal advertisement in the Globe and maybe we should take a second look at competitive advertising. He reported on discussions that have been held at the Groundwater Advisory Committee meetings such as a DOE person asking for a tour of Marysville utilities, discussions about back up wells, water

table, Allen/Quil Ceda Creek Watershed, shallow wells water quality, drainfields, water retention ponds, addition of water from Sultan Basin to our groundwater, stream flows. He asked that Public Works Director Winckler or City Administrator Zabell arrange a tour.

Councilmember Herman said he wished to be included in the tour of utility facilities.

Councilmember Pedersen asked about the necessity of each Council person receiving every department's meeting minutes and City Administrator Zabell said eventually, they will be summarized in one report.

Councilmember Bartholomew said she would like to also be included on the utility facility tour and that perhaps someone from the county (Tom Nieman?) should be invited also.

REVIEW BIDS:

1. Sanitation Truck Bid; Low Entry Front Loading Refuse Collection Truck, Body, Cab and Chassis.

Public Works Director Winckler reviewed the agenda bill and memo from Charlie Anderson, Equipment Rental Supervisor. He stated the recommendation is to accept the bid from Western Peterbuilt Inc. in the amount of \$183,995.39 including tax, even though it's not the low bid.

After brief discussion, Councilmember Baxter moved and Councilmember Herman seconded to accept the bid as recommended by staff. Passed unanimously.

2. 10-12 Yard Dump Truck, Cab and Chassis.

Public Works Director Winckler reviewed the agenda bill and noted the staff recommendation is to accept the low bid of SeaTac Ford in the amount of \$63,892 plus tax (at 8.2%), totalling \$69,131.43.

Councilmember Baxter asked if this vehicle/bid included compression brakes and pyrometer and Mr. Anderson said he did not include these two things in the specs; to go back for these things would require a rebid. He did note the engine was specified as a 3406.

There was discussion about use of compression brakes, compression brakes and pyrometer would add to the life of the brakes and the additional cost could be reported back to Council.

City Attorney Weed said if the amount added is lower than the next lower bid would be with the added amount, then it would not have to be rebid but a standardized item such as this would put all the bids up the same.

Equipment Rental Supervisor Anderson said the truck will be able to pull a trailer, with an attachment on the front for a snow plow. He also noted it would only be driven by someone with a CDL.

Councilmember Bartholomew moved and Councilmember Baxter seconded to award the bid as recommended by staff to SeaTac Ford, in the amount of \$69,131.43 including tax for the dump truck.

There was discussion concerning the additional equipment as discussed and Councilmember Herman moved and Councilmember Pedersen seconded to make an amendment to the motion to direct staff to look at the two items and if they don't exceed \$5,000, to purchase the added equipment. The amendment to the motion passed unanimously, as did the main motion.

NEW BUSINESS:

1. **Hearing Examiner's Recommendation to Approve in Part the Rezone, Preliminary Plat and Variance, subject to conditions; Foxwood; PA 9601005.**

City Planner Hirashima noted the reason for taking this item from Consent Agenda was that Planning received a letter from the Dept. of Fish & Wildlife with regard to classification of the stream which may result in the applicant having to revise the Preliminary Plat and Rezone application.

There was discussion about front yard setbacks, response of Dept. of Fish & Wildlife, new information that came to light regarding fish in the stream, approval being subject to additional conditions, cause and cost of delays, reclassification of stream would result in increased buffer with a gross density reduction.

Councilmember Pedersen moved and Councilmember Myers seconded to affirm the Hearing Examiner's recommendation to approve the Rezone and Preliminary Plat, subject to conditions and to deny the Street Variance, contingent on the report from the Dept. of Fish & Wildlife findings.

The motion passed 6-1 with Councilmember Leighan against.

Councilmember Bartholomew suggested a letter be sent to the Dept. of Fish & Wildlife regarding their needing to meet the deadline for comment in a more timely manner in the future.

2. **Financial Report to Council for the Quarter Ended 3/31/97.**

Finance Director Wilson highlighted the General Fund, Solid Waste Fund, Golf Fund, retail sales tax revenue (down for the first quarter of 1997 due to reduced retail auto sales), gambling tax, tribal gaming funds, building revenue up for the quarter, Water & Sewer Operating Fund, Building permits, Building licenses, Water & Sewer application statistics.

There was brief discussion and comment about leasehold improvement tax revenues. Also, Finance Director Wilson said he would follow up on tax revenue on leased cars.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Providing for Residential Permit Parking Regulations, Establishing Zones for Said Regulations, Providing for Permit Issuance, Fees, Exemptions, Revocation of Said Permits, and Appeals and Penalties for Violation, and Adopting a New Chapter 11.09 of the Marysville Municipal Code.**

There was discussion about not charging a fee for the permits, the appeal process possibly before the Hearing Examiner, employee parking for businesses.

Acting Police Chief McKinny said his preference would be to take another look at the 2 hour parking restrictions because he thinks the new ordinance may cause more problems that it solves and taking down some of the 2 hr. parking restriction signs may very easily alleviate the whole problem.

There was more discussion about the possibility of commuter parking/park & ride lot, parking availability on 1st St., complaints from owners of rentals who have a 2 hr. restriction out in front of the homes, eg. near 1st & Columbia, places where there are businesses and residences, signage to allow residents to be exempted from the 2 hr. restrictions, having a committee look at this again with representation from businesses, residents, the school district, rental property owners, etc., looking into removing some of the 2 hr. restriction parking, getting CT involved, commuter parking, future parking needs.

Other topics included in the discussion were wetlands locations, possibility of using City owned property for a parking lot, Ash & Cedar have alleviated parking problems already somewhat, get DOT involved regarding the right of way on Ash, traffic flow, orange warning forms to be used by the police.

Councilmember Herman then moved that a committee be formed, made up of representatives from Public Works, Police, School District, Downtown Merchants, Residents, etc., with information brought back to Council and to table the decision of approving the ordinance on residential parking permits. Councilmember Myers seconded and the motion passed unanimously.

2. Resolution Authorizing application(s) for funding assistance for a Washington Wildlife & Recreation Program Project to the Interagency Committee for Outdoor Recreation (IAC) as Provided in State Statute Chap. 43.98A RCW, Washington Wildlife & Recreation Program.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve/adopt Resolution 1846. Passed unanimously.

FURTHER COMMENTS FROM COUNCILMEMBERS:

Councilmember Herman reiterated his concern about the Comprehensive Plan and that areas beyond City limits need to be reviewed with regard to densities, i.e., the whole UGA.

City Planner Hirashima agreed, stating the county has minimum densities for single family but not multifamily designations and this is causing some concern at the City staff level, also.

Councilmember Baxter asked about the parking warning slips that are being printed and Acting Police Chief McKinney stated they will be put to good use soon, that there is no fine attached to them.

ADJOURNED: 9:15 p.m.

EXECUTIVE SESSION: 9:25 to 10:26 p.m.

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

RECONVENED & ADJOURNED: 10:26 p.m.

Accepted this 27th day of May, 1997.

David Weiser
MAYOR

Mary D. Swanson
CITY CLERK

Standa A. Swanson
RECORDING SECRETARY