

MINUTES RECAP

00111

MARYSVILLE CITY COUNCIL MEETING JUNE 1, 1998

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:
1. 5/27/98 Council Meeting Minutes Approved

AUDIENCE PARTICIPATION: Greg Henderson, Charles Bailey, Bob Fletcher, Bill McCaffrey, Michael O'Keefe

CONSENT AGENDA: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS: None

PUBLIC HEARINGS: None

CURRENT BUSINESS:

NEW BUSINESS:
1. Human Services Funding Approved as per Committee Recommendations

ORDINANCES & RESOLUTIONS:
1. Ord. 2197 Approved Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Anna Majors and Amending Official Zoning Map Previously Adopted in Ord. 772.
2. Ord. 2198 Approved Affirming Hearing Examiner Decision and Rezoning Property Owned by Gilbert Emory, Amending Official Zoning Map Previously Adopted in Ord. 772.

ADJOURNMENT: 8:17 p.m.

EXECUTIVE SESSION: 8:25 to 9:22 p.m.
1. Personnel No Action
2. Potential Litigation No Action

RECONVENED & ADJOURNED: 9:22 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 1, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem
 John Myers
 NormaJean Dierck
 Donna Pedersen
 Mike Leighan
 Otto Herman, Jr.
 Shirley Bartholomew
Administrative Staff:
 Dave Zabell, City Administrator
 Grant Weed, City Attorney
 Mary Swenson, City Clerk
 Dennis Peterson, MPD Commander
 Wanda Iverson, Recording Secretary

CORRECTED: SEE	6/8/98
MINUTES	

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:**1. City Council Meeting; May 26, 1998.**

Councilmember Pedersen noted on the Minutes Recap and on page 4, swearing in for Councilmember Myers' replacement should be July 6 not July 1.

Councilmember Herman asked that on page 6, 3rd paragraph, 4th & 5th lines, that the words "and stream enhancement" be struck and then two paragraphs down from that, "for example filtration values" be struck.

There being no further corrections, Councilmember Bartholomew moved and Councilmember Herman seconded to approve the 5/26/98 minutes as corrected. Motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Greg Henderson, 1248 Cedar, addressed Council. He expressed a concern firstly about loud car stereos. He said the trend seems to be louder bass car stereos and he can hear them on State from where he lives and they rattle his pictures on his walls. He said he would like signs posted on State citing the RCW that addresses the noise ordinance, just like the signs citing the Cruising Ordinance. The second item he wished to express concern about is the 40 mph speed people go in school zones when it is only 20. He said we need to protect our school children. He suggested putting up the speed monitoring trailer on Cedar--he said he is assuming there is a camera that is picking up license plate numbers attached to this unit. His third concern is the loud and prolonged train horn at 3 in the morning.

Mayor Weiser explained they blow the whistle when approaching a railroad crossing, eg. at Grove St. He added that the City has received a number of complaints about the train whistle and it is the responsibility of the BNSF to follow federal law.

Mr. Henderson said he understood that is the law but thought there might be a minimum rather than maximum amount of time that the whistle could be sounded in order to reduce the annoyance, especially at 3 in the morning. He said it sounds like they are blowing it for a full minute.

City Attorney Weed said the time length issue could be followed up with Burlington Northern.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 1, 1998

Page 2

Charles Bailey, 6616 83rd Pl. NE (phone 653-9269 after 4), addressed Council. He said he lives in Cedarcrest Vista and it has come to his attention there is a proposal for a 130 apartment complex to go in next door and he doesn't believe it is appropriate to go in next to single family housing.

City Attorney Weed pointed out that if this is scheduled to go before the hearing examiner, it would not be appropriate for the Council to discuss this matter; any citizen comment is welcome at a public hearing but Council must be careful in discussing this.

Councilmember Pedersen suggested Mr. Bailey go to the Hearing Examiner meeting if this matter is posted to go before the Hearing Examiner.

Several people in the audience indicated they wished to address this same subject and the Mayor advised them to fill out a form and they will be contacted by the Planning Dept.

Bob Fletcher, 6511 NE 83rd, addressed the Council. He said he is within the 300' radius of property owners and was not really officially informed this was going to happen; one of his neighbors told him there was going to be a meeting at the school. There were only 3 or 4 neighbors at the meeting and he doesn't think too many people knew about the meeting, he said. He added that he is very much against the proposal; they told people at the meeting all about it but he is still opposed to it. It's going to lower property values, he said and noted there is no sign posted on the subject property.

Councilmember Bartholomew suggested that everyone who signs up can be mailed the procedures by the Planning Dept. concerning neighborhood meetings, 300' radius, formal hearings, etc.

Bill McCaffrey, 7404 66th Av. NE, addressed Council. He said he lives at the southwest corner of the driving range and they have a problem there, again. On May 2, he got hit by a ball and discovered 5 more balls in his yard. He said he talked to the driving range people but nothing was resolved; he is still getting balls in his property. He passed around a picture of Officer Shore inspecting a broken/damaged window on his house. He said apparently they pulled half the mats for the drivers and he would like that checked by the Marysville Safety/Code Enforcement Officer. Also, there is another neighbor here, he said, with the same problem. Mr. McCaffrey talked with the manager of the driving range and it seems none of the owners have made any money at the place and what's happened is that they are looking into selling the driving range again and the neighbors are worried about low income housing going in there. The neighbors have put up with a lot and he said they don't want it to go from bad to worse.

Mayor Weiser said he would have Paul Rochon check on the conditional use permit and see if the driving range is adhering to the conditions as stipulated.

Mr. McCaffrey said it is a shame to have to utilize police officers for this and reducing mats has reduced the number of balls coming into his yard but he doesn't even want one to hit a child.

Councilmember Pedersen asked if there are holes in the nets and Mr. McCaffrey said no, what's happening he thinks is that within the last 10 years the balls, clubs and golfers themselves have improved tremendously and now it's really easy to hit a ball as far as his house. They dropped the use of drivers before, but with the new owner, he allowed the drivers again and the golfers just laugh about it when they get it over the fence, he said. He said he would just like to know if they are thinking about low income housing or whatever there.

Michael O'Keefe, 7409 64th Dr. NE, addressed Council. He stated he is the new manager of the driving range which was purchased in September. He said they have made a lot of changes, they actually extended the wing nets five times what they were. He said they have tried to keep up with all the neighbors' complaints but it's really a bad situation and they are doing their best. He noted Mr. McCaffrey admits there has been a decrease in balls; the problem is that everything is after the fact and trying to solve problems this way is very difficult. He added that they are making money, they are helping out the boy scouts and have some good youth programs. He said he had promised Bill to let him know what is going to happen: They have been speaking with Dujardin Developers and if they plan to leave, they will let people know. It is a real tough situation for them and they will be lucky to break even if they do sell, he said. He added that he thinks the only thing that will satisfy Bill is if the driving range is turned into a park!

STAFF'S BUSINESS:

City Administrator Zabell reported of the two issues that went before the BRB, Strawberry Fields and the Highway 9 Reservoir, only Strawberry Fields got the okay to be reviewed again for inclusion in the UGA in August.

He reported the reason there is no background music on the community access channel these days is that it was one of the many victims of the satellite that was lost in space a week or so ago. The music is scheduled to be back on air July 19.

He reported the City is in the process of updating its Disaster Plan.

City Attorney Weed reported an ordinance has been drafted to amend Titles 2 & 15 regarding appeals to land use decisions; the ordinance to come back before Council the 2nd or 4th meeting in June.

Commander Peterson handed out samples of "Friendly Reminder" notices that will be passed out by the Marysville Police Dept., on bright green cardboard, reminding people about the leash law in our City. Part of the law includes cleanup after the dogs and the police dept. will start handing these cards out June 15, he said. He also reported Loree Parker is doing well and back at work.

Councilmember Herman asked about the possibility of having a little green card for people with loud car stereos and Commander Peterson said they could probably develop something like that.

MAYOR'S BUSINESS:

Mayor Weiser reported he and Councilmember Wright attended a meeting at the Alderwood Water District dealing with HB 2514 & 2469. He noted there is more and more talk about getting down to work and not pointing fingers. Unfortunately, there are too many meetings, too many discussions and they need to get down to saving fish, he said. He added that he is proud that Marysville is going forward with their Sensitive Areas Ordinance and Stormwater Management Plan and as far as Everett being the Snohomish River Basin Plan lead agency, HB 2514 did not include the Tulalip Tribes representation and that's been recognized as a mistake. King County has said no planning will go forward until there is tribal representation. Everett has sent in agreement/paperwork conditional on tribal representation (today was the deadline to get this in) and hopefully, they will get on with substantive issues, he said.

Councilmember Herman said he understands King County's concerns were inclusion of the tribes as well as having a lead agency that is neutral and Everett has the appearance of not being impartial.

CORRECTED: SEE 6/8/98 MINUTES s/b "information card"

Councilmember Herman asked about the county being the lead agency instead and Mayor Weiser said no, today was the deadline so they had to get the paperwork in, but they can change the lead agency later on. He said the bill is very specific as to who is to be involved.

Councilmember Wright explained the reasons for appointment of the respective lead agencies originally.

Mayor Weiser spoke about having Rick Larsen give a presentation on the 3rd Monday of June but because at least three Councilmembers will not be in attendance because of the AWC meeting the next day, it has been suggested to postpone this. It was the consensus that Rick Larsen be rescheduled and to cancel the 6/15/98 meeting.

CALL ON COUNCILMEMBERS:

Councilmember Leighan reported on the (3) Engineering presentations regarding State Avenue improvements and he passed around the hard copies of the presentations.

Councilmember Wright reported she will include information from the Fish Sub Committee in the next Council briefing.

Councilmember Pedersen asked about hotel/motel tax and information in City brochures. City Clerk Swenson stated the brochures are being rewritten to reflect the new information.

Councilmember Pedersen asked about a policy for using the internet being drawn up and City Clerk Swenson stated a draft policy has been prepared, probably to be presented at next Council meeting.

Councilmember Pedersen followed up regarding an ethics officer position as well as information on establishing agenda items and some kind of time control on council meetings.

City Clerk Swenson said this should all be ready for presentation at next Council meeting and/or will be put in the Council briefing.

Councilmember Pedersen asked about Marysville adopting the statute (HB 1221) which comes into effect 6/13/98 regarding revoked and suspended licenses as a result of DUIs and City Attorney Weed said Chief Carden and Commander Peterson have both mentioned that statute and it will be reviewed for Marysville's use.

Councilmember Dierck noted the Planning Commission meeting has been cancelled for tomorrow night and there seems to be a lack of communication with the school district as far as meetings being scheduled. School district mitigation fees were to have been discussed and she said she would like this situation looked into. Also, she said she would like the Sensitive Areas Ordinance looked at and maybe the next Council workshop could be used for the topic of "Best Available Science" as it pertains to the Sensitive Areas Ordinance.

Councilmember Bartholomew agreed there are some major changes in the DUI statutes and she passed her copy of the information Councilmember Pedersen was referring to, along to Commander Peterson.

City Attorney Weed said for most of Marysville's penal code, it will be necessary to adopt an amending ordinance.

Councilmember Herman agreed that a "Best Available Science" presentation would be a good idea and suggested it as the topic for a joint meeting of the Planning Commission and City Council so both bodies can benefit from it. On the appeals ordinance, he said he would like information about ex parte contact.

Mayor Weiser noted that under HB 2514, the deadline was today but the law does not go into effect until 6/11/98.

NEW BUSINESS:

1. Human Services Funding.

Councilmember Herman asked about the appearance of fairness doctrine in that he used to serve on the board of one of the organizations requesting funding.

City Attorney Weed said legally, there is no problem and asked if Councilmember Herman felt this rendered him to be biased or unable to make an impartial decision and Councilmember Herman said no, it did not.

City Attorney Weed further explained this is not a land use process but if a Councilmember is involved on a personal basis and it could have the appearance of unfairness, the Councilmember is welcome to step down if they wish.

Councilmember Pedersen indicated she would be stepping down because of her involvement with Housing Hope, however on the Elderscreen request, she said she would prefer, in view of the fact Elderscreen did not receive any Human Services funding last year and because Marysville now has its own senior center, she said she would prefer to see the money go to the Ken Baxter Senior/Community Center.

City Clerk Swenson explained the Elderscreen medical services would be provided on the premises of the Ken Baxter Senior/Community Center.

Councilmember Pedersen stepped down and left Council Chambers.

Councilmembers Wright and Myers also declared they are on the Housing Hope Marysville Action Committee and that they would be abstaining from voting on this one request.

City Clerk Swenson reviewed the agenda bill, noting there has been a steady increase in requests over the years. Out of 10 requests (she reviewed all 10), the Committee recommended approval of the following:

- \$4,000 to the Marysville Food Bank for payment of utilities
- 4,000 to the YMCA for their child care program
- 1,000 to the YMCA teen services program (Y-Zone)
(Councilmember Myers said he will not be voting on this item because of heavy involvement with this program)
(City Clerk Swenson also read a letter from Maddy Metzger - director of the Y-Zone, asking for additional funding, if at all possible. It was noted there are other funding sources available for them and the Boys & Girls Club grant might also be serving some of the same youth as the Y-Zone, too.)
- 1,500 to Elderscreen/Stillaguamish Sr. Center
- 575 to the Friends of Special Children
- 2,500 to the Housing Hope Marysville Project
- 425 to the Snohomish County Literacy Coalition
- 1,000 to the Boys & Girls Club

\$15,000 granted out of a total of \$32,908 in requests. (\$15,000 was the total budget of the Human Services Committee.)

There was discussion about the Housing Hope operational budget and their requirement to have upfront funding, Y-Zone funding, other sources of funding, history about the Human Services funding program, possibility of increasing available funds in the future.

Councilmember Herman moved to approve \$12,500, being all above recommended items except for Housing Hope \$2,500. Councilmember Bartholomew seconded and the motion passed 6-0 with Councilmember Myers abstaining on the Y-Zone request.

Councilmember Bartholomew moved and Councilmember Herman seconded to approve the \$2500 Housing Hope Beachwood project request. Motion passed 4-0 with Councilmembers Wright & Myers abstaining.

Councilmember Pedersen returned to Council Chambers at 8:15 p.m.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Anna Majors and Amending Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Bartholomew noted a typo: It should be "Grove & Alder" not "Grover & Alder."

Councilmember Bartholomew then moved and Councilmember Myers seconded to approve Ordinance 2197. Passed unanimously.

- 2. Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by Gilbert Emory, Amending Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve Ordinance 2198. Passed 6-1 with Councilmember Dierck against.

ADJOURNMENT: 8:17 p.m.

EXECUTIVE SESSION: 8:25 to 9:22 p.m.

- 1. Litigation.** No Action.
- 2. Personnel.** No Action.

RECONVENED & ADJOURNED: 9:22 p.m.

Accepted this 8th day of June, 1998.

David Weiss
MAYOR

Mary D. Jensen
CITY CLERK

Standa A. Iverson
RECORDING SECRETARY