

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 10, 1998

CALL TO ORDER:

7:00 p.m.

CORRECTED: SEE 8/24/98
MINUTES

ROLL CALL:

All present

00161

MINUTES OF PREVIOUS MEETINGS:

Council 8/3/98 Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Approval of August 10, 1998 Claims in the Amount of \$616,801.37; paid by check nos. 40521 through 40721 with check nos. 39829, 40288, 40310, 40340 and 40407 void.
2. Accept 122nd St. Drainage Improvement Project as Complete and Begin 45-Day Lien Filing Period.
3. Accept Beach Ave. Road Improvement Project as Complete and Begin 45-Day Lien Filing Period.
4. Moved to New Business.
5. Authorize Mayor to Sign Sanitary Sewerage System Annual Contract for Telemetry Repair & Maintenance.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Planning Commission Appointment - Steve Muller

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

None

REVIEW BIDS:

1. Seventh St. NE Speed Table Bids rejected; to be completed inhouse
2. 84th St. NE Sidewalk Improvements Bid awarded to Wilson Const. - \$48,623.54

CURRENT BUSINESS:

None

NEW BUSINESS:

1. Utility Variance Request for Water & Sewer Connections, subject to conditions; Emerald Land Development LLC; 58xx 108th St. NE; UV 98-018 Approved 6-1
2. Final Plat for Cedarcrest Greens subject to finalization of Recovery Contract. Approved subject to staff researching Recovery Contr

ORDINANCES & RESOLUTIONS:

1. Ordinance 2205 Approved Affirming Decision of Hearing Examiner and Rezoning Property Owned by Sam Contoravdis, and Amending Official Zoning Map Previously Adopted in Ordinance 772.
2. Ordinance 2206 Approved Affirming Decision of Hearing Examiner and Rezoning Property Owned by Harv Jubie & Amending Official Zoning Map Previously Adopted in Ordinance 772.
3. Resolution 1898 Approved Granting Utility Variance for Anthony Cook for Property Located at 6315 83rd Ave. NE, Marysville.
4. Resolution 1899 Approved Granting a Utility Variance for Crown Photo Systems, Inc. for Property Located at 6120 29th Dr. NE, Marysville.
5. Resolution 1900 Approved Granting Utility Variance for Rollins Joint Venture for Property Located at 9530, 9627, 9711 76th Ave. NE, Marysville.

ADJOURNMENT:

8:22 p.m.

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 10, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Brett Roark
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Thom Graafstra, City Attorney Pro Tem
Ken Winckler, Public Works Director
Gloria Hirashima, City Planner
Robert Carden, Police Chief (7:15 p.m.)
Wanda Iverson, Recording Secretary

00133

CALL TO ORDER:

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 and all members were present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting of 8/3/98.

Mayor Weiser asked about the 4th paragraph on page 3, under Call on Council, regarding the mitigation fees and City Planner Hirashima explained the school mitigation fee would come before Council 8/24 basically for information only; it would not be a public hearing, it would be for open discussion. She said it was felt each mitigation fee could be reviewed separately but voted on together and/or with a public hearing for all 3 at the same time, depending on the Council's desires.

Councilmember Herman noted the misspelling of Steve Muller's name at the top of page 3.

There being no further corrections, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the August 3, 1998 City Council Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of August 10, 1998 Claims in the Amount of \$616,801.37; paid by check nos. 40521 through 40721 with check nos. 39829, 40288, 40310, 40340 and 40407 void.
2. Accept 122nd St. Drainage Improvement Project as Complete and Begin 45-Day Lien Filing Period.
3. Accept Beach Ave. Road Improvement Project as Complete and Begin 45-Day Lien Filing Period.
4. Moved to New Business.
5. Authorize Mayor to Sign Sanitary Sewerage System Annual Contract for Telemetry Repair & Maintenance.

Councilmember Bartholomew moved and Councilmember Dierck seconded to approve Consent Agenda Items 1, 2, 3 & 5. Passed with Councilmember Leighan abstaining on check #40709.

STAFF'S BUSINESS:

City Administrator Zabell reminded Council of the upcoming AWC-sponsored regional meeting to be held 10/15/98 at the Everett Howard Johnson Hotel. This is a chance to speak with legislators and if interested in attending, let staff know.

Another presentation the AWC will be putting on is "Creating a Future Downtown" 9/16 & 9/17/98, he reported. Councilmembers to let staff know if they wish to attend.

Public Works Director Winckler reported the Utility Committee will be meeting 8/13/98 at 7:30 a.m. at the Public Works Building.

MAYOR'S BUSINESS:

- 1) Mayor Weiser reported he will have information about the UGB/ utilities at next Council meeting.
- 2) He said he would also have an MSAC update at the next meeting.
- 3) **Planning Commission Appointment.**

Mayor Weiser referred to the information in the packets, noting there were 4 candidates eligible out of the 5 letters of interest submitted. He said his recommendation is that Steve Muller fill the vacant Planning Commission seat, for a term to expire August 2, 2000.

Councilmember Pedersen commented on the excellent capabilities of all 4 candidates.

Councilmember Herman expressed some concern at the possible imbalance that will be created in the real estate field although real estate is an important representation. He said he felt that field is already adequately represented and so he will not be supporting this candidate.

Councilmember Dierck said she agreed with Councilmember Herman; that she would prefer Suzanne Smith or Mike Papa be recommended.

Councilmember Roark said he disagrees with the comments made by Councilmembers Herman and Dierck and that he feels Mr. Muller would make a good Planning Commissioner.

Councilmember Bartholomew echoed Councilmember Roark's comments, noting she has known Mr. Muller since he was born and she knows Mr. Muller has been involved extensively in the community, in various service organizations, etc.

Councilmember Bartholomew then moved and Councilmember Pedersen seconded to affirm the Mayor's appointment of Steve Muller as the new Planning Commissioner, as per the Mayor's recommendation. The motion passed 5-2 with Councilmembers Dierck and Herman against.

CALL ON COUNCILMEMBERS:

Councilmember Roark expressed interest in promoting the resolution of the Y2K problem and Mayor Weiser said the Finance Dept. is working on this and Council will be kept informed as to the outcome.

Councilmember Roark commented on the curfew ordinance item that has come up and Mayor Weiser said he will be following up on this.

Councilmember Bartholomew reported she has been appointed by County Auditor Bob Terwilliger to be a member of the County Elections Advisory Committee and she will be attending the next meeting on 8/18/98.

Councilmember Leighan asked about a couple of road closures and delays in reopening.

Public Works Director Winckler responded that the City is monitoring these as much as they can.

Councilmember Leighan noted usually a road is not closed entirely.

CONNECTED: SEE
MAYOR'S
a child

Councilmember Wright commented on the Night Out Against Crime in which she participated last Tuesday night when the group of MSAC members, police officers, Council representation went to 8 different neighborhoods. She said it was a very good turnout and good PR. She commended MSAC in their community involvement.

Councilmember Pedersen noted she will be attending the Health District meeting tomorrow as well as a meeting 8/25 regarding a 4 year college siting as she is now on the "Higher Education Coordination Board." She commented on attendance at Homegrown and the high degree of interest in the First St. proposed improvements. She also commented on the MATT stickers being given out by MSAC which she felt an excellent safety program.

MAYOR'S BUSINESS, CONTINUED:

Mayor Weiser reported Chief Carden attended a Chamber of Commerce meeting last month at which he received on behalf of the City, Gaming contributions from the Tulalip Tribes in the amount of \$100,000.

Mayor Weiser also reported he participated in the Seafair Torchlight Aug. 1 parade in conjunction with the Strawberry Festival Float. The float won Best Illuminated Float as well as 2nd Best Float Overall and he commended Maryfest for a job well done.

REVIEW OF BIDS:

1. Seventh Street NE Speed Table.

Public Works Director Winckler reviewed the agenda bill with the recommendation that the two bids received be rejected as they exceed the engineer's estimate by 100% and that the project be completed by inhouse forces in an effort to complete work by 9/2/98.

There was discussion about the construction industry being overloaded with work at this time of year, especially for smaller projects such as this, there being a lot of City projects that are close to the state limit of what must be sent out to bid.

City Attorney Pro Tem Graafstra stated Mr. Weed did not see any problem here; this was discussed extensively with Mr. Weed before he left on vacation.

Councilmember Leighan moved and Councilmember Bartholomew seconded to accept staff recommendation to do the work inhouse, rejecting the two bids received, with efforts to have work completed by 9/2/98 and with a budget overview report at the end of the project to be presented to Council. Passed unanimously.

2. 84th St. NE Sidewalk Improvements.

Public Works Director Winckler reviewed the agenda bill, recommending that Wilson Construction in the amount of \$48,623.54 including sales tax, with a budget amendment to be approved in the amount of \$50,000. He spoke about the low bid exceeding the engineer's estimate by 25% because of the present bidding climate but noted there is no mobilization fee because of Wilson Construction's close proximity to the job site.

There was discussion about cost overrun, how the high bidding climate is probably going to remain constant on smaller projects through the end of the year at least, it being noted this project is something the City would like to have done as soon as possible and doesn't have the inhouse forces as they do for the previous item on tonight's agenda.

After further brief discussion, Councilmember Roark moved and Councilmember Pedersen seconded to award the bid to Wilson Construction in the amount of \$48,623.54 including sales tax, with a budget amendment of \$50,00.00. Passed unanimously.

Councilmember Dierck asked what could be done to keep the job inhouse and it was explained that it needs to be a \$30,000 or less job and secondly, this particular job would need about 8 concrete finishers at \$25.00 per hour each.

NEW BUSINESS:

1. Utility Variance Request for Water and Sewer Connections, Subject to Conditions; Emerald Land Development LLC; 58xx 108th St. NE; UV 98-018.

Public Works Director Winckler reviewed the agenda bill, noting this is a request for 86 water and 86 sewer connections and staff is recommending approval providing the applicant pays all applicable fees and meets all Marysville Municipal Codes, and is consistent with the Marysville Comprehensive Plan Density (not a specific number of dwelling units) including completing an annexation covenant.

Councilmember Pedersen asked if the applicant has agreed to all conditions.

Dan Webster, Emerald Development, 1326 5th St., addressed Council. He said yes, they are happy with the conditions at this time and they would like to move forward with this.

Councilmember Bartholomew moved, Councilmember Wright seconded to approve the request as per staff recommendations and the motion passed 6-1, with Councilmember Dierck against.

2. Final Plat of Cedarcrest Greens subject to Finalization of Recovery Contract (from Consent Agenda).

Public Works Director Winckler noted there is an issue regarding the recovery regarding a 12" water line as well as an exclusion of some properties. The water line cost \$79,000 and the pro rata portion for this applicant is \$11,000 but there was a mistake in the legal description made, whereby the school district had listed only Cedarcrest School and staff would like to review this situation as well as benefitting properties, he said. He added staff would like approval, conditioned on the recovery issue being resolved.

Councilmember Pedersen asked if the applicant agrees with and understands the situation.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed Council. He said they don't totally understand the situation because they obtained title insurance and the recovery was never brought up on the report, in the amount of \$11,000, which Belmark has not calculated in their expenses for the project. Apparently the Cedarcrest Middle School is all that's included in the legal description, he said, and the title company is saying they have no responsibility, Belmark didn't budget for \$11,000 and all Belmark wants is final plat recordation. He said he believes in the letter Grant Weed sent to the Marysville School District, they were to respond with additional information which Mr. Petershagen said he understands has not been done.

Public Works Director Winckler said the school district has put together a legal description which is being reviewed; City Attorney Weed felt the request could still be approved conditioned on the clarification of the legal aspect.

City Attorney Pro Tem Graafstra added that Grant Weed recommended approval with the developer having to settle this situation with the school district. Normally, fees get paid before the final plat approval, he added, and Grant Weed did recommend the final plat be approved.

There was discussion about what is reasonable and fair, that the title insurance company should be involved, approval being

conditioned on further research and that this should be worked out between the school district and Belmark.

City Planner Hirashima pointed out there is 30 days allowed (until 9/5/98) in which to approve and staff does need to research this as there are other plats awaiting the outcome of this situation. She noted there was another plat previous to this that did pay the recovery even though it was not recorded properly, either, but there may be a question there, she said.

There was discussion about the school district's responsibility and the City's role in collecting recovery fees.

Mr. Petershagen referred to a letter from the school district giving a deadline of 8/10 and Mr. Petershagen said he actually brought this to the attention of City on 7/16/98.

There was further discussion about liability, legal aspects, what is reasonable and fair, need to wait 2 weeks. attorney's recommendation to approve, obligations on the part of the City to collect money on behalf of the school district but there is no deadline for that and plat approval does not have to be held up, Belmark can proceed with permitting but it would be ideal to have the recovery issue resolved prior to final plat approval.

Councilmember Wright asked how this came to the City's attention and Mr. Petershagen said Belmark got notification only last month from the City. He said the title company should have shown this on their report long ago; the recovery contract only gives the legal description for Cedarcrest School.

Public Works Director Winckler said the school district did respond with a corrective legal description which staff has not had a chance to review as yet.

Councilmember Pedersen asked about Belmark meeting the 8/10 deadline and it was confirmed that they had.

Councilmember Herman moved to continue this matter to 8/24/98, to discuss and review the legal and recovery issues further. Councilmember Leighan seconded the motion. A roll call vote revealed Councilmembers Dierck, Leighan and Herman in favor; the motion failed 4-3.

Councilmember Pedersen then moved to authorize the Mayor to sign the final plat mylar with staff to do further research on the recovery contract. Councilmember Bartholomew seconded the motion.

Councilmember Leighan indicated he would not be voting in favor of this motion and Councilmember Herman expressed concern about losing an opportunity to fix a situation if this motion passed, so he would likewise be not voting in favor.

A roll call vote revealed Councilmembers Dierck, Leighan and Herman against; the motion passed 4-3.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance Affirming Decision of Hearing Examiner and Rezoning Property Owned by Sam Contoravdis, and Amending Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Bartholomew moved and Councilmember Wright seconded to adopt/approve Ordinance 2205. Passed 6-1 with Councilmember Dierck opposed.

- 2. Ordinance Affirming Decision of Hearing Examiner and Rezoning Property Owned by Harv Jubie & Amending Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Pedersen moved and Councilmember Leighan seconded to approved/adopt Ordinance 2206. Passed 6-1 with Councilmember Dierck opposed.

3. **Resolution Granting Utility Variance for Anthony Cook for
Property Located at 6315 83rd Ave. NE, Marysville.**

00187

Councilmember Herman moved and Councilmember Wright seconded to approve/adopt Resolution 1898. ^A Passed unanimously. *mp*

4. **Resolution Granting a Utility Variance for Crown Photo
Systems, Inc. for Property Located at 6120 29th Dr. NE,
Marysville.**

Councilmember Pedersen moved and Councilmember Roark seconded to approve/adopt Resolution 1899. ^A Passed unanimously. *mp*

5. **Resolution Granting Utility Variance for Rollins Joint Venture
for Property Located at 9530, 9627, 9711 76th Ave. NE,
Marysville.**

Councilmember Roark moved and Councilmember Dierck seconded to approve/adopt Resolution 1900. Passed unanimously.

STAFF BUSINESS, CONTINUED:

Chief Carden reported he was a little late this evening because he was in attendance at the school board meeting in which they were discussing a joint proposal between the school district, City and Sheriff's office regarding providing an officer resource program in the Marysville schools. There is some grant money available for this and he said he just wanted to give the Council heads up about the proposal for this program. He said they anticipate hearing from the school district in a week or so; he believes the proposal was received very positively but the school district needs to review their budget.

He added that he felt the National Night Out August 4th was very well attended and he thanked Council and others involved for their support.

ADJOURNED: 8:22 p.m.

Accepted this 24th day of August, 1998.

David Weiser
MAYOR

Lillie Lein
CITY CLERK **DEPUTY**

Manda A. Sverson
RECORDING SECRETARY