

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

NOVEMBER 23, 1998

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CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

- 1. City Council Workshop; 10/24/98 Approved
- 2. City Council Workshop; 10/27/98 Approved
- 3. City Council Meeting; 11/9/98 Approved
- 4. City Council Workshop; 11/16/98 Approved

AUDIENCE PARTICIPATION:

Richard Vendl, Guillermo Ruiz, Susan Larsen

CONSENT AGENDA:

Approved:

- 1. Approval 11/23/98 Claims in the amount of \$542,849.17; paid by check nos. 41968 through 42178 with check nos. 41799, 41965, 41969 void.
- 2. Approval of New Liquor License Application; DaVincis' Pizzeria; 1206 State Ave. Suite G.
- 3. Approval of Liquor License Renewals for Alfys' Pizza and Pasta; Buzz Inn; and The Village, Inc.

STAFF'S BUSINESS:

- 1. Y2K Committee Update.

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

None

PRESENTATIONS:

None

PUBLIC HEARINGS:

- 1. 52nd Ave. NE St. Vacation; PA 9806035 Approved 4-3 to continue to 12/7/98 for further review of accesses, etc.
- 2. 75th Ave. St. Vacation; PA 9810057 Approved 7-0
- 3. 1999 Budget Continued to 12/7/98

CURRENT BUSINESS:

- 1. Set a Public Hrg. Date of 12/14/98 for 152nd St. Annexation; 60% Petition & Prezone Approved 7-0
- 2. School Impact Fee Ordinance Ord. 2213 Approved 5-2

NEW BUSINESS:

- 1. TCI Retroactive Franchise Fees Resolution to be drawn up asking TCI for refund but not to make taxpayers pay it (Vote 6-1)
- 2. Signing 1999 Interlocal for Transport of Prisoners on the NW Mini Chain Approved 7-0
- 3. Professional Svcs. Agreement; Pavement Management System; Harris & Assoc. Approved 7-0
- 4. Util. Var. for Water; Paul Jones; 14725 45 Rd.; UV 98-025. Approved 7-0

ORDINANCES & RESOLUTIONS:

None

LEGAL MATTERS:

- 1. Draft Drinking Water State Revolving Fund Loan Agreement Approved 7-0

ADJOURNED:

10:35 p.m.

EXECUTIVE SESSION:

10:45 to 11:20 p.m.

- 1. Legal Matters No Action
- 2. Personnel No Action

RECONVENED & ADJOURNED:

11:20 p.m.

MARYSVILLE CITY COUNCIL MEETING

CORRECTED: SEE 12/7/98
MINUTES

NOVEMBER 23, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
Brett Roark
NormaJean Dierck
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Robert Carden, Police Chief
Dave Zabell, City Administrator
Mary Swenson, City Clerk
Ed Erickson, Finance Director
Jim Ballew, Parks & Recreation Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Wanda Iverson, Recording Secretary

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CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

1. City Council Workshop; October 24, 1998.

Councilmember Herman noted that on page 3, in the last paragraph, "\$1,295 million" should be "\$1.295 million."

There being no further corrections, Councilmember Roark moved and Councilmember Herman seconded to approved the 10/24/98 Workshop minutes as corrected. Passed 7-0.

2. City Council Workshop; October 27, 1998.

Councilmember Bartholomew noted on page 2, second line from the top, she was not in favor of the increase.

There being no further corrections, Councilmember Bartholomew moved and Councilmember Roark seconded to approve the 10/27/98 Workshop minutes as corrected. Passed unanimously.

3. City Council Meeting; November 9, 1998.

Councilmember Roark moved and Councilmember Pedersen seconded to approve the 11/9/98 Council Minutes as presented. Passed unanimously.

4. City Council Workshop; November 16, 1998.

Councilmember Herman moved and Councilmember Leighan seconded to approved the 11/16/98 Workshop Minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Richard Vendl, 621 Beach Ave., addressed Council. He said he has come before Council several times now regarding the same problem and has also been in touch with people at the City and no one seems to know anything about what can be done. He said he just sustained \$10,000 worth of damage to his vehicles from vandalism; the police chief was very responsive; he offered to show the photos he took. He also noted he has been threatened.

Mr. Vendl said he believes they need to have some limited parking on that street in front of the residences and he is going to keep coming back before Council until something is done.

Mayor Weiser noted City Planner Hirashima said she was going to take this back to the Planning Commission, but unfortunately, time constraints have not allowed her to do so.

Councilmember Leighan asked how Mr. Vendl feels 2 hour parking limits will help and Mr. Vendl said the employees park their trucks in a way so Mr. Vendl can't back out of his own driveway. He suggested that if employees park off street, the on street spaces could be used for customers who don't usually stay for long.

Councilmember Leighan noted he drives past Mr. Vendl's home on a regular basis, several times a day, and rarely sees the parking places full out front of Mr. Vendl's house.

Mr. Vendl noted one of his vehicles is still in the body shop, or would be parked there. He explained the vandalism happened in the early morning hours; they flattened 8 tires and took a knife and made deep scratches all over his vehicles, including obscenities. This happened 11/19/98. He has a small Ford Ranger pickup and an Explorer and he offered Council a review of the photos he took. Also, he said a guy came down and threatened him two days prior to the vandalism but unfortunately, no one saw him do it. Mr. Vendl said he has since installed video surveillance and has had no more recurrences.

CONFIDENTIAL - SEE 127721

Mayor Weiser asked to see the pictures and they were passed around and returned to Mr. Vendl.

Chief Carden stated he has spoken with Mr. and Mrs. Vendl as well as the business in question next door, as well as with the neighbors.

Councilmember Dierck asked who had threatened him and Mr. Vendl said it was the owner of Bud's Transmission.

Councilmember Pedersen asked about the regulations on mixed use parking and City Planner Hirashima said the issue is whether appropriate regulations were being assigned for mixed use and whether the City should look at off street parking regulations in mixed use zones.

Councilmember Pedersen said she would like this specific site to be reviewed to see if there is something that can be done on a temporary basis to see if the problem goes away. She gave as an example what was done at the Ken Baxter Senior/Community Center.

Councilmember Leighan brought up the question of discrimination between who is parking where, eg. when they put up the limited parking signs at the Ken Baxter Sr. Community Center, employees ended up getting tickets.

Mr. Vendl said he would abide by the two hour limitation, also.

Councilmember Herman asked about sight distance for Mr. Vendl to get in and out of his driveway and Chief Carden said he did not know the exact distance, he would check on that, but the businesses told him they would try not to rev up their engines and there would be no vandalism; they said the employees would not park on the street, either.

Mr. Vendl said the business has actually now blocked off a lot of parking with a gate on their property and so the employees will have less parking places.

Councilmember Roark noted the Council can make rules about the parking but that is unfortunately not going to resolve differences

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in the relationship between Mr. Vendl and the business next door. Also, putting up signs is not going to necessarily protect Mr. Vendl from vandalism.

Mr. Vendl said he understands that; he would just like to see some equity, so the residents get a chance to park on the street once in awhile, too.

Chief Carden then quoted from the MMC, noting a vehicle must be parked at least 5' from the driveway/curb radius on the street.

Mayor Weiser said he would like to check into the fence/gate the business has installed and will refer Mr. Vendl's request to the Traffic Safety Committee.

Mr. Vendl clarified that he would like to see 2 hour parking signs just in front of the residences.

Mayor Weiser said he wants it to be reviewed carefully so it won't cause any more problems. He noted sometimes these signs can create more problems than they solve.

Guillermo Ruiz, 7103 63rd Pl. NE, addressed Council. He said he had concern about the SR 528 road improvements and there seems to be a misunderstanding. He said no one who is going to have their land purchased for right of way has been sent a notice--there is supposedly going to be a 12' right of way purchased. He said he and his wife were originally told that there was enough room to improve 528 but then they got more information from the State about the 5 lane improvement which is a surprise to the neighbors because they were thinking it was taken care of but now they are looking for the reasoning for the project. He noted it is proposed to go from 2 lanes to 4 and then back down to two on 67th.

Mr. Ruiz said they met with Robin Nelson last week and he has a list of questions and concerns from the neighbors now, the main one being safety issues regarding closing 73rd, because the kids would have to stand on 528 to catch the bus. Another concern is the land acquisition because they thought the land was already there for that, he said.

City Attorney Weed said he met with Robin Nelson as well and he understands that Mr. Nelson was going to be responding to these concerns and probably set up another meeting with the neighbors as soon as possible to make sure there are no more concerns.

Mayor Weiser noted there were more neighbors than expected at the last meeting and another meeting could be arranged, if necessary, at a larger facility. He added there is some concern about 528 west of 67th, striping, overlay and this is going to be brought before Council in the next couple weeks or so. He said once Mr. Ruiz hears back from Mr. Nelson, if he still has concerns, to let the Mayor know. Mayor Weiser said it was also the City's understanding that newly constructed properties had already given enough right of way for this project.

Mr. Ruiz reiterated that they would like to have all the facts, better notification, information about appraisals and negotiations for the right of way property.

Councilmember Pedersen noted that sometimes the mortgage company gets the notice of a meeting.

Susan Larsen addressed Council, noting she also lives in Woodland Hills, at 7109 63rd Pl. NE. She said she just wants to get it on record about the safety issue. The trees are going to be taken down, with extra lanes they are going to go faster and she is concerned about the safety of her children, she said. She said she would like to see a barrier put up and wants the Council to be aware of the neighbors' concerns in this regard.

Ms. Larsen added that they would really like to see a traffic light put in, also, because to get across 3-5 lanes is very difficult.

CONSENT AGENDA:

1. **Approval 11/23/98 Claims in the amount of \$542,849.17; paid by check nos. 41968 through 42178 with check nos. 41799, 41965, 41969 void.**
2. **Approval of New Liquor License Application; DaVincis' Pizzeria; 1206 State Ave. Suite G.**
3. **Approval of Liquor License Renewals for Alfys Pizza and Pasta; Buzz Inn; and The Village, Inc.**

Councilmember Leighan said he would not be voting on check #42039 and Councilmember Herman noted he had a question on check #42140.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Items 1, 2 and 3. Passed 7-0 with Councilmember Leighan abstaining on check #42039 under Item #1.

STAFF BUSINESS:

City Attorney Weed noted a draft ordinance has been circulated to the police department and court regarding the DUI changes and any comments or suggestions should be submitted by the 12/7/98 Council meeting.

1. Y2K Committee Update.

City Clerk Swenson gave an update, noting the technical and management committees have reviewed the situation and they feel comfortable the Dispatch is under control with GTE and E-911 taking part in the check of that system. She noted the Water & Sewer and traffic signals do need some funding for a consultant to check this out and it is proposed by the 12/14/98 Council meeting or first meeting in January to have a scope of work developed and brought before City Council. She said as far as the budget, it would probably be about \$10,000 for this; her main concern is with possible additional upgrade costs for computers.

There was some discussion about PUD/electrical systems software being Y2K compliant, imbedded circuitry having to be carefully checked, deficiencies to be identified by a consultant.

MAYOR'S BUSINESS: None.

CALL ON COUNCILMEMBERS:

Councilmember Wright reported she had attended a recent AWC Legislative Committee meeting where they discussed water rights, transportation funding, Endangered Species Act, etc. and a report will follow from AWC.

CORRECTED: SEE 12/7/98
MINUTES TWO

Councilmember Pedersen reported there have been several meetings about getting the Arts Commission reformed and they would like a representative from the Parks Dept. They would also like a notice in the paper regarding recruitment of more members as they wish to have a diverse group representing all forms of art.

By way of explanation, Mayor Weiser said they are seeing if there is enough interest to start this up again since it was disbanded 20 years ago.

Councilmember Pedersen added that they have asked other cities to send them information about their arts commission.

PUBLIC HEARINGS:

1. 52nd Avenue NE Street Vacation; PA 9806035.

City Attorney Weed administered the oath to those wishing to give testimony in this matter.

City Planner Hirashima reviewed the agenda bill. She noted a letter from Michael Crane and response to that letter by Cheryl Dungan, Associate Planner, have been made part of the record and are in the packets. She said there is no existing water and sewer on the street to be vacated. Also, she noted the vacation action will not be acted on until the final plat is approved.

Gary Petershagen, Belmark Industries, 505 Cedar, addressed Council, having been sworn in. He said he was simply making himself available for questions.

George Chavez, CORRECTED: SEE 12/7/98
MINUTES CHAVIS 5927 53rd Ave NE, addressed the Council, having been sworn in. He said he also represented Michael Crane and they have questions regarding the street just north of Pacific and the old Judson Street and how they will connect with Sunnyside Blvd. and/or 52nd and if they will be coming up to Mr. Hinton's boundary and Mr. Crane's property. He said it looks like there will be encroachment on Mr. Crane's property.

City Planner Hirashima explained the overheads and the current rights of way. Mr. Chavez said he is concerned with additional traffic coming out of 52nd and the difficulty coming out on to Sunnyside already.

CORRECTED: SEE 12/7/98
MINUTES HILTON'S

Mr. Chavez submitted letters to be made part of the record from himself and Mr. Crane asking for clarification on the old maps because they are not sure what the changes are going to be. He said it looks like the easement is going to go through Mr. Crane's property.

City Planner Hirashima explained the proposal and Mr. Chavez said he is interested in purchasing the Strand/Crane property, that is why he is here tonight.

Mr. Petershagen explained the 20' access existing as well as using that as a future access. He noted there is some property in flood plain and there really is very little developable land in the southern area.

Councilmember Roark noted there would be 9 lots accessing the existing 20' right of way and City Planner Hirashima explained future options for access. She assured Mr. Chavez she will be following this.

There being no one further wishing to give public testimony on this matter, the Mayor closed this portion of the public hearing at 8:12 p.m.

There was discussion about what is developable land, access plan, getting more information and continuing this public hearing for 2 weeks.

Councilmember Herman moved and Councilmember Bartholomew seconded to continue this public hearing to 12/7/98 for the purpose of reviewing access, area southeast of this property and south of Andrews Vista. The motion passed 4-3 with Councilmembers Wright, Pedersen and Roark against.

2. 75th Avenue Street Vacation; PA 9810057.

City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill and staff report regarding history, etc. She noted there was a preapplication meeting and several people were opposed to the street vacation at the neighborhood meeting.

Councilmember Herman mentioned access, right of way.

Gary Petershagen made himself available for questions and explained the overhead. It was noted that some maps identify the same street as 76th and 75th.

Larry Trivett, 7604 83rd Ave. NE, addressed Council, having been sworn in. He said he is in favor of Belmark's proposal. He noted originally he believed there was a 60' right of way when Crystal Heights was developed; with this development he thinks it will work and they are giving up some open space and right of way here to help make this a nice development, he said.

Albert Arey, 7433 59th St. NE, lot 59 of Crystal Heights, addressed the Council. He pointed out his lot on the overhead and asked if the access is going to be paved adjacent to his property or if it is just an access to the storm drainage area.

City Planner Hirashima said the actual standard is determined by the engineering department; it could be paved or graveled. The 20' right of way would not be a public road, she said.

Mr. Arey said he would like to know the type of homes going in there but realizes that question should probably wait until the actual plat comes before Council.

City Planner Hirashima said yes, he needs to wait until the public hearing on the preliminary plat and he will be receiving a notice for that.

Peter Palazzo, 5829 74th Dr. NE, addressed Council, having been sworn in. He said he did not believe Belmark needs the additional 30' street vacation. He noted there is a water line going down that, so why can't that be left? He explained it goes across the back.

City Planner Hirashima explained the crosshatched section on the overhead is to be vacated and Belmark would incorporate that vacation into their development. She added that there is a 25' wide utility easement for water that would need to be retained but once the property owner pays for that he can include it in his development. She said the City does not have any further need for that as future right of way.

Councilmember Leighan asked about access to other lots and City Planner Hirashima said there have been other vacations in the immediate area of 75th, eg. Ari's Run and Brighton Park and lots 2 to 10 will get access off 75th.

Councilmember Leighan asked about the property to the south and City Planner Hirashima said no additional right of way was dedicated or needed.

There being no one further wishing to address this matter, Mayor Weiser closed this portion of the public hearing at 8:45 p.m.

Councilmember Bartholomew moved and Councilmember Wright seconded to grant the street vacation with the applicant paying the City compensation based on one-half of the assessed value per the Engineering Dept. calculations, of \$3226.73. This approval would be subject to approval of the preliminary plat. Passed unanimously.

3. 1999 Budget.

Finance Director Erickson highlighted various areas of the budget,

explaining interfund charges, refinancing of the library bonds, additional money needed to fund the Human Resources Manager position, Custody Officer, Parks/Grounds Supervisor, LEOFF 1 medical coverage, 800 megahertz system, making sure all City computers are Y2K compliant, potential impacts from regional salmon runs being added to the Endangered Species Act list, additional City essential equipment needed. He reviewed sources such as the Growth Management Fund and grant money available.

It was noted the Public Safety Building remodel has been cut back to just the necessities and there was discussion about other budget cuts, reserves by department, for example replacement equipment rental dept. and Finance Director Erickson explained how each department is charged for use of equipment, to build the replacement equipment fund up.

Several prioritizing options were suggested, including the LEOFF 1 benefits funding, custody officer, Parks maintenance, Human Resources Director position, 800 megahertz system, televising of Council meetings.

The public hearing portion for public testimony was opened at 9:13 p.m. No one wished to come before Council and so this portion of the hearing was closed at 9:14 p.m.

There was more discussion about televising Council meetings and the need for better lighting, new microphones, etc. to do this. It was also noted that a number of the old Viacom customers don't have Channel 29 so would not have the benefit of the Council meetings being televised.

Councilmember Bartholomew left Council Chambers at 9:27 and returned at 9:29 p.m.

There was further discussion about the Globe being the City's official newspaper and the possibility of using the "Weekender" and transferring information to the Globe electronically, to get more coverage as well as getting information to them in a more timely manner. The possibility of publishing the agenda only in both the Herald and Globe was discussed.

Councilmember Roark said he did not feel a 6% increase in property tax was necessary and would be in favor of keeping the property tax down to 4-5% which he felt would be adequate.

After more discussion, Councilmember Roark moved to continue the public hearing to 12/7/98 to gather additional information as to where it can be cut in order to keep to a 5% increase in property taxes, more information about the 800 megahertz system costs and resources for funding, how much it would take to have a reserve equipment fund, additional personnel, annual accrued leave liability as priorities. Councilmember Pedersen seconded the motion and it passed 6-1 with Councilmember Bartholomew against.

CURRENT BUSINESS:

1. Set a Public Hearing Date of Dec. 14, 1998 for 152nd Street Annexation; 60% Petition and Prezone.

City Planner Hirashima reviewed the agenda bill.

Councilmember Bartholomew moved and Councilmember Roark seconded to set a public hearing date of Dec. 14, 1998 as recommended by staff. Passed unanimously.

2. School Mitigation Ordinance.

City Attorney Weed reviewed the draft ordinance in the packets and changes. It was suggested the name be changed to "School Impact Fee Ordinance." There was a handout regarding administrative

costs, legal expenses, refund payments.

There was considerable discussion about what constitutes a letter of completeness, lots sold before 1991 receiving credit for property tax, taxes attributable to the 6 year Capital Facilities Plan, this ordinance intending to replace a SEPA review, however there are still items that will be reviewed.

Councilmember Herman moved for adoption of Ordinance 2213, School Impact Fee Ordinance, including changes to page 21 as per the handout and as discussed by the City Attorney. Councilmember Bartholomew seconded and the motion passed 5-2 with Councilmembers Roark and Dierck against.

NEW BUSINESS:

1. TCI Retroactive Franchise Fees.

City Clerk Swenson reviewed the agenda bill.

Councilmember Dierck left Council Chambers at 10:05 p.m.

City Clerk Swenson said there would be approximately \$9990 that would be allocated back to the City in refunded franchise fees from TCI. It is recommended by staff that these funds be used for operation of the access channel, she said.

Councilmember Dierck returned at 10:07 p.m.

There was discussion about the way TCI is recouping these funds, writing a letter to TCI asking them not to take these funds from their customers, AT&T/TCI merger, upcoming franchise negotiations.

Councilmember Pedersen moved to accept the Television Advisory Committee recommendation, have the City Attorney draft a resolution, and to let TCI know that the City prefers not to have the refund collected from the customers. Councilmember Bartholomew seconded but the motion failed 4-3 with Councilmembers Leighan, Wright, Herman and Dierck against.

There was discussion about the court ruling and whether the court gave TCI the right to get the money from the taxpayers.

Councilmember Pedersen moved and Councilmember Herman seconded to demand payment from TCI and inform them not to get the money from taxpayers, by resolution. Motion passed 6-1 with Councilmember Roark against.

2. Utility Variance for Water; Paul Jones; 14725 45 Road; UV 98-025.

Public Works Director Winckler reviewed the agenda bill, noting the applicant is aware of possible need for a booster pump.

Councilmember Herman moved and Councilmember Bartholomew seconded to grant the utility variance as recommended. Passed unanimously.

3. Signing the 1999 Interlocal Agreement for Transport of Prisoners on the NW Mini Chain.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the Interlocal Agreement as recommended. Passed unanimously.

4. Professional Services Agreement; Pavement Management System; Harris & Associates.

Public Works Director Winckler reviewed the agenda bill.

Councilmember Pedersen moved and Councilmember Roark seconded to authorize the Mayor to sign the PSA on behalf of the City as recommended.

After brief discussion about sharing consultants with other cities, but having separate contracts, the motion passed 7-0.

LEGAL MATTERS:

1. Draft Drinking Water State Revolving Fund Loan Agreement.

City Attorney Weed stated he has reviewed this agreement which is for 20 years at 5% with a 3% loan fee for the first year. There was brief discussion about the time delay between 7/16/98 and now.

Councilmember Herman moved and Councilmember Dierck seconded to authorize the Mayor to sign the agreement as recommended. Passed unanimously.

ADJOURNED: 10:35 p.m.

EXECUTIVE SESSION: 10:45 to 11:20 p.m.

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| 1. Personnel. | No Action |
| 2. Legal Matters. | No Action |

RECONVENED & ADJOURNED: 11:20 p.m.

Accepted this 7th day of December, 1998.

David Wesen

MAYOR

Mary D. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY