

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
OCTOBER 4, 1999**

00271

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Weiser absent; Wright late arrival
MINUTES OF PREVIOUS MEETING 1. September 27, 1999 council meeting	Approved as corrected.
AUDIENCE PARTICIPATION	None.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Library Board representatives requested city to institute a One Percent for the Arts policy.	Council agreed to consider further; staff will research.
CONSENT AGENDA 1. Approve October 4, 1999 claims in the amount of \$212,665.09 paid by check nos. 48037 through 48202 with check nos. 46759 and 47987 void. 2. Approve September 1999 payroll in the amount of \$849,826.32 paid by check nos. 36265 through 36510 with check nos. 36280 and 36510 void. 3. Approve Sunnyside Boulevard interim improvements; Change Order No. 1. 4. Renewal of sanitary sewerage system annual contract for telemetry repair and maintenance; November 1999 to October 2000.	Approved Approved. Acknowledged. Approved.
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING 1. Proposed solid waste, yard waste and curbside recycling rate increases.	Approved.
CURRENT BUSINESS None.	
NEW BUSINESS 1. Create two new funds within the City Treasury. 2. Professional services agreement for Comprehensive Transportation Plan update; Bucher, Willis & Ratliff 3. Approval of utility variance for PC Land Investments, Inc; 8119 60 th Drive NE, Marysville; subject to conditions. UV99-09. 4. Approve utility variance for Erkki and Ismo Kotilainen, 5623 100 th Street N.E., Marysville, subject to conditions. UV 99-010.	Approved Ordinance 2286. Approved. Approved. Approved.
LEGAL None.	
ORDINANCES AND RESOLUTIONS	
1. An ordinance of the City of Marysville continuing the moratorium on gambling activities as provided in Ordinance No. 2270 and adopting findings supporting the same.	Approved Ordinance 2287.
DISCUSSION ITEMS None.	
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	8:45 p.m.
EXECUTIVE SESSION	To discuss potential litigation.
RECONVENE No action taken.	
ADJOURN	9:08 p.m.

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
October 4, 1999

CALL TO ORDER/FLAG SALUTE

Mayor Weiser was absent due to illness. Mayor Pro Tem Wright was delayed due to a School Board Meeting.

MOTION by Herman, second by Bartholomew, to request Councilmember Leighan to chair the meeting until the arrival of the Mayor Pro Tem. Motion carried unanimously (6-0).

The meeting was called to order by Councilmember Mike Leighan at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

<p>Councilmembers Present: Donna Wright, Mayor Pro Tem (late arrival) Shirley Bartholomew NormaJean Dierck Otto Herman, Jr. Mike Leighan Donna Pedersen Brett Roark</p>	<p>Administrative Staff present: Dave Zabell, City Administrator Robert Carden, Police Chief Ed Erickson, Finance Director Eric Thompson, Senior Planner Grant Weed, City Attorney Owen Carter, City Engineer</p>
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MINUTES OF PREVIOUS MEETING

1. City Council Meeting, September 27, 1999.
 - Page 1, Presentations, should read "Mayor McCune and Councilmember Leighan both served as members of the CT Board."
 - Page 4, Motion, strike "receipt of a petition to annex into the City of Marysville" and insert "compliance with the annexation requirements as contained in MMC 14.32.040."
 - Page 7, fifth paragraph, second sentence should read "...Fisheries on ESA and without impact fees in place for overcrowded schools, she would not support the agreement."

Councilmember Roark requested that the Recording Secretary review the tapes of the meeting to ensure that the corrections being requested by Councilmember Dierck as to page 7 were statements of record.

MOTION by Bartholomew, second by Pedersen, to approve the minutes of the September 27 meeting as corrected. Motion carried unanimously (6-0).

Recording Secretary's note. Following is a verbatim transcript of the tape of the September 27, 1999 council meeting pertinent to the above request.

Councilmember Dierck: Gloria, on page 3, second paragraph, last two sentences on the bottom of that paragraph. I noticed that it's talking about the biological assessment will be necessary, of course, because of the listed fish. Have we had a response yet from our ESA response we gave to National Marine Fisheries?

Ms. Hirashima: No.

Councilmember Dierck: So we don't know where we are at yet?

Ms. Hirashima: No. I think what is referenced here is a biological assessment specific to the road construction project.

Councilmember Dierck: Correct, and we have not had that answer back from National Marine Fisheries?

Ms. Hirashima: No.

Councilmember Dierck: Okay, with that in mind and also the 4D rule not being completed or our impact fees not being increased and with schools being overcrowded, I won't support this."

AUDIENCE PARTICIPATION

Kathie Roon, 4014 Mission Beach Road, representing the Library Board, presented councilmembers with written information in support of the Board's request that the council adopt a One Percent for the Arts policy, the 1% coming from all new construction in the city. She noted the library had two good examples of public art which had been purchased with joint city and Friends of the Library funds. There had been no further purchases since that time. Councilmember Pedersen added that she

had been interested in this for many years and had asked several interested citizens to meet and discuss the possibilities. Her thought was not only to support purchasing art objects, but to encourage students, perhaps with scholarships, to participate in the arts, including the performing arts. Councilmember Roark expressed concern over how art objects would be chosen. Ms. Roon responded that a committee could be formed.

Mayor Pro Tem Wright arrived at this point in the meeting (7:15 p.m.) and assumed the Chair.

Councilmember Pedersen added that help was available from the Washington Arts Commission and the City of Edmonds, which had established this policy. Councilmember Herman suggested it would be helpful to see how other jurisdictions established their policies. Councilmember Leighan noted that Wenatchee and Mountlake Terrace both purchased public art. Councilmember Pedersen stated this would not affect the city's budget as the funds would come from each project - one percent would be paid in and set aside in an arts fund.

Margo Tipton, 6308 100th Street N.E., suggested that the best art was rarely bland so choosing art could be a problem. Most cities appointed an Arts Commission to make recommendations to the council. She agreed to work with staff to prepare a proposal.

Councilmember Herman suggested it was important to consider all the information as this policy would actually divert money from future capital projects to the arts. He asked to see which communities were doing this, what types of capital projects the policy applied to, what was the structure and how it operated when there were problems, such as with selection. Councilmember Bartholomew asked if, when the city received a grant for a road project, 1% could be split out and dedicated to art. Mr. Carter responded that it could not from federal funds. The Transportation Board had allowed 3% for landscaping. He thought on most projects the 1% would be coming from city funds.

Mr. Zabell agreed to contact Seattle, Mercer Island, Bellevue, Renton, Kent and Wenatchee for copies of their policies and to contact Ms. Roon and Councilmember Pedersen as liaisons.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approve October 4, 1999 claims in the amount of \$212,665.09 paid by check nos. 48037 through 48202 with check nos. 46759 and 47987 void.
2. Approve September 1999 payroll in the amount of \$849,826.32 paid by check nos. 36265 through 36510 with check nos. 36280 and 36510 void.
3. Approve Sunnyside Boulevard interim improvements; Change Order Nos. 1.
4. Renewal of sanitary sewerage system annual contract for telemetry repair and maintenance; November 1999 to October 2000.

Regarding item 1, Councilmember Dierck questioned the \$6,000 portion of check number 48161; Mr. Erickson responded that this was for the mailing of utility bills.

MOTION by Dierck, second by Herman, to approve item 1. Motion carried unanimously (7-0).

MOTION by Roark, second by Bartholomew, to approve item 2. Motion carried unanimously (7-0).

Regarding item 3, Councilmember Dierck asked what had happened that a material change was requested to cover the proposed culvert. Mr. Carter responded that field conditions required them to raise the ditch. That resulted in having to raise the culvert and this necessitated a change to ductile iron in order to get the proper clearance. Councilmember Herman noted that information was not discernable from the agenda bill. He further noted that this was an information, only, item; these needed to be in a separate category and not confused with items which needed council action.

MOTION by Roark, second by Leighan, to acknowledge item 3. It was determined that no vote was required.

Regarding item 4, Councilmember Herman expressed concern about the contract language which allowed for it to be renewed annually as long as the city was satisfied

with the company's performance and cost. Mr. Carter responded that the city had used three or four companies to do this work and the results had been poor. In 1998 the city went out for bid and the Telemetry company was the successful bidder. Their performance during the year had been excellent. Since the total amount was under \$7,500, staff only needed to go through a purchasing process; no formal bidding process was required. Mr. Zabell stated that staff would recommend striking the language which referred to the contract being ongoing.

Councilmember Dierck asked if these services could be done in-house. Mr. Carter responded that city did not have the staff or expertise to perform these functions. Mr. Zabell added that this was specialized work which was needed only occasionally. The city would not be able to hire an employee for \$7000 a year and would not be able to utilize someone with these skills in a meaningful way when not occupied with the telemetry.

MOTION by Herman, second by Dierck, to approve renewal of the sanitary sewerage system annual contract for telemetry repair and maintenance with Systems Interface, Inc. for \$6,995 as per the agreement, as amended to strike the above-noted language, and authorize the Mayor to sign the contract. Motion carried unanimously (7-0).

Councilmembers Roark and Pedersen agreed it would be helpful to have information items separated out. Councilmember Pedersen further requested that someone be available at city hall on Mondays to answer questions.

ACTION ITEMS

Review Bids

None.

Public Hearing

1. Proposed solid waste, yard waste and curbside recycling rate increases. Mr. Zabell noted the city's current rates had been adopted in 1992, and had remained stable mainly due to stable tipping fees. Mr. Erickson added that the proposed rates were a stop-gap measure to provide adequate funding for the coming year. An outside firm would make recommendations later on the five-year rate analysis. He noted the proposed rates included modest increases.

Councilmember Leighan asked if there was a set-up fee for accounts that enabled them to be turned off for the winter. Mr. Erickson responded in the affirmative.

Councilmember Herman suggested the rates might need to be raised again in 2001 because the current proposal did not include provisions for building up a reserve. Future rates would also be impacted by any increase in the tipping fees. Councilmember Bartholomew acknowledged the current tipping fees would continue through 2000, but the county was studying this and indications were that tipping fees would be increased substantially for future years.

Councilmember Leighan noted the proposed \$1.75 per additional container for yard waste did not provide an incentive to cut back. Councilmember Pedersen suggested the charge for additional containers should be in the same proportion as additional garbage cans.

Councilmember Bartholomew asked how these rates compared with Waste Management's proposed new rates. Mr. Zabell responded that this was not known, but part of this rate increase was to ensure that solid waste was not subsidizing the cost of recycling.

Mayor Pro Tem Wright asked for public input.

Jeff Seibert, commented on the intermittent yard waste pick up during the winter. He had thought of discontinuing this during the winter but was told that when he reapplied in the spring there might not be a tote available.

There being no one further wishing to comment, the public input portion was closed.

Mr. Zabell noted that Waste Management "enforced" winter usage by charging \$60 to remove the yard waste tote.

MOTION by Bartholomew, second by Roark, to approve Ordinance 2285, amending garbage rates and yard debris rates as specified. Motion carried unanimously (7-0).

Mr. Zabell agreed to investigate how to communicate to citizens the winter schedule for yard waste pick up and also the comment about not having enough toters.

Current Business

None.

New Business

1. Create two new funds within the City Treasury.

Mr. Erickson gave the staff presentation, noting this created separate funds for specified funds that were being held, which was the accepted practice.

Councilmember Herman expressed appreciation for the efforts to get the city organized properly. He added that he wanted to do more on trails, so having the money in a separate fund might make it more visible.

Councilmember Roark asked about the interest which had been earned on the trail funds; Mr. Erickson responded that the interest had been diverted into the General Fund; only the funds, themselves, were required to be held separately.

MOTION by Herman, second by Roark, to approve Ordinance 2286, creating the separate revenue funds: Paths and Trails Fund and the REET Fund. Motion carried unanimously (6-0).

2. Professional services agreement for Comprehensive Transportation Plan update; Bucher, Willis & Ratliff.

Mr. Carter gave the staff presentation, reviewing the process of how the consultant was chosen. Since the Bucher firm was doing work for the city now, it already had a great deal of information. The plan was to have the comp plan updated by early to mid-2000, together with updated mitigation fees.

Mayor Pro Tem Wright called for public input; there was none.

Councilmember Dierck asked if, when the county's plan was completed, the city could use that data and update the Transportation Comp Plan in-house to save money. Mr. Carter responded in the negative, stating the city did not have staff or transportation planners available to do the modeling and forecasting; the Bucher firm had that expertise.

MOTION by Bartholomew, second by Pedersen, to approve the professional services agreement with Bucher, Willis & Ratliff in the amount of \$100,000 and authorize the Mayor to execute the professional services agreement on behalf of the city. Dierck and Roark voted nay; all others voted aye; motion carried (5-2).

3. Approval of utility variance for PC Land Investments, Inc; 8119 60th Drive NE Marysville; subject to conditions. UV99-09.

Mr. Carter gave the background information, noting applicant had applied for a utility variance for a higher density, 7.8 dwelling units per acre, than what was allowed in the RUSA/Marysville Comprehensive Plan, 7.0 DU/acre. The Utility Committee recommended approval with conditions.

Mr. Larry Deisher, 4707 Westview Drive, Everett, spoke on behalf of PC Land. He stated this preliminary plat had been in process for six months with Snohomish County. The area was not contiguous to the city. He was aware of the new requirements of the council and had revised his preliminary plat to comply with the density requirements (7.0 DU/acre) and road standards, including right-of-way width. The hearing with Snohomish County on this plat was scheduled for October 21.

Councilmember Herman noted that the requirements to meet Marysville Municipal Code was not a new requirement; council was simply trying to be clear in its communication about the standards and requirements.

Councilmember Leighan questioned if annexation covenants existed for the two plats between the city and the subject property. Mr. Zabell responded that he could not recall, but that could explain the language in this Variance regarding circulating a petition for annexation. Councilmember Herman agreed this would be a good time to pursue annexation of the intervening parcels, so the motion should speak to either the

covenants or circulating a petition, depending on what is in place for the other two plats. That would not delay the requested action for PC Land.

MOTION by Herman, second by Roark, to approve Utility Variance 99-09, subject to the applicant complying with the Marysville sewer, water and General Land Use Comprehensive Plans for density, meet City of Marysville road standards and comply with the annexation requirements of MMC 14.32.040(2). Dierck voted nay, citing the location of the plat off of 88th, stating it could not accommodate any more traffic. All others voted aye. Motion carried (6-1).

4. Approval of utility variance for Erkki and Ismo Kotilainen, 5623 100th Street N.E., Marysville, subject to conditions. UV 99-010.
Mr. Carter gave the staff presentation.

Dave Downing, 4229 76th Street N.E., spoke for the applicant, noting the applicants were in complete agreement with the city's conditions. The plat was presently served by water and sewer and had no critical areas within its boundaries. It had met the city's density requirements. He emphasized this was a straight plat and not a PRD. Every lot had a minimum width of 60 feet and 60,000 square feet net. He asserted they had complied with the requirements of the county and the city.

Councilmember Herman stated he wanted consistent language in the Recommended Action text referencing Marysville Municipal Code regarding annexation. This should be coupled with good communication with applicants regarding what that meant. Councilmember Roark agreed.

MOTION by Herman, second by Roark and Pedersen, to approve UV 99-010 for water and sanitary sewer service outside of the service area, providing the plat comply with the Marysville Land Use, sewer and water Comprehensive Plans for density and road standards and comply with the annexation requirements as outlined in MMC 14.32.040. Dierck voted nay; all others voted aye; motion carried (6-1).

Legal

Ordinances & Resolutions

1. An ordinance of the City of Marysville continuing the moratorium on gambling activities as provided in Ordinance No. 2270 and adopting findings supporting the same.

MOTION by Roark, second by Bartholomew, to approve Ordinance 2287. Motion carried unanimously (7-0).

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business
None.

2. Staff's business

Chief Carden advised he would be on vacation for two weeks. Commander Peterson would be Acting Chief in his absence.

Mr. Zabell asked councilmembers for their schedule preferences for budget workshops. After discussion, councilmembers agreed Monday evening the 18th and Saturday the 23rd would be good dates. He noted he had received a resignation from the Chair of the Downtown Revitalization Committee and suggested delaying that meeting until a new Chair was in place.

Mr. Weed reported he had been conducting research for a proposed ordinance on graffiti and would bring a sample to an upcoming meeting for council's review.

00277

Mr. Erickson passed out summaries of city-wide revenues. This included where the money came from, where it went, and the legal criteria surrounding it. He also submitted a two-page "menu" that summarized most of the revenues. He briefly reviewed the categories the revenues fell into; those which could be changed, changed with difficulty, or probably not available for revision because of state law or because they were a result of a prior agreement. He noted that some of the fees charged by the city were already at their legal maximum.

Councilmember Roark asked if fee hikes could be contingent upon the passage of I-695 so that if it didn't pass the increases would not go into effect; Mr. Weed agreed to research that option. Councilmember Roark noted that Kenmore and other cities had increases in their budgets in defense of I-695 and he wanted something similar brought to council.

Councilmember Herman commented the information was useful, as understanding the budget was the most difficult task for a councilperson. He suggested that copies be made available for other interested people. He asserted that council still needed to know which fees were not currently sustaining the service they provided; he suggested a review of park, golf fees and building permit fees as an example.

Councilmember Pedersen added annexation fees. Mr. Thompson responded there were two fees, one for ten acres or less and one for more than ten acres. The Planning Commission was now reviewing the full fee schedule and this would go to public hearing on October 12.

Councilmember Roark asked if council desired to look at I-695 in a proactive manner. Mr. Weed asserted that as long as council's discussion didn't evolve around a debate about whether I-695 was good or bad, but around what potential actions the city could take in terms of fiscal policy and ordinances that might deal with fee increases, that would be acceptable. Mayor Pro Tem Wright noted that many cities were doing Fact Sheets and sending them to citizens. Councilmember Roark responded that he was addressing being proactive on the fees the city charged. Councilmember Pedersen added that some cities were preparing two budgets, one for I-695 passing and one for its failure. Mr. Erickson noted the city was legally required to have a preliminary budget passed by November 1st. He intended to supply councilmembers with a menu of items which could be put in or taken out depending on the outcome of the vote.

Councilmember Herman reiterated the importance of ensuring that the fees charged by the city covered the service being provided. Mr. Erickson responded that the city's fees were probably viable for the coming year, but not beyond. Councilmember Herman repeated his request for a list of the city's fees and an analysis of their adequacy, noting council would have to act soon with or without the information, but it would be preferable if the information were available.

Councilmember Bartholomew noted that council had addressed one fee tonight, the solid waste fee. It needed to look at the city's court fees to ensure they brought that structure to the break-even point. Mr. Weed agreed to research this.

Councilmember Roark noted that in addition to the information which Councilmember Herman requested, he wanted to see what other jurisdictions were doing, as some were being proactive.

3. Call on councilmembers

Councilmember Leighan stated he was in the Visitor Information Center at Leavenworth last week, and saw brochures from Sultan and Darrington but none of the city's. Mr. Zabell agreed to check on this.

Mayor Pro Tem Wright reported the Legislative Committee met on October 1 and would meet again on November 1. They had a legislator speak on the Supreme Court decision on probation and also on the buildable lands issue. She complimented Ms. Mizell on her presentation to Soroptimists, noting they donated \$500 to the program Ms. Mizell spoke on.

ADJOURN TO EXECUTIVE SESSION

The regular meeting adjourned at 8:45 p.m. and into Executive Session at 8:57 p.m. to discuss potential litigation.

00250

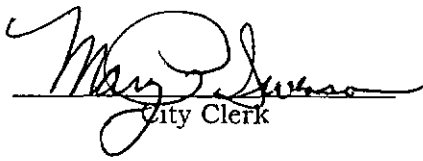
RECONVENE AND ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 9:08 p.m.

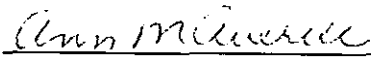
Accepted this 25th day of October, 1999.



Mayor



City Clerk



Recording Secretary