

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 8, 1999**

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CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. October 18, 1999 council workshop 2. October 23, 1999 council workshop 3. November 1, 1999 council meeting	Approved as presented. Approved as presented. Approved as presented.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	Terry Deffries, Edward Mohs
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING 1. Join open space hearing with Snohomish County 2. Proposed graffiti ordinance. 3. Preliminary budget	Approved; adopted Joint Motion 99-338. Directed staff to bring revised ordinance to next meeting for adoption. Agreed to hold budget workshop on November 15, no public testimony; continue this hearing to November 22 to take further public testimony.
CURRENT BUSINESS None.	
NEW BUSINESS None.	
CONSENT AGENDA 1. Approve November 8, 1999 claims in the amount of \$317,944.28 paid by check Nos. 48696 through 48836. 2. Approve October, 1999 payroll in the amount of \$783,300.69 paid by check nos. 36511 through 36750 with check nos. 34550, 36470 and 36482 void.	Approved. Approved.
ORDINANCES AND RESOLUTIONS	
1. An Ordinance of the City of Marysville, Washington relating to the use of compression brakes and amending Marysville Municipal Code Chapter 11.04.	Approved Ordinance 2294.
LEGAL MATTERS None.	
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	11:00 p.m.
EXECUTIVE SESSION None.	

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**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 8, 1999**

CALL TO ORDER/FLAG SALUTE

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

Councilmembers Present:
Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem
Shirley Bartholomew
NormaJean Dierck
Otto Herman, Jr.
Mike Leighan
Donna Pedersen
Brett Roark

Administrative Staff present:
Dave Zabell, City Administrator
Mary Swenson, Assistant to City
Administrator/City Clerk
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director

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MINUTES OF PREVIOUS MEETING

1. City Council Workshop, October 18, 1999

MOTION by Herman, second by Leighan, to approve the minutes of the October 18, 1999 workshop. Motion carried unanimously (7-0).

2. City Council Workshop, October 23, 1999

MOTION by Pedersen, second by Wright, to approve the minutes of the October 23, 1999 workshop. Motion carried unanimously (7-0).

3. City Council Meeting, November 1, 1999.

MOTION by Bartholomew, second by Roark, to approve the minutes of the November 1, 1999 council meeting. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

Terry Deffries, 4304 Sunnyside Blvd., thanked the city for the road repairs it had done on Sunnyside Boulevard, but questioned when the area between 47th and 49th would be completed. Mr. Winckler agreed to check on that and let Ms. Deffries know.

Edward Mohs, 1214 Beech, thanked the Police Department for its help in the past and thanked the city for the pothole repairs it had done on Beach Avenue north of Grove to Short Street. He requested on behalf of himself and his neighbors that Beach north of Grove be repaved. He expressed support for increased school mitigation fees and supported increased security at the high school. Mayor Weiser responded that staff would check on the plans for repaving Beach and let him know.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

ACTION ITEMS

Review Bids

None.

Public Hearing

1. Joint open space hearing with Snohomish County
Mayor Weiser advised that three County Councilmembers, Gary Nelson, Kirk Seivers, and Dave Sommers, would meet this evening with three City Council members,

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Bartholomew, Dierck, and Pedersen to review the open space application. The County Councilmembers were then seated at the front of the room and Mayor Weiser opened the hearing.

Shelia McAlister, 3000 Rockefeller, gave the staff background, noting the application was for open space – general (wetland) for approximately 2.5 acres and the recommendations from both the city and county planning departments were for approval. 000000

The Mayor opened the hearing for public comments; there were none. The public comment portion was closed.

Councilmember Pedersen asked about the tax consequences of designating the property as open space. Allan Bennett, the county's Open Space Administrator, responded that there would be a significant reduction in taxes on the open space portion. Some minimum amount of levy rates would be placed on the property, but the balance of the school taxes, for example, would simply be spread over the balance of the county.

MOTION by County Councilmember Nelson, second by City Councilmember Dierck, to adopt Joint Motion 99-338 approving the open space application. Motion carried unanimously (6-0).

Mayor Weiser thanked the county councilmembers for traveling to Marysville for this hearing. The county councilmembers then departed, and the balance of the regular meeting resumed.

2. Proposed graffiti ordinance

Ms. Swenson advised she had received one letter in support of the proposed ordinance and one in opposition.

Chief Carden gave the background information, noting that graffiti was often used by gang members to mark their territory. In an effort to support enforcement of an ordinance without penalizing the victims, he had talked with Eagle Hardware, Fred Meyer and K Mart about donations of paint for clean up. Shelby Construction had already indicated a willingness to lend a high pressure washer. In his last assignment, he was able to obtain voluntary compliance and that was the goal here. There was no specific listing of the locations and frequency of graffiti in the city, it had been done near the driving range and behind the Safeway store and seemed to be increasing in frequency. If the property owner chose the option of having the city clean up the graffiti, the fee would probably be \$30 per hour as a vehicle would be included.

For the benefit of the audience, Chief Carden reviewed the proposed ordinance in detail and gave background information regarding gangs from his previous assignment. He stated he had not needed to issue any citations once the ordinance was in place, but he did write letters, mainly to absentee landowners. Everett and Snohomish County had similar ordinances in place. He noted the State's Municipal Research Center supported this type of approach to cleaning up graffiti.

The Mayor opened the topic up for public comment.

Matt Bottin, 6601 75th, stated he was in law enforcement with the county. He agreed with the proposal, and moving quickly to eradicate graffiti. He added that Teen Court worked well in Lakewood and suggested it be pursued here.

Colleen Roger, 8530 45th Drive NE, speaking for the Chamber of Commerce, testified that quality of life and a deteriorating quality of life were components of economic development. She supported Chief Carden's research, felt the proposed ordinance was well thought out and she supported it.

There being no one further wishing to speak, the Mayor closed this portion of the public hearing.

Mr. Weed added that when a notice was issued, the property owner would have 15 to 30 days to get the graffiti removed. A citation could be issued only after that, and the penalty per day would begin accruing after issuance of the citation. The penalty was discretionary with the council and could be as high as \$250 per day; he suggested an amount in the \$25 to \$50 range.

Councilmember comments included the following:

- Add specific information to the ordinance regarding the options for cleanup and the associated costs.
- Business owners should receive notice of this ordinance by certified mail.

- Business owners received notice of tonight's meeting and had an opportunity to testify. Graffiti was escalating so implementation of this ordinance should not be delayed.
- Good testimony from the Chief and the Chamber supported prompt enactment of the ordinance.

MOTION by Bartholomew, second by Roark, to direct staff to revise the ordinance for final action by the council at its next meeting, such revisions to include:

- Penalty of \$25 per day;
 - Allowing 30 days for voluntary cleanup;
 - Specific listing of remedies and associated costs in the sample notice.
- Dierck voted nay; all others voted aye; motion carried (6-1).

The Mayor called a three-minute break at this point.

3. Preliminary 2000 budget

Mayor Weiser advised that councilmembers had reviewed the budget during two workshops and had directed staff to prepare options to make up the \$237,000 shortfall should I-695 pass, which it had.

Councilmember Leighan asked if the County Health Department had decided to levy fees to make up its shortfall. Councilmember Pedersen advised the Health Board would meet on November 9 and that would be discussed. Hiring had been put on hold and they anticipated laying off 50 staff. Councilmember Leighan noted that an assessment by the Health Department would increase the city's shortfall.

Mayor Weiser and Councilmember Pedersen each had received a call opposing any property tax increases for 2000.

Mr. Zabell then gave a detailed presentation of the proposed budget, noting staff had responded to council's request to address I-695's passage by enhancing revenue and identifying potential cuts. He concluded by indicating the options for revenue enhancements totaled \$425,381, the reductions totaled \$195,950, and the proposed budget was \$130,000 short of being in balance.

Councilmember questions and comments were as follows:

Councilmember Pedersen:

- Part-time grant writer. Would there be grant money available since the state would have to cut funds. Mr. Zabell responded that the passage of I-695 would impact transportation funds, but grants would still be available for water quality, sewers, etc. Mr. Winckler added the city was seeking grants for water and sewer and those would be vital to its operations.
- Half-time employees usually turned into full-time by the following year. Asked staff to consider doing things differently or not doing some things in order to keep from adding staff.

Councilmember Leighan:

- The admissions tax. Mr. Zabell advised it was currently proposed at 4% and could be raised to 5%.

Councilmember Roark:

- There would be fierce competition for grant money so a professional grant writer would enhance the city's chances for the available funds.
- Utilizing part-time employees would give management flexibility.
- The proposed expansions of service were needed.
- Did not support increased property taxes or admissions tax.

Councilmember Bartholomew:

- Regarding the planner scheduled to be hired mid-year, what would his focus be? Ms. Hirashima responded that that employee would be working on long-range planning project, such as the downtown and sub-area plans. She also mentioned the annexations in process to the north.
- Court clerk at \$34,350; was that a whole year? Mr. Zabell replied in the affirmative. How much workload would be coming from Lake Stevens? Ms. Larson responded that the estimate was 900 to 950 additional citations. The new person would focus on Lake Stevens and the city's increased workload which resulted from state legislated mandates.
- Regarding parks equipment. Mr. Ballew explained the importance of the new mower.
- Computer for Animal Control Officer. Chief Carden responded that this would allow the officer to receive calls and be dispatched via computer from the vehicle, and in-

car computers allowed all officers to spend more time in the field and less in the office.

- The Planning intern to be used for development of databases. Extensive databases were available commercially and from other governmental sources like the county. Ms. Hirashima agreed some information would be available, but this person would focus on getting data into the city's GIS system. The information would eventually be available to the public on line, as staff received many requests for accurate maps.

Councilmember Herman:

- Questioned whether an increased admissions tax would negatively impact Cosmos; felt it would have less of an impact on the theaters.
- Reluctant to increase utility tax.
- Questioned the increased amount for City Council in the proposed budget. Ms. Swenson responded that the increases came from increased professional services for training and facilitating to support the changeover on the council.

Councilmember Wright:

- Questioned amount budgeted for social services. Mr. Zabell responded that \$25,000 had been budgeted last year, but not all of it was spent; the carryover was included in this figure. Councilmember Wright expressed support for the food bank and noted all the social service areas were worthwhile, but wondered if this was the area citizens could support directly rather than through city government, since, by passing I-695, they had reduced the amount of funds going into city government.
- Did the admissions tax affect the skating rink? Mr. Zabell responded in the negative.

Councilmember Leighan:

- Council was faced with "quality of life" issues when deciding where to cut. He did not support cutting support for DARE and the Senior Center. Chief Carden noted the \$165,000 was for the school resource officer and the DARE officer and some costs associated with their various programs. Much of this comes back to the city from grants.
- Cutting one staff car at \$16,000 would not go far toward balancing a \$237,000 shortfall.

Councilmember Dierck:

- Regarding surface water, had staff considered contracting with the county rather than having its own engineer? Mr. Winckler agreed to pursue this, but said this person would be developing the program for the city, which required a level of technical detail they were unlikely to get from the county. Mr. Zabell added that the city's development standards were different than the county's so utilizing county personnel would require having that person become very familiar with the way the city did things. Mr. Winckler noted that approximately half of the cost of this person would be paid for by land development fees for review of drainage systems; this was currently done by contract. This area would be better managed and more in tune with the city's requirements if it could be done internally.
- Regarding janitorial services, had there been input from the union? Mr. Zabell responded that there had been preliminary discussions about these positions, but no agreement.
- Questioned when I-695 would actually be implemented. Mr. Weed responded that legal opinions differed as to whether it took effect 30 days after the vote, December 2nd, or on January 1st. He suggested the conservative approach of planning on December 2nd.
- Questioned if park mitigation fees could be reviewed through the Planning Commission and raised before December 2nd; building and permits fees should be raised also. Mr. Zabell noted that many of the fees had been raised at the last council meeting; the building permit fee itself was set out in the Uniform Building Code.
- Questioned the "rainy day" reserve. Mr. Erickson pointed out the \$2,467,933 figure came from Current Expense and Cumulative Reserve under Ending Fund Balance on page 1 of the summary.

Mayor Weiser called a five-minute recess before taking public testimony. The meeting was then reconvened and Mayor Weiser reminded all speakers of the 3-minute limit.

Marv Watkins, 3822 199th PL. N.E.:

- Need 100% efficiency of existing staff before adding new.
- Overtime pay not appropriate in tight budget.
- Paying too much for vehicles.
- I-695 passed because voters sick of taxes; very unhappy to find out he'd end up paying more in taxes than before.

Mr. Erickson explained that the proposed 4% increase in property tax would be levied only on the city's portion which would amount to \$14 per thousand or \$120,000 city-

wide. Mr. Zabeil responded to the comment on overtime pay, noting that Solid Waste personnel worked every holiday so their overtime bill was higher.

Ralph Nylin, 6806 69th PL. N.E.:

- Supported request by Police Department for higher caliber hand guns.

Janet Duffy, 20803, 67th DR. N.E.:

- Regrets over Councilmember Roark's exit from the council.
- Letter from Marysville School District was on record.

Robyn Warren, 9529 35th Ave. N.E.:

- Thanked Councilmember Roark for his service to the community and Chamber.
- On behalf of accounting profession, suggested conservatism and efficiency enhancements before revenue enhancements. Proposed budget was very preliminary - needed to look at actual vs. projected. Had questions on every page; suggested taking adequate time.

Jeff Vaughan, 6617 83rd PL. N.E.:

- Spoke to 150 neighbors regarding possible tax increase; all dissatisfied. Council's approach increased distrust of government. Council appeared to be disregarding voice of people who spoke out clearly via 695.
- Must cut back in tough times; example - not making color copies for budget cover and use double-sided printing.
- Freeze staff, not grow it.
- Regarding golf course restaurant, some things are better left in the private sector.

Terry Lemmon, 7216 67th:

- Looking to elected officials to find creative ways to reduce taxes, not add to them.

Clarence Kelly, 8115 49th Ave. N.E.:

- Thought result of voting for 695 would be a reduction in taxes, not an increase.
- Supports efficiency.
- City must do without in tough times like families do. Look at needs, not wants; focus on what really needs to happen.

Mark DuFour, 7411 71st Ave. N.E.:

- Gets impression budget already decided upon.
- Changes should benefit more than 50% of the citizens; golf and restaurants do not.
- Trends indicate ever-increasing costs with some items increasing 100%.
- Council needed to put voters' wishes into action by cutting costs.

James Nelson, 6227 83rd PL. N.E.:

- Strongly opposed to property or utility tax increases.
- Proposed firearms for Police Department are at high end of scale. Consider alternatives: another make, officers buying their own, city matches at 50%.
- Get bids from local businesses for building maintenance.
- Do not make up slack from 695 by adding other taxes.

Chief Carden gave details about the weapons purchase, noting the city had some opportunities to recoup some of the expense.

John McCoy, Executive Director of Government Affairs-Tulalip Tribes, 6700 Totem Beach Rd:

- Spoke for Tulalip Tribes regarding utility tax increase. That would have a major impact on their budget. Suggested slower approach and more careful review; did not agree increases would be implemented before January 1.

Mayor Weiser responded that the taxes in question were on electricity, gas and telephone, only.

Robert Fletcher, 611 83rd PL. N.E.:

- Did not support raising property taxes.
 - Consider tourism tax, not the people who live here.
- Councilmember Herman noted that hotel/motel taxes could not be spent on General Fund items; they had to go back into tourism work.

Jeff Seibert, 5004 80th Street:

- The barn at Jennings Park was listed twice in the budget; Mr. Erickson explained that it needed to be listed that way because it reflected the city doing business with itself. This did not reflect double spending. He added other details about this facility.
- Mr. Seibert questioned the trail fund, Police Department training, the cost of the copy machine; suggested 116th be four lanes.

Ken Baxter, 1895 Liberty Lane:

- Asked for explanation regarding the restaurant. Mayor Weiser responded that the golf course was an enterprise fund and was required to be self-sustaining. A transfer from the General Fund would be a loan, only, and would have to be paid back. The city had not run the restaurant and did not contemplate doing that; it had been leased or contracted out.

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

Additional comments by councilmembers included the following:

- The budget reflected the city's challenges in addressing rapid growth.
- Considering cuts was difficult because the community still has high expectations.
- Budget reductions would not equate to failure of the city's systems.
- Council should consider taking \$20,000 out of each General Fund line item to reach a balanced budget.
- Must learn to spend differently; department heads should suggest opportunities to cut.
- City needed to spend differently as this was not a one-time budget cut issue.
- Department Heads of General Fund budget categories should submit written comments for council to consider.

MOTION by Leighan, second by Herman, to hold a budget workshop on November 15 with no public testimony and continue this hearing to November 22nd for follow-up public testimony. Pedersen, Dierck, and Roark voted nay because they favored taking public testimony at the workshop; all others voted aye. Motion carried (4-3).

Current Business

None.

New Business

None.

CONSENT AGENDA

1. Approve November 8, 1999 claims in the amount of \$317,944.28 paid by check Nos. 48696 through 48836.
2. Approve October, 1999 payroll in the amount of \$783,300.69 paid by check nos. 36511 through 36750 with check nos. 34550, 36470 and 36482 void.

MOTION by Bartholomew, second by Wright, to approve items 1 and 2. Motion carried (6-0-1), with Councilmember Leighan abstaining as to item 1 and (7-0) as to item 2.

Ordinances & Resolutions

1. An ordinance of the City of Marysville, Washington relating to the use of compression brakes and amending Marysville Municipal Code Chapter 11.04.

July MCGuinn, 7117 65th Street N.E., asked if the city was allowing compression brakes; Mayor Weiser explained the ordinance prohibited them.

MOTION by Roark, second by Pedersen, to adopt Ordinance 2294. Motion carried (6-0) with Dierck not indicating a vote.

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

Mayor Weiser thanked Councilmember Roark for his service on the council.

2. Staff's business

Ms. Swenson reported that Y2K tests were run on Saturday on the main computer system and all tests ran without a hitch.

3. Call on councilmembers

Councilmember Bartholomew wished the Mayor a happy birthday.

Councilmember Wright noted there would not be a Cities and Towns meeting until January.

Councilmember Pedersen noted the new librarian was on board. A new member of the Library Board would be needed January 1.

Councilmember Roark thanked councilmembers and staff.

ADJOURN

Council adjourned at 11:00 p.m.

Accepted this 22nd day of November, 1999.

David Weiser
Mayor

Mary Swenson
City Clerk

Kimberly Merrill
Recording Secretary