

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 22, 1999**

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| CALL TO ORDER/FLAG SALUTE | 7:00 p.m. |
| ROLL CALL | All present, with Roark vacating seat to Brennick after swearing in. |
| MINUTES OF PREVIOUS MEETING 1. November 8, 1999 city council 2. November 15, 1999 council workshop | Approved as revised. Approved as presented. |
| AUDIENCE PARTICIPATION None. | |
| PRESENTATIONS/PETITIONS/COMMUNICATIONS None. | |
| ACTION ITEMS | |
| REVIEW BIDS None. | |
| PUBLIC HEARING 1. Preliminary budget | Agreed to hold budget workshop on November 29; continue this hearing to December 6, no further public testimony. |
| CURRENT BUSINESS None. | |
| NEW BUSINESS 1. Memorandum of Understanding between Snohomish County Police Staff and Auxiliary Service Center (SnoPac) and the City of Marysville regarding Lake Loma radio tower site 2. Professional services agreement with Perteet Engineering for professional engineering design services, Ash Avenue Park & Ride | Approved. Approved. |
| CONSENT AGENDA 1. Approve November 22, 1999 claims in the amount of \$714,739.65 paid by check nos. 48837 through 49056 with check nos. 48605 and 48709 void. 2. Approve liquor license renewals for Cristiano's Pizza, Etc., Alf's Pizza and Pasta, Buzz Inn, and the Village. 3. Authorize the Mayor to sign Agreement GC1917 with WSDOT for overlay reimbursement for SR528 roadway improvements project (67 th Avenue to 83 rd). 4. Authorize Mayor to sign Agreement GC 1473, Supplement No. 1, with WSDOT for SR528 (55 th Drive to 67 th Avenue and 83 rd Avenue to Highway 9). 5. Authorize Mayor to sign Local Agency Agreement with WSDOT to receive \$500,000 for the Ash Avenue Park & Ride project. 6. Authorize Mayor to sign Interlocal Agreement with Snohomish County for commute trip reduction (1999-2001). 7. Authorize Mayor to sign agreement with McConnell/Burke, Inc. for Hearing Examiner services for year 2000. 8. Approve Utility Variance Request for two water connections and two sewer connections, subject to condition; UV 99-18. 9. Approve one water and one sewer connection, Leonard Bailey, 6011 51 st Avenue N.E.; UV 99-17. | Approved. Approved. Approved. Approved. Approved. Approved. Approved. Approved. Approved. Approved. |
| LEGAL MATTERS 1. Recovery Contract for Ali Vafaezadeh d/b/a Bana Design, Inc. | Approved. |
| ORDINANCES AND RESOLUTIONS 1. An ordinance of the City of Marysville enacting a new Chapter 6.25 to the Marysville Municipal Code to address graffiti and graffiti nuisances, imposing civil penalties against responsible persons who fail to abate graffiti nuisances, and providing for the city to abate graffiti nuisances and to recover its costs for doing so. 2. An ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Gary Pettis/Robert Wicks and amending the official zoning map of the city. 3. An ordinance of the City of Marysville extending the time period for completion of the Plat of Whiskey Top for one year, pursuant to MMC 20.12.120. 4. An ordinance of the City of Marysville enacting revisions to the city's Zoning Code (Title 19 MMC) and providing for technical changes relating to implementation of the city's zoning code, amendments providing for compatibility with the area-wide rezone process, fee schedule revisions, and | Approved Ordinance 2295. Approved Ordinance 2296. Approved Ordinance 2297. Approved Ordinance 2298. |

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| <p>amending MMC 19.06.390 (Private Storm Water Management Facility), MMC 19.06.407 (Public Storm Water Management Facility), 19.08.040 (Recreation/Cultural Land Uses), MMC 19.08.050 (General Services Land Uses), MMC 19.08.050 (Development Conditions); MMC 19.08.060 (Development Conditions), MMC 19.08.070 (Retail/Wholesale Land Uses), MMC 19.08.080 (Manufacturing Land Uses), MMC 19.08.100 (Regional Land Uses), MMC 19.12.030 (Densities and Dimensions), MMC 19.2.030 (Development Conditions), MMC 19.12.140 (Setbacks from Alley), MMC 19.12.160 (Setbacks - Projections Allowed), MMC 19.14.100 (On-Site Recreation - Space Required), MMC 19.16.090 (Required Landscape Buffers), MMC 19.16.100 (Landscaping Requirements for Parking and Outdoor Display Areas), MMC 19.18.060 (Changes in Occupancy), MMC 19.18.090 (Parking Area Design and Construction), MMC 19.26.030 (Residential Density Incentives), MMC 19.46.050 (Special Districts and Overlay Zones), MMC 19.60.020 (Schedule of Fees).</p> <p>5. A Resolution of the City of Marysville granting a utility variance for R&D Partnership for property located at 3707 71st Avenue S.E., Marysville, Washington.</p> <p>6. A Resolution of the City of Marysville granting a utility variance for Clyde and Irma Morton for property located at 1930 172nd N.E., Arlington, Washington.</p> | <p>Approved Resolution 1952.</p> <p>Approved Resolution 1953.</p> |
| INFORMATION ITEMS | |
| <p>1. Mayor's business 2. Staff's business 3. Call on councilmemberss</p> | |
| ADJOURN | 11:00 p.m. |
| EXECUTIVE SESSION | |
| None. | |

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**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
NOVEMBER 22, 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.

SWEARING-IN CEREMONY

Mayor Weiser explained that Brett Roark had been appointed to the council to fill an unexpired term, pending the next regular election. That election had been completed with Jim Brennick being elected to Council Position 3 for a term of two years. He thanked Mr. Roark for his service to the city during his term.

Superior Court Judge Jim Allendoerfer performed the swearing-in ceremony, wherein Jim Brennick swore the oath of office. Mayor Weiser presented him with keys and a copy of the Marysville Municipal Code. Councilmember Roark vacated his council seat and Councilmember Brennick was seated.

A voice roll call of councilmembers was conducted. Attendance was as follows:

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| Councilmembers Present: | Administrative Staff present: |
| Dave Weiser, Mayor | Dave Zabell, City Administrator |
| Donna Wright, Mayor Pro Tem | Robert Carden, Chief of Police |
| Shirley Bartholomew | Ed Erickson, Finance Director |
| Jim Brennick | Gloria Hirashima, City Planner |
| NormaJean Dierck | Grant Weed, City Attorney |
| Otto Herman, Jr. | Ken Winckler, Public Works Director |
| Mike Leighan | |
| Donna Pedersen | |

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, November 8, 1999.
Councilmembers noted the following corrections:
- Page 2, Colleen Roger should be Caldie Rogers.

MOTION by Herman, second by Leighan, to approve the minutes of the November 8, 1999 council meeting. Motion carried unanimously (7-0).

2. City Council Workshop, November 15, 1999.

MOTION by Bartholomew, second by Herman, to approve the minutes of the November 15, 1999 council workshop. Motion carried unanimously (7-0).

SWEARING-IN CEREMONY

Mayor Weiser then swore in the city's two new police officers, Joby F. Johnson and Nathan E. Zaretzke.

The Mayor declared a five-minute recess for a coffee reception to welcome the new councilmember and police officers. The meeting was then called back to order.

AUDIENCE PARTICIPATION

None.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

ACTION ITEMS

Review Bids

None.

Public Hearing

1. Preliminary 2000 budget

Mayor Weiser reviewed the background on the workshops, previous hearings and the work done to date on the budget. He reopened the public hearing.

Councilmember Pedersen requested a discussion on two items that would not affect the General Fund but enterprise funds. She noted that some of the questions or concerns that citizens had might already have been addressed by the council since the preliminary budget had been issued. Mayor Weiser explained the budget cuts which the council had proposed since the last public hearing. He noted that those people speaking on behalf of a group would be allowed five minutes.

Jim Maples, Marysville Police Officers' Association, 1635 Grove St.:

- Thanked council for its commitment to public safety.
- Some crews were still low, including bike patrol. A full complement was needed to patrol the streets seven days a week, respond to multiple calls, and have positive interaction with citizens. Chief Carden noted that patrol positions must be staffed first, then the bike patrol positions could be assigned.

Chris Burman, 8906 48th Drive N.E.:

- Spoke in support of the Parks and Recreation Department, emphasizing the importance of its budget and support of Little League, Youth Soccer and Youth Football. Mr. Ballew noted that council had not proposed any cuts in youth programs, except that eliminating adult basketball affected people 16 years and older.

Ken Baxter, 1895 Liberty Lane:

- Move money earmarked for the Downtown Marysville Plan to Parks and Recreation for plantings and flowers to enhance the city.
- Replace the Parks vehicle only if absolutely necessary.
- Cutting adult basketball affected the least number of citizens.
- Retain the Safety Fair but keep it simple and cut back on the give-aways.
- Reduce DARE program to fewer schools.
- Reconsider the necessity of 4-wheel drive vehicles for the Police Department.
- All departments should review the time spent at meetings and critically review the productivity of meetings.

Mayor Weiser responded that the vehicle for the Parks Department was a replacement for a 1968 vehicle.

Larry Gilmore, 9510 64th Drive N.E., President of Marysville Youth Soccer:

- Council had only heard negative testimony to date.
- Spoke in support of the Park and Recreation Department, noting it served 25% of the school-age youth in the community.

Mr. Ballew clarified the proposed cuts of 6% in his department's budget.

Liz VanDyke, 5611 95th Street N.E., Parks Advisory Board member and volunteer conductor of City Band:

- Spoke in support of Parks and Recreation and asked council to consider appropriate taxation to support a strong program.

Scott Eastham, 4817 73rd Drive N.E., with four girls from the soccer program:

- Concerned about lack of activity on Marysville's Strawberry Fields complex.
- Soccer could lose fields if the school district utilized the site at 152nd.
- Related how the city's soccer program had been instrumental in saving an at-risk boy.

Councilmember Dierck mentioned park mitigation fees and encouraged attendance at the Planning Commission meeting where that would be addressed. Councilmember Bartholomew noted the budget message addressed Strawberry Fields, but the budget was based on \$300,000 of matching funds. Mayor Weiser added that funding would include grants, mitigation fees, and possibly asking the voters to support a tax for that specific purpose. The general fund addressed the ongoing costs of maintaining the facility.

Robyn Warren, 9529 35th Avenue N.E., on behalf of Marysville Tulalip Chamber of Commerce:

- Challenged Mr. Eastham to help staff work on expense cuts instead of revenue enhancements.
- Thanked city for revisiting each area of the budget and making tough choices and not putting tax burden back on the residents and businesses.
- Supported Option 2 in the Courts budget, initial cuts in the Executive area, Parks and Recreation and the immateriality of small cuts like Marysville U.

Mayor Weiser noted the council had "dipped into" the rainy day fund for \$250,000 to fund some one-time costs, such as two stoplights. Councilmember Pedersen noted that council had already agreed that Marysville U was worth more than the savings and had agreed to leave it in.

Joel Helm, 5227 101st Place N.E.:

- Supported soccer programs, noting the importance of maintaining the city's good soccer fields.

Jeffrey Vaughan, 6617 83rd Place N.E., representing 76 citizens who signed the petition the city received last week:

- Thanked council for its work on budget and in separating "wants" from "needs."
- Supported soccer.
- Supported efforts to give Police what they needed to strengthen law enforcement.
- Supported efforts to continue essential city services.
- Questioned probation program. Mr. Zabell noted this was a revenue-neutral program in that it paid for itself. The concern was a recent Supreme Court decision which increased the city's exposure to liability. Councilmember Bartholomew encouraged citizens to write to the Legislature and request they give municipalities some immunity for probation services.
- Spoke against raising property taxes or utility taxes. Felt admissions tax would be passed along to users.

Councilmember Pedersen explained she had supported the admissions tax because it was her understanding that moviegoers in the city were already paying the same ticket price as Everett which meant Marysville's would probably not be raised.

Stephen West, 8111 80th Drive N.E.:

- Encouraged caution about using the rainy day fund.
- Voted for taxes and would again in the future if he saw the need.
- Supported not cutting Police Department.
- He had six children and felt it was the parents' responsibility to provide things for them to do. He appreciated the Parks and Recreation Department but supported the proposed cuts.

Charles Bailey, 6616 83rd PL. N.E.:

- Proposed budget reflected optimistic thinking regarding the economy picking up.
- Consider delaying the purchase of computers and workstations for Engineering; refurbish and upgrade existing computers.
- Consider putting a new engine in the Parks Department truck.

Sue Rumsey, 6907 57th Street N.E.:

- The Skateboard Park would benefit only a small group, not the majority.
- The budget anticipated 7 new computers and 4 new printers; could the city get by with what it had?
- Eliminate the \$25,000 for humanitarian service; this could be done by volunteers.
- Consider sending only one or two people for training or seminars.
- Consider special assessment for some traffic signals.
- Consider reducing the City Administrator position to part-time.
- Plants for city plantings could be donated, using youth groups for maintenance.
- If council cut something people wanted, the citizens would let them know and would be willing to pay for it.

Mr. Winckler explained that the two intersections in question met the warrants for signals and the city was exposed to liability by not putting them in.

Councilmember Leighan noted the Skateboard Park was funded from Growth Management funds; if it were cut, the funds could not be used for any general fund expenses like hiring a police officer. He further advised that he had met informally with some other councilmembers to consider detailed budget cuts; he listed some of those.

Jeff Seibert, 5004 80th Street:

- Did not support using the emergency surplus because the total costs of implementing the 800 MHz program were not completely known.
- Expected ticket prices to go up if admissions tax was raised.
- Supported reducing plantings in order to re-roof barn.

Pete Lundberg, 5406 93rd Pl. N.E.:

- Philosophies drive budget. The same philosophy which determined no cuts in the Public Safety budget should also be applied to programs for children.
- Supported retention of the ASAP program. There were 971 students in the middle school and 300 to 400 signed up with 60 to 90 attending. The numbers were slightly less this fall as youth football and girls fastpitch were also offered. The real benefit was to kids who would not otherwise be supervised - latchkey children. He felt retaining this went hand-in-hand with Public Safety.

- Supported the Parks Department expanding the Rec Express program as it gave the youth of the community places to go and wonderful things to do.
- Considered these programs important preventive measures.

Karen Scott, 1526 7th St. #5:

- Supported tax increases if it meant keeping Marysville the way it was; she moved here for the small town feeling.
- Came from L.A. where gangs were a problem; supported programs for kids, including a safe place for them to skateboard.
- Willing to pay \$1.00 more for a movie ticket.
- Budget cuts now would have negative results for years to come.

Michael Elmore, 11800 4th Dr. N.E.:

- Volunteer for over 20 years, with major involvement in youth athletics. Gave examples of youth sports saving at-risk youth. Supported increased taxes rather than cuts to Parks and Recreation budget.

Dennis Kendall, 6518 55th Dr. N.E.:

- Agreed Public Safety was important, but noted they had increased 10% while other departments were decreasing.
- Questioned the non-departmental line item. Mr. Erickson explained this item was a "truth in budgeting" measure which gave the city tighter control.
- Wanted to ensure there were adequate matching funds available to support the various grants the city would apply for.

John Myers, 7113 61st Drive N.E. did not speak but indicated in writing he was opposed to raising fees for any city programs.

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

- Previously asked council to trim waste; still asked for that, but if there was no waste, then not to make cuts.
- Supported youth sports programs; Parks and Recreation Department was being asked to cut too much.
- Supported strong Police Department.
- If he were convinced that the city was running very efficiently but taxes were needed to cover increased costs, he would support a tax increase.

Councilmember Bartholomew noted the proposed cuts in the Police budget totaled \$124,000, which would impact the DARE program. Chief Carden had recommended an alternative, a school resource program, which he felt was very effective. This was just one of the hard choices the council had to make in order to balance the budget. Councilmember Pedersen added that eliminating the computer for the Animal Control Officer had also been discussed. Mayor Weiser clarified that no actual budget cuts had been made; the cuts and tax increases were still proposals, only.

Doug Bateman, 5922 73rd Dr. N.E.:

- Opposed to increased taxes.
- Use retired police officers as volunteers.
- Get computer for Police Department donated. Ask companies in area and vendors to donate, including flowers for plantings.
- Use students to fill positions.

There being no one further wishing to testify, the public comment portion was closed and the Mayor called for a five-minute recess.

Additional comments by councilmembers included the following:

Councilmember questions and comments on the budget were as follows:

Councilmember Herman:

- Concerned about the long-term ability of the city to provide basic services and meet capital needs.
- Proposed budget was based on healthy economy; an economic slowdown would disrupt the fragile balance.
- The "rainy day fund" cannot sustain continued taps for items such as traffic lights.
- Reluctant to cut from Public Safety; Parks and Recreation is one of the few areas that can be cut, even though it's not palatable.
- Non-departmental budget needed more explanation, as this was the first year for that.
- Council should think in terms of what would and would not meet voter approval.
- The Chamber's support for no taxes this year might result in even harder choices for the future, such as B&O.

Mr. Erickson gave further explanation of the non-departmental budget, noting these were existing programs that were already being paid for but were now being pulled out so they could be more carefully tracked. Examples included the cost of elections, dues to AWC and similar organizations, state audit costs, pollution control

costs, senior utility rebates. The only new item was the amount set aside for debt service for the golf course, but it was hoped this would not be needed. Regarding long-term impacts, he distributed a spreadsheet that showed that even with a healthy economy, the city would start running out of money in three to four years. An economic slowdown would make the situation even more serious. He urged caution regarding expenditures.

- The proposed property tax increase would cost him approximately \$25 per year for two properties. He would pay that willingly to be fiscally responsible for the future and have traffic lights and a Parks and Recreations Department that offered wholesome activities for youth.
- The projection of revenue from admissions tax was based on a densely populated area immediately off I-5, so probably was not accurate.

Councilmember Dierck:

- Consider contracting with the county rather than hiring a surface water management person. Mr. Zabell responded that the county would have to spend the same amount of time at approximately the same rate of pay so there would be no savings. These funds came from the surface water fund so the money was there to cover that; this would not impact the general fund shortfall.

Councilmember Pedersen:

- I-695 was not a message for this year but a mandate for a whole new lifestyle for city government.
- Even though the enterprise funds were self-sustaining, the city needed to manage them prudently, also. Expressed concern that some of these funds were adding new staff and programs, rather than considering outsourcing. Examples included one full-time person in HVAC with a \$26,000 van and janitorial services. Better janitorial service would not be achieved as the same type of people would be accepting those positions; these people would also require supervision during evenings and weekends.
- Council should not make budget decisions based on which department heads could recruit the most support for their budgets.
- Did not support raising taxes.

Councilmember Bartholomew:

- Mountlake Terrace went through a similar process a year ago and circulated a memo to the community regarding issues to be cut or saved. Their citizens supported saving emergency ambulance service and parks; garbage collection and street cleaning were at the bottom of the list. She suggested utilizing the city's newsletter to get input from citizens about their priorities for city government.

Councilmember Leighan:

- The proposed cuts would affect the quality of life in the city.
- Expressed concern that citizens were opposed to paying even a few dollars more in property taxes.
- Expanded on his report of suggested cuts from his informal meeting with councilmembers Bartholomew and Wright and councilmember-elect Brennick.

Councilmember Brennick:

- Would not support tax increase.
- Would not support layoffs.
- Suggested taking one-half percent from each department.

Mr. Erickson noted that both the Police and Fire budgets contained funds for LEOFF 1 benefits, which the city was required to pay. These could not be reduced.

Councilmember Dierck asked for a poll of council regarding support for raising any of the taxes: property, utility, and admissions.

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| Brennick | No tax increases. |
| Dierck | No tax increases. |
| Pedersen | No property tax or utility tax increases. Supported admissions tax increase. |
| Wright | Would not support admissions tax increase, as it focused on one business segment and could prevent similar businesses from siting here in the future. Would consider property tax increases to cover quality of life issues. |
| Leighan | After cutting as much as possible, willing to look at property tax increase. No utility or admissions tax increases. |
| Herman | Supported property tax and admissions tax increases in order to maintain long-term health of city. |

MOTION by Pedersen, second by Herman, to continue the deliberations on the budget to the December 6 meeting, with no additional public comments to be taken. Motion carried unanimously (7-0).

Councilmember Pedersen requested that any meetings to discuss the budget include all councilmembers. Mr. Weed noted that the Open Public Meetings Act forbade more than three councilmembers from meeting at one time; since Mr. Brennick was not a sworn councilmember at the time of the meeting referenced by Councilmember Leighan, he was attending as a citizen. The meeting did not run afoul of the Act.

MOTION by Dierck, second by Leighan, to hold a council workshop on the budget on November 29 at 7:00 p.m. in the council chambers. Herman voted nay; all others voted aye; motion carried (6-1).

Current Business

None.

New Business

1. Memorandum of Understanding between Snohomish County Police Staff and Auxiliary Service Center (SnoPac) and the City of Marysville regarding Lake Loma radio tower site

Chief Carden read the recommended action from the agenda materials and Commander Winters added details regarding delivery of the 800 MHz equipment. There were no public comments.

MOTION by Bartholomew, second by Pedersen to approve and authorize the Mayor to sign the Memorandum of Understanding with SnoPac. Motion carried unanimously (7-0).

2. Professional services agreement with Perteet Engineering for professional engineering design services, Ash Avenue Park & Ride

Mr. Winckler read the recommended action.

Ken Baxter asked about the RV dump that was currently located on Ash Street. Mr. Winckler responded that it had been run over by a private citizen and was badly damaged. It had been repaired temporarily and was back in service. It would be moved to Columbia Avenue, west of Public Works, and would be easy to access.

Charles Bailey asked if this work could be done in-house at a reduced cost. Mr. Winckler replied that the city did not have the staff to develop and design this project, which was a major one, and did not increase staff to accommodate major projects. The site called for a unique design, so plans from another park and ride lot could not be used. The project also called for a pump station and extending the sewer system. He invited Mr. Bailey to visit city hall and look at the preliminary drawings.

Councilmember Dierck said she encouraged more in-house work, rather than paying money to consultants. Mr. Winckler noted that of the \$1,185,000 of total project costs, the city was only paying about 11% or \$132,500. Six firms had been reviewed and three interviewed. Councilmember Herman added that Community Transit's share of this project was still in CT's budget.

There being no one further wishing to speak, the public comment portion of this item was closed.

MOTION by Bartholomew, second by Wright, to approve the professional services agreement with Perteet Engineering in the amount of \$164,186 and authorize the Mayor to sign the agreement on behalf of the city. Leighan voted nay; all others voted aye; motion carried (6-1).

CONSENT AGENDA

1. Approve November 22, 1999 claims in the amount of \$714,739.65 paid by check nos. 48837 through 49056 with check nos. 48605 and 48709 void.
2. Approve liquor license renewals for Cristiano's Pizza, Etc., Alf's Pizza and Pasta, Buzz Inn, and the Village.
3. Authorize the Mayor to sign Agreement GC1917 with WSDOT for overlay reimbursement for SR528 roadway improvements project (67th Avenue to 83rd).
4. Authorize Mayor to sign Agreement GC 1473, Supplement No. 1, with WSDOT for SR528 (55th Drive to 67th Avenue and 83rd Avenue to Highway 9).

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5. Authorize Mayor to sign Local Agency Agreement with WSDOT to receive \$500,000 for the Ash Avenue Park & Ride project.
6. Authorize Mayor to sign Interlocal Agreement with Snohomish County for commute trip reduction (1999-2001).
7. Authorize Mayor to sign agreement with McConnell/Burke, Inc. for Hearing Examiner services for year 2000.
8. Approve Utility Variance Request for two water connections and two sewer connections, subject to condition; UV 99-18.
9. Approve one water and one sewer connection, Leonard Bailey, 6011 51st Avenue N.E.; UV 99-17.

MOTION by Herman, second by Bartholomew, to approve items 1 through 8. Motion carried (6-0-1) as to item 1, with Leighan abstaining, and (7-0) as to items 2 through 8.

MOTION by Herman, second by Bartholomew, to approve consent agenda item 9. Dierck voted nay; all others voted aye; motion carried (6-1).

Legal

1. Recovery Contract for Ali Vafaezadeh d/b/a Bana Design, Inc.

MOTION by Bartholomew, second by Wright, to approve Recovery Contract No. 216. Motion carried unanimously (7-0).

Ordinances & Resolutions

1. An ordinance of the City of Marysville enacting a new Chapter 6.25 to the Marysville Municipal Code to address graffiti and graffiti nuisances, imposing civil penalties against responsible persons who fail to abate graffiti nuisances, and providing for the city to abate graffiti nuisances and to recover its costs for doing so.

MOTION by Wright, second by Leighan, to adopt Ordinance 2295. Dierck voted nay; all others voted aye; motion carried (6-1).

2. An ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Gary Pettis/Robert Wicks and amending the official zoning map of the city.

MOTION by Bartholomew, second by Leighan, to adopt Ordinance 2296. Motion carried (6-0-1) with Brennick abstaining.

3. An ordinance of the City of Marysville extending the time period for completion of the Plat of Whiskey Top for one year, pursuant to MMC 20.12.120.

MOTION by Wright, second by Bartholomew, to adopt Ordinance 2297. Dierck voted nay, Leighan abstained; motion carried (5-1-1).

4. An ordinance of the City of Marysville enacting revisions to the city's Zoning Code (Title 19 MMC) and providing for technical changes relating to implementation of the city's zoning code, amendments providing for compatibility with the area-wide rezone process, fee schedule revisions, and amending MMC 19.06.390 (Private Storm Water Management Facility), MMC 19.06.407 (Public Storm Water Management Facility), 19.08.040 (Recreation/Cultural Land Uses), MMC 19.08.050 (General Services Land Uses), MMC 19.08.050 (Development Conditions); MMC 19.08.060 (Development Conditions), MMC 19.08.070 (Retail/Wholesale Land Uses), MMC 19.08.080 (Manufacturing Land Uses), MMC 19.08.100 (Regional Land Uses), MMC 19.12.030 (Densities and Dimensions), MMC 19.2.030 (Development Conditions), MMC 19.12.140 (Setbacks from Alley), MMC 19.12.160 (Setbacks - Projections Allowed), MMC 19.14.100 (On-Site Recreation - Space Required), MMC 19.16.090 (Required Landscape Buffers), MMC 19.16.100 (Landscaping Requirements for Parking and Outdoor Display Areas), MMC 19.18.060 (Changes in Occupancy), MMC 19.18.090 (Parking Area Design and Construction), MMC 19.26.030 (Residential Density Incentives), MMC 19.46.050 (Special Districts and Overlay Zones), MMC 19.60.020 (Schedule of Fees).

MOTION by Pedersen, second by Leighan, to adopt Ordinance 2298. Dierck voted nay; all others voted aye; motion carried (6-1).

000013

- 5. A Resolution of the City of Marysville granting a utility variance for R&D Partnership for property located at 3707 71st Avenue S.E., Marysville, Washington.

MOTION by Brennick, second by Herman, to adopt Resolution 1952. Motion carried (6-0-1) with Pedersen abstaining.

- 6. A Resolution of the City of Marysville granting a utility variance for Clyde and Irma Morton for property located at 1930 172nd N.E., Arlington, Washington.

MOTION by Wright, second by Herman, to adopt Resolution 1953. Motion carried unanimously (7-0).

DISCUSSION ITEMS

None.

INFORMATION ITEMS

- 1. Mayor's business
 - A workshop on I-695 was scheduled for December 15, 8:30 to 4:00 at the University of Washington at a cost of \$60 per attendee.
 - MOTION** by Herman, second by Leighan, to extend the invitation to attend this workshop to new councilmembers who were not yet sworn in. Motion carried unanimously (7-0).
 - Mary Swenson was out of the office until November 29th due to a death in the family.

- 2. Staff's business
 - Mr. Weed reported on a seminar that he attended on the city's behalf where he participated on a panel regarding the Endangered Species Act as it applied to water and sewer issues.
 - The effective date of I-695 was January 1, 2000. Councilmember Dierck asked about raising park mitigation fees. Mr. Weed responded that if the Planning Commission and council took action on the issue it could be possible to implement that before December 31.
 - MOTION** by Herman, second by Dierck, to advertise for a public hearing on proposed park mitigation ordinance for December 13. Motion carried unanimously (7-0).

3. Call on councilmembers
 Councilmember Herman advised that the only funds for Marysville remaining in Community Transit's budget were earmarked for the Ash Avenue Park and Ride. There were no funds for the Transit Center.

Councilmember Leighan went to Vancouver on Amtrak and repeated his support for the city's graffiti ordinance as there were many unattractive graffiti sites to be seen from the train.

Councilmember Wright reported on a visit to Quilceda Elementary and read a letter from one student.

Councilmember Pedersen asked about a recent article in the *Herald* regarding a U.S. District Court decision requiring U.S. West to pay the cost of relocating lines. Mr. Weed responded that the city had an ordinance that required utilities to pay the cost of relocating lines and that ordinance was enforced. Mr. Zabell added that if the utility already had a right-of-way on property later acquired by the city, then the city had the burden of the cost.

- Councilmember Dierck:
- Asked about follow-up to Ms. Deffries' comments at the last council meeting. Mr. Winckler responded that the area was scheduled to be developed this summer, with curbs, gutters and sidewalks starting this spring. Councilmember Dierck stated she would call Ms. Deffries and advise her.
 - A citizen called to say the council agenda on the web page was not up to date.
 - Two neighbors had invited her, the Mayor and Mr. Zabell to discuss their bioswale. She would coordinate that meeting.

Councilmember Brennick stated he would like to visit in-depth with staff members.

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ADJOURN

Council adjourned at 11:00 p.m.

Accepted this 6th day of December, 1999.

David Wilson
Mayor

Mary J. Swenson
City Clerk

Ann M. Curran
Recording Secretary