

MARYSVILLE CITY COUNCIL MINUTES

MARCH 5, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Bob Lashua  
 Lee Cundiff  
Administrative Staff:  
 Carolyn Sanden, City Administrator  
 Phil Dexter, Finance Director  
 Jim Allendoerfer, City Attorney  
 Jim Ballew, Parks & Recreation Supt.  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Wright noted on page 11, fourth paragraph, that the third sentence would be better worded: "he did not see either as a problem as people cannot move in without an occupancy permit." She also noted on page 12, in the first paragraph under Staff Business, that the notification/publication of no parking on 4th St. would be on Channel 18, to clarify wording there.

Councilor Wright then moved that the minutes of the 2/26/90 minutes be approved as corrected and Councilor Weiser seconded the motion. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Wicks, 8123 54th Dr. NE, addressed Council and expressed concern that the ordinance proposal to enact a new section 14.01.045 of the MMC denying water service to sewer customers of other jurisdictions was not advertised on Channel 18 nor was a draft of the ordinance available at City Hall as of noon today. He said he felt an ordinance of this type should be reviewed by the public.

City Attorney Allendoerfer explained that by law, only land use and rezone ordinances are required to have public hearings and if it affects the utility code it's supposed to be advertised on Channel 18.

CONSENT AGENDA:**1. Final Acceptance of 64th St. NE Improvements, LID #63.**

Councilor Baxter moved that LID #63 be approved and Councilor Weiser seconded the motion. Passed unanimously.

REVIEW BIDS:**1. Golf Course Equipment.**

Parks & Recreation Supt. Ballew made a short presentation as per the agenda bill and noted that he, several Councilmembers, the City Administrator and Finance Director had a meeting and he and Mike Robinson feel very comfortable about the capital equipment

MARCH 5, 1990

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 5, 1990

Page 2

program at the golf course. He listed the equipment that went to bid and based on the \$55,000 projection, and cutting capital improvements back to \$42,000; he explained they would not need a utility vehicle and that they will be limiting improvements on the #17 and #9 tees as well as the approach to the green and some improvements to the building; and in this way they feel they will satisfy their commitment. He further explained about leasing vs. purchasing equipment, as outlined in the packets, and said they could take out a "loan" through Security Pacific for the John Deere equipment or lease the equipment through John Deere over 3 years. He said the Verti-drain may be added also to either the purchase or lease option although the quotations on the bid do expire this week.

Councilor Baxter stated in view of the need to continue the golf course improvement program, he would move to accept the bids and to have staff proceed forward with the recommended actions. Councilor McGee seconded and the motion passed unanimously.

There was a brief discussion regarding the interest rate under a purchase contract as opposed to the lease agreement through John Deere.

CURRENT BUSINESS:**1. Moose Lodge, 2nd St. & State Av.**

Public Works Director Zabell updated Council on the history of the Mall going in around the Moose Lodge, the marquis having to be removed due to road improvements. He explained that the building is owned by the Mall and now that street parking is going to be removed due to widening of the street, the Moose is requesting an adequate rear entrance to be provided by the City for loading, handicap access, safe entry and exit, etc.

Elmer Erickson, Manager of the Moose Lodge, addressed Council and stated they are basically going to become an island and they need a good exit and entry; that they only have 6' between the south door and the street and it would be a lot safer if they could enter and exit at the rear.

Councilor Weiser asked about their present rear exit and Mr. Erickson stated it is a fire exit, basically.

Councilor Weiser asked if the Marysville Mall would do anything for the Moose and Mr. Erickson explained the Mall owns the building and yet they don't even want Moose parking in the Mall parking lot.

Councilor Weiser asked if they ever made a bona fide offer to buy the building and Mr. Erickson said they did about 3 years ago; that they have 4 more years to go under the lease to 4/1/94.

Public Works Director Zabell explained that originally they had 9' between the building and the street and now they only have 6' with widening of the street.

Councilor Cundiff asked about the parking situation and Mr. Erickson said the Mall has never enforced their no parking rule in their parking lot.

Councilor Baxter said if the Moose doesn't have legal rights to the back, how can the City put a back door in and if the Moose is not on good terms with the Mall, how do you know you can get their permission?

Mr. Erickson agreed it is a difficult situation and stated they could get by with an entrance on 2nd and/or a narrow strip of asphalt--that would help, he said.

MARCH 5, 1990

Page 2

Councilor Baxter moved to blacktop from the south sidewalk to the building, about 50 sq. ft., after Dave Zabell approaches Marysville Mall, gets permission to do so and then draws up plans agreeable to all concerned. Councilor Lashua seconded and the motion passed unanimously.

## **2. Solid Waste Management Interlocal Agreement & Ordinance Relating to Solid Waste Management.**

City Administrator Sanden reviewed staff recommendations for corrections and minor changes to the 20 year agreement with the County and explained that Karen Nakhjriri from the County is available for questions.

Ms. Nakhjriri answered questions from City Council regarding wood waste having to be treated separately from this agreement. Councilor Baxter said his concern is that this plan does not address that issue (wood waste) and he would not feel comfortable in signing the agreement until that issue is resolved within the agreement.

Mayor Matheny asked about the cost to the various jurisdictions to implement the agreement and Ms. Nakhjriri itemized costs totalling \$124,000,000 (approx.) for the three major capital construction projects over 20 years and explained that there would be additional fees over and above that. She added that this is a rate payer based system, and public hearings are being held tentatively on 3/26 and 3/28 regarding increased taxation, etc. to pay for the program.

Mayor Matheny asked if all jurisdictions have agreed to participate in the interlocal agreement (specifically Everett) and Ms. Nakhjriri said it is not firm as yet but the information she has is very positive that they will but it is unknown at this point.

Councilor Baxter reiterated that until the finances, revenues, rates, etc. are known, it is difficult to sign this agreement. He noted that the County is supposed to have the most effective and efficient methods of disposing of solid waste but these methods have not been finalized and specified in the agreement and he would feel much more comfortable with more facts at hand.

Ms. Nakhjriri responded that there are only so many things that can be done with solid waste and she noted that the landfill capacities are filling up fast and we have to go to either longhaul or waste export in order to preserve landfill space. She gave solid waste disposal tonnage figures for February and noted that February is usually a low month; this year it is the highest ever. She added that the County is moving forward on this plan and must show prudent management of the solid waste, which they are endeavoring to do. As far as incineration, she stated that method has been put on the back burner for now because the landfill is more cost effective, however with the shortage of landfill space, the County is moving toward the second most cost effective method--longhaul--and this is also more ecologically desired. She noted there are two lawsuits pending regarding longhaul but said she is optimistic about early settlement (both in Eastern Washington).

Councilor Weiser asked about veto power and City Administrator Sanden said that was discussed with regard to the cities having veto power but it was concluded that the County must have the final say because they are providing the research, funding, bonding and commitment to the solid waste management/disposal.

Councilor Weiser asked what would happen if another more viable option comes up and we are locked into a 20 year agreement and Ms. Nakhjriri pointed out that there is provision in the agreement for it to be reviewed every 7 years.

Councilor Baxter reiterated that he would like to see the cost factors better defined.

City Attorney Allendoerfer mentioned that the County would like all jurisdictions to sign by 3/15; that the County adopted their own Solid Waste Comp Plan last week.

Discussion then ensued regarding the County's Amended Motion 90-052 (included in packets) and Ms. Nakhjriri commented more specifically on Mr. Hurley's proposals. Councilor Baxter then stated he would be very interested in reviewing the Solid Waste Comp Plan. Ms. Nakhjriri warned him it consists of three large volumes but that City Administrator Sanden has copies at City Hall.

Councilor Baxter moved to postpone the decision to a later date but there was no second.

Councilor Weiser moved to postpone the decision to 3/12/90, Councilor McGee seconded and the motion passed with Councilor Baxter in opposition.

Councilor Lashua commented on page 2, item 2 and asked if that means the City has to dispose of its own recyclables without assistance from the County and Ms. Nakhjriri stated yes, that is what it means but the service can be contracted out.

NEW BUSINESS:

**1. Appeal of Uniform Building Code Requirement; R. Lee & Judith A. Harmon.**

City Administrator Sanden explained that the appeal has been dropped however, with the provision of appeals in the UBC, a Board of Appeals should be appointed. She noted that Item #2 under Ordinances & Resolutions on tonight's agenda is to establish an Appeals Board.

Bob Wicks addressed the Council and asked why this type of appeal would come before City Council when the UBC states the building official has authority to approve.

City Administrator Sanden explained that the owner is not appealing to City Council; that staff is recommending appeals to the building code be done to an appeals board which is provided for in the code but not done as yet in practice.

Mr. Wicks asked if this could be effectively handled through the variance process and City Administrator Sanden stated the building inspector can provide alternative solutions without a variance; that the owner must still adhere to the UBC in effect without a variance per se. She said staff is recommending an Appeals Board, a separate body set up by the building code expressly to address these things, consisting of people with knowledge in the building and construction trades. She noted staff has a proposed list of members and it was agreed to address Item #2 under Ordinances & Resolutions at this time.

ORDINANCES & RESOLUTIONS:

**2. Ordinance Establishing an Appeals Board.**

City Attorney Allendoerfer explained that an appeals board is provided for in the UBC text; that the ordinance would specify certain time factors, fees, etc.

City Administrator Sanden listed staff's recommendations for members of the Appeals Board:

Dave Anderson, Arlington Building Inspector  
Carol Richter, Snohomish County Planning Dept.  
Bob Humphries, Snohomish County Planning Dept.  
Ralph Walker, Snohomish County Planning Dept.  
(formerly City of Marysville)

MARYSVILLE CITY COUNCIL MINUTES  
 MARCH 5, 1990  
 Page 5

There was discussion about qualifications, experience in the building, fire, plumbing trades, certification under IBC, how often an appeals board is used, no statute of limitations on formation of appeals board, need to adopt the ordinance for establishment of fee structure, total procedure review, alternative measures that can be taken under the UBC, the possibility that getting board members is premature at this time.

Bruce McKinnon addressed Council and reminded Council of the extensive discussion that was held before City Council with regard to sprinkler systems in multifamily buildings, the UBC and UFC, modifications, policy procedures, interpretations and said he felt the appeals board a better forum than having to bring items of this nature before City Council.

Bob Wicks addressed Council again and said he is not against an Appeals Board; that he would rather deal with 3-5 people on an appeals board than one person. As far as makeup of the Board of Appeals, he said he would rather see at least two people not employed by the County or City. When asked if he would like to serve on the board, he stated he would rather not as he felt it would present a conflict of interest for him to be on the board.

Councilor Baxter suggested adopting the ordinance stating "with not less than 5 members as approved by the City Council on an as needed basis."

City Attorney Allendoerfer pointed out that it would be more objective if they were pre-appointed, noting that the County Board of Appeals has enough hearings to meet once a month.

Discussion about the fee structure followed and it was noted that this type of hearing would not have to be advertised but that the members of the appeals board should be paid a per diem. There was also further discussion about the role of the ICBO, the fact that the county has a no fee appeal, fee depending on staff time for preparation. It was the consensus that the fee should be established at \$150.00.

Councilor McGee moved that Ordinance 1766 be adopted, establishing an appeals board made up of not less than 5 members with a fee of \$150 charged for each appeal submitted. Councilor Baxter seconded and the motion passed unanimously.

**1. Ordinance Enacting a New Section 14.01.045 of the Marysville Municipal Code Denying Water Service to Sewer Customers of other jurisdictions.**

Councilor Baxter moved to adopt Ordinance #1767 and Councilor Cundiff seconded. Motion passed unanimously.

**3. Resolution denying Arco Proposal based on Planning Commission recommendations.**

Councilor Baxter moved to adopt Resolution #1413 and Councilor Weiser seconded. The motion passed unanimously.

**STAFF'S BUSINESS:**

City Administrator Sanden reported that Chief Ronning wants Council to be aware of an arson situation on 47th Av. where 3 apartments or adjoining buildings have been set on fire at about 1 or 2 a.m.

City Planner Corcoran presented the Final Plat of Munson Creek Div. IV for approval, stating it has vested sewer rights and consists of 17 lots east of the golf course with a large treed area, no density bonus and will connect up with other developments. It was noted that the grade on the Costa Rd. is 15½ to 16% but it was felt it was better to have a connecting road than none at all up the hill.

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 5, 1990  
Page 6

Councilor Lashua moved and Councilor Wright seconded to authorize the Mayor to approve the Final Plat of Munson Creek Division IV. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor Cundiff asked about improvements on the bridge on Sunny-side crossing Allen Creek, noting that a dangerous situation exists there with cable and that the improvements were to have been completed once 528 was done.

Public Works Director Zabell said it is on the agenda to be done in the next several weeks, to install asphalt, sidewalk, etc. as an in-house project.

Councilor Pedersen asked for an update on the mics for Council and Parks & Recreation Supt. Ballew stated there is a report in the packets, that the lapel mics have been ordered with interrupt buttons, amplifiers, speakers, etc., and are expected to arrive in 2-4 weeks.

Councilor Pedersen asked that a thank you letter be sent to the Marysville Historical Society for the Council Appreciation Dinner tonight.

Councilor Baxter asked about decals for City vehicles and City Administrator Sanden said they would be ordered.

Councilor Weiser said there's a concern that the traffic study is not progressing fast enough and that perhaps someone should talk with Transpo on this. He asked about what progress has been made on a short plat ordinance, the hearing examiner, TIP #3 and park mitigation fee/ordinance.

City Attorney Allendoerfer stated there has been no progress on those items so far except a Park Comp Plan is being done and that he wants to wait on the outcome of state legislation regarding park mitigation fees before adopting one for the City of Marysville because these fees may be ruled illegal.

Councilor Weiser noted that the cost on the mics came out at \$5,000, \$3,000 less than budgeted and asked if that \$3,000 could be donated to the YMCA. It was agreed that was a possibility.

Councilor Lashua asked about the auxiliary generator system in the Public Safety Bldg. and City Administrator Sanden stated they were looking into a third system, that Chief Ronning did not understand what happened and suggested another auxiliary.

Councilor Lashua asked about the sub-standard electrical system at City Hall, noting that the telephone co. is saying calls won't go through because City Hall's wiring is being overloaded.

City Administrator Sanden said apparently it's a power supply problem although the telephone company has never seen this happen before. She said it may also have something to do with a power surge.

City Attorney Allendoerfer reported on the \$40,000 continuing court computer contract negotiations that he has been involved in and asked Council if they wished to have the 30 page document brought back to them for final approval.

There was discussion regarding buying vs. leasing and how that affects warranties, that the financial situation is up to the Finance Director as far as the option of paying \$40,000 up front. Councilor Baxter stated he would like the contract to come back before Council for final approval next week.

Councilor Baxter moved that City Attorney Allendoerfer bring the courts computer system contract back before Council for final approval next week.

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 5, 1990  
Page 7

Councilor Weiser seconded the motion and it passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:20 p.m. (Real Estate and  
Pending Litigation)

RECONVENE AND ADJOURNMENT: Approx. 9:40 p.m.

Accepted this 12 day of March, 1990.

Pete Matheny  
MAYOR

Phillip E. Dexter  
CITY CLERK

Manda R. Iverson  
RECORDING SECRETARY