

MARYSVILLE CITY COUNCIL MINUTES

JULY 2, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Ken Baxter, Mayor Pro Tem
Dave McGee
Dave Weiser
Donna Pedersen
Donna Wright
Bob Lashua
Lee Cundiff
Administrative Staff:
Phil Dexter, Finance Director/City Clerk
Carolyn Sanden, City Administrator
Jim Allendoerfer, City Attorney
Mike Corcoran, City Planner
Dave Zabell, Public Works Director
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 asked that the third paragraph of the June 25, 1990 Minutes be changed to read: "Councilor Wright said she thought it unfortunate that the added residents did not feel they had been adequately notified by the Boundary Review Board, but would also be in favor of deferring the Council decision until after the appeal decision is made."

Councilor Wright also asked that her comment under Call on Councilmembers be included to show that she had been contacted by a family of six whose car had been towed away at Marysville Strawberry Festival/Carnival time from the Marysville Middle School. It was noted that there was no appropriate "no parking" signs and the family had great difficulty finding out where their car had been towed to (Soper's) and then had to pay \$125 to retrieve it, which really set them back financially.

Councilor McGee noted that on page 3, Mr. Pfloeger's name is spelled "Ploeger".

Councilor Weiser referenced page 6, third paragraph from the bottom, and stated he was not in favor of deferring the decision until after the Court case has been decided.

City Administrator Sanden referenced page 13, second paragraph and noted that City Planner agreed that he was not involved in tracking of BOD, suspended solids, etc. City Planner Corcoran stated he did not have any information regarding violation of tests, in fact, he didn't think anyone was aware of the violations and the consensus was to strike the second paragraph, page 13 of the 6/25/90 minutes.

On page 16, under the new evidence/staff recommendation items, City Administrator Sanden pointed out that the 5th entry should be "staff recommendation was to affirm the DS".

City Administrator Sanden also noted that on page 7, under the discussion of refurbishment of City Hall, Councilor Baxter was

referring to the inside of outside walls, rather than the outside of the walls and her comment should have read that the wall paneling would be replaced, rather than the wall being replaced.

Councilor Lashua noted that under Ordinances & Resolutions, Resolution #1427 for the California Tavern should be Resoltuion #1429 and Resolution #1428 for Traffic Revisions should be Resolution #1430.

Councilor Cundiff moved and Councilor Pedersen seconded to approve the minutes of the 6/25/90 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

CONSENT AGENDA:

1. Acceptance of Public Works Building Remodeling Project, Contract 90-02.

Councilor Lashua moved and Councilor Wright seconded to approve/accept Contract 90-02, to be fulfilled by Ron Loop Construction. Passed unanimously.

NEW BUSINESS:

1. Snohomish County Tomorrow; Long Term Growth Strategy.

Councilor Lashua referred to the packets and noted that HB 2929 mandates Marysville (and other cities) do a lot of planning not done before and on our own, we would be looking at a much higher cost. The funding of Snohomish County Tomorrow 1990 meeting expenses (our proportionate share) is, however, an unbudgeted item, he noted.

There being no objection, Councilor Lashua then moved that the City of Marysville share of the expenses - \$2,164.63 be approved for funding of Snohomish County Tomorrow. Councilor Baxter seconded and the motion passed unanimously.

Councilor Lashua then explained that hors d'oeuvres are served at each meeting and each city takes a turn at buying them--in about 3 weeks it is Marysville's turn and the cost will be about \$110.

CORRECTED: SEE 7/2/90
MINUTES

City Planner Corcoran commented that other cities are looking to Marysville's "setting the pace" with regard to our growth management and planning.

2. Gonzales Utility Variance.

Public Works Director Zabell explained that 8611 55th Av. NE is a corner lot with a contaminated well; it is within RUSA and the applicant is asking for a variance on frontage requirements. He said staff position is that it would set a precedent, that the applicant should be required to extend the water main across their 87th Pl. NE street frontage in order not to place a hardship on future (neighbors') water connections.

Mr. Ruben Gonzales, 8611 55th Av. NE, addressed Council and stated most of his neighbors connected years ago to the water and he should have, too but he did not realize how difficult it would be to connect to a main that's existed on 55th for many years. He noted there are about 17 houses on the deadend street behind his property, one of which is the fire chief (Doug Ronning) who brought the contaminated water situation to Mr. Gonzales' attention. He said he knows carrying water is as bad as taking it out of their well and they really need to hook up to City water but the double assessment seems like an undue/unnecessary burden -- three times what others paid for connection fees.

Public Works Director Zabell referred to the maps in the packets and explained that Mr. Gonzales will be able to recover some of his costs--about \$200.

Mr. Gonzales countered with the fact that it will cost him \$800 to \$900 to connect to the main on 55th but about three times that for extending the main from 87th. He did agree that this would be less expensive than digging a new well, however.

City Attorney Allendoerfer explained staff's position, recovery rights and the need for Mr. Gonzales to bear the responsibility of a corner lot but Mr. Gonzales said he would prefer not to have to extend a line that does not benefit him directly and also, the neighbors have expressed to him no interest at this time. He added that if and when they do, that would be an appropriate time to form an LID. When asked about subdividing his lot, he stated he does not wish to subdivide, that his lot size is only 80 x 175.

There was discussion about all the homes being in the same aquifer possibly and having the same problems with wells in the area. Councilor Weiser noted that the applicant's cost would be about \$2450 but he would have recovery rights over the next 15 yrs. He asked Mr. Gonzales why he didn't hook up to water when he first bought the house back in the '60s and Mr. Gonzales stated he just didn't have the interest at that time, that he was satisfied with his well until recently.

City Attorney Allendoerfer speculated that the well situation is probably going to get worse and not better, and that the price is lower than drilling a well.

Councilor Baxter asked about the frontage cost on 55th and Public Works Director Zabell said it would be \$2.25/ft. on 55th and \$14 per foot on 87th. He added that the problem is with subsequent hookups--Lot 1, for example, would have to make up for Mr. Gonzales.

Mr. Gonzales pointed out that all these houses have been there for 25 years and do not wish to take care of the problem.

City Administrator Sanden referred to Ordinance 1646 from which the applicant is requesting a waiver/variance and noted that it addresses a corner lot situation and therefore Mr. Gonzales does not constitute a unique situation.

Councilor Lashua moved to deny the applicant's request for a variance and Councilor McGee seconded the motion. Passed unanimously.

3. Country Mobile Estates, RUSA Variance.

Public Works Director Zabell explained the subject mobile home park has water quality problems with high levels of arsenic, as per information in packets.

Jim Klein, representing the mobile home park, addressed Council. He noted that they requested City water in 1986 but were denied and they have invested \$15,000 so far in trying to develop a safe drinking water supply, without success. He referred to the letter from the Health Dist. (in the packets) explaining their measurement of arsenic levels and he noted that apparently they have never known of a case where the arsenic goes away and so Country Mobile Estates did not feel it would be worth it to drill another well at this point. He added that it's possible a landfill to the east is causing this problem.

There was discussion about other problems in the area with cattle dying and someone posed the question as to whether or not granting the applicant City water would cause a problem under the contract with the City of Everett. City Attorney Allendoerfer explained that would not be a problem because the water source in

this case would be the Stillaguamish Well, not the City of Everett. He did note that the property is outside of RUSA but City water has been extended in health hazard/hardship cases outside RUSA in previous cases, on a house by house basis. He noted this variance may encourage others in the immediate area to connect also.

Mr. Klein stated that they are basically the only ones in the immediate area, that they are adjacent to the RUSA boundary, next to the Korean Farm. He stated they would need about 300' or less of water line and he is proposing putting in a temporary 2" line to serve 25 units, not 24 as stated in the packets. He explained they are aware the water line will probably go along 116th soon and in the meantime, they would be using a private property easement for the 2" line.

There was discussion regarding the 25th unit, the substandard 2" line, fire protection, 6" or 8" line being City standard, flushing out the old lines. Mr. Klein added that once the whole area around 116th is brought in, the line could be changed to 6" or 8" but they will put in a standard line right now, if necessary.

Councilor Baxter moved to grant the private line variance because of the public health hazard/hardship with the condition that the applicant sign a no protest annexation covenant and that he will have a permanent public specification line within two years or upon sale of the mobile home park. Councilor McGee seconded and the motion passed unanimously.

4. Installation of City Hall Drop Box, Outside Mail Boxes for City Council, and Community Public Notice Bulletin Board.

City Administrator Sanden explained that staff is still in the research stages here, that she is mainly looking for direction from Council as to whether she should continue checking on quotes. The drop box would be for use by handicapped, the elderly, Don Shaw after hours. Additionally, having outside mail boxes for City Council on the south end of City Hall would allow Council access 24 hours a day, this would free up the police from delivering packets and in the event a Councilor was out of town, they could conveniently pick up their packet when they returned and still have enough time to review the packet prior to the City Council meeting. The public notice bulletin board would be to inform people of public hearings, other meetings, informational items.

Mayor Matheny mentioned the possibility of having City Council mail boxes at the Public Safety Building, Councilor Pedersen said she would be glad to take the responsibility of picking up her own packet, Councilor Cundiff said he would hate to see delivery discontinued, that he felt good about the police patrolling his neighborhood while delivering the packet. Councilor Lashua agreed. Councilor McGee said he would be in favor of mail boxes at City Hall and Councilor Weiser said he would be too, but also liked the idea of the receptacle at the Public Safety Building. Councilor Baxter said he would favor the mail box idea, especially for mail that comes every day, so that he doesn't have to read everything at once. Councilor Cundiff clarified that he is not against the mail boxes, just that he sees the police delivery as a benefit and would hate to see it discontinued. Councilor Wright said she would be in favor of the mail boxes at City Hall. Councilor Lashua said it didn't matter to him at all--he could see benefits to both methods.

City Administrator Sanden pointed out that the mail boxes would be more secure, especially when the Councilor is not home and the police officer leaves the packet on their front doorstep. Someone mentioned that they had actually received their packet in the USPS mail box at their home and it was pointed out that this is illegal.

There was discussion about how many times there have been problems, additional costs of lighting, USPS standards, installation and electricity to be in-house costs. It was the consensus that the City Administrator continue to investigate cost of the items and report back to Council.

5. Public Relations Consultant.

City Administrator Sanden had distributed a "Request for Proposals" to Council earlier, explaining that the City is requesting proposals from qualified consultants who are skilled in presenting workshops on public relations and sensitive issues. She said we want to be sure employees know how to address public's concerns, for example, with regard to increased garbage rates. She stated they have some proposals and costs already and that there is some money in the budget already for this. There would be a total of 16 hours -- 4 hour sessions for 4 groups and she explained they want to include all City employees, elected and appointed officials, City Council and Planning Commission, City Administrative staff.

There was discussion about public relations in general, public awareness, employee roles perceived by the employee and perceived by the public, how important it is that everyone who works with the public be exposed to this information/workshop.

Councilor Pedersen moved to send out for requests for proposals for a public relations consultant and to look at costs. Seconded by Councilor Wright and passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Ordinance Relating to Required Setbacks from Public Utility Lines.

City Attorney Allendoerfer explained this is an ordinance to the utility code and clarifies setbacks as per the "Bob Wicks issue" raised a few weeks ago, stating the setback must be 10' from center of public utility line as built. He added that there is a general variance clause in the code and the intent is to protect underground lines.

Councilor Lashua asked about overhead utilities and discussion followed. City Attorney Allendoerfer stated he would amend the wording and bring it back to the next Council meeting.

2. Ordinance Approving the Walker Rezone.

City Attorney Allendoerfer explained this is to rezone 1902 Grove to RML to allow for an existing use.

Councilor Lashua moved and Councilor Cundiff seconded to adopt/approve Ordinance #1785. Passed unanimously.

3. Resolution Denying the Meadow Creek Variance.

After a brief discussion, Councilor Cundiff moved and Councilor Baxter seconded to adopt/approve Resolution #1431 denying the variance to Ordinance #1763. Passed unanimously.

Councilor Wright then moved and Councilor McGee seconded to adopt/approve Resolution #1432 denying the SEPA appeal. Passed unanimously.

4. Canpaco Variance Denial.

City Attorney Allendoerfer explained this is denying variance request to Ordinance 1763 for Bayview Crest, as per City Council meeting last week. Councilor Lashua moved and Councilor Weiser seconded to adopt/approve Resolution #1433. Passed unanimously.

5. Northwest Composites Variance Granted.

City Attorney Allendoerfer explained this would be for one additional industrial building hookup with the condition that they will be reducing their water consumption by 500,000 gallons per month.

Councilor Cundiff moved and Councilor McGee seconded to approve/adopt Resolution #1434. Passed unanimously.

6. Carolyn Brickman Accident/Lawsuit.

City Attorney Allendoerfer explained this accident of 2 years ago, involving a City fire truck, has been referred to the City's insurance carrier for a liability determination.

7. R/L Associates Lawsuit.

City Attorney Allendoerfer stated R/L Assoc. is suing DOE and the City of Marysville before a Pollution Control Hearing Board, stating the Consent Order was improper, that there was no health crisis that precipitated a DS and no new evidence, that denying their vested sewer rights was just a City overreaction.

8. Water Transmission Hearing.

City Attorney Allendoerfer stated there will be a hearing of the PUD & Citizens v. City of Marysville case in the Snohomish County Courthouse before Judge Rudder, Friday at 10 a.m.

STAFF'S BUSINESS:

City Administrator Sanden stated the Citizens Advisory Committee would like the City Council to attend a Saturday a.m. 9/8/90 meeting in the Fire Dept. Training Room.

She stated the Meadow Green bond has been posted.

She reported the County is going to be having hearings regarding the Quilceda and Allen Creek Watershed to be formed and they would like representation from Marysville City Council. She explained the formation of the watershed district would be for the purpose of addressing drainage and water quality problems, collecting and distributing the \$22 per household assessment (annual), giving this environmentally sensitive area the second highest priority in the county. She stated there are about 28 square miles in the watershed and that the City plans to cooperate with the county in studies such as those done in the other 7 watersheds in the county, in order to implement improvements that would be required to maintain and protect the Quilceda and Allen Creek. She recommended the City have a public hearing in order to establish an interlocal agreement/ordinance so that we may be able to recover or collect our share of the assessment.

City Attorney Allendoerfer commented that the City would have to do its own study within City limits and City Administrator Sanden said she thought it would be a cooperative effort with the County.

Mayor Matheny remarked that the voters turned this down 10 years ago but City Administrator Sanden pointed out that now, the money stays within the watershed and even if we passed the ordinance right away, the county assessor will not be able to implement it for about two years. She noted there is an upcoming County hearing 7/11/90 and that a number of other cities have passed an ordinance to this effect already (Lynnwood and Lake Stevens, eg.).

There was discussion regarding jurisdictions, the Clean Water Act imposing new requirements, treating storm water, pollution, funding mechanism, storm water toxins, impervious surfaces, separate jurisdictions, City Council needing time to review material handed out, this being just another tax to pay for development on the east side. It was the consensus to continue the discussion at next meeting.

City Administrator Sanden mentioned the calculation of City commitment toward Maryfest and noted that the Police Dept. estimated overtime cost during the week of Maryfest was \$4425.

She requested an Executive Session regarding Personnel and Real Estate.

She stated that Duke Carrier is still working on gathering info. regarding garbage rates for Phil's review.

Finance Director Dexter confirmed receipt of some new information from Northwest and Rubatino and he said there is quite a discrepancy in container rates, that Northwest's rates are very low, with higher rates for residential, for example. He said the City's contracting with Northwest for commercial is a possibility if in fact they can operate at those lower rates, because the City cannot. He said staff will be bringing in some firm comparisons at the next meeting. He noted that Northwest has most of Snohomish County, but he could check with other cities for comparison, also.

Public Works Director Zabell reported that the GTE strike may affect our road improvements because of their poles needing to be moved. Councilor Lashua suggested bringing in a private contractor and there was discussion about a controversial ordinance on the books that allows the City to get someone else to move a utility pole if it is not moved by that utility within 60 days after being requested. City Attorney Allendoerfer noted that the ordinance has never had to be enforced to date.

MAYOR'S BUSINESS:

Mayor Matheny stated she would like to see a workshop set up for the Urban Boundary Committee and after a brief discussion, a date of 7/30 (fifth Monday) was decided.

CALL ON COUNCILMEMBERS:

Councilor Lashua said speaking of public relations, the City's logo pin is the best thing we have and he requested that a supply be made available for distribution to others.

Councilor Cundiff stated he received two calls from senior citizens regarding the break on garbage rates for seniors and City Attorney Allendoerfer explained that the maximum income figure is set by the State. Councilor Lashua commented that Phil and Duke still need to finish their study, also.

Councilor Wright asked about the video that is being put together on Marysville and City Administrator Sanden said Mary Swenson is still working on it and it's very close to being completed.

Councilor Pedersen asked about the internal status of the preliminary budget and Finance Director Dexter explained that the process will begin this month with information to dept. heads for the first six months going out within 10 days, to be returned by 7/20 for review by City Council by the end of the month.

Councilor Pedersen asked about status/report from the task force studying the feasibility of a city hall/community center and City Administrator Sanden said she did not know the status but did know the second stage was the budget analysis, which would be reviewed very shortly.

Councilor Pedersen followed up on the possibility of a water conservation ordinance, discussed at the last meeting in May. City Administrator Sanden reported that Larry Wade and Brown & Caldwell are to prepare a proposal.

Councilor Pedersen said she keeps hearing about traffic problems at the post office and said she would volunteer to work with them.

There was discussion about the possibility of having the post office move their front entrance to the back, about giving this to the Traffic Advisory Committee with someone from the post office in attendance at one of the meetings, discussion about their lease, ingress and egress, possibility of a committee. City Administrator Sanden to follow up on this.

Councilor Baxter asked about the quotes for City Hall refurbishing and City Administrator Sanden stated there were 3 estimates on carpeting, 2 estimates on wall panelling. She gave some figures and indicated that it's progressing satisfactorily.

Councilor Baxter mentioned the influx of garage sale signs appearing on utility poles and asked about the senior patrol taking care of this. He suggested the possibility of allowing people to use their own stake for the signs.

City Administrator Sanden said she would follow up on this and there was some discussion about real estate signs also and the possibility of fining people \$100 as per the ordinance.

Councilor Baxter asked about the Budget Committee for 1991 and City Administrator Sanden said she hoped everything would be in place by September and that she has vacation plans for the end of November, beginning of December.

Finance Director Dexter pointed out that the budget public hearing has to be the first week of December.

Councilor Weiser asked about City Street crews being on 4th on Sunday and Public Works Director Zabell explained it was to meet the State's deadline for improvements. Councilor Weiser noted the crews started at about 7:00 a.m. Sunday morning, which is a little early to be making noise.

Councilor McGee asked about funding for the Y and City Administrator said she would be speaking with Bill Walker, returning his phone call of today, but that they need to submit their request in writing the first week of July, they were told.

Councilor McGee asked how long the closure of 4th will be and Public Works Director Zabell estimated it would be two weeks, but he noted that's the State's estimate.

Councilor Cundiff followed up on the wine press and City Planner Corcoran stated a registered letter was sent to the owner giving a deadline for them to remove it otherwise the City would sell the equipment.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:00 p.m.

Real Estate and Personnel matters.

RECONVENE AND ADJOURNMENT: Approximately 11:00 p.m.

Accepted this _____ day of July, 1990.

Rita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY