

MARYSVILLE CITY COUNCIL MINUTES

MAY 6, 1991

7:30 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright
 Lee Cundiff
 Bob Lashua

CORRECTED: SEE 5-13-91
MINUTESAdministrative Staff:

Carolyn Sanden, City Administrator
 Mike Corcoran, City Planner
 Grant Weed, City Attorney
 Dave Zabell, Public Works Director
 Phil Dexter, Finance Director
 Jim Ballew, Parks & Recreation Supt.
 Walt McKinney, Marysville Police Dept.
 Roger Kelley, Community Information Officer
 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.

EXECUTIVE SESSION:

An Executive Session was called for the purpose of discussing Pending Litigation. It lasted until 8:02 p.m. at which the regular City Council meeting reconvened.

Mayor Matheny announced that for those in the audience that were here to discuss the Sewer Moratorium, there would be a public hearing next week 5/13/91.

MINUTES OF PREVIOUS MEETINGS:

Councilor Pedersen noted in the 4/12 & 13/91 Retreat Minutes, on page 6, under Marysville problems, it should be "lack of focus" not "lake of focus". Also, on page 9 under Concerns, it should be "leash law" not "lease law".

Councilor Pedersen moved and Councilor McGee seconded to approve the Retreat Minutes as corrected. Passed. (Councilor Cundiff did not vote.)

Councilor Pedersen noted in the 4/22/91 minutes on page 4, in the seventh paragraph, it should read "He said...." not "I said...." and on page 12 in the fourth paragraph, "April 23" should be "May 23".

Councilor Cundiff clarified that on page 1 in the first paragraph under corrections to the previous minutes, he was contacted by a radio station.

Councilor Cundiff moved and Councilor Weiser seconded to approve the 4/22/91 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

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PRESENTATIONS: None.

PETITIONS & COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

CONSENT AGENDA:

1. **5/6/91 Claims Check No. 1615 through No. 1707 in the amount of \$130,041.42.**

Councilor McGee questioned Voucher #1658 to Cellular One and asked if this included all sales tax and air charges. City Administrator Sanden said it did.

Councilor Pedersen noted that she has been monitoring office supplies and has done some research on her own. She presented some comparison prices for pens, folders and business cards (with substantially lower prices than the City is now paying with basically the same quality of material) and said she would like to give further information to the City Administrator after the meeting. She added that she would like to see the possibility of the City having a Purchasing Agent be considered.

Councilor McGee moved that Consent Agenda Item 1 be approved. Councilor Pedersen seconded and the motion passed unanimously.

REVIEW BIDS:

1. **Air Conditioning Unit/Cedarcrest Restaurant.**

Parks & Recreation Supt. Ballew referred to the packets and noted that it was agreed that the City furnish an HVAC unit for the restaurant. He noted the lower level heating unit seems to be working fine however, there's no air conditioning unit. He said the lowest bid was received from G & S Heating of Monroe for a heat pump system costing \$5410. He pointed out that there is nothing in the budget for this, however there was an additional \$5500 for an aerator that is not needed at this time and so the Parks & Recreation Dept. is requesting this money be transferred. The heat pump could be installed at the end of the month, if approved, and the \$5500 could be replaced in next year's budget.

There were some comments regarding the tenant's being in the middle of remodelling and how the business has improved at the restaurant.

Councilor Cundiff said it was his understanding that the tenants would take care of improvements but Parks & Recreation Supt. Ballew stated an air conditioning unit would be part of the building which is the responsibility of the City. The building was air conditioned several years ago and is a very real need, he added. To convert to natural gas would cost \$35 for a kit, he said.

Councilor Baxter moved to approve the purchase as outlined by staff and Councilor Lashua seconded the motion. Passed unanimously.

CURRENT BUSINESS:

1. **Centennial Street Name Project.**

(Councilor Weiser stepped down.)

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Public Works Director Zabell explained the historical signing project, noting there are two options:

1. To sign the original city limits at a cost of \$6,000
2. To sign the entire present city limits for \$18,000.

He stated there is no 1991 budget so staff recommends Option 1 this year with an additional \$13,000 budget to be proposed for next year to do the remaining portion of the City.

Councilor Baxter expressed a concern regarding vandalism and stealing of the signs.

Councilor Cundiff expressed a concern about how to keep up with the annexed areas and Public Works Director Zabell said there are not that many needed for the streets in the southern part of the City; there would be more in the northern part and it would have to be analyzed further.

There was discussion regarding space on the sign post and height of posts, lag screwing, inviting theft of the centennial signs, county's use of E-911 funds, some street and stop signs are more popular than others (to be stolen), three hours of labor per sign for manufacture, replacement on sign post, etc.

Councilor Lashua moved that Option 1 be approved for this year with the \$13,000 being an "uncuttable" budget item for 1992, however the City Attorney indicated this was not a correct motion. Councilor Lashua withdrew the motion.

Councilor Lashua then moved that Option 1 be approved with Option 2 to be proposed in the 1992 budget. Councilor Baxter seconded and the motion passed with Councilor Cundiff against.

2. Hearing Examiner Decision/Jubie Conditional Use Permit.

City Planner Corcoran reviewed the request and stated that the Hearing Examiner had recommended for approval the conditional use permit for duplexes in the short plat on 88th St. He referred to the site plan in the packets, noting the configuration of the buildings, with a 30' easement. He added that the appeal period has expired.

Councilor Pedersen noted that with the possibility of widening 88th for the 88th St. Interchange, that perhaps the City should make sure enough right of way has been provided for/donated by Mr. Jubie.

City Planner Corcoran deferred the question to the applicant.

Harvey R. Jubie, 9905 39th Av. NE, addressed the Council and stated those lots were short platted prior to his purchase and there is a 30' right of way on either side of 88th at this time.

There was discussion about the future of 88th, curb/gutter & sidewalk improvements, this being a panhandle lot, City to possibly purchase lots along the south side of 88th for buffering, part of 88th not within City limits at this point, a minimum of 75-80' right of way needed for 5 lanes of road.

Councilor Cundiff moved to affirm the hearing examiner's decision with the recommended action to approve the conditional use permit for Harvey R. Jubie. Councilor Baxter seconded and the motion passed unanimously.

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3. Hearing Examiner Decision/Gould Variance.

City Planner Corcoran explained this was a request for a variance of a front yard setback at Liberty & 73rd Pl. NE from a required 20' to 2'. The hearing examiner denied because of lack of findings of fact and hardship, he said and he referred to the vicinity map in the packets.

Councilor Cundiff noted there is adequate space for the garage if placed differently on the lot and City Planner Corcoran agreed.

Councilor Lashua moved to affirm the hearing examiner's decision to deny the Gould variance request. Councilor McGee seconded and the motion passed unanimously.

4. Annexation to Library District.

Cindy Lyons, Librarian, addressed Council and briefly reviewed the need as far as the public is concerned as well as the need for more space for books from the Sno-Isle Regional Library. She passed out some material with regard to annexation to the library district and noted that the State of Washington has set up this method as a way to finance substantial expansions, eg. Mtlk. Terrace and Brier Libraries. She noted it would remove the City's responsibilities and there would be several benefits. She said the current tax rate would be \$.50 per \$1,000 of assessed valuation.

Mayor Matheny asked about the extra parking to the south and Ms. Lyons stated it has not been decided to do that as yet; that that would be part of the remodeling but even with the remodeling, it would not provide enough space for the next 20 years.

Councilor Pedersen said it was the consensus of the Council at the Retreat to put the annexation on the Sept. ballot with the bond issue on the November ballot, if annexation is approved.

Options to remodeling were discussed as well as the point that the taxpayers would be making the decision by way of the ballot.

Finance Director Dexter talked about the Sno-Isle/City contract as well as the fact that the City would have to come up with \$100,000 per year under Option D, based on a total of \$3.3 million for building and property.

Ms. Lyons added that the fee to Sno-Isle goes up 6% per year and over 20 years the total cost would be \$6.3 million.

There was discussion regarding cost of acreage, whether or not estimates included acreage, the feasibility study results, possibility of purchase of 2.2 acres, other approval before this goes on the ballot (Library Board, county, etc.).

Councilor Pedersen moved to direct staff to prepare a resolution of intent to annex the City of Marysville into the Sno-Isle Regional Library District and begin preparation for the annexation to be placed on the Sept. ballot and an AGO Bond Issue to be placed on the November ballot, as per staff recommendation. Councilor McGee seconded and the motion passed unanimously.

NEW BUSINESS:

1. Strawberry Festival Request for Contribution.

Cheryl Deckard addressed Council and reviewed the request as per

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the proposal in the packets. She said they are very grateful for all the City's donations of personnel and equipment and also understands the problem with this \$1500 request not being in the budget. She talked a little bit about the need, the extensive use and travel of the truck and float, the replacement of the float body in the past because of Mt. St. Helens ash.

There was discussion about the lack of budgeting for the \$1500, the fact that the float certainly provides the City with a positive image, revenues may be down this year, hotel-motel tax used up with Chamber of Commerce and Visitors Information Center projects, consensus that the City needs to continue to support the Strawberry Festival and perhaps staff can do some "creative" financing and come up with the funds somehow by next week.

Councilor Baxter moved to have staff search out another possible source of funds and to continue this matter to next week, 5/13/91. Councilor Weiser seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution of the City of Marysville Denying Without Prejudice a Variance to the Sewer Moratorium for Penny McIntosh.

City Attorney Weed said there's a possibility this could be reconsidered after next week as a result of the Pollution Control Board Hearing Decision.

Councilor Pedersen moved and Councilor McGee seconded to approve/adopt Resolution #1475 denying without prejudice the variance. Passed unanimously.

2. Resolution Stating Intention to Annex Southeast Annexation and Transmitting the Matter to the Snohomish Boundary Review Board for Approval.

City Attorney Weed stated this implements City Council direction as a result of the 60% petition for the City Attorney to prepare the resolution.

Councilor Cundiff moved and Councilor Weiser seconded to approve/adopt Resolution #1476. Passed unanimously.

LEGAL MATTERS:

1. 88th Street Interchange EIS Interlocal Agreement.

City Attorney Weed explained the interlocal agreement has been negotiated by the Tribes and the City and the City's contribution toward the EIS process would be up to \$50,000. He added there will also be contributions from the county, DOT and the Tribes.

Public Works Director Zabell explained the Tribes have already contributed about \$80,000 and so far, the City has only contributed \$5,000, toward the traffic study.

There was discussion about the break down of proportionate shares in the proposed interlocal agreement, overhead percentage of cost estimates, consultant fees, administrative fees, computer costs, printing costs, labor costs.

Councilor Lashua moved to authorize the Mayor to sign the interlocal agreement. Councilor Pedersen seconded and the motion passed unanimously.

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2. Proposed Ordinance in Response to State Pollution Control Hearings Board Decision; Schedule Public Hearing Date.

City Attorney Weed explained staff has prepared a draft ordinance (it was handed out) which is a next generation ordinance to Ordinance 1795. It is recommended that a public hearing be held 5/13/91 and he noted that it will have been appropriately advertised.

Councilor Pedersen moved to set a public hearing date of 5/13/91 and Councilor McGee seconded. Passed unanimously.

STAFF BUSINESS:

1. Extra Garbage Labels.

Finance Director Dexter explained the present process and presented a brightly colored label that would be attached to the excess garbage and explained the labels could be sold at \$3.00 per tag. He said Seattle uses a similar method of prepayment and the tag cannot be removed from the sack. The tag can be printed locally and this would be for the odd time that you have extra garbage; the label could be purchased by mail, also.

City Administrator Sanden said the problem is that people won't pay for all the extra bags put out sometimes and it's a very difficult problem for staff to deal with. The proposed tagging method it is thought will solve the problems.

Councilor Cundiff said he could see a problem with selling and marketing the tags in the staff time it will require.

There was discussion about City Hall hours, other outlets for the tags, making it easier for people to buy the tags, the method having merit, the difficult problems and calls that come in with regard to extra garbage, staff would like to proceed, this is not going to solve the problem of the untagged garbage, announcement/return mechanism/rate adjustment in with billing regarding this, property owners helping to police the problem, not a panacea for all problems.

It was the consensus that staff should proceed with the garbage tags as proposed.

2. Driving Range.

City Administrator Sanden said this will be heard before the hearing examiner 5/23/91.

3. Utility Rates, etc.

City Administrator Sanden handed out a question and answer sheet regarding utility rates to be reviewed by City Council and to be available for next Monday night. She also reminded Council of the upcoming City & Towns meeting and reviewed a letter from Pete Kinch regarding Massing of Colors June 14th. She said there's a possibility the City of Marysville will participate in the City of Everett ceremonies.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about City policy on hiring college students for the summer and City Administrator Sanden explained that Jim Ballew has a program for them. Anyone interested might want to submit a proposal.

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Councilor Baxter said he was told this morning that the land next to the Library is for sale. He asked about the percentage of revenue drop for this year and Finance Director Dexter said the local sales tax is well below the year-to-date projected--it's only at 2.3% currently, however, we appear to be receiving more in the criminal justice area so it may break even. He added that licenses are ahead of projected but interest earnings are down to 4.5%; court revenues are about the same as projected, uncollected court revenues are handled by the courts. He concluded that he felt the sales tax revenue will recover by the end of the year.

Councilor Baxter said he was glad to report that Ralph Mackey has stated the parks money has been reinstated.

There were some comments about the availability of the parks money and Parks & Recreation Supt. Ballew said they read the article in the Herald and had some P.T.A. and Parks Board action, too, and a lot of public interaction, which was very interesting.

Councilor Pedersen complemented the City on their choice of Community Information Officer--Roger Kelley. She asked if he could be working on the water conservation projects and City Administrator Sanden said yes, they are working on a three day sprinkling cycle mailing as well as another brochure.

Public Works Director Zabell added that the brochure will also contain information about low flow fixtures and other water conservation measures people can take.

Councilor Pedersen expressed a concern about safety on 67th Pl. when there are games in the school playfield. She suggested the possibility of "Play Field" or "Slow--Children at Play" signs.

Councilor Wright reported on a presentation she attended to do with community planning, mixed densities, affordable housing, etc. which she found very interesting.

Councilor Cundiff asked about enforcement of business licenses and what percentage of businesses are licensed at this time.

City Administrator Sanden stated an audit is being done with results forthcoming. She concluded that enforcement is a problem.

Councilor Lashua pointed out that no one is checking on the businesses at this point.

City Attorney Weed announced that Charles Harball will be leaving their firm at the end of the month to go to Montana and a replacement prosecutor will be taking over at that time.

MAYOR'S BUSINESS:

Mayor Matheny reported briefly on her recent trip to Washington, DC.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:55 p.m.

1. Personnel.
2. Pending Litigation.

RECONVENE & ADJOURN: Approx. 10:55 p.m.

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Accepted this 13th day of May 1991.

Lita Matthey
MAYOR

Mary P. Swenson
CITY CLERK, Deputy

Standa A. Swenson
RECORDING SECRETARY