

MARYSVILLE CITY COUNCIL MINUTES

JUNE 24, 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

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

Councilor Pedersen noted that in the minutes of 6/10/91 on page 6, in the second full paragraph, the third word of the first sentence should be "asked" not "as".

Councilor Cundiff noted that a special meeting was called at 4:00 p.m. and adjourned into executive session which adjourned at 7:00 p.m. (with no action taken), rather than executive session at 6:30 p.m. as shown in the minutes.

Councilor Weiser moved and Councilor McGee seconded to approve the 6/10/91 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Planner Corcoran reported that at a recent event at the Everett Memorial Stadium, several boys from Boy Scout Troop 82 were on hand, working toward their merit badges for citizenship and representing the City of Marysville; he read their names. Mayor Matheny said she would send each of the boys a thank you note if City Planner Corcoran would supply addresses.

City Administrator Sanden noted there is no garbage collection 7/4/91 because it is a holiday. City Council meetings will start at 7 p.m. beginning 7/1/91 she reminded everyone and also mentioned code book updates are in. She reminded Councilmembers Lashua and Cundiff to get their pictures taken for the Centennial book at Teashon's.

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MAYOR'S BUSINESS:

Mayor Matheny reported on the recent AWC convention in Spokane and commented on the great, worthwhile workshops. Councilor Lashua said he also attended and reported on a short presentation he went to about "12 Ways to Keep Yourself Indispensable". Mayor Matheny also mentioned a report from Washington, DC and Councilor Pedersen reported on "Getting Community Consensus", "User Fees vs. Taxes", "Land Use Hearings Role Play" workshops she attended. She noted that next year's convention will be in Bellevue and she mentioned that one of the resolutions that passed was regarding cable TV rates and local rate control.

Councilor Lashua also mentioned a workshop on surface water and said the one thing that's very important at this time is in 1992 and 1993 bills are coming out calling for wastewater treatment for all surface water which is something else Marysville is going to have to look at in the near future.

CALL ON COUNCILMEMBERS:

Councilor McGee said he picked up 42 garage sale signs this past weekend.

Councilor Weiser reported last Friday night he spent 5 hours with the police chief and he (Weiser) stated Officers Gunderson, Stiles, Rasmussen and others who deserve a lot of thanks and commendation for their very fine job done, exerting understanding, compassion and professionalism. He noted that a lot of times there is too much bad publicity and people don't hear about the "good news".

Councilor Baxter reported that the marina had its power shut off by the state due to past electrical inspections, last week. He said there were some real potential problems down there and he thought perhaps this will get some things resolved. He noted Marysville Trailer & Supply is going to cost \$2,000 to upgrade wiring and they are basically legal. The Dept. of Labor & Industries has to give final approval before Geddes is reconnected by PUD, he said. He also reported he talked with the Tulalips regarding a new well which is using a 60 hp 500 GPM pump. He said he hasn't heard how it tested out yet but they are working at a new level, he understands and this could prove interesting.

Councilor Pedersen followed up on the no garbage pickup on the 4th and City Administrator Sanden explained no one will work on the 4th and people will be allowed to put out twice the amount of garbage on the 11th.

Councilor Wright asked about the Growth Management Bill and Councilor Lashua stated the legislature hasn't agreed on anything new for 2929 as of the meeting in Spokane and that he has the feeling there will be nothing done in this legislative session. There were some comments and discussion among Councilors about Initiative 547, negative ramifications, etc. and Councilor Wright also commended City staff for their efforts helping with the Strawberry Festival activities.

Councilor Cundiff followed up on the TCI situation and City Administrator Sanden said she would have to check further and there was some discussion regarding their negative marketing and people having to get "Encore" cancelled.

Councilor Cundiff said he has had several inquiries regarding water flushing and City Administrator Sanden explained the south-

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east side of the City which is using the Sunnyside Well is experiencing a lot of iron magnesium deposits in the water. The City is using more PUD water and looking into new methods of cleaning the lines to reduce the deposits, she said, and assured everyone that the water is safe but it can stain clothing.

Councilor Baxter agreed it's an ongoing problem and Public Works Director Zabell added that PUD is selling the City another 125,000 gallons plus the City is flushing the lines to try and correct the problems.

Councilor Baxter pointed out that we just don't have enough water without using those wells and once we get the new water from Everett it will reduce the complaints.

There was some discussion about "pigging/cleaning" of the lines and it was noted that the debris comes out through hydrants; people are being notified with door hanger notices of the line cleaning.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of 6/24/91 Claims Check No. 2255 through No. 2436 in the amount of \$485,067.70.**

Councilor Weiser moved and Councilor McGee seconded to approve Consent Agenda Item 1. Passed unanimously.

CURRENT BUSINESS:

1. **Drug Buy Fund; Request for Increase.**

Finance Director Dexter explained he was requested to draft an ordinance to increase the Drug Buy Fund to \$20,000 and Lt. McKinney is available for questions.

Councilor Weiser asked where the additional \$15,000 would come from.

Lt. McKinney explained that the money gets tied up in the court proceedings and with the cost of drugs soaring, there is a real need to increase the fund. He gave some samples of present street values of drugs, including marijuana - one plant - \$1,000; a marijuana cigarette - \$5.00; 1 gram of marijuana - \$20; 1 oz. - \$250.

Councilor Cundiff asked what was done with the drugs once purchased and Lt. McKinney said they are disposed of in several ways--sometimes they "buy & bust", there are reverse buys, and sometimes the drugs are directly disposed of (burned) in Everett.

Mayor Matheny asked about confiscated vehicles and other items and Lt. McKinney noted that is part of the drug buy fund income/revenue but they do not make any profit, they are only trying to build credibility in the drug buys.

Finance Director Dexter explained that the money has to be reimbursed through the drug enforcement budget and/or reserve funds, if necessary.

Lt. McKinney said grant money mostly goes to the county level but MPD did put in a request on the recent Village bust so that we get a 33% return. He noted this may take some time because it has to

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go through the courts first and he said they are not sure if it's going to have to go through the Arizona courts or not but MPD put in the most time on this case and deserves some return. He said we do get some money back from the courts but don't feel they are asking for a lot here, considering the need to combat drugs in Marysville.

Councilor Cundiff asked about cooperation and support from the Snohomish County Drug Task Force and Lt. McKinney said they pretty well are independent and work mostly in the south county area. He noted that it is felt there should be a north county task force set up; that Marysville has a good relationship with the Snohomish County Drug Task Force but unfortunately, Marysville is not one of their top priorities and on occasion MPD has had to make calls and serve a search warrant as far north as Ferndale--so there's a big area in the north to cover, he said.

Councilor Lashua asked about the source of revenue again and Finance Director Dexter explained it is unexpected revenue, sales of confiscated vehicles, etc. and actually this is just a General Ledger entry to petty cash--increasing the imprest fund to \$20,000 and the budget is not really affected. He added that if necessary, it can come out of the reserve fund.

Councilor Pedersen noted that this is one time we should not say "no" to drugs and she moved that Ordinance #1850 be adopted/ approved, increasing the Drug Buy Fund to \$20,000 as recommended. Councilor McGee seconded and the motion passed unanimously.

NEW BUSINESS:

1. Fireworks Stand Permits.

Councilor Cundiff moved that the five locations as per the information in the packets be approved. Councilor Wright seconded and the motion passed unanimously.

2. Conditional Use Permit for Duplex; Kipperberg.

City Planner Corcoran explained that the hearing examiner has recommended approval to construct a duplex on 73rd and he showed the vicinity map on the overhead projector. He noted the applicant is to remove an existing garage on the property, there have been no appeals to the hearing examiner's recommendation for approval, staff recommends approval of the request and the applicants have signed an agreement that they understand they are not guaranteed a sewer hookup at this time.

Councilor Wright moved and Councilor Cundiff seconded to approve the hearing examiner's decision to approve the C.U.P. request. Passed unanimously.

Councilor Lashua asked about vesting and City Planner Corcoran explained that at the time of the application, they were eligible for a duplex/CUP.

Public Works Director Zabell added that they are only proceeding with the paperwork in accordance with Ordinance 1833.

3. Handicapped Parking Request, 1600 Block 4th Street.

Public Works Director Zabell referred to the packets and noted the request is from the Unitarian Church.

Councilor Baxter asked about parking being totally eliminated on

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4th St. eventually and Public Works Director Zabell said he did not think it will be for some time. Councilor Baxter asked if some wording could be included indicating that the parking may be taken away at some time in the future.

Councilor Weiser suggested just allowing "temporary handicap parking" and there was discussion about the two churches who use this parking spot, the possibility of putting it on Columbia instead of 4th.

Councilor McGee moved and Councilor Lashua seconded to approve/adopt Resolution #1483 allowing handicapped parking as per the request. Passed unanimously.

4. Interlocal Agreement between City of Marysville and Marysville School District.

Parks & Recreation Supervisor Ballew referred to the agenda bill and he gave some history of past negotiations with the school district, agreement having been reached with the school board with the exception of adding a mission statement in the agreement: "for the use of the youth of the community". He commented on the desperate need in the community for facilities and he said he is very pleased with the agreement. The school district is also happy with the relationship and the sharing of the facilities and maintenance with the Parks Dept., he said.

There was discussion about providing maintenance of facilities, supervision of programs, need, Parks Dept./school facilities and operations, Chelan School District agreement in lieu of increasing new facilities, insurance.

Councilor Pedersen moved and Councilor McGee seconded to authorize the Mayor to sign the interlocal agreement. Passed unanimously.

Councilor Baxter asked about AJ's air conditioning and interior work and Parks & Recreation Supervisor Ballew said it's been completed and he reported that AJ's doubled what the tenant's did this time last year.

Councilor Baxter also commented on the good food and service and Parks & Recreation Supervisor Ballew said he would give a full report on AJ's financial status to City Council next month. He added that the golf course nets are doing well with only a couple of calls/liability claims to date since they have been installed. He said they do need signs saying the golfer is responsible, which they do in Tumwater and it is very effective.

ORDINANCES AND RESOLUTIONS:

1. Ordinance Amending Ordinance No. 1846 regarding Sewer Moratorium.

City Attorney Weed explained there are three clarifying items:

- deletion of the reference to flows which existed in 2.2
- 3.3.c - clarifying which single family lots are entitled to be vested
- clarification in 4.1 with regard to the 6 mo./18 mo. "use it or lose it" wording.

Councilor Baxter moved and Councilor Cundiff seconded to approve/adopt Ordinance #1851 to correct and clarify certain provisions of Ordinance #1846. Passed unanimously.

Councilor Weiser asked about hookups/applications and Public Works

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Director Zabell said he would report on that at the Friday Briefing.

LEGAL MATTERS:

1. Collection of Court Fines.

City Attorney Weed stated a proposal has been received from Al Gordon & Associates and he also had a discussion with Judge Wisman who would like some input. He said he would be meeting with Judge Wisman this week regarding this. He added that it is estimated there are \$100,000 minimum of uncollected fines--not collected through the infraction process and the City might want to consider the same collection procedure for criminal cases, with some modification, he said. He noted that the risk with a collection agency is that if the fine is collected and then they try and collect again, there is a possibility of false arrests on the criminal cases.

There was discussion about how much it costs to keep a prisoner per day (about \$25-\$28) and how some judges will consider letting a person serve his time in lieu of a fine if he is indigent. City Attorney Weed said he could have a draft agreement for next Monday night and noted that five other courts in Snohomish County use collection agencies and generally are quite satisfied with the results. He said this system will tack on to the outstanding fine the collection cost which is a benefit, with the City receiving 100% of the fine. He noted there are some uncollected fines as old as five years but the \$100,000 is only 2-3 years old. He said he would have more information next Monday and said he leaned toward use of a collection agency because of their base of knowledge about people who commonly have a lot of outstanding debts, bankruptcies, etc.

2. Library District Agreement.

City Attorney Weed explained the Library Board/District has taken action, accepting the City's intent to annex and they would like the City to sign an agreement saying if the voters turn this down in November, the 1967 agreement takes over, however if passed in November, a new interlocal agreement would be drawn up with regard to services being the same in the City as in the unincorporated part of the City, and including a hold harmless agreement for the City. He said it would include the same level and types of service for the District as a whole and the agreement would be null and void if the annexation is not approved.

City Administrator Sanden said this is so there's a continuation of services and City Attorney Weed said this is the way the library district has done it with other districts--they met today and accepted the wording and want to get the agreement in place saying that the City is in accord.

Councilor Baxter said that the process is somewhat backwards--getting the agreement prior to the approval of the voters.

City Attorney Weed assured Council that if the voters did not approve, everything would just revert to the 1967 agreement and he suggested bringing the agreement back before City Council next Monday.

City Administrator Sanden pointed out there may be some time restraints because the agreement apparently has to go to the Sno-Isle Library District and then back to the County for approval, once it's approved by the City.

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City Attorney Weed said he sees this as simply a housekeeping item and the Library prefers to get the agreement signed ahead of time.

Councilor Weiser moved to continue this to next week to give the City Attorney an opportunity to bring back the agreement for Council to review first. Councilor McGee seconded and the motion passed unanimously.

Mayor Matheny asked about the Kroeze Bros. Annexation and Public Works Director Zabell said City Planner Corcoran has been working with them and that he would follow up on that.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:00 p.m.

1. Litigation.
2. Personnel.

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

Accepted this 1st day of JULY, 1991.

Peta Matheny
 MAYOR

Phillip E. Dexter
 CITY CLERK

Manda A. Iverson
 RECORDING SECRETARY