

MARYSVILLE CITY COUNCIL MINUTES

July 1, 1991

7:00 p.m.

Council Chambers

Present: Rita Matheny, MayorCouncilmembers:

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

Steve Wilson, Asst. Finance Director

Roger Kelley, Community Information Officer

Walt McKinney, Marysville Police Dept.

Dave Zabell, Public Works Director

Jim Ballew, Parks &amp; Recreation Supervisor

Bob Kissinger, Utilities Superintendent

Gloria Hirashima &amp; Gerry Becker, Planning Dept.

Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Asst. Finance Director/City Clerk Steve Wilson called the roll with all members present as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Cundiff moved and Councilor Wright seconded to approve the minutes of the 6/24/91 Council meeting as written. Passed.

STAFF BUSINESS:

City Planner Corcoran announced this is his last City Council meeting. He said he has mixed feelings about leaving and wished the Council and Planning Commission well in planning Marysville's future. He concluded that it's been a good experience for him but now it's "someone else's turn to carry the baton."

Public Works Director Zabell reported receipt of a letter from PUD regarding the Sunnyside water/pipeline and noted that PUD wants \$1.6 million to service that area which was somewhat of a surprise to the City. He noted that there had been previous negotiations with PUD which seem to have been set aside and he strongly recommended that the RUSA committee meet again concerning this issue.

City Administrator Sanden reported receiving a letter today from the County regarding the Urban Area Boundary. She said they are going to postpone final boundaries now until they can meet again with various cities in the area. She said a proposal had been received on the roof for City Hall today which Councilor Baxter will cover later under Call on Council.

Parks & Recreation Supt. Ballew reported the bill for recreation funding is on the Governor's desk for Jennings Park and hopefully next week it will be finalized. He noted that waterfront park project funding will be initiated soon, also. He gave a quick Centennial update, noting that Pat Olsen and Maude Barrett will be in attendance at next week's Council meeting to make a complete presentation.

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MAYOR'S BUSINESS:

Mayor Matheny said she has been getting a lot of calls regarding senior citizen rates on garbage and she asked if the City gets any refund on the recycling.

City Administrator Sanden said at this point, recycling is actually not a money-making proposition.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about shrubbery purchases and Parks & Recreation Supt. Ballew said currently stock has been short sighted and they have been using Woodside, Sunnyside and Cascade (on a bid basis if the value is high enough).

Councilor Baxter commented on the senior citizen garbage rate problem also and said he has been getting a lot of calls, too. He said he just shows them empathy and explains that he is a senior citizen, also! He reported on a meeting of the water/utility coordinating committee and said a draft has now been prepared, after 7 years, with regard to the water systems throughout the county. The draft is to be finalized by the first week of August, it was noted.

City Administrator Sanden said the committee has until a week from Friday for final comments and then it may be brought before City Council for approval.

Mayor Matheny commended Councilor Baxter, Public Works Director Zabell and City Administrator Sanden for their work on the committee.

City Administrator Sanden noted that this will impact all the surrounding cities, including Monroe, Marysville, Arlington, Lakewood and "source of supply".

Councilor Lashua asked if this would have any effect on Marysville water rates and Councilor Baxter said no direct effect whatsoever.

Councilor Pedersen asked about notification to Thursday garbage collection people and Utilities Supt. Kissinger said door hangers were being put out Tuesday to let people know there would be no garbage pickup 7/4 but that they could put out twice as much on 7/11.

Councilor Pedersen asked about the post office traffic problem and Public Works Director Zabell said there are basically two alternatives: widening of curb on Columbia with a mail box island and 2) use of the post office parking lot for a mail box island. He said the main problem is backup traffic at peak hours on State.

Councilor Pedersen reported that she had read an article regarding the senior census in Marysville and those people 65 and older is reported to equal 17%, in Stanwood it's 25% 65 and over.

Councilor Wright reported she has been receiving complaints regarding the Cenex at 84th & State being unsightly, vision being obscured, etc.

Public Works Director Zabell commented that he and a building inspector went to the location and they are aware of the problem. City Planner Corcoran said he would send someone from the Planning Dept. over there tomorrow.

Councilor Cundiff asked about paths for the handicapped in the Jennings Park renovation plans and Parks & Recreation Supt. Ballew said right now there is not enough funding but \$51,000 has been allocated for paving in 1993 and they are planning an addition once the Centex donation is received, so it will be handicapped accessible at that time.

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Councilor Cundiff noted that the dept. head list which was published a few years back needs to be updated.

Councilor Lashua commented on the new old name signs and how the Marysville Historical Society is really pleased with the effect.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Richard Mathews, 10030 Shoultes Rd., addressed Council, stating that he wants to go on record that he wishes to be annexed, along with his neighbor behind the 7-11. He commented also on the problems he has been having with the bus stop having been moved in front of his property. He said he would like to see it moved back to where it was and he described a growing problem he has with rocks, kids, garbage from the 7-11 and Fred Meyer (from the wind blowing it in his direction). He said there is quite a lot of vandalism in the neighborhood from the bus stop and he has called Community Transit twice but they have not got back to him. Mayor Matheny took his phone number to have someone from CT get back to him. He suggested the bus stop be moved over to Fred Meyer because that's where all the people come from who use it.

Councilor Pedersen asked about his annexation request and City Planner Corcoran stated he is part of the Nobach annexation later on the agenda tonight.

PRESENTATIONS: None.

PETITIONS & COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

CONSENT AGENDA:

**1. Assessment Segregation.**

Public Works Director Zabell reviewed the request and information in the packets, noting that staff recommends approval of the request.

Councilor Lashua moved and Councilor McGee seconded to adopt/ approve Resolution 1484 granting the assessment segregation. Passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

**1. Hearing Examiner Decision; Marysville Golf Center.**

For the record, Councilor Pedersen disclosed she was the recipient of a letter and has been answering questions with regard to procedure only.

Mayor Matheny disclosed that she had been contacted briefly, also.

Councilor Cundiff stated he had been contacted about further information but was not able to give any.

City Attorney Weed introduced the subject and explained there are basically three options for City Council:

1. Remand decision to the hearing examiner.
2. Agree with and affirm hearing examiner's decision.
3. Set the matter for a public hearing at a later date.

He stated that the attorney for the owners of Marysville Golf Center sent a letter to the hearing examiner asking for reconsideration however there's no provision for this because the hearing examiner's

decision is merely a recommendation with the final decision being with City Council. Also, he explained the appeal window expires 7/1/91 and that is why the matter is on tonight's agenda. He noted that the owner's attorney is in the audience.

City Planner Corcoran projected the vicinity map on the wall and explained this was approved as a conditional use permit in 9/87 but since then there have been two reviews of the operation because of the lights and golf balls. The third and most recent review before the hearing examiner resulted in a recommendation that Marysville Golf Center make improvements, he pointed out, referring to the information in the packets.

City Attorney Weed noted that testimony has been given at the hearing examiner hearing and so this evening would not be an appropriate time for taking any public testimony.

Councilor Pedersen referred to the hearing examiner's decision in the packets where it talked about how a public hearing would be conducted, as well as other comments in the hearing examiner's report.

City Attorney Weed said that would be if City Council were to call a public hearing and Councilor Cundiff said he would like to see a public hearing to gather more information.

Councilor McGee agreed with Councilor Cundiff.

Councilor Lashua stated he didn't think the owner is being asked to do too much; it's not as though he is being asked to shut down his business, only to comply with safety issues and neighbors' complaints.

Councilor Cundiff remarked that he was not sure the hearing examiner's demands were appropriate/within his jurisdiction.

Councilor Pedersen stated she is not opposed to a public hearing but that it appeared to her that the owner has tightened up the nets and she said as she understand it, he is only to make sure he has a safe operation. She concluded she wouldn't want him to continue operation until he has corrected the situation.

Councilor Cundiff said he was not sure it is the right of City Council to shut down the golf center in the meantime and placing demands on them.

City Attorney Weed referred to the "no woods allowed" rule which has been placed on the owner, pointing out that they are still in business in the meantime. He stated it is up to City Council to affirm "irons only" or no business until the situation is rectified. He invited their attorney to comment on the procedure.

Kevin Hanchett, attorney for Marysville Golf Center, addressed Council and he noted that one of the alternatives was an appeal to the hearing examiner so tonight's meeting of City Council was actually a surprise to them. He stated they would like the matter remanded back to the hearing examiner or else have it under the jurisdiction of the City Council only, not both. In the interim, he noted his client is losing 25% of their revenue because of the "no woods" to be used.

Councilor Baxter referred to the attorney's letter in the packets regarding suggestions for correcting problems, regarding irons only and Mr. Hanchett commented that one of the reasons a lot of people go to the driving range is to improve their wood shots. He stated the owner would like some input so a consensus can be reached.

Councilor Pedersen pointed out that this is the third time that problems have come up with the Marysville Golf Center.

Councilor Baxter said he would be in favor of a public hearing and City Planner Corcoran suggested 8/5/91. He noted enough time has to be allowed to send out public notices, but after brief discussion, 7/22/91 was chosen.

The "irons only" restriction was discussed with regard to safety, loss of revenue, possible restriction to half of the north side being allowed to use woods.

City Attorney Weed recommended no public input until the public hearing on 7/22 and pointed out that the City Council should make a decision regarding the hearing examiner's stay. He said the public's questions regarding procedural matters could be addressed only at this time.

There were several people in the audience, very upset at the City Attorney's remarks and the prospect at having to wait until 7/22 before their opinions and concerns could be voiced. They also were upset because they believed the City Council has not read or heard all the testimony they brought before the hearing examiner and City Attorney Weed explained the City Council feels they need further information, that is the reason for the public hearing to be set. There were several unofficial comments made from the audience, with someone remarking that if someone gets killed in the meantime, it would be the City Council's responsibility because they are not insisting on the Marysville Golf Center being shut down, and allowing golf balls to go over the nets and hit people.

Councilor Pedersen moved to affirm the hearing examiner's decision and demand that the operation cease until the situation is rectified. Councilor Lashua seconded and a roll call vote was taken:

Councilor McGee - against	Councilor Wright - against
Councilor Weiser - in favor	Councilor Cundiff - against
Councilor Baxter - against	Councilor Lashua - in favor
Councilor Pedersen - in favor	

The motion was defeated 4-3.

Councilor Cundiff moved that a public hearing be set for 7/22/91 and Councilor Baxter seconded the motion. A roll call vote revealed:

Councilor McGee - in favor	Councilor Wright - in favor
Councilor Weiser - against	Councilor Cundiff - in favor
Councilor Baxter - in favor	Councilor Lashua - against
Councilor Pedersen - against	

The motion passed 4-3.

Councilor Baxter moved that in the interim period the driving range be allowed to use the first 5 stalls on the north for woods until the public hearing and then the decision to continue at that time would be made. Councilor Weiser seconded and the roll call vote was:

Councilor McGee - against	Councilor Wright - against
Councilor Weiser - in favor	Councilor Cundiff - in favor
Councilor Baxter - in favor	Councilor Lashua - in favor
Councilor Pedersen - against	

The motion passed 4-3.

**2. Personnel Budget Adjustment/Planning Department.**

City Administrator Sanden referred to the packets and explained the City Planner and a Building Inspector are leaving but they are in desperate need of clerical staff. The request is for reallocation of funding and the remaining building inspector feels another building inspector is not necessary at this time, she said and they are requesting two clerical positions with no additional funds required at this time. However, if additional temporary help is required, they may need more budget, she cautioned.

Councilor Baxter moved to approve the request and Councilor McGee seconded.

There was brief discussion regarding keeping a handle on the plan checking fees and other temporary needs. City Administrator Sanden commented that a modification was done to the Burke/McConnell contract so there may have to be a review of that budget.

The motion passed unanimously.

Councilor Weiser asked about the position title to replace the City Planner and City Administrator Sanden said the title may be changed down the road to "Community Development Director" which is a higher pay grade, she believed, but she said she would have to do an analysis on that.

**3. Golf Course Interfund Loan.**

Parks & Recreation Supervisor Ballew said this is more or less just a housekeeping item, with capital improvements being dropped and the possibility of having debts satisfied for the golf course parking lot and other improvements within a year due to increased play on the improved course. He pointed out that revenues are up as is level of play with about 50,000 rounds of golf projected for 1991. Improvements to the course and the restaurant are all factors, he noted.

Councilor Cundiff moved that the proposed resolution be approved/adopted, Resolution #1485. Councilor McGee seconded and the motion passed unanimously.

NEW BUSINESS:

**1. Combat Auto Theft (C.A.T.) Program.**

Lt. McKinney, MPD, explained the program and noted that it has been adopted in Barstow, CA as well as most of Snohomish County. He showed a sample of the decal and explained how the system works.

Councilor Pedersen asked about the percentage of stolen vehicles that are recovered and she noted that with tags such as this in Dallas, they have a 90% recovery rate, according to Readers Digest.

Councilor Pedersen moved and Councilor Weiser seconded to approve the C.A.T. Program. Passed unanimously.

**2. IAC Application for Boating Facility Development.**

Parks & Recreation Supervisor Ballew said the requirements of IAC are that the application to them be supported with a commitment for matching funds. He explained this is for waterfront development and there is a potential for inkind services, however the Parks Dept. needs to identify \$300,000 in the 1992 budget (General Fund).

Public Works Director Zabell asked about project evaluation and completion schedule.

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Parks & Recreation Supervisor Ballew explained the 215 account and the budget procedure and Public Works Director Zabell added that a wetlands study would have to be done, evaluation of the property, determining impact of treatment plant, boat ramp, etc.

There was discussion about the City not being the owner of the property and having to revise the proposed resolution. City Attorney Weed suggested revised wording for #8 - "that the City is in the process of becoming the owner of the land".

Councilor Weiser moved to approve/adopt Resolution #1486 and Councilor McGee seconded. Passed unanimously.

### **3. Nobach Annexation 10% Petition.**

City Planner Corcoran reviewed the request and showed a vicinity map. He explained there is more than 60% in favor of annexation in one part of the area, but not quite in another. He suggested the boundary go to 7-11, in order to include Mr. Mathews' request.

There was considerable discussion about the boundaries, Calvary Cathedral, Mathews property to be included, petitioners, squaring off of boundaries, annexation information letter, Welch to be notified, the fact it's going to take a lot of work to develop a sufficiency of petition in one area, Roger Kelley to send out information letters. The boundaries were roughly described as 104th & Smokey Pt. Blvd. to 130th on the north, south along the old railroad right of way to about 11th, including Mathews property and City Planner Corcoran stated a map would be included with the petition for reference.

Councilor Pedersen moved to accept and geographically modify, with legal description to be prepared by the Planning Dept., annexation to assume the City's bonded indebtedness and Comp Plan zoning. Councilor Weiser seconded the motion to accept the 10% petition for annexation and the motion passed unanimously.

### **4. Johnson Annexation 10% Petition.**

City Planner Corcoran described the location and said there are no covenants in that area. He said the assessed valuation is only \$232,000 and it is most logical to proceed with this request as is, at this point.

Councilor Baxter moved and Councilor Cundiff seconded to accept the Johnson Annexation 10% Petition request, with the annexation to assume the City's bonded indebtedness and Comp Plan zoning. Passed unanimously.

ORDINANCES & RESOLUTIONS: None.

LEGAL MATTERS:

#### **1. Library Annexation Agreement.**

City Attorney Weed explained the agreement is as discussed at a previous City Council meeting and follows through with the understanding that if approved by the voters, library services will be provided and if it fails, the 1967 agreement would continue in effect and remain unchanged.

Councilor Lashua moved to authorize the Mayor to sign the agreement and Councilor Wright seconded the motion. Passed unanimously.

#### **2. Professional Collection Services Agreement/Municipal Court.**

City Attorney Weed said he met with Judge Wisman regarding hiring Al Gordon & Assoc. for collection services. He said Judge Wisman is in favor of the idea but has some concerns about the timing

because there's substantial work that would need to be done by the court personnel, going back prior to the past year and entering the previous records on the computer. Apparently one of the Judge's clerks is on a leave of absence which is a problem so he suggested a starting date of 1/1/92, City Attorney Weed said. City Attorney Weed said he suggested changes to the agreement and getting that ready, with a representative from Al Gordon to come down and talk with Sue Jensen, etc., with regard to the procedure of getting started/needs, etc. He said he proposed to the Judge that the collections could begin with the latest year's infractions and then to go back for prior years.

There was discussion about the need for entering prior years on the computer, the time that involved, having an approx. grand total but need to put it into the computer for Al Gordon & Assoc.

Councilor Pedersen said she was pretty sure all they need is a hard copy and she said she did not understand the need to have everything entered into the computer.

City Attorney Weed said this program has been in place in Cascade District Court and it's working very well.

There was further discussion of procedure, issuing warrants for delinquent fines, risk of false arrest/false imprisonment, putting a "lien" against a person's drivers license, how efficient Al Gordon & Associates is, working out how many bad debts they can handle, what information is needed/coordination, changes in draft agreement for finalization in a couple weeks, trying to get all the outstanding tickets for the same person together, reducing manhour/staff time preparing the information for Al Gordon & Assoc., the possibility of hiring an independent/part time person for that specific reason, Judge Wisman having invited City Council to come to Wednesday night court, including him in the "loop".

Councilor Lashua asked a couple questions about wording in the agreement, pointing out that "county" should be changed to "city" in paragraph 5 and in paragraph 7, the term "commissioners" is used in the hold harmless agreement.

City Attorney Weed said he would get together with Len Roberts of Al Gordon & Associates and their attorney. The consensus was for the City Attorney to proceed as he has recommended.

### **3. Dept. of Community Development Loan Extension Agreement.**

Public Works Director Zabell explained that the existing Public Works roads project loan needs to be extended as the project will not be completed by July as originally intended, but rather 9/91.

Councilor Weiser moved to authorize the Mayor to execute the loan extension agreement. Councilor Wright seconded and the motion passed.

[Councilor Baxter left Council Chambers at 9:05 p.m.]

### **4. YMCA Block Grant Funding.**

City Attorney Weed explained the request is for the City to enter into a standard block grant agreement requesting \$25,000, which has been cut back from the original \$50,000 request.

[Councilor Baxter returned to Council Chambers at 9:08 p.m.]

City Administrator Sanden explained the grant has been rewritten to include curbs, gutters and sidewalks (same scope, only the dollar amount has changed).

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Councilor Cundiff moved and Councilor Wright seconded to authorize the Mayor to sign the agreement. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:10 p.m.

**1. Pending Litigation.**

RECONVENE & ADJOURN: Approx. 9:30 p.m.

Accepted this 8th day of July, 1991.

Lita Matheny  
MAYOR

Mary B. Swenson  
CITY CLERK

Shanda R. Swenson  
RECORDING SECRETARY