

MARYSVILLE CITY COUNCIL MINUTES

00224

SEPTEMBER 25, 1989

7:30 p.m.

Public Safety Center

PRESENT: Rita Matheny, Mayor
Councilmembers:
Ken Baxter, Mayor ProTem
Mel Schank
Dave Weiser (excused)
Bill Roberts
Larry Hots
Bob Lashua
Lee Cundiff (excused)
Administrative Staff:
John Garner, City Administrator
Mike Corcoran, City Planner
Jim Allendoerfer, City Attorney
Dave Zabell, Public Works Director
Phil Dexter, Finance Director
Bob Kissinger, Public Utilities Supt.
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 Lashua noted in the 9/11/89 minutes that on page 2, in the fourth paragraph, it should read \$8.80 not \$.80/mo. for water rates in the County. Councilor Schank noted in the same paragraph, that it should read "City Attorney Allendoerfer explained" not "explain". He also noted that on page 7, in the first paragraph, it should read "that this plat's storm water should be retained on site....." and in the next to last paragraph on the same page, "Budge" should be "Budget".

Councilor Schank then moved that the minutes be accepted/approved as corrected, Councilor Hots seconded the motion and it passed.

In the 9/18/89 Workshop Minutes, Councilor Schank noted that under the two items deemed to be Judge Wisman's authority, "No" under Council Approval should be changed to "No Change". He then moved that the minutes be accepted/approved as corrected, Councilor Hots seconded and the motion passed.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATION:

Donnelle Marks of Community Transit showed a sound/slide presentation depicting CT's 11 yr. Comp Plan which has been developed, indicating they will be implementing more buses, HOV lanes on the freeway plus they may try to put a .3% tax on the ballot to supplement their funding.

PETITIONS & COMMUNICATIONS:

1. From Earl Shreffler, 9/9/89, regarding response of officer.
2. From Marysville School District, 9/13/89, regarding thanks to the Park and other City agencies.
3. From Marysville School District, 9/11/89, regarding D.A.R.E. program.
4. From Street Superintendent Taubeneck, 9/11/89, regarding new street name signs and stop signs.

PUBLIC HEARINGS: None.

CONSENT AGENDA:

1. Claim Vouchers for 9/25/89 - \$558,740.35
2. Personnel Report
3. Fire Study Meeting scheduled September 30.

Councilor Lashua moved that Items 1, 2 and 3 be approved. Councilor Hots seconded and the motion passed unanimously.

REVIEW BIDS:

1. Review of Bids for One Ton Cab and Chassis.

Utilities Supt. Kissinger stated three bids were received: one from Henken Chevrolet, Olympic Ford and Roy Robinson, with Henken being the low bid. He explained that the vehicle would be used for hauling chlorine 150 lb. cylinders, hoisting chlorine cylinders underground plus other uses. He stated that \$20,000 was budgeted for this item and recommended that Henken's bid be accepted in the amount of \$13,408. He noted that a manual hoist and electric boom will be added to the unit at an approximate additional cost of \$2500 to \$3000.

Councilor Hots moved that the Henken bid be accepted. Councilor Baxter seconded the motion.

City Administrator Garner noted that at 5 p.m. this afternoon, he received a call from an unsuccessful bidder asking if the low bid vehicle met all the City's specifications.

Utilities Supt. Kissinger stated that he had checked with Ron Henken as to whether it meets specifications and if the vehicle does not, it will be rejected by the City, he noted.

The motion passed unanimously.

2. Grove Street Overlay Project - State Avenue to 47th Avenue.

Public Works Director stated that three bids were received, with Wilder Construction submitting the low bid, which he recommended.

Councilor Baxter moved and Councilor Lashua seconded that Wilder Construction be awarded the bid. Passed unanimously.

CURRENT BUSINESS:

1. Utility Variance Crystal Tree Village (continued from 8/28/89).

Bob Lawler addressed the Council, stating that he felt that if the original people who owned Sundown Mobile Estates had gone ahead and built the entire project as approved, Crystal Tree Village would not be here now. Sundown had approval for the whole 40 acres but they did not have enough money to complete the project, he said and so Crystal Tree Village is now trying to complete the project and "it would make a lot of senior citizens happy if we could get this approval," he said.

Discussion followed regarding the fact that Marysville had never guaranteed utilities to all units, that the septic system has failed since Mr. Olson put in water for 40 acres, additional water needs for fire protection.

Councilor Schank quoted from a previous utility service agreement between Olson and the City of Marysville for 162 units and City Attorney Allendoerfer noted that the applicant is requesting a variance for an additional 142 units which had been rejected once before when a Mr. Koster had made the same request before City Council as Mr. Lawler is doing now.

There was further discussion in which it was noted that Phase 2 had been termed their "final request" for utility variance and then

Mr. Lawler subsequently purchased Phase 3 which he is now trying to develop. Mr. Lawler noted that the request is for the adjacent piece of property which will be entirely for senior citizen housing; they applied to the county on 8/8/89, he said.

It was noted that Crystal Tree Village has agreed to pay \$25,000 to the county under Title 26B for traffic mitigation; that the zoning and development of the property depends on utilities from Marysville. Mr. Lawler stated that a city engineer had run some capacity figures on water and sewer and it looked like Marysville could easily supply Crystal Tree Village.

Councilor Baxter argued that Marysville does not have the capacity at this time, especially after the accident at the Ranny Well. Mr. Lawler stated that the project would not be developed for at least a year and a half. Councilor Baxter stated he would rather wait until then before granting a utility variance.

Councilor Baxter moved to deny Crystal Tree Village's utility variance request. Councilor Hots seconded and the motion passed unanimously.

2. Chita's.

City Attorney Allendoerfer explained that the City has received a billing statement for \$348 from the Snohomish County Sheriff's Assn. for the last weekend that Chita's was open (August 25-26). He said Chita's also owe for Marysville Police Dept. security services for two months in the amount of \$825 and that owing the \$348 to the Sheriff's Assn. has caused a strain between our police department and the Sheriff's Assn. and the Sheriff's Assn. has said they will not come back and provide service in Marysville because of this outstanding debt.

Discussion ensued regarding whether or not the City actually asked the Sheriff's Assn. to work or whether it was Chita's that employed them. Councilor Hots said he would be in favor of the City paying the \$348 so as to "clear the air" with the Sheriff's Assn. and then try and collect it from Chita's at a later time. There was discussion about possibly collecting through Small Claims Court, labor liens being applied, without police protection Chita's would not be able to reopen, the chances of him ever reopening, encumbering ensuing owners, Mumford's hiring county deputy sheriffs vs. MPD.

City Attorney Allendoerfer explained how a misinterpretation had developed one evening when he was called at home regarding Chita's lack of security by Sgt. McKinney. Councilor Hots stated he understood that the Marysville Police Dept. did have a shortage of available off duty officers and Councilor Roberts noted that it was Mumford's choice who he hired in the way of security. There was further discussion about paying the sheriff's association, recovery, who actually hired the county deputies, relationship in the future with the county deputies, the difference between \$14.50/hr. county rate and \$25.00/hr. city security rate, the consensus that Chief Dyer should have input on this matter.

Councilor Hots moved that this matter be postponed until Chief Dyer can address questions that have been brought up, next week. Councilor Schank seconded and the motion passed unanimously.

NEW BUSINESS:

1. Snohomish County Visitor Information Center.

City Administrator Garner noted that the City of Marysville's proportionate share of funding for 1990 will be \$752.00. It was noted that the Marysville Visitor Information Center is operated through donations of time and money, with some fund raising through selling fireworks each year.

Mayor Matheny also noted that some funds were obtained from the

City of Everett for a map the first year.

Janet Mennie, Executive Director of the Snohomish County Visitor Information Center, addressed the Council, noting that the rate has been increased for 1990 to help offset an increase in their office housing budget of \$10,000. She stated they have approached Exxon regarding their property on 164th but the building (to replace their 10 x 40 module trailer) would have to be refurbished as it's important to be attractive representatives of all of Snohomish County.

Councilor Schank noted that Marysville does not collect a hotel/motel tax and Ms. Mennie explained that in cities that do not have a hotel/motel tax, the assessment is a flat \$100 in lieu of the tax, plus the population assessment.

Councilor Baxter asked about benefits to Marysville and Ms. Mennie stated that their aim is to keep tourists in Snohomish County and she quoted increases in statistics over previous years with regard to increased taxes collected in the county as well as an 18% increase of visitors going through the center from the previous year. She stated they also have some Marysville brochures which are handed out to visitors.

Councilor Lashua moved that the \$752 assessment be approved for 1990 with the provision that this be reviewed again in June, 1990. Councilor Baxter seconded the motion.

Councilor Lashua commented that he feels the Marysville Visitor Information Center does more for Marysville and Ms. Mennie stated they feel the SCVIC compliments the MVIC as well as being the gateway to Region 4 and the Cascade Loop.

The motion passed unanimously.

Ms. Mennie thanked the Council and introduced Karen Charnell from the Everett Area Chamber of Commerce.

Ms. Charnell stated that Everett also has their own Visitor Information Center but there is a need to support countywide efforts. She also thanked Marysville for the continued participation.

2. Remove parking on Columbia, west side of street, one space between post office and bank.

City Administrator Garner explained that by eliminating the one parking place on the street, it would give better visibility when exiting from the post office or the bank. Also, he noted that the post office will be eliminating angle parking in their lot so that congestion will be relieved there.

After a brief discussion, Councilor Schank moved and Councilor Hots seconded that the one parking space be removed on Columbia on the west side of the street, between the post office and the bank. Passed unanimously.

3. Six Year Transportation Improvement Plan.

Public Works Director Zabell presented the Six Year Transportation Improvement Plan for Minor Arterials and Collectors. He noted that he had taken into account input/priorities from the recent Traffic Advisory Committee meeting and he updated Council with regard to funding, needs, approvals already received, 67th & 528 intersection placement of the stop signs and/or signal (also the controversy between a 2-way stop vs. 3-way stop), safety issues, widening of 4th, State, SR 528, applying for grants, culverts/bridge funding, block grant money, state funding, Public Works Trust Fund, First Street Bypass progress.

Councilor Lashua noted that there seems to be a feeling that we should wait and see the outcome of the traffic/transportation study

as far as prioritizing the First Street Bypass but as far as he is concerned, he said he feels the City should be starting to bring in fill now.

There was further discussion regarding backlog, capacity, congestion, rerouting, parking issues, widening of streets. City Administrator Garner noted that the First Street Bypass was identified as a route for alleviating traffic congestion when questioned by the Navy Homeporting liaison a year and a half ago. Further discussion ensued concerning Navy needs; the possible results of the Transpo transportation study; curbs, gutters and sidewalks as an ongoing project; budgeting; asphalt overlays.

Councilor Roberts noted that under the 88th St. interchange project, the City could have to fund more than the estimated \$350,000. Public Works Director Zabell agreed.

Someone asked about why the mill had never put in the curbs, gutters and sidewalks they were supposed to and a very long discussion ensued regarding their non-compliance and total non-cooperation with the City's and City Attorney's requests. City Attorney Allendoerfer termed their attitude as very "nasty", stating that he has sent them several letters trying varying strategies to get them to comply with the City's codes and wishes however the mill does not wish to pay \$4,000 to have PUD poles moved and they feel they have the right to say no to the City because they employ 150 employees. He said the mill has never signed the contract with the City with regard to the curbs, gutters and sidewalks.

There was discussion regarding utilities being cut off, the fact that their insurance company would not be very happy to find out they are not in compliance with city code, etc.

Councilor Schank moved that this matter be postponed until 10/9/89, to be put on the agenda at that time. Councilor Hots seconded and the motion passed unanimously.

City Administrator Garner commended Public Works Director Zabell's success in obtaining funding and Public Works Director Zabell stated that out of the approximate \$2.275 million total, \$1 million will be City funded, \$.5 million is in grant money, \$280,000 is TIP money and \$.5 million is from DOT.

There was discussion regarding general obligation bonds; because of lack of funding from the feds and the state, it's getting more practical to raise funds at the City level; existing residents paying for growth; annexation; bonding for other projects such as parks, fire protection, streets, water and sewer.

Councilor Schank moved and Councilor Hots seconded that a public hearing be held 10/9/89. Passed unanimously.

4. Kotilainen Annexation (PA8909051).

City Planner Corcoran referred to the agenda bill, noting that the subject property is adjacent to City limits and the United Methodist Church property.

There was discussion about this piece not being very large and that it is a good possibility surrounding property owners, who may have signed no protest agreements, could be approached regarding annexation also. City Planner Corcoran noted that the City Planning Dept. is in the process of updating maps so that they can have a ready handle on who has signed no protest agreements.

Councilor Roberts said he knew, for example, that Cherry Tree Lane has its own file and that he would like to see the whole block brought in in order to justify the workload and the annexation; it would also square off a very logical area and would be a good tax base, he noted. He added that by annexing such small pieces, it seems to cause more confusion.

There was further discussion about other possible pieces that could be included, Enhanced 911, gaps along Sunnyside Blvd., creation of "islands". Councilor Roberts stated it was his feeling that the citizens should get involved in annexations and do some of the footwork rather than it being totally up to the Planning Dept. to go door to door, for example. He reiterated that a hodge podge is being created with small annexations. Mayor Matheny asked about when the non-protest map will be completed and City Planner Corcoran said it depends on the workload; that the Planning Dept. is trying to spend all their time on the Comp Plan update at this point.

After more discussion concerning city limits, the Borseth annexation, keeping maps updated, Comp Plan survey responses being tabulated by the consultant, postponing of the Kotilainen annexation, Councilor Hots moved that this annexation be continued 10/9/89 or until the City Planner sees fit that it's ready to come back before City Council. Councilor Schank seconded and the motion passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Monte Annexation.

Councilor Lashua moved and Councilor Schank seconded that Resolution #1382 be accepted/approved. Passed unanimously.

2. Ordinance amending the 1989 Budget and providing for the increase and decrease of certain revenue and expenditure items as budgeted for in 1989.

Councilor Schank noted that this would fund the new Parks Building and moved that Ordinance #1728 be approved. Councilor Hots seconded and the motion passed unanimously.

3. Ordinance levying taxes upon all property, real, personal, and utility, subject to taxation within the corporate limits of the City for the year 1990.

City Attorney Allendoerfer noted that this ordinance would authorize the county assessor to levy property taxes of \$1,181,250 based on Marysville property evaluation. There was a short discussion regarding property valuation.

Councilor Schank moved and Councilor Hots seconded that Ordinance #1729 be approved. Passed unanimously.

4. Ordinance authorizing sale of bonds for U.L.I.D. 13.

Finance Director Dexter explained that it is his recommendation that the interest rate be 7-3/4%, for a term of 15 years. After a brief discussion, Councilor Baxter moved that Ordinance #1730 be approved. Councilor Schank seconded and the motion passed unanimously.

5. Resolution authorizing an interfund loan and designating the interest rate.

Finance Director Dexter explained that this would transfer funds from the Utility Fund to U.L.I.D. 14 and he recommended a rate of 8% interest.

Councilor Baxter moved that Resolution #1383 be approved, designating an interest rate of 8%. Councilor Hots seconded and the motion passed unanimously.

6. Appointment of Acting Hearing Examiner for 9/26/89 Hearing.

City Attorney Allendoerfer explained that the Board of Adjustment was to hear a case regarding the development of a rest home on the west side of Cedar however four out of five of the Board members are either unable to attend the hearing or have a conflict of interest and so Ian Millikan has been recommended as acting Hearing

Examiner. It was noted that Mr. Millikan is a former member of the Board of Adjustment and is an attorney and would be a good choice. He added that Mr. Millikan has accepted the interim position, subject to Council approval.

Councilor Baxter moved and Councilor Schank seconded that Ian Millikan be appointed as acting Hearing Examiner for the 9/26/89 Board of Adjustment hearing. Passed unanimously.

7. Contract with Public Defender.

City Attorney Allendoerfer explained that Richard Bennett's contract expires at the end of the year and asked if it was Council's desire to renew the contract automatically or if they felt it should be advertised for again.

Councilor Hots said it would be his wish to determine whether this has been a cost effective contract as opposed to the judge having to assign various attorneys. He said he would like to see if the contract method is saving the City any money.

Finance Director Dexter said he could analyze that out and bring back figures next week.

CALL ON COUNCILMEMBERS:

Councilor Hots asked about the agreement with Everett and City Attorney Allendoerfer stated the agreement is being drafted, with the next step to submit it to the City of Everett attorney for approval before being signed by the two Mayors.

Councilor Baxter said the drawings for the City Hall remodel have been done and the twenty requests have been incorporated into them. City Administrator Garner said he would be happy to photocopy the drawings, to be discussed in a committee meeting next week. Councilor Baxter gave Council a thumbnail sketch of the new drawings.

Councilor Schank stated that he has a concern about some street addresses within the City being incorrect and said with the E-911 survey being done, this is probably the best time to make changes to street addresses. There was brief discussion about the fact that on some streets, both sides are numbered with even numbers, eg.

City Planner Corcoran said he had a meeting with the fire chief and the police chief last week regarding this and it was decided that the county grid would remain except for the core area of the City. There was further discussion regarding the confusion that is created, conformity to county grid system, legitimate concerns residents have about house numbering in the event of emergency.

City Planner Corcoran explained that the City will be making some recommendations for change to the county and the fire department will then take care of any changes made by going door to door (but not until after the levy election). He said E-911 is to go into effect January, 1990 now as opposed to their original target date of October, 1989.

There was more discussion about notification of change of address to GTE, PUD, the post office, etc.

City Attorney Allendoerfer noted that there is an ordinance on the books, written in 1929 ordaining that the odd numbered side of the street would be the left hand side and the even numbered side would be the right hand side!

Public Works Director Zabell gave an update on the Ranny Well emergency that occurred over the weekend when a pipe from the chlorine injection system broke and chlorine chambers and control vault flooded with contaminated water which had to be disposed of. He said it was his opinion that the cause of the PVC pipe breaking was from fatigue caused by pump vibration and he estimated it would

MARYSVILLE CITY COUNCIL MINUTES
SEPTEMBER 25, 1989
Page 8

take a week and a half to two weeks to repair. In the meantime, Seven Lakes and Arlington can supplement the Marysville water supply and possibly PUD, depending on demand, he said.

City Attorney Allendoerfer noted that there is a code in the event of a water emergency wherein the Mayor may impose restrictions such as no washing of cars, restricting businesses to 75% of their use, etc. He said this would have to be published and then if there was non-compliance, the City would have the right to cut off the violator's water.

Public Works Director Zabell stated that sprinkling regulations could be enforced, also. He added that there was also failure in the volume counter and as soon as it is fixed, he will bring that issue back before Council.

There was brief discussion about the handling of hazardous materials and the regulations concerning them.

Mayor Matheny said they were now down to two candidates for the City Administrator position and that the interview committee would be meeting Thursday at 9:30 a.m. in the Police Dept. conference room of the Public Safety Building. She also appointed Councilor Schank to the Library Remodel Architectural Committee as City Council representative.

ADJOURNMENT: 10:30 p.m.

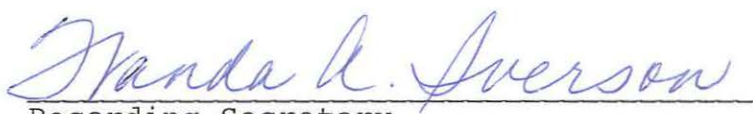
Accepted this 2 day of October, 1989.



Mayor



City Clerk



Recording Secretary