

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 12, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright
 Bob Lashua
 Lee Cundiff
Administrative Staff:
 Carolyn Sanden, City Administrator
 Phil Dexter, Finance Director
 Jim Allendoerfer, City Attorney
 Dave Zabell, Public Works Director
 Mike Corcoran, City Planner
 Doug Ronning, Fire Chief
 Bob Dyer, Police Chief
 Jerry Jacobsen, Fire Marshal
 Bob Kissinger, 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. The status of the lapel mics was discussed.

MINUTES OF THE PREVIOUS MEETING:

Councilor Pedersen noted on page 2 of the February 5, 1990 minutes, in the second paragraph from the bottom, the word "develp" should be "develop".

There being no further corrections, Councilor Lashua moved and Councilor Pedersen seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATIONS:

Fire Chief Ronning introduced Fire Marshal Jacobsen who presented two Outstanding Citizen plaques--one to young Eric Vendl and one to Cheryl Deckard. Both of these people discovered fires and were instrumental in saving life and property because of heroic efforts. A volunteer firefighter then presented Cheryl and Eric with \$50 gift certificates from local merchants.

PUBLIC HEARINGS:

1. Northwest Energy Code Model Conservation Standards (continued from 2/12/90 meeting).

CORRECTED: SEE 2-26-90
MINUTES

It was noted that the State energy bill has been passed into law^A by the Governor and there was discussion regarding the NWEK vs. the state code, funding available for each plan, the State plan looking better for the builders.

City Planner Corcoran said if the City were to adopt the NWEK, they would fall under the State code after two years. There was more discussion on comparisons of incentive figures and reimbursement to the City for energy conservation.

FEBRUARY 12, 1990

Page 1

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 12, 1990
 Page 2

Jack Smith of Brier, representing Snohomish County PUD, addressed Council and stated with the state code having been signed into law there are now a lot of cities in the same position as Marysville, asking about the two year NWECC vs. the state 4 yr. code. He said once a city adopts the NWECC, it can get money to start up and then in two years can sign up with the state. He noted that if Marysville does not sign up tonight, they will be unable to take advantage of the BPA funding offer which program goes until 12/31/91; the state code goes into effect 7/1/90 he said.

Councilor Weiser asked about the differences between the two codes as far as the builder is concerned and Mr. Smith said they are virtually the same, with the NWECC taking a more prescriptive path with regard to use of 2x6s vs. 2x4s and R-22 insulation vs. R-19. He explained that certain trade offs can be used in order to stay within code and yet remain cost effective for the builder/buyer.

Councilor Pedersen moved that the NWECC be adopted by way of Ordinance #1762 effective 7/1/90 and that the City of Marysville enter into a contract with the BPA. Councilor Wright seconded the motion and it passed unanimously.

CONSENT AGENDA:

1. **1/31/90 Payroll Check #17414 through #17690 in the amount of \$323,830.22.**
2. **2/12/90 Claims Check #18748 through #18920 in the amount of \$127,659.96.**

There were questions regarding some of the vouchers, the main concern being #18867 for rental of a trash pump/hose from Pilchuck Rentals for \$1546.93. The concern was that one could have been purchased rather than rented for that amount. Finance Director Dexter said he would check further into this.

Councilor Baxter moved to approve Consent Agenda Items 1 & 2 with the exception of Voucher #18867. Councilor Lashua seconded and the motion passed unanimously.

REVIEW BIDS:

1. **Phase I - Southeast Downtown Drainage System.**

Public Works Director Zabell referred to the packets, noting that the bid from Dyad Construction came in at \$88,744 for the water-line that carries water to the lab. Staff and the project consultant recommend that the project be awarded to Dyad Construction, low bidder, he said.

Councilor Baxter moved and Councilor Wright seconded to award the bid to Dyad Construction as recommended for \$88,744.00 plus Washington State Sales Tax. Passed unanimously.

CURRENT BUSINESS:

1. **Authorization to Call for Bids for Aeration Equipment for South Cell of Sewer Lagoon.**

Utilities Supt. Kissinger explained that money has been budgeted for this project however the \$80,000 to \$100,000 estimate does not include electrical costs of approx. \$800 per aerator and it is planned to install 18 to 20 aerators. He added that the aerating equipment could still be used with an upgraded sewer lagoon system and so any investment could not be considered a waste of money.

It was noted that if the whole project were kept under \$100,000 it could go through the Small Bid Roster and it was the consensus

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 12, 1990
 Page 3

that should be done.

Councilor Baxter moved and Councilor Cundiff seconded to purchase the recommended aeration equipment at a cost of \$100,000 or less through the Small Works Roster. Passed unanimously.

There was discussion about the Dept. of Ecology giving approval for the aerators to be installed and the fact that a public bidding process would delay the project by at least six weeks.

2.a. Budget Request - Fire Study Master Plan.

CORRECTED: SEE 2-26-90
 MINUTES

Chief Ronning explained that the Fire Study Master Plan was presented last fall and there has been no action taken as yet, eg. adoption of the plan by the City as a first step. He said a study group has been working with the fire district and they want a consultant to take a further look at the study. Adoption of the plan would be Phase I, the consultant's report, at an approx. cost of \$2500, would be Phase II. He estimated it would take three months for the report to be completed and would include options as to how to implement Phase I with regard to equipment and personnel and keeping costs at an effective level. It was noted that the \$2500 represents 50% of the total estimated consultant's fee, with the other half to be paid by Fire Dist. 12.

Councilor Baxter moved to approve the budget request for \$2500. Councilor Cundiff seconded and the motion passed unanimously.

Councilor Baxter then moved that Resolution #1410 be approved, adopting the Fire Study Master Plan. Councilor Weiser seconded and the motion passed unanimously.

2.b. Comprehensive Plan Text Budget Request.

City Planner Corcoran explained the need for a consultant to help develop Comp Plan text and he said he asked McConnell & Burke to give an estimate. He said mapping and some other items have been budgeted but the consultant would cost about \$21,500 to \$25,500 with revenues to come out of Planning Dept. income.

Councilor Pedersen asked about the role of the hearing examiner and the Planning Commission with respect to having more time to work on the Comp Plan and City Planner Corcoran explained the consultant would work with him and the Planning Commission to put together the text. He explained that he just does not have enough time to devote to the Comp Plan and the consultant would basically be filling in for him (City Planner Corcoran) in developing the text.

City Administrator Sanden added that the consultant would consolidate all the information/data received to date and McConnell/Burke has a good reputation doing this. She said they could look for another proposal if Council wished and also that the fee could be negotiated further.

Councilor Weiser asked if start up time was included in the estimate from McConnell/Burke and City Planner Corcoran said he was not sure; that he had spoken with them at length, bringing them up to date with the process.

Councilor Weiser said he had heard something about getting the same thing done for around \$2500 and said he wondered if we should go out for proposals.

City Administrator Sanden said she could talk to other firms but the need is to get this going as soon as possible. City Planner Corcoran noted that the consulting firm that worked on the public opinion poll charged \$8,000 for tabulation only.

MARYSVILLE CITY COUNCIL MINUTES
 FEBRUARY 12, 1990
 Page 4

Councilor Lashua said he is in favor of a consultant being hired and there was discussion about placing a limit of \$15,000, putting finishing touches on the hours of effort the Planning Commission has put into the Comp Plan so far, possibility of placing a max. of \$21,500 on the consulting fee, time lines, quality vs. quantity.

Councilor Baxter moved to approve a consulting fee of up to \$21,500 for McConnell/Burke and Councilor Lashua seconded the motion. After a roll call vote was taken, it was determined that the motion passed 4-3, with Councilors McGee, Pedersen and Cundiff against.

2.c. Special Events Insurance Budget Request.

City Administrator Sanden explained the request is for a \$500 premium through the Washington State Insurance Authority for a \$1,000,000 liability insurance policy for other organizations (smaller groups, i.e. not Maryfest) performing on City property. She said it is a good blanket policy coverage for things that "slip through the cracks"; that the City requires insurance on all major events.

Councilor Cundiff moved to authorize the City Administrator to purchase the Special Events Insurance. Councilor McGee seconded and the motion passed unanimously.

2.d. Centennial/Grant Coordinator Budget Request.

City Administrator Sanden explained the request is for \$6,000 for the Centennial person plus \$5,000 for printing and supplies, totalling \$11,000. The budget period would be from March, 1990 through 12/31/90 and will probably be extended through March, 1991. She noted that this request represents a 4 month extension because this person was not originally scheduled to begin until July, 1990 but it was felt that the position needs to be filled right away in order to get started on the coordination of activities for Marysville's Centennial.

Councilor Pedersen moved and Councilor McGee seconded to approve the budget request of \$11,000. Passed unanimously.

2.e. Building Construction - Public Works & City Hall Budget Request.

City Administrator Sanden provided estimates of \$45,275 to remodel Public Works Building and move the Planning Dept. in there and an additional \$52,478 for improvement/remodel of existing City Hall (over half of this being for paint and carpeting). She stated staff recommends the improvements to the Public Works Building, to get the Planning Dept. moved in there however, as far as improvements to City Hall they do not recommend this because a new City Hall will have to be considered down the line.

Councilor Baxter moved and Councilor Pedersen seconded to approve the remodel to the Public Works Building and moving the Planning Dept. Passed.

3. L.I.D. Proposal - 67th Avenue NE/88th Street NE.

Public Works Director Zabell explained that staff recommends, rather than several piecemeal LIDs, one LID and Larry Wade has been working with property owners in the vicinity, he said.

Larry Wade addressed Council and said he had met with property owners on two occasions and he referred to the map in the packets. He summarized the report he submitted (also in the packets) with regard to the background, project area, needed improvements, benefited properties, timing, method of assessment and City property.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 12, 1990
Page 5

There followed discussion regarding water and sewer line extension need, golf course drainage, front footage vs. zone and termini methods of LID assessments.

There was also discussion regarding Dept. of Fisheries requirements, changes in the golf course, improvements along the golf course, possibly a walking path, County funding no longer being available, where funds are going that are collected by the County for Marysville roads, right of way needed for improvements.

It was noted that the method of assessment needs to be determined; that there is a lot of City property frontage and discussion ensued regarding sight distance on Getchell Hill, possible grading to improve sight distance, golf course parking improvements, 84th possibly improved. It was noted that the City would not be participating in the water and sewer extensions from Grove to 84th for the sewer and from 84th to 88th for the water line extension, except for paying for the oversizing necessary. Councilor Lashua clarified that the City is only interested in 67th improvements and Larry Wade pointed out that most of the property owners would like the method of assessment to be by the frontage method.

Councilor Lashua said he would like to see negotiations with property owners continued and Public Works Director Zabell asked about the City paying for the 5th lane improvement on 88th St. NE. Discussion about this followed, as did the 88th St. interchange and funding from the BIA. Public Works Director Zabell suggested an option of the same interim improvements on 88th as were done on 528 while right of way is being acquired.

Councilor Lashua agreed with staff's suggestion, noting concentration should be placed on improvement of 67th at this time, while right of way is being acquired on 88th. Public Works Director Zabell added that the Marysville School Dist. is committed to improvements on 88th already.

There was further discussion about Cloverdale also having given right of way, an alternative to using Getchell Hill, front footage method of assessment vs. zone and termini method (consensus was for the front footage method in order to get the project off the ground).

NEW BUSINESS:

1. Request for Two Part-time Communications Officers.

Police Chief Dyer explained that this request is to replace one full time person; the drawback would be an increase in training costs however, he said he didn't want to lose an existing good employee who can't work full time anymore. He added that it is a civil service position and brief discussion followed.

Councilor Cundiff moved and Councilor Pedersen seconded to grant the request. Passed unanimously.

LEGAL MATTERS:

1. Engineering Contract for Transmission Pipeline Project.

Tom Hughes, Engineer with the James Montgomery Co., addressed Council and explained this request is for the third phase of their original agreement/engineering contract - \$155,000.

Councilor Baxter moved and Councilor Lashua seconded to authorize the Mayor to sign the contract and approve the additional \$155,000. Passed unanimously.

2. Solid Waste Management - Proposed Ordinance & Agreement.

City Administrator Sanden explained she, along with other surrounding cities representatives, have been meeting to discuss an interlocal agreement with the County and through negotiations have reduced it from 30 years to a 20 year commitment with a 5 year review period by an advisory committee. She noted that the agreement includes recycling, long haul, development of landfills and transfer stations. She added that in view of the fact that she would like to see more negotiations with the County, she recommended continuing this matter to 2/26/90.

Discussion followed concerning the Solid Waste Comprehensive Plan, the need for long haul, the County plan being instrumental for surrounding cities, the Tribal incinerator project, Marysville's commitment to the County which means we must go through the County only, the old Arlington-Marysville disposal site, poor planning, eliminating private enterprise, elimination of all our options once we sign the interlocal agreement with the County, Everett having some separate agreements from the County but Marysville not being able to go to Everett with solid waste.

City Attorney Allendoerfer suggested working on getting an escape clause in the interlocal agreement with the County and giving the County an incentive to economize. There was more discussion regarding garbage rates internally, tipping fees being increased in March.

City Administrator Sanden said the interlocal agreement is to be signed by all surrounding cities and they are all ready to sign very soon but City Attorney Allendoerfer pointed out that most of these other cities don't have the same interests and needs as Marysville--the same caring in the issue.

Councilor Baxter said he would like to see it pursued in the direction the City Administrator and Attorney are referring to and added that he would like to see a 30 day extension with the City Attorney/Administrator to work on getting an escape clause in the interlocal agreement, at least. This was the concensus.

3. Resolution providing for "Shared Leave" as a pilot program.

Police Chief Dyer addressed Council and explained that a new hire has a mass on his lung but only has 3 days of sick leave and no long term disability as yet. The proposal is something the City of Edmonds had done in a similar case to Marysville's and he added that several of the man's fellow workers are willing to give up vacation time to help him out. He noted that the new hire will be on probation until November but they are willing to gamble on this officer; that they are a caring team and the City Attorney and City Administrator have approved the wording of the resolution.

City Administrator Sanden pointed out that it would be vacation time only to be given to another employee, up to 10 days from each co-worker. She also noted that the beneficiary of the vacation time cannot be on sick leave or vacation and have the time count toward the probation time, there would be no budget expense to the City, the policy/agreement would contain a one year sunset clause and that the program was initiated in Edmonds recently by a specific case.

City Attorney Allendoerfer pointed out that someone could also have an immediate family member use this benefit and he questioned the reference to the allowance of a maximum of 131 days off when the employee only needs 90 days before disability insurance would kick in.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 12, 1990
Page 7

Finance Director Dexter noted that regular employees have a choice to buy a 60% coverage after 90 days and Police Chief Dyer noted that unsolicited comments from fellow employees are in favor of giving their vacation to Ray versus losing it.

After more discussion, Councilor Lashua stated he would like to see this plan approved for a year with the exception of the immediate family. Councilor Baxter said he would like more time to consider the plan and Councilor Pedersen said she had a couple of questions also.

City Attorney Allendoerfer noted that references on page 2 could be misconstrued to apply to a temporary employee and he also mentioned that the reference to State Industrial insurance should have "or disability plan" added. Councilor Baxter questioned whether the employee has disability insurance and Chief Dyer said he did not believe so.

Councilor Pedersen then moved that Resolution #1411 be adopted with deletion of immediate family provision, addition of disability insurance benefits on page 2 and inclusion of a reference to this being for full time permanent employees under paragraph 2(b). Councilor Wright seconded and the motion passed unanimously.

4. Resolution setting Public Hearing date for Hilton Annexation.

Councilor Weiser moved and Councilor McGee seconded to adopt Resolution #1412 setting Public Hearing for 2/26/90 at 8 p.m. Passed unanimously.

5. Temporary Construction Permit from the City of Everett.

City Attorney Allendoerfer explained that the City of Everett has granted an easement and temporary construction permit to the City of Marysville.

Councilor Baxter moved and Councilor Weiser seconded that this be approved for the Mayor's signature. Passed unanimously.

6. Super Hawk/Dick's Auto Body Property Line Dispute.

City Attorney Allendoerfer explained that Super Hawk wants to put up a sign but the two companies (who share a common parking lot) cannot agree where the property line is and neither will pay for a survey to be done.

After further discussion, it was the consensus that City Planner Corcoran would revoke the sign permit until the property line dispute is worked out by the two firms.

STAFF'S BUSINESS:

City Administrator Sanden explained that the County is developing a Storm Water Control and Watershed Management Plan for Allen and Quil Ceda Creeks, to evaluate needs, problems, public education, corrective action to be taken and she said she has a package explaining the scope of work. She said this plan will focus on the two creeks with regard to protection and she handed out maps showing the boundary of the watershed.

There was discussion regarding the \$22 utility fee to be collected by the County from residents to fund storm water improvements within the watershed. City Administrator Sanden noted that the County will be holding a public hearing and there was further discussion about RUSA boundaries, the Centennial water quality study. It was noted that the watershed study will develop some facts and figures and eliminate the City of Marysville having to repeat these calculations for the water quality study. It was also noted that the

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 12, 1990
Page 8

watershed boundaries do not include all of Sunnyside.

CALL ON COUNCILMEMBERS:

Councilor Lashua asked about the progress of the salary survey and City Administrator Sanden said it is still in process; that the job descriptions have been returned to be reviewed by staff.

Councilor Lashua also announced the upcoming annual Historical Society Appreciation Dinner for the Councilmembers, to be held at 6 p.m. at the American Legion Hall, 3rd & Cedar, 3/5/90.

Councilor Baxter talked about a Canadian world sailing team he had occasion to visit with last weekend and he started a discussion going about the City's bill paying policies. Finance Director Dexter noted that the City pays bills twice a month and they have to be approved by Council prior to being sent out unless they are emergencies. He said they don't go over 30 days as a rule which is well within the guidelines of the State statute.

Councilor Baxter said he felt payments are really due on the 10th of the month; that is how most businesses operate and he hoped the City isn't holding back payments for any reason.

Finance Director Dexter assured him that the City does not hold up a payment for the purpose of making interest on the money and said he would look into payments being held up somehow by individual departments. He said checks are cut on the second and fourth Fridays and the first Friday may cover the previous month but they could give that a try, i.e. cut checks three times a mo.

Councilor Baxter asked about the Arlington-Marysville RUSA agreement and City Administrator Sanden said she would check into it.

Councilor Baxter asked about the sewage lagoon chronological list being provided to Councilmembers so that when people ask for information, the list can be simply handed to them to read.

There was discussion regarding other alternatives to informing the public, such as press releases, Channel 18, simplification of a three page document.

City Administrator Sanden said the City is anticipating the Notice of Violation this week and a press release will be issued. She noted there has been a real lack of communication between the City and DOE which is being resolved, for example, on the aerator issue. She said another thing which seems to have held up the permit on the sewer lagoon is the Union/Steamboat/Ebey Slough Water Quality Study and she said the City is working very hard to communicate better with DOE; that the City is doing the best they can and some progress is anticipated in the near future.

There was discussion about testing of water quality, other cities that DOE has issued Notices of Violation/Moratorium to, publishing the list, copies of lists to Councilmembers, issuing press releases, statements to the press and then nothing or very little printed, taking the offensive rather than a defensive stand, explaining we have forced DOE to allow Marysville to install aerators, Pete Poortinga spreading liquid manure causing problems, flood insurance causing problems for Frizzell, other sources of effluent-and odors such as Everett and Tulalip Tribes.

Councilor Baxter asked about the City Administrator's vehicle and City Administrator Sanden said the bids are due Wednesday.

MAYOR'S BUSINESS: None.

ADJOURNMENT: 10:45 p.m.

MARYSVILLE CITY COUNCIL MINUTES
FEBRUARY 12, 1990
Page 9

Accepted this 26th day of February, 1990.

Lita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda R. Iverson
RECORDING SECRETARY