

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 8, 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
 Dave Zabell, Public Works Director
 Jim Allendoerfer, City Attorney
 Mike Corcoran, City Planner
 Wanda Iverson, Recording Secretary

CORRECTED: SEE <u>10/22/90</u> MINUTES

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

City Clerk/Finance Director Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

On page 4 of the 10/1/90 minutes, Councilor Lashua stated he used the words "in concert" not "in orchestra" in the third paragraph, with regard to the Snohomish County Tomorrow Assembly. Also, on page 7, under Item 2, in the second paragraph, Councilor Lashua pointed out that he is not on the Traffic Safety Committee as indicated.

It was determined that there were no more corrections to the minutes and so Councilor Lashua moved that the minutes of the 10/1/90 meeting be approved as corrected. Councilor McGee seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS:

None.

PETITIONS & COMMUNICATIONS:

None.

PUBLIC HEARINGS:

None.

CONSENT AGENDA:

1. 9/30/90 Payroll Check #19830 thru #20144 - \$387,676.07.
2. 10/8/90 Claims Checks #21514 thru #21701 - \$150,955.00.

After several questions regarding claims vouchers, with City Administrator Sanden and Finance Director Dexter to check further on a couple of items, Councilor McGee moved and Council Wright seconded to approve Items #1 & 2. The motion passed with Councilor Weiser not voting on Item #2.

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REVIEW BIDS:

None.

CURRENT BUSINESS:

1. Sewer Dry Line Issue (continued from 10/1/90).

City Administrator Sanden reported that the Friday meeting with DOE was postponed because John Glynn was sick but she did speak with a representative from Olympus Terrace where approved subdivisions were allowed dry lines, however they allowed no side sewers/extensions. She said DOE said that might be possible as long as there is no manhole but she added that any proposal would have to go to the DOE for Marysville.

Councilor Weiser asked if Olympus Terrace had any further requests once the dry sewer line was installed and City Administrator Sanden said no, their moratorium only lasted a year and they were able to enforce the moratorium very well, she stated.

Councilor Baxter pointed out that if Marysville were to allow dry sewer lines, we would have to have stubs so the road would not have to be torn up and City Public Works Director Zabell agreed.

Councilor Pedersen asked if Olympus Terrace had any problems with illegal use of hookups and City Administrator Sanden said no, because they had no side sewers and so that allowed for a high degree of control. She said they recommended highly keeping DOE informed throughout the whole phase.

Councilor Baxter said during the building phase, it would be advantageous to have the storm sewer in place to help take care of the water runoff and City Administrator Sanden pointed out that hydroseeding and other controls could help prevent erosion, that storm sewers are not necessary. Public Works Director Zabell stated hydroseeding is only effective during certain times of the year--from spring to fall.

City Administrator Sanden said she would be willing to put something together to take to DOE and then bring back a formal ordinance to be approved by City Council.

City Attorney Allendoerfer explained a handout regarding a developer whose plat was approved in 1988 and who is now going to build houses on every other lot with a septic on the lots in between each house, with a dry sewer line in place. He has approval from the county but will need a variance for the dry sewer lines from Ordinance 1795, it was explained.

Although Councilor McGee stated he felt the City may be "opening a big can of worms", the majority of Council felt it would be appropriate for City Attorney Allendoerfer to put wording in generic form regarding dry sewer lines, said wording to then be presented to the DOE.

Councilors Cundiff and Pedersen stated they would be in favor of continuing this matter.

City Administrator Sanden suggested discussing with DOE and to bring back a proposal to City Council. She said she believed Olympus Terrace had an ordinance in place and she would try and get a copy of that. She pointed out that Ordinance 1795 would have to be amended if City Council agrees to dry sewer lines because they are not allowed under Ordinance 1795 at this point.

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2. Arlington/Marysville RUSA Negotiations.

Public Works Director Zabell reported on the meeting this morning and presented a map with proposed boundaries. He said his understanding of the Arlington position is to take over the main at 172nd on a permanent basis, excluding the egg farm.

Councilor Weiser said he understood from the meeting that they also wanted to exclude areas north of 172nd and discussion followed regarding the map with proposed boundaries, Arlington's possible annexation along 172nd to I-5, RUSA negotiations needing to include all the elements (Petunia District, Rainey Well collector, water and sewer, urban growth area, Vine St. request being permanent or temporary).

Councilor Baxter pointed out that the Health District boundaries include a lot more area than Marysville currently has as far as water lines and customers and he posed the question of whether Marysville wants customers from another service area. He said a lot of issues were put on the table this morning and there are some new issues since this was discussed a year ago, such as 2929 and the Critical Water Area Study.

There was discussion about the staff meeting from the two cities, boundaries, intentions for annexation, need for more information from Arlington, the PUD issue, CWSSA, service area overlap, lack of communication, Arlington continuing with their plans with or without Marysville being present at their meetings, the need to keep communication lines open.

Councilor Baxter suggested listing Marysville's concerns and presenting them to Arlington. He said he definitely feels they want to work with Marysville.

There was more discussion regarding the interpretation of what each city has proposed for boundaries/discussion and Public Works Director Zabell pointed out that Arlington has just passed an annexation south of the "red line" on the handout and so they are now in a difficult position (Brost Annexation).

Councilor Weiser mentioned the Urban Area Development Boundary to be discussed and City Administrator Sanden reviewed City Council past workshops in which ag and rural land was discussed as was Marysville's sphere of influence and proposed RUSA boundaries.

Councilor Baxter said he wondered how much weight the Brost Annexation will have, if approved by the Boundary Review Board, as far as determination of Arlington City limits and RUSA boundaries.

It was noted that the Boundary Review Board hearing date is 10/16 for the Brost Annexation and after further discussion, it was the consensus that the Marysville committee should meet again at 3:15 on Friday at the Public Works office to determine Marysville's position for presentation to Arlington.

3. Snohomish County Water Utility Coordinating Committee Update.

City Administrator Sanden gave an update of a couple meetings that were held, noting they have looked at a 10 year "window" as well as until the year 2040. One of the issues was whether a 30" line would have to be replaced in 10 years by a 42" or 48" pipe. A "cooperative regional service area" is being developed and the next meeting is Thursday, she said.

Councilor Weiser asked about the need for a 42" or 48" pipe and City Administrator Sanden explained that a 30" pipe was sized for our current RUSA area but since then they have combined the needs of Lake Stevens, Marysville, the Tulalip Tribes and PUD

which translates into a present use of 38 million gallons/day and by the year 2040, they will be using 23 million gallons/day more, hence the need for a 42" or 48" pipeline.

Councilor Baxter noted that Granite Falls demand has been added in at PUD's cost.

City Attorney Allendoerfer said that this issue will also be covered in the Executive Session later this evening.

NEW BUSINESS:

1. Park Acquisition.

It was noted that Jim Ballew could not obtain the necessary video equipment for this presentation and therefore the presentation is postponed to 10/22/90.

LEGAL MATTERS:

1. Renewal of Judge Wisman's Employment Contract.

City Attorney Allendoerfer explained that Judge Wisman is an excellent court administrator, however trials are done by a daytime judge (Larry Trivett). He outlined the duties of both the lead judge and pro tem judges and salaries. He said there has been no increase in salary requested for 1991 however there may be an increase for 1992. The term is for four years, to expire 1/1/94, which purposely overlaps the Mayor's term, he explained.

Councilor McGee asked about reopening of the contract if and when a salary increase is requested and City Attorney Allendoerfer said yes, at the budget review time, the contract can be reopened with the salary increase subject to budget amendment.

Councilor Cundiff moved and Councilor Wright seconded to authorize the Mayor to sign the renewal of Judge Wisman's Employment Contract. Passed unanimously.

2. Narcotics Regional Task Force Interlocal Agreement.

City Attorney Allendoerfer explained this is a cooperative emphasis against drugs and Marysville, by this agreement, contributes their share into an account (\$1500). He noted that this task force has been in existence since January, 1988 with Bob Swearingen's time completely donated toward the effort but now other cities are bearing this burden.

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

3. Contract with Chamber of Commerce.

City Administrator Sanden stated that the 1990 Budget includes \$3,000 to reprint the Chamber brochure "Enjoying Life at its Best". Several other items need to be reprinted this year, but she has agreed with the Chamber that if they wish more than the \$3,000 this year, they must come before the City Council again. In the meantime, it was agreed that \$1500 would be for updating their demographics handout/mail out sheet and \$1500 would be for reprinting and redoing the color brochure "Enjoying Life at its Best" which is estimated to run at least \$8,000 now. She noted that they had a lot of requests and she was able to get them to agree to keep their budget request limited to \$3,000 for this year.

After a short discussion, Councilor Lashua moved and Councilor Weiser seconded to authorize the Mayor to sign the contract with the Chamber of Commerce as drafted. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution Declaring Surplus Property.

Postponed to 10/22/90.

2. Resolution Establishing Stop Signs.

This was approved at last Council meeting. Councilor Cundiff moved and Councilor Weiser seconded to adopt/approve Resolution #1448. Passed unanimously.

3. Update on Sewer System.

City Attorney Allendoerfer reported that a man was recently caught in a public car wash in Marysville, washing his used car oil down the storm sewer. The owner of the vehicle (a Porsche) was charged but this does pose a new threat to Marysville's system, it was pointed out.

Public Works Director Zabell noted that this is a statewide problem and there was discussion about oil separators in the storm sewer system being overloaded if not cleaned on a regular basis, public education needed, how the effluent from the storm sewers go directly into Ebey Slough, the burden of proof. It was noted that the owner of the car wash should be commended for calling the police and it was also suggested that notices should be printed for posting in the car washes and other businesses where this problem may occur.

Public Works Director Zabell reported that they have hired a "sewer cop" to go around to these different places and check on what is being washed down the storm sewer and whether they are keeping their oil separators in working order.

4. Smokey Point Rest Area Request.

City Attorney Allendoerfer explained that the rest area is on Marysville water and needs permission from the City of Marysville to get a sewer hookup from the City of Arlington.

After a brief discussion, Councilor Baxter moved and Councilor Cundiff seconded to grant permission for the rest area to hook up to Arlington sewer. Passed unanimously.

5. Chita's Business License Application.

City Attorney Allendoerfer explained that the City received an application from Chita's to reopen 8 days ago but there are problems with the teen club conforming to the fire code, insufficient parking provided, teen clubs not being allowed in the freeway service zone, etc. He noted that Chita's had anticipated no problems and had gone ahead and advertised their opening, with the result that 200 kids showed up, including a full gang from Everett, Friday night, but there were no outbreaks of violence and the crowd was dispersed peaceably.

There was discussion regarding the poor parking in the area (Chita's is apparently working on this with the Marysville Mall toward some kind of agreement), the fact that if the building is on the national historical register it would limit outside remodeling, handicap access.

CALL ON COUNCILMEMBERS:

1. Council Absence Policy.

Councilor Weiser noted that state law mandates that City Council police themselves and the committee suggested the following three criteria for an excused absence:

1. illness of the Councilmember
2. death in the family
3. conflicts with employer.

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Also, it was suggested that the person to be absent should notify the City Administrator and/or Mayor in writing (if possible) and challenges would be allowed by the City Council person absent. He added that an "unexcused" absence was not necessarily a blemish on the City Council person's record, just that they should not have three consecutive unexcused absences.

Councilor Cundiff asked about the committee's thoughts on vacations and Councilor Weiser explained that was included in two unexcused absences and not to be considered a critical problem.

Councilor Cundiff pointed out that City Council should have a vacation, just like City employees and Councilor Lashua said he agreed, and that one month of vacation should be "excused".

There was further discussion about vacations, duty to City Council responsibility, vacations to be limited to four weeks, to be included as excused, the change from two to three meetings per month now requiring more responsibility and workload.

It was the consensus that the committee would look at how to handle vacations, preferably as an excused absence, and bring their proposal back to City Council.

Councilor McGee expressed an interest in seeing the sewer moratorium discussed again, with regard to who gets hookup priority once the moratorium is lifted.

Councilor Weiser asked about the Marysville RV dump station and it was noted it is open and that it is in fact under state jurisdiction, not the City's.

Councilor Baxter asked about getting the easement from Ed Hayes and status of effluent into Ebeys Slough. Public Works Director Zabell said an outfall analysis needs to be done for submission to the DOE, but that influent BOD is almost within compliance at this point. There was discussion about violators and possible enforcement.

Councilor Baxter mentioned a party house complaint that was not being attended to satisfactorily by the police and there was discussion about poor communication with Dispatch. The people who are complaining about the party house are ready to move out of town, Councilor Baxter stated and City Administrator Sanden said she would follow up on the situation.

Councilor Pedersen asked about the continuation of the Quil Ceda Annexation issue and Councilmember outside mail boxes at City Hall. She also asked about the mini workshop cost at the 10/29-11/1 Retreat. She said she had also heard a couple complaints about the lights at the driving range as well as holes in the nets. City Planner Corcoran to follow up.

Councilor Baxter asked about the nets to be put up at Cedarcrest and Public Works Director Zabell said Jim Ballew is following up.

Councilor Wright reported on the Economic Development Workshop she recently attended and how adoption of Initiative 547 would be very detrimental.

City Administrator Sanden stated she could run off copies for Council of a 2929 vs. 547 publication that would be very helpful.

Councilor Cundiff followed up on the Cruising Ordinance and City Administrator Sanden explained that the situation has subsided but another meeting needs to be held.

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Councilor Lashua invited everyone to the upcoming Snohomish County Tomorrow meeting/Assembly. He stated the City of Marysville has sent a letter of endorsement and formal affirmation of their goals and mission statement. City Attorney Allendoerfer stated he would be attending.

There was brief discussion about Snohomish County Tomorrow having advisory capacity only at this time, however this may evolve into a different role eventually and representation should be chosen carefully and fairly throughout the county.

Councilor Lashua stated he would be attending the mini workshop 11/1 on urban growth and capital facilities plans. He also commented on the last PSCOG meeting he attended, noting that they are changing their name and also incorporating transportation information in with land use planning information, although this has caused a bit of a dilemma--which to do first, transportation or land use? He talked a bit about representation and noted that Marysville is represented by a member from Everett (Snohomish County).

City Planner Corcoran added that they are looking for a dues requirement as well as a commitment with regard to land use, i.e., various jurisdictions may have to go along with the regional plan. He explained that the argument is to plan the land use first before proposing any transportation plan.

Councilor Lashua made a few more comments about the six hour meeting and how much he is getting out of them. He and City Planner Corcoran were both commended for their untiring efforts in this area.

MAYOR'S BUSINESS:

Mayor Matheny reported on a meeting she attended wherein Quil Ceda crossings were discussed as was the 88th St. overpass/interchange. She noted the 88th St. interchange still needs approval by the Dept. of Interior and there was some discussion regarding wetlands, widening of 88th St., moving of part of the cemetery and church.

STAFF'S BUSINESS:

City Administrator Sanden stated she was scheduling budget meetings.

Councilor Lashua asked about receiving funds from the BPA/PUD with regard to the energy code that was passed about six months ago and City Planner Corcoran explained the funds have been included in the 1991 budget but Marysville has not received any funds as yet because of the sewer moratorium. Funds from Snohomish County Tomorrow will go toward the Comp Planning, he added.

Final Plat of Crystal Heights.

City Planner Corcoran reviewed the location of the plat, noting that it is served by water and sewer and approved road system. All requirements have been complied with and approved, he stated and the plat contains a 5 acre City park contiguous to some City park west of it.

Councilor Cundiff moved and Councilor Wright seconded to approve the Final Plat of Crystal Heights. Passed unanimously.

Mayor Matheny asked about installation of the aerators in the sewer lagoon and Public Works Director Zabell reported that all 13 are now installed.

Councilor Baxter asked about Biosurge and Public Works Director Zabell stated he was getting more information.

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ADJOURNMENT INTO EXECUTIVE SESSION: 10:05 p.m.

EXECUTIVE SESSION:

1. Pending Litigation.

RECONVENE AND ADJOURN: Approx. 11:00 p.m.

Accepted this 22 day of October, 1990.

Lita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Manda A. Iverson
RECORDING SECRETARY