

MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 13, 1990

7:30 p.m.

Council Chambers

Present: Rita Matheny, MayorCouncilmembers:

Ken Baxter, Mayor Pro Tem

Dave McGee

Dave Weiser

Donna Pedersen

Donna Wright (excused)

Bob Lashua

Lee Cundiff

Administrative Staff:

Carolyn Sanden, City Administrator

Phil Dexter, Finance Director

Dave Zabell, Public Works Director

Mike Corcoran, City Planner

Jim Allendoerfer, City Attorney

Bob Dyer, City Police Chief

Jim Ballew, Parks &amp; Recreation Supt.

Maude Barrett, Centennial Coordinator

Jerry Jacobsen, Fire Marshal

Sue Jensen, Court Administrator

Duke Carrier, Sanitation Dept. 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:

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

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua moved and Councilor Pedersen seconded to approve the minutes of the 11/5/90 meeting as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS:

None.

PETITIONS & COMMUNICATIONS:**1. Proclamation - "Marysville for the Holidays".**

Read and signed by the Mayor.

NEW BUSINESS:**2. Golf Course Restaurant Proposal.**

Parks & Recreation Supt. Ballew referred to the agenda bill, noting that the two gentlemen interested in purchasing the contract from the Neubauers currently own AJ's in Mukilteo. He stated that the Neubauers have had their lease agreement on the market for approx. 5 months and Messrs. Case and Tondell have submitted a proposed plan for the restaurant, financial statements, etc. He noted they wish to change the name to "AJ's at Cedarcrest" and said he feels very comfortable with these gentlemen because they have restaurant experience, are planning to repaint, stay open longer hours and would retain the 6% 5 year lease with a 5 year option, renegotiable after the first year. He concluded that the Neubauers did not wish to continue operation of the restaurant.

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City Attorney Allendoerfer asked if Messrs. Case and Tondell's record had been check with the Liquor Control Board and Parks & Recreation Supt. Ballew said not as far as any complaints, but he could do that by next meeting.

Charles Tondell, 1050 51st St. SW, Everett and Charles Case, 11609 47th Av. NE, Marysville, both addressed Council and stated they were available for any questions from Council.

Councilor Pedersen asked if they were planning to continue operation of AJ's in Mukilteo and Mr. Tondell answered in the affirmative. She asked about his management experience and Mr. Tondell stated he has 10 year of management experience. She noted they have presented a very ambitious proposal.

Mr. Case stated they feel the present image needs to be changed and noted that he and Mr. Tondell have been partners for 14 mos.

Mr. Tondell stressed that their plans include all homemade food and he showed the Council a design for a new sign.

Councilor Weiser asked where Mr. Tondell's management experience was and Mr. Tondell stated it was in Las Vegas for a corporation owning 5 restaurants.

Councilor Cundiff asked if the relationship between the two is a limited partnership and Mr. Case stated no, it is a full fledged partnership.

Councilor Lashua asked about an escape clause and Parks & Recreation Supt. Ballew stated one is contained in the lease, based on performance.

City Attorney Allendoerfer asked about City paid capital improvements and Parks & Recreation Supt. Ballew stated there were no requests for this year, other than a deck proposal.

City Attorney Allendoerfer pointed out that it seems like each new owner wants to totally refurbish the restaurant at City expense and then can't seem to make a profit at it.

Parks & Recreation Ballew said the only major improvement would be for a deck; they want to do some landscaping and that would mainly be done by golf course personnel but the City's participation in the deck project would be limited.

Messrs. Case and Tondell summarized that they have no hidden agenda, they feel being open more hours, scratch cooking, staying away from frozen products, catering to all local residents, combined with their restaurant experience should improve business one and a half times what is being made now.

Councilor Pedersen commented favorably on their proposal for the new name and Councilor Lashua expressed a possible need for a floor in the rental agreement so if there's no income, the City would still get a flat fee.

Parks & Recreation Supt. Ballew pointed out that they would be actually purchasing an existing lease through 1995 and they are proposing to carpet, paint, etc. at their cost. Under the worst case scenario, he said he believed the lease and improvements would fall back on the City although he admitted the City Attorney had not had a chance as yet to review the lease.

Finance Director Dexter pointed out the lessees must pay a 12.48% leasehold improvement tax and that tax has deterred lessees from making improvements, in the past.

Councilor Baxter said he would be in favor of continuing this matter for two weeks, in order to give Jim Ballew time to check with the Liquor Control Board, etc.

Councilor Lashua asked if the lessee approval hinges on the Class H liquor license, i.e. if they do not get the license, then what?

Parks & Recreation Supt. Ballew said there was no contingency in the contract such as that and that if they do not get the license the contract would have to be renegotiated.

Councilor Pedersen moved to continue this matter to 11/26/90. Councilor McGee seconded and the motion passed unanimously.

PUBLIC HEARING:

**1. The Formation of a Storm Water Utility; A Funding Mechanism to collect money to solve storm drainage and water quality problems.**

Bill Derring and Gene Williams from the County gave a slide presentation, illustrating the need for the City of Marysville to adopt a plan for surface water and watershed protection, as the county has done. It was noted that the county doesn't have jurisdiction over the cities, that Quilceda Creek and Allen Creek are located within Marysville and that cities need to develop their own surface water utility. Mr. Derring explained the problems that have developed over the years with rooftops, driveways and other impervious surfaces--erosion, pollution, poor runoff, localized flooding, high ground water table, inadequate drainage, agricultural pollutants contaminating streams, poor infiltration, poor water quality, declining fish population, sediment/silt buildup, etc. He said a watershed management plan could be funded 75% if done in cooperation with the county plan and he pointed out the advantages of assistance with funding of capital improvements, stream rehabilitation, a maintenance program, education program, monitoring of water quality. He outlined a proposed tax structure based on impervious surfaces, noting that the fee is \$22 per household per year in the county, \$20 per unit for condos, \$22 per quarter acre for farms up to a maximum of \$88, commercial starting at \$7 per quarter acre up to \$66 per quarter acre (with more than 80% developed). He explained that the rate system is based on the people who are causing the problem rather than in terms of benefit. This is the same rate structure that was established in 1988 for the whole county, he said and when asked for the definition of "impervious surface" he said it is any artificially hardened surface which doesn't allow water to infiltrate (including gravel).

Councilor Weiser asked about the fairness of the rate structure for single family dwellings and Mr. Derring explained that Marysville has a very high ground water table and overall, any development has changed the original "forest"--even the family vehicle causes pollution.

Public Works Director Zabell pointed out that the problem is getting worse and worse with development on the hillside, including private drainage system problems. Also, Quilceda Creek and Allen Creek have a very high priority as far as being fish bearing streams, he said, and this is an ideal opportunity to dovetail into the county grant application with Marysville standing to receive a good portion of \$90,000. He noted that several storm water sewers in Marysville empty directly into Ebey Slough and we need to watch our water quality.

Councilor Cundiff asked about including a sunset clause and Mr. Derring noted the county has a sunset clause written in whereby the agreement has to be renegotiated in 5 years. Public Works Director Zabell stated City staff is also proposing the 5 year renegotiation clause in the Marysville interlocal agreement.

City Attorney Allendoerfer pointed out that the interlocal agreement can be terminated at the end of any year.

Councilor Pedersen asked about inventorying existing buildings and Mr. Derrying said that the county has developed a field matrix correlating it to the land use code so the conversion and calculations can be done based on the assessor's records at this point. He added that there is a very simple appeal method--just a phone call.

Councilor Lashua asked if there were any engineering plans and Public Works Director Zabell said not as yet.

Councilor Lashua asked about the effective date as proposed by the county for when to begin collecting the tax and Mr. Derring said it was planned to begin with the Feb. 1992 property tax statement.

City Administrator Sanden pointed out that there will be fees from the Snohomish County Assessor's office in 1991 with revenues coming in in 1992. She added that this would not be covered by a grant and is not budgeted. Mr. Derring stated the fee would be about \$8500 to get Marysville on the system through the Assessor's office.

Councilor Baxter commented that Marysville has an ordinance for a park allowance and stated he felt the storm water utility tax would be a disincentive for people.

City Administrator Sanden pointed out that new construction must still have drainage as before and Councilor Baxter asked about maintenance of the systems and enforcement.

Councilor McGee expressed a concern about this being another tax on the single family dwelling. He said he would prefer to see the tax start with commercial uses and Mr. Derring pointed out there is a higher fee for commercial uses. He added that if new developments comply with detention requirements, there is a 1% deduction on the fee percentage, however this deduction does not apply to single family.

There was more discussion about the rate structure, use of funds, grants, \$8500 engineering costs, percentage of money that comes back to the City, one time costs, \$120,000 revenues plus \$30,000 (road tax) estimated for 1992, other watersheds, the county having tied the tax specifically to the watersheds so the money collected here is spent here.

Mr. Derring said that Stanwood, Everett, Mukilteo, Edmonds and Mountlake Terrace have comparable fees and most of them are assessed on water bills for the surface water utility.

Public Works Director Zabell pointed out that Marysville's water bills go to the tenant and so it would present a bookkeeping problem if the City were to add the surface water utility to the water bill. He gave as an example of a "heavily" assessed surface water account Fred Meyers, who would probably be assessed \$50 per quarter acre.

There was further discussion about outfall, methods of maintenance, dry wells, required hard surface, off site systems vs. on site systems and why an on site system owner should have to pay for an off site system.

Councilor Baxter specifically mentioned a City approved on site drain field on an individual's property in downtown Marysville where the system across the alley is pre-1982.

Councilor Lashua said he also has a concern with this additional tax that is in effect paying for the east hillside.

THERE WAS NO AUDIENCE PARTICIPATION IN THIS PUBLIC HEARING.

City Attorney Allendoerfer compared this tax somewhat to school taxes--everyone participates. He asked if this would supersede drainage districts and private assessments and Mr. Derring explained that in the county drainage and diking districts are excluded from the storm water utility.

There were some comments about the Poortinga farm and Diking District 3, with Mr. Derring saying it would be up to the City if they wished some of the utility money to be used for storage from Poortinga.

Councilor McGee asked about the estimated revenue and Public Works Director Zabell said it was estimated at \$150,000 with a cost of \$8500. He said some of the money would go toward planning, capital improvements, responding to drainage complaints, maintenance (\$35,000/yr.).

Councilor Cundiff asked if the special utility would require an increase in maintenance/monitoring personnel and City Administrator Sanden said it's possible in 1992.

Councilor Cundiff said he would like to see the total presentation rather than a piece meal presentation which is what he felt was happening tonight. He said he would like to see it postponed until the Council had more time to review.

There was more discussion about projected revenues and costs and Councilor Baxter said he would like some better answers on the drainage program/requirements of business owners for storm drainage, for example.

Councilor Lashua expressed concern about public impact of the tax and asked if the public was given adequate notice of the hearing. City Administrator Sanden said she attended the county hearings and a number of people did show up at those hearings, but it seemed they were generally in favor.

Councilor Lashua moved to continue the public hearing to 11/26/90. Councilor Pedersen seconded and the motion passed unanimously.

CONSENT AGENDA:

1. 10/31/90 Payroll Check Nos. 20232 through 20432 - \$361,817.91.
2. 11/13/90 Claim Check Nos. 21861 through 22063 - \$735,109.68.

There were a number of vouchers questioned--judge pro tem services, office supplies, building inspections, miscellaneous expenses, physical and medical fees, pipe storage costs, aerial cable, traffic signal expenses.

Councilor Pedersen moved that Consent Agenda Items 1 & 2 be approved and Councilor Weiser seconded. Passed unanimously.

REVIEW BIDS:

1. Golf Course Netting Project.

Parks & Recreation Supt. Ballew referred to the agenda bill and stated staff is requesting a rejection of all bids at this time. They have decided instead to shorten the fairway on #17 and would like to have another engineering report done for realignment, directing golf balls away from 67th and they feel this would require less netting, he said.

Councilor Baxter further explained the realignment and improvement of the golf course and Public Works Director Zabell pointed out that the widening of 67th has been delayed because of the sewer moratorium.

Parks & Recreation Supt. Ballew said they believe they can do the realignment inhouse and would contract out poles and a 40' net vs a 60' net.

After further brief discussion, Councilor Pedersen moved and Councilor McGee seconded to reject all bids that had been received for the 60' netting. Passed unanimously.

CURRENT BUSINESS:

1. **Recycling Proposal.**

Sanitation Foreman Carrier referred to Exhibits A & B in the packets, noting that Waste Management Northwest was the low bidder out of three. He noted also that representatives from Rubatino and Fibres International wished to address Council.

Greg Matheson, General Manager of Fibres International, addressed Council, stating they enjoyed the opportunity to submit a bid on the recycling proposal. He noted that Waste Management had come in with an extremely "good deal" for the City and he recommended the City "nail down" the good deal. He pointed out that the recycling bins cost about \$16/set and he wasn't sure how Waste Management was able to afford the rates offered the City.

Ed Rubatino, 2613 Taylor Dr., Everett, addressed Council, stating he also enjoyed the opportunity to quote. He said he agreed that Waste Management is a good deal for the City and added that yard waste is a new program so it's difficult to predict what's going to happen there. He commented that he felt Marysville is doing a good job in pursuing their various utility programs.

Councilor Baxter asked about the definition of yard waste--if it would include sod, leaves, rocks. Mr. Rubatino said their policy is if it's from your yard, it's yard waste, basically. He added that they were going to work with Rainwater on disposal of the yard waste and quite frankly, they could not go any lower on the bid they submitted to the City.

Councilor Lashua asked about the toters and Mr. Rubatino said they supply each household with one toter because there are problems when you ask people to share. Normal wear and tear is covered on them and Rubatino is starting the program in EVERETT in the spring, he stated. He noted that they spent \$140,000 on new containers for Everett and expect to have to buy even more.

City Attorney Allendoerfer asked if they would like to be reconsidered in the event Waste Management doesn't work out and Mr. Rubatino said yes, they would love to serve Marysville. Mr. Matheson said Fibres International is also interested.

Councilor Pedersen said her concern was ending up paying more on the lowest bid as has sometimes happened in the past with other bids. She also noted that Arlington is trying to get out of the recycling business and wondered if it would be in Marysville's best interest to do so also.

Councilor Lashua noted that in the past, Marysville has been able to collect its own garbage cheaper than hiring it out and there were further comments regarding taking over annexed areas for garbage collection, authority for garbage collection (permitting process).

Mr. Rubatino stated that existing carriers are allowed to continue to collect garbage in order to amortize their equipment, in the case of annexed areas. He also pointed out that Rubatino has "garage door" service vs. curbside, so that others don't know it's garbage day by driving through a neighborhood and seeing all the cans out.

Sanitation Supt. Carrier said for Marysville to stay in the garbage business, we need a different type of equipment. Larger restaurants, for example, have had to be turned over to another carrier because Marysville only has rear load trucks. Household pick up may no longer be competitive, either, with curbside recycling he stated and recommended that the City negotiate further with Waste Management.

Councilor McGee moved to authorize staff to negotiate with Waste Management, keeping in mind other offers and with questions regarding rate increases. Councilor Pedersen seconded and the motion passed unanimously.

NEW BUSINESS:

1. Centennial Logo Selection.

Maude Barrett, Centennial Coordinator, addressed Council and stated 46 designs had been submitted, of which three were chosen by the committee (in the packets). She said she had been in touch with the historical society regarding the original logo of the City however, they have apparently lost or misplaced the historical seal. She noted that the final design chosen from the three in the packets would have to be cleaned up with some finalizing work needed on two of the designs. She said the centennial committee and coordinators had in mind using the logo beyond the centennial as well as during the centennial for producing pins, a stamp, stationery, etc.

After some discussion, a poll was taken. Councilors Lashua, Cundiff, Weiser and McGee voted for the one in the upper right, Councilor Pedersen and Mayor Matheny liked the stamp/upper left and Councilor Baxter said he didn't like any of them particularly but if the one in the upper right were chosen, he would prefer to see "Marysville" written on the water tower, replacing the ladder.

There was further discussion regarding use of the logo in the future, possible production of banners and Councilor McGee then moved to approve the logo in the upper right with the ladder on the water tower taken out and replaced with "Marysville". Councilor Cundiff seconded and the motion passed unanimously.

3. 1991 Proposed Budget - Overview & Work Session.

Finance Director Dexter gave introductory remarks, noting that the General Fund is up 30% over the 1990 budget but it allows for a substantial reserve; that the trend for the whole budget is for a strong public safety factor as well as streets and roads funding. He noted that ultimately there will be a rate increase to the property owners because of this budget and this includes effective 12/1/90 a per capital tax from annexation. He noted that the total assessed valuation is \$439,209,843 which includes a record for new construction of over \$54,000,000. He reviewed the personnel requests for the various departments and announced that next Monday night 11/19/90 will be a special budget meeting for City Council because City Administrator Sanden is leaving on vacation very soon thereafter.

There was considerable discussion regarding the 6% utility tax as proposed, which would be more like a business tax charged to all customers within RUSA. It was noted that this will produce a revenue of approximately \$195,000. It was then decided to discuss each department's budget as proposed, the first one being for City Council.

It was noted that the "Miscellaneous" line item under the City Council budget includes meetings, seminars, development, \$250 for a pull down screen for Council Chambers. It was decided that the City Council budget was in order and they moved on to the next department.

Courts Budget - Councilor McGee questioned \$3,000 for an additional disk drive and Sue Jensen explained this was something that Data West highly recommends in order to improve the efficiency of their computer system; it will provide for faster response time because of more capacity. She stated they are also requesting another printer which would also help the efficiency of the office, as well as a wall safe because they sometimes have in excess of \$3,000 in the office. Other items requested are fire proof file cabinets,

and computer furniture. She added that the back room in the Council Chambers could be used for storage for the courts and she also mentioned that the state pays for all systems/supplies on their court system but the Marysville Municipal Court is not on the state system and yet have to contribute to the state system.

Councilor Lashua asked what was included under Professional Services and Ms. Jensen stated that includes pro tem services and the public defender's contract.

Councilor McGee recommended that \$4600 for the demand document feeder/printer and the additional disk drive be cut from this budget but Ms. Jensen stated she would like Data West to come in and explain the need first. Councilor Pedersen supported her argument, noting that Data West may also be able to suggest alternatives.

It was the consensus that more information/alternatives should be brought in next week.

There was further discussion about cuts to be made in order to accommodate the new City Hall roof (\$50,000) and/or to eliminate the 6% tax.

Under the General Executive Budget, City Administrator Sanden explained that a computer is being requested as a general work station for backup and part time help plus an Apple computer for in-house generation of newsletter and flyers is requested. Also, she stated there is need for a quality fax that doesn't use heat sensitive paper and a car phone. There was discussion regarding a laser fax and how expensive they are and it was noted that the VCR and video stand and vacuum cleaner can be dropped from the requests. The handicap access door was discussed and it was noted that under old construction, it is not mandatory and also, the handicapped person could use the frop box, if necessary. The heating system was discussed at length with regard to replacement, repairs, etc. It was noted that it is 43 years old and several companies have looked at it. The consensus was that City Planner Corcoran would look up the original City Hall plans to check out the heating system, with an alternative of putting heaters in the roof/ceiling.

There was more discussion about copper vs. galvanized piping on the heating system, fax paper quality, reroofing and painting of City Hall, patching only estimate \$5,000, \$15,000 for heating system including new circulating fan. The consensus was to cut the vacuum cleaner, handicap access door and fax and just patch the roof for now.

Finance Dept. Budget - Finance Director Dexter noted that he may have to increase the public health budget by \$8500 in order to help finance the Snohomish County Health District new building. He briefly reviewed some of the line items in the budget and Councilor Lashua questioned the \$1600 Economic Development Council dues. It was the consensus not to cut this item.

City Attorney Budget - City Administrator Sanden explained that with regard to an analysis of having an inhouse attorney, basically it would be the same cost with the exception of startup costs of a library. There was further discussion regarding advertisement of the position, holding an assessment center, having adequate facilities/office inhouse. It was the consensus to continue discussion regarding this item to next meeting.

Compliance/Planning Budget - There was discussion about the City Planner's use of a used police vehicle vs. the request for a newer small pickup, the fact that an 8,000 population is the trigger for equipment rental for the street dept. and going to a motor pool is basically the same as an equipment rental fund. It was noted that generally police vehicles are not included in the motor pool. It was also noted that because of the sewer moratorium, the Planning Dept. budget is very tight.



ORDINANCES & RESOLUTIONS:

1. Resolution Denying Utility Variance to Marysville Lutheran Brethren Church.

Councilor Lashua moved that Resolution #1452 be approved/adopted denying the utility variance to Marysville Lutheran Brethren Church without prejudice. Councilor Cundiff seconded and the motion was passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor McGee asked once again about establishing priorities once the sewer moratorium is lifted and Public Works Director Zabell reported there are still some conflicts on interpretation but he would follow up on this further and bring something back before Council.

Councilor Weiser asked about the 4th & 47th signal light and Public Works Director Zabell said he would follow up on this also.

Councilor Weiser asked about the aerators that broke down and Public Works Director Zabell stated it was part of the mounting --stress cracks under water and after inspection it was determined that 5 out of 20 aerators had been affected. They are being repaired under warranty.

Councilor Baxter noted that the flower bed on the north of the Public Safety Building never gets any attention. Also, the golf course/Parks Dept. joint board needs to be discussed again, he said. He said he would like to see some business people work on the board, play needs to be increased and expenses need to be kept down--the golf course needs to make money for the parks system as it was originally intended to do.

Councilor Weiser pointed out that private golf courses make money because the pro shop, restaurant and golf course are not the same management.

Councilor Pedersen brought up the subject of the Brost annexation and Arlington's annexation policy. Discussion followed regarding sewer/moratorium, Wigren ag land being converted to industrial, Fire District 12, Urban Area Boundary, 180th being a feasible annexation boundary, criteria, planning meeting tomorrow, RUSA boundaries, Arlington's aggressive annexation tactics, the possibility of hiring a part time annexation negotiation person but it got cut from the 1991 budget, Arlington's goals.

Councilor Cundiff reported on the Stillaguamish Senior Center board meeting, noting their new Executive Director is Linda Lindstrom. He reported also that they have recently purchased more property for development.

Mayor Matheny asked about the progress on the Park & Ride lot at Ash & I-5 and Public Works Director Zabell stated the Rotary is to get approval of the plan from DOT.

There was discussion about the Park & Ride lot plan, DOT, CT, the Village \$10,000 donation.

Councilor Cundiff asked about the rumors regarding the Marysville Mall being for sale and City Planner Corcoran said he had been speaking with the manager and it is thought the bank will probably want to retain ownership of the Mall.

Public Works Director Zabell reported a report was submitted to DOE today with compliance on everything except one reading. He said he would also like to get their interpretation on who to hook up once the sewer moratorium is lifted.

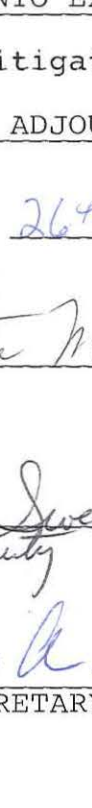
ADJOURNMENT INTO EXECUTIVE SESSION: 12:30 a.m. 11/14/90.


1. Pending Litigation.

RECONVENE AND ADJOURN: Approx. 1:00 a.m. 11/14/90.

Accepted this 26<sup>th</sup> day of November, 1990.

  
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MAYOR

  
\_\_\_\_\_  
CITY CLERK, Deputy

  
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RECORDING SECRETARY