

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 7, 1991

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
 Dave Zabell, Public Works Director
 Duke Carrier, Sanitation Foreman
 Phil Dexter, Finance Director
 Mike Corcoran, City Planner
 Grant Weed, Acting City Attorney
 Doug Ronning, Fire Chief
 Wanda Iverson, Recording Secretary

CORRECTED: SEE <u>1/14/91</u> MINUTES
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CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilor Weiser noted in the 12/10/90 minutes, on page 13, in the first paragraph, "state laws" should be "street lights".

Councilor Lashua moved and Councilor Weiser seconded to approve the minutes of the 12/10/90 meeting as corrected. Passed.

Councilor Weiser moved and Councilor Wright seconded to approve the minutes of 12/17/90 without correction. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS:

None.

PETITIONS & COMMUNICATIONS:

None.

PUBLIC HEARINGS:

None.

CONSENT AGENDA:

1. 12/31/90 Payroll Check No. 20724 through No. 21026 in the amount of \$401,672.32.
2. 12/21/90 Claims Check No. 22387 through No. 22531 in the amount of \$342,357.49.

Councilor Lashua commented on vouchers for more sweat and t-shirts, a voucher for Neil Edwards at the Clinic on Fourth St., Great Northern golf uniforms (employee clothing) and then moved that

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(once it was determined there were no other comments or questions) Items 1 & 2 of the Consent Agenda be approved for payment. Councilor Cundiff seconded and the motion passed unanimously.

3. Southeast Downtown Drainage Phase II; Acceptance of Completion.

Public Works Director Zabell commented that "Intent to Pay Prevailing Wages", "Affidavit for Wages Paid" and other documents still have not been received and approval would be contingent upon receipt of all proper documentation.

Councilor Baxter moved for approval after the completion of the required paperwork and other conditions as specified in the agenda bill. Councilor Weiser seconded and the motion passed unanimously.

REVIEW BIDS:

None.

CURRENT BUSINESS:

1. Southeast Annexation.

City Planner Corcoran stated this is located south and east of the Griffore Annexation, consists of 150 acres and was expanded by the City at the 10% stage. The proponents canvassed the neighborhood, he explained, particularly in the Northeast quadrant of 67th & 44th but were not able to obtain any residents in that area who wished to sign the annexation petition. City Planner Corcoran handed out documentation showing the effort the proponents have put into this project in trying to obtain additional signatures, etc. He said they are now asking that the annexation area be scaled back to exclude this particular quadrant so that there will be sufficiency of petition. He noted there are about 18 property owners involved in the area the proponent wishes to exclude.

Council Pedersen asked if the reduced area represented an increase of the original area and City Planner Corcoran suggested that be addressed by the proponents in the audience.

Rick McArdle of Wight & Hardt addressed Council, stating he was representing supporters of the annexation and request to reduce the larger area as explained by the City Planner. He stated the proponents canvassed all the property owners after the July City Council meeting and were unable to get any signatures from the additional 20%. He noted that out of 88 owners, 54 are in favor of annexation which represents about 61% of the assessed valuation. He also mentioned there were two additional signatures in favor obtained in November (which brought it up to 61% at that time). He noted that their submitted record of contact made is only about half of what was actually done--the rest were lost on the computer. However, he stated he could testify that all property owners were contacted and they now have 61% of the assessed valuation of the original annexation area.

Councilor Weiser asked if it is within RUSA and City Planner Corcoran said yes.

Mr. McArdle said he understood there was to be a public hearing regarding the boundaries and City Planner Corcoran pointed out that tonight's meeting is to set a public hearing date and staff is recommending 2/25/91.

Councilor McGee moved to set 2/25/91 as the public hearing date regarding whether the subject property should be accepted, with the 61% accepted at this point, subject to an approved annexation being committed to the City's current bonded indebtedness and adoption of the City of Marysville Comprehensive Plan for the subject area.

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Councilor Lashua seconded the motion and it passed unanimously.

NEW BUSINESS:

1. Appeal Administrative Determination/Sewer - Family Counseling Service (Harmony House).

Public Works Director Zabell explained the applicant is asking that they be included as a "public building" under Section 5.4.b of Ordinance No. 1795. He said he understood now that Harmony House would have some HUD financing. He noted that when 1795 was drafted, the idea of a public building was a school or a fire station, for example and a housing facility such as this was not included under the intent.

Riley Lee, Housing Coordinator of Family Counseling Service addressed Council, explaining Harmony House is a non-profit project, supported by public funds. Also, he noted they had vesting but lost it due to the sewer moratorium/ban and he asked that the Council consider whether it is fair and rational to require Harmony House to have to construct an expensive (\$20,000) septic system. He reiterated that this will be a building dedicated to the public's health and welfare and they are looking for City Council interpretation of "public buildings". He noted that City staff has previously interpreted public buildings to be schools, fire stations, etc. but Harmony House is funded strictly by public dollars and like a school, dedicated to serving the public. He said they feel they should be allowed the same exemption as a public building and be allowed to hook up to the City sewer service.

Councilor Weiser asked about their losing their vesting rights and Mr. Lee explained it was because they were unable to hook up originally within six months because they did not get a building permit (because of the sewer moratorium).

Public Works Director Zabell explained that under Ordinance 1763 there was no limitation on flow and they were vested for 15 units but under 1795 there is a limitation, unless they are considered a public building.

Mr. Lee stated that as far as serving the public health, welfare and safety needs, there is a very definite need for housing the chronically mentally ill, such as the facility at 1299 Cedar. He reminded Council that Harmony House has been through the public hearing process and approved.

Jack Billsboro addressed Council and stated he is the father of a mentally ill son as well as a director on the advisory board of Family Counseling Services. He pointed out that this will be a 15 bed facility, funded 100% by public funds, that there is a critical need to house some of the 4600 severely mentally ill people in Snohomish County who have very little professional help available to them. He noted that this segment of the population has a very high suicide rate and a structured setting such as Harmony House would help a great deal in providing needed housing and professional mental health care for the residents. He pointed out that there are 40 Snohomish County residents in the Washington State (Mental) Hospital at Steilacoom who are not well enough to be on their own but who could survive in this type of facility and Harmony House could provide a place for 15 of those 40. He further pointed out that each resident at Washington State Hospital is costing the taxpayer \$3900 per month and he would very much like to see the opening of Harmony House because it is very possible one of those patients (his son) could live closer to home.

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Steve Holt, Executive Director of Snohomish County Housing Authority and former mayor of the City of Snohomish, addressed Council and explained that the major funding for Harmony House is under Section 202 of the Federal U.S. Housing Act and that state funds have also been granted for the project. The project is also exempt from paying property taxes and all these factors should make the project fall under the category of being used for public purposes, he stated and added that this is a unique situation. He also noted that it is a non-profit organization using 202 funds which are about the only funds left for new construction, at this point. He said he would hate to see Family Counseling lose this housing opportunity.

Councilor Cundiff asked if there are any other such projects in surrounding counties and Mr. Holt noted there is a 202 facility in Lynnwood where the city actually contributed funds also in order to assist this most worthwhile project.

Councilor Pedersen asked about this being addressed in the MMC and Acting City Attorney Wiede stated where it is not specifically addressed in the MMC, the court would give deference to legislative intent plus the City Council interpretation of a "public building", with City Council having the ultimate authority to interpret the ordinance, he said.

City Administrator Sanden added that there was a concern originally about this type of housing being similar to senior housing, however with the factors coming to light this evening, i.e., 100% public funding, being exempt from paying property taxes, these factors distinguish Harmony House from senior housing very conclusively.

Mayor Matheny mentioned that the neighbors have no problem with the facility going in and that she is also in favor of it.

Councilor Cundiff asked if there are any other similar facilities in the immediate area and Acting City Attorney Weed said not that he was aware of offhand. He did remind City Council they do need to be sure approval is not going to be opening up "the flood gates" but the project does have legitimate public health and welfare features and is property tax exempt, as stated by the applicant.

Councilor Baxter asked if the building would not still be owned by a private enterprise (Family Counseling) but Mr. Holt explained that part of the tax exempt status is that if Family Counseling (a non-profit organization) did not retain ownership, the building ownership would revert to HUD and so in this way, it could not be taken over by a for-profit company.

Robin Wilson addressed the Council as a 23 year resident of Marysville. She referenced concerns of the President of the United States and the Governor of the State of Washington with regard to the homeless and she noted this facility would help alleviate the mentally ill homeless problem. She said she felt Family Counseling is to be commended for their buildings which offer a better alternative for the mentally ill.

Judd Cunningham of Family Counseling Service addressed Council, reminding them they came before City Council a long time ago and were given permission/support for this facility. He noted that due to many delays, including the sewer moratorium, they ended up losing their good interest rate and now they are facing a prohibitive expense to have to install a \$20,000 septic system.

Public Works Director Zabell noted that originally, he had not realized that the project was 100% public funded and City Administrator Sanden noted also the new information that the facility would not revert to a profit organization. She stated the Council

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needs to decide whether the definition of a public building would apply to this facility which is

- 100% public funded
- has a property tax exemption
- would always retain non-profit ownership.

Councilor Lashua said he felt it does meet the public building definition and that he certainly has compassion for the project. If this were approved and construction started and then before completion, another moratorium is put into effect, he asked what would happen then.

Public Works Director Zabell pointed out that once the building permit is received and the sewer hookup is made, they would be allowed to continue with construction.

Councilor Pedersen stated she would agree that the 3 criteria listed by City Administrator Sanden would make this building eligible as a "public building".

Jim Mulligan, 7922 56th Dr. NE, addressed Council and stated he remembered this application for a CUP coming before the Board of Adjustment. He noted the case was handled by Ian Millikan (temporary hearing examiner) and judged to be a public facility/agency and met the criteria for issuance of a CUP.

Councilor Lashua moved and Councilor Pedersen seconded that City Council shall allow this facility to be included in the definition of a public building, based on the findings of fact as previously outlined, under Section 5.4.b of Ordinance 1795. The motion passed unanimously.

2. Utility Variances- Dennis Withey.

Public Works Director Zabell explained this is a request for two variances and he referred to the agenda bill, explaining that staff recommends approval under Ordinance 1795 but denial of the applicant's request to be excused from covering his frontage on 46th with a sewer main (120').

Dennis Withey, 4624 88th St. NE, addressed Council and explained the proposal as in the packets: to go around his home and hook up to the stub already installed on 88th as recommended by Ray Rogers, contractor. He stated he does not have the finances to hook up on 46th as recommended by City staff. He added that by allowing him to go through his own property, there would be less disruption of traffic on 88th. He noted that years ago it was put to a vote and a new extension on 88th voted down.

There was discussion regarding the actual logistics of how much sewer line would have to be installed, where the stub is, recovery procedures, future plans for the sewer along 88th St.

Mr. Withey again reiterated that with the \$5,000 PUD package he just had put in plus a \$15,000 remodel on his home, he cannot afford the sewer extension that would be required by the City.

Councilor Lashua asked about the condition of the septic tanks in the area and the height/depth of the water table. Mr. Withey said he didn't know about the condition of other neighbors' septic tanks, but he did know that the water table is about 40" down.

Councilor Weiser asked Mr. Withey about his exploration of other alternatives as per Snohomish County Health District letter dated 1/4/91 and Mr. Withey explained that he did not want to go through with any temporary resolution of the problem and then have to redo the whole thing, causing a lot of time and money. He added that it is his understanding that with the 88th St. interchange, the area will be annexed and the sewer main improved on 88th.

Councilor Baxter pointed out that it's up to the residents to annex, not the City, also that the applicant is outside City limits and has the option to put in a drain field.

Mr. Withey countered that Ray Rogers said if your septic fails, you could hook up to the sewer and Mr. Withey said he would prefer to do it right the first time and hook up to the sewer.

After further brief discussion, Councilor Cundiff moved to approve the Variance #1 request but to deny the Variance #2 request. Councilor Lashua seconded and the motion passed unanimously.

3. Utility Variance - Vine Street Group.

Public Works Director Zabell explained that Mr. McKinley has 2 parcels vested under Ordinance 1795 for a single connection but is requesting that he be allowed 12,830 gpd vs. the allowance of 168 gpd under 1795.

Brent McKinley of Arlington addressed Council and stated he sees allowing vested hookups as a step in the right direction however he feels Ordinance 1795 should differentiate between single family use and commercial zoning because 168 gpd would not be nearly enough for a commercial connection. He explained that a ULID is for the benefit of the property owner and they have paid the ULID in full but now cannot hook up because of the gallonage and number of connection limitations. He also noted that City Council has interpreted one hookup to mean one tenant and the Gateway Centre will need about 6 or 7 hookups for about 20 tenants. He stated they are requesting a variance from the single family limitation as contained in Ordinance 1795.

Councilor Pedersen asked about the date of completion for the shopping mall and Mr. McKinley guessed about 7/91, barring no further delays. He thanked City Council for their cooperation with regard to working with the City of Arlington towards an interlocal agreement, even though that did not come about. He concluded they may end up having to construct a \$125,000 septic system after all in order to solve the problems, however they wished to avoid this avenue if possible, especially in light of the fact that they are a bonafide, paid ULID participant.

Public Works Director Zabell noted that Ordinance 1795 is in the process of being amended by 2/11/91 however the draft still contains the 168 gpd limitation. ULID participants would be given high priority for vesting rights, he commented.

Mr. McKinley pointed out they paid for their ULID several years ago but because of their higher gallonage, it seems they are being given a much lower priority.

Public Works Director Zabell said high usage is being limited in the 1795 amendment however City Council will have the right to change priority ranking.

Because they have spent considerably more than a single family ULID, Mr. McKinley said they feel they have the right to more capacity but Public Works Director Zabell noted there's no contractual right to capacity under 1795, until a sewer connection fee is paid.

Mr. McKinley stated they are arguing that they have a ULID right and feel the City is discriminating against high users.

City Administrator Sanden explained the purpose of the ordinance was to allow every property owner to use their property, even if it was only in a small way and 168 gpd was to allow at least some use of every property owner. She added that many commercial users use less than single family users and they were trying to be as fair as possible.

Councilor Pedersen asked when the new draft ordinance would come before Council and City Administrator Sanden said she was going to be handing it out later.

Councilor Pedersen said she would like to see Mr. McKinley come back once City Council has had a chance to review the ordinance amendment and Councilor Cundiff agreed.

Councilor Cundiff then moved to deny the applicant's request for a variance without prejudice. Councilor McGee seconded and the motion passed unanimously.

There was brief discussion about the time line for the EIS, sewer lagoon upgrade, etc.

4. Utility Variance - Jack Sleasman.

Public Works Director Zabell explained that Mr. Sleasman proposed a ULID for his neighborhood but because of the sewer moratorium, the ULID process has been in limbo. Two of the lots have failed systems and are health hazards, he noted and he referenced alternatives outlined in the agenda bill. He added that an informal LID has been signed by all neighbors but time is of the essence here and they can't wait until June.

Jack Sleasman, 9212 61st Dr. NE, addressed Council and stated he represents 16 property owners in favor of a sewer LID (12 homes). He said the floods last month, of course, exacerbated the situation and he reviewed the vicinity map (in packets) with Council, noting the homes do not at present have immediate access to the City sewer but all the neighbors are willing to annex and become part of a ULID. The Snohomish Health District has surveyed the lots and notes that the water table is only 15" below the surface on the Sleasman property, explaining why the drain field is constantly saturated. He noted that they live in a nice home with three bathrooms and he proceeded to outline all the measures they are now having to take because of a lack of capacity in their septic system--using their RV and dumping the holding tank once a week, dumping dish water down street sewer, using the laundromat for clothes washing, minimum shower use, not allowing any company over. He explained that "things are not going well at home" and they can't sell or rent out the house, either. He said there are at least two other neighbors having similar problems, although his property is the worst. The Health District has described the problem due to ponding and soil conditions and concluded that the septic system is no longer functioning, he said. He added that the Health District estimated that his home is of the age (21 yrs.) when a lot of septic systems fail in this area. Mr. Sleasman said at this point, he is so desperate, he would be willing to take a week off work just to stay home and dig the ditch to bring the sewer line in! He said they have 100% of the neighborhood in favor of annexation, which is 12 homes, not all of which need to hook up to sewer immediately as he does, but they will eventually. He said he measured the distance from his Lot #33 to the sewer main and it is 168'; the other two failed systems are on Lots 32 & 38. The total sewer extension would be about 645', he said.

There was discussion regarding other alternatives, about the City constructing the sewer extension, \$20,000 approx. cost to extend the sewer line, neighbors that would be willing to participate at this time, if the City constructs they would hold a recovery contract, various problems with dewatering, flooding, extra expense involved, having the neighbors put up the money for construction being the fastest method but not all the neighbors are as desperate as Mr. Sleasman at this point, installing a force main, other methods of financing, construction, recovery contracts having no sunset clause, LIDs, water pockets, engineering problems that may come up.

Bob Huson, 9301 61st Dr. NE, addressed Council, stating he has been in his home 21 years and estimates he has about \$80,000 to \$100,000 equity in it but because of the lack of sewer, he is risking losing all that equity because he is in basically the same situation as Sleasmans. He said he felt people could finance the cost of bringing the sewer in but they are going to lose the ability to live in their homes with further delay.

Councilor Pedersen commented that she hated to see the City get into the banking business and set a precedent for others and Councilor Lashua said it looked to him like they could take care of their own financing because of the value of the homes in the neighborhood. He added that perhaps it could be left open for the applicants to further discuss financing and methods of repayment with the City, once the variance is approved.

Public Works Director Zabell pointed out that if engineering is done inhouse, the City would need some recovery for these costs. He estimated roughly that the costs would be about \$30/ft. plus dewatering and engineering costs. Councilor Baxter estimated that out to about \$8,000 per lot approximately.

Mr. Sleasman explained logistic difficulties trying to chase down property owners with one living in Vancouver, B.C. and one in Spokane and he stated he would like to see a more immediate remedy than having to come up with financing for a ULID at this point.

Councilor Baxter suggested the first 3 in need of the sewer finance the project with recovery rights, but he said the question is the expensive dewatering process.

Councilor Lashua moved to grant the variance with the applicants getting together with the City as far as working our arrangements for engineering, construction, financing, etc. and on the condition a no protest agreement would be signed by Sleasman and his neighbors. Councilor Baxter seconded the motion and it passed unanimously.

5. Utility Variance - Hank Osborn.

Hank Osborn, 30 140th NE, addressed Council and stated he is requesting two hookups and reiterated his need to get this whole matter finalized by February for the bank. He reminded Council of his plight--hiring licensed engineers, contractors, etc. and the problems that ensued. He noted that he has sold both houses (pre-sold) and is just asking for these two right now--there are 6 more which he is not worried about for now, he said.

Jeff Maple, who lives in Valley Commons on Cedar, addressed Council and stated he has been waiting to move into one of Mr. Osborn's houses for two years now--and so has his boy. He said his boy wants to have a dog and also, Mr. Maple has been busing him all this time, in anticipation of moving to the new house.

Councilor Baxter moved to grant the two hookups--for 5206 and 5220 100th St. NE, as per staff recommendations and findings of fact in packets incorporated. Councilor McGee seconded and the motion passed unanimously.

6. Real Estate Excise Tax.

Finance Director Dexter explained that the 1990 Legislature passed 2929 and at the same time gave the cities the right to levy an excise tax; Snohomish County was authorized to levy a second 1/4% excise tax by authority of the City Council, as opposed to some other counties that had to use the referendum method. He noted that it would be effective 7/1/91 and the money must be used

primarily for financing of capital projects specified in a capital facilities plan element of a comprehensive plan. He noted this is appropriate for cities and counties involved who have Comp Plans and capital improvement plans, such as TIPS and the money would accumulate to be used as matching funds for the City's portion of capital improvements (such as parks).

Acting City Attorney Weed noted that he was not sure of the definition of "majority of the project" but certainly, the intent of the Legislature would be for the main focus of the project to be on capital facilities, he said.

Councilor Lashua noted that a real estate excise tax was turned down on the ballot in November and City Administrator Sanden said that REET was to do with open space and this REET is a little different and is a matching fund.

Councilor Wright noted that the REET in November would have been paid by the buyer, this REET is to be paid by the seller and although she is usually opposed to taxing one segment of the population, she said she would be in favor of this tax because of its focus; the Legislature has provided a vehicle whereby cities and counties can receive assistance to purchase park lands and/or make necessary improvements.

Councilor Lashua said he would just like to remind Council of all the recent increases and taxes that have come about: a \$2.00/mo. surcharge on sewer and water, a utility tax of 6%, a new tax on water and sewer, a \$22/household watershed management tax, personal real estate taxes are increasing as are insurance premiums.

Finance Director Dexter pointed out the REET provides a way for the City to progress in the way of purchasing park land, etc. and that he agrees there have been additional taxes recently, but that they can be seen more as user fees--storm water sewer use, eg. and with the REET, the philosophy is that the new people pay for new capital improvements, he said.

Councilor Cundiff pointed out that the tax is levied on the seller but Finance Director Dexter noted that it didn't matter, the tax would not be collected unless the house is sold, anyway.

There was discussion about the current real estate market, taxes in general, with Councilor Lashua stating he was not opposed to the REET, just that he wanted to summarize recent increases, noting that he is in favor of paying taxes.

Councilor McGee moved to adopt Ordinance 1820 amending Chapter 3.88 of the Marysville Municipal Code and imposing an additional 1/4% real estate excise tax. Councilor Wright seconded and a roll call vote was taken. Councilors McGee, Wright, Pedersen and Lashua were in favor, Councilors Weiser, Baxter and Cundiff were against. The motion passed 4-3.

LEGAL MATTERS:

1. Interlocal Agreement with Fire Protection District #12.

Fire Chief Ronning submitted the 1991 interlocal agreement with Fire District 12 in the amount of \$75,000 for fire protection and aid car services. He noted that this is the same amount we have charged for the last four or five years. (Supplement to Contract in packets.)

Councilor Weiser asked if the agreement would be voided if the Joint Operating Agreement is approved with Fire Dist. 12 and the two departments merge and Fire Chief Ronning said yes.

Councilor Baxter moved to authorize the Mayor to sign the contract with Fire District 12, Councilor Weiser seconded and the motion passed unanimously.

2. Contract with Volunteer Fire Association.

Fire Chief Ronning reviewed the contract in the packets, noting a reduction in the first part but an increase in the second part of the contract. He noted that payments to volunteer firefighters help pay for benefits, Class B uniforms, widows and orphans fund, some special equipment, Santa Claus community project, emergency calls, station duty (12 hour shifts).

Councilor McGee asked what the total average impact would be per firefighter and Chief Ronning assured Council that this is basically all approved under the annual budget and estimated that each volunteer firefighter makes about \$200-500/mo. He noted the contract would be effective 1/1/91.

Councilor Lashua moved and Councilor McGee seconded to authorize the Mayor to sign the contract and the motion passed. (Councilor Wright didn't vote because one of her sons is a volunteer firefighter.)

3. Contract with Waste Management Northwest regarding Recycling.

Public Works Director Zabell explained that this is a result of proposals having been put together, brought before Council and Council previously approving negotiations to ensue with Waste Management Northwest. He referred to the draft ordinance in the packets, wording of which has been approved by Jim Allendoerfer, he said.

Councilor Weiser asked about the wording under hours of operation - between 6 a.m. and 10 p.m. and Duke Carrier assured Council that Waste Management Northwest would not be working at night; these hours simply give them leeway if necessary to work late when there is an extra heavy workload on rare occasion.

Jamie LeSabre of Waste Management Northwest addressed Council, stating that recycle routes have all been quite successful to date and 18 tons were picked up last Friday, requiring the crews to work late, but this is a rare occurrence that they would normally work so late as they did last Friday.

Councilor Weiser said he had only heard one complaint about recycling and that is that people were given no directions with the recycling bins.

Mr. LeSabre passed out instructions that are distributed with the recycling bins and added that they have brochures but have also found there is a lack of communication. He noted they have tried to simplify what is acceptable for recycling and are developing a brochure especially for the City of Marysville. He also noted Waste Management is going to be able to take PET plastics but that's the only kind of plastic at this time. He then reviewed the rates for curbside recycling and yard waste. He explained the 6500 yard carts are easy to handle and also that the plan is for the recycling pickup to be on the same day as the customer's regular garbage pickup.

Mayor Matheny expressed a concern about another utility employees will have to explain to customers and Mr. LeSabre agreed it will be additional effort at first but that he was confident the City will realize an approximate 35% reduction in regular garbage and tipping fees once recycling is instituted. He expressed the hope that the City may not have to charge the customer extra at all because of the tremendous savings in tipping fees, but it's a "wait and see" situation, depending on participation, he concluded.

Councilor Pedersen asked about the anti-scavenging clause-- whether there had been any problems with this and if so, how the clause would be enforced.

Mr. LeSabre explained it has not been a major problem but that Lynnwood had a problem with someone scavenging for aluminum cans. He noted that Bothell and Mountlake Terrace both have anti-scavenging ordinances and basically, it just takes someone to talk to the offender and to inform them of the illegal nature of scavenging.

Councilor Lashua questioned the use of the term "non-lidded cover" and it was agreed that this is an improper term and should be reworded accordingly. He also noted that the contract requires BI/PD and General Liability insurance to be carried and Mr. LeSabre assured Council that Waste Management Northwest carries limits far in excess of what is required by the contract.

Sanitation Foreman Carrier noted that the basic wording of the contract was taken from the Mountlake Terrace contract.

City Administrator Sanden stated staff recommendation is to approve the contract subject to the adoption of the ordinance next week, so that the public has an opportunity to give input.

After brief discussion about the definition of a "franchise", Councilor Weiser moved and Councilor Lashua seconded to approve the contract for the Mayor's signature, subject to the adoption of the ordinance 1/14/91. Passed unanimously.

It was explained that the target date for the contract to be effective is mid-February, with the yard waste to go into effect 3/1/91.

4. Janitorial Services Contract - City Hall & Library - Continued.

5. Contract for City Newsletter.

City Administrator Sanden referred to the draft contract in the packets and said John Wolcott, the previous contractor, has done a good job but the City is now looking for a person more in tune with the City's activities and staff is proposing Maude Barrett for a six month trial period.

Councilor Weiser noted that the Parks Dept. seems to be doing a newsletter also on a regular basis and he said he would be in favor of them continuing this.

City Administrator Sanden said if it's approved, Maude would be working with the Parks Dept. The Parks Dept. has a heavy workload and rather than their doing the whole thing and also the fact that staff felt it should be done on a once every two month basis now rather than once every 3 or 4, staff feels it would be better to have Maude do the newsletter. Also, for the larger amount of printing, her bid includes metal plates and use of her own equipment, City Administrator Sanden explained but eventually, the plan is to have Maude use the new City owned Apple computer so that the newsletter could be done inhouse.

As far as any L&I determination of whether or not Maude would be considered an independent contractor or a City employee, Acting City Attorney Weed said that there are enough elements of her being an independent contractor that using the Apple would not detract from her being an independent contractor.

City Administrator Sanden also noted that the Apple would be used for the City Centennial documentation, etc. and the Parks Dept. may also still be doing an insert on an occasional basis.

Councilor Baxter commented that the two mailings should be coordinated to save postage.

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City Administrator Sanden noted that the only difference between this contract and the one with John Wolcott is that the newsletter would be done every two months rather than quarterly now and also it would be on a six month trial basis.

There was discussion about the City getting into the publishing business, previous quality of newsletter/contents, etc.

Councilor McGee moved that the City should enter into the contract with Maude Barrett for the production of the newsletter for a six month period. Councilor Wright seconded and the motion passed with Councilor Weiser in opposition.

ORDINANCES & RESOLUTIONS:

1. Resolution Approving a Joint Operating Agreement for a Regional Water Supply to North Snohomish County.

City Administrator Sanden announced that the official signing of the Joint Operating Agreement between the three parties will be at 4:00 p.m. on Thursday, 1/10/91 in the City Council Chambers at the Public Safety Building.

Councilor Lashua moved to authorize the Mayor to sign the JOA under Resolution 1455 approving same. Councilor Cundiff seconded and the motion passed unanimously.

2. Resolution Granting a Variance to the Sewer Moratorium for the Urquidi Property.

Councilor Weiser moved and Councilor Pedersen seconded to approve and adopt Resolution 1456. Motion passed unanimously.

STAFF BUSINESS:

City Administrator Sanden reminded Council about the upcoming "Legal Do's & Don'ts" seminar sponsored by WSU, to be held in Mount Vernon at 6:30 p.m. 2/7/91. Anyone wishing to attend, to let Mary Swenson know.

MAYOR'S BUSINESS:

Mayor Matheny announced that she wished to make the following 2 appointments to the Parks Board: Sue Galde (to replace Gene Luppold) and Chuck Regan (to replace Joan Fritz). Council affirmed.

CALL ON COUNCILMEMBERS:

Councilor McGee noted that he will be attending an Aberdeen City Council meeting tomorrow and will report back next week.

Councilor Weiser asked about curbs, gutters and sidewalks on Delta and Public Works Director Zabell explained the delay.

Councilor Weiser asked about garbage pickup due to road closure (because of weight restrictions) and City Administrator Sanden explained how this will be handled for people who did not have pickup and how Duke Carrier will be keeping track of it.

Mayor Matheny noted there was no garbage pickup Christmas Day but there was on New Years Day and she received telephone calls about this. Brief discussion ensued about whether or not people would be charged for an extra can if they had no cans the previous week(s) and it was noted they would not be.

Councilor Baxter mentioned a high inflow of water in the 51st St. sewer line reported to him by someone and Public Works Director Zabell noted that Lakewood Commons has proposed fixing some man-holes to correct the situation and he will follow up further.

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Councilor Baxter asked if there were going to be more meetings regarding the disputed/overlapping/Sunnyside area and City Administrator Sanden thought there would be. Discussion ensued regarding the Joint Operating Agreement, further negotiations, Everett water, volume/capacity rights of the three parties, final draft, Marysville having ownership of the pipeline.

Councilor Pedersen commented on just returning from Los Angeles and how Marysville should be very thankful we do not have their traffic problems! She said she is looking forward to the results of the community center survey.

Councilor Wright asked about the annexation consultant the City was going to hire and City Administrator Sanden said she would be following up on that again soon, as well as the City Attorney issue.

Councilor Baxter commented on the Withey property needing to be annexed in order to get sewer service, as an example of some people being in a "hole".

Councilor Pedersen she would be interested in specific information as to how many hours a city attorney would have to put in, workload, etc., so that City Council can give direction.

Councilor Cundiff commented on construction on 76th and Councilor Baxter commented on recent sanding of streets during the cold spell.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:07 p.m.

1. Pending Litigation.

RECONVENE & ADJOURN: Approximately 11:40 p.m.

Accepted this _____ day of _____, 1991.

 MAYOR

 CITY CLERK

Nanda A. Iversen

 RECORDING SECRETARY