

MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 9, 1991

7:00 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright
 Lee Cundiff (excused)
 Bob Lashua
Administrative Staff:
 Carolyn Sanden, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, Finance Director
 Roger Kelley, Community Information Officer
 Gloria Hirashima, Associate City Planner
 Dave Zabell, Public Works Director
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:00 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. Councilor Lashua moved and Councilor Wright seconded to excuse Councilor Cundiff for this meeting. Passed.

MINUTES OF PREVIOUS MEETING:

Councilor Weiser noted that there was no Executive Session after the 9/3/91 regular meeting, as noted in the minutes. Councilor Pedersen noted on page 4 of the minutes, in the 3rd paragraph from the bottom, the word "ront" should be "front".

Councilor McGee moved and Councilor Wright seconded to approve the 9/3/91 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Sanden asked the Council's pleasure regarding having a workshop concerning mitigation fees. She stated it should be scheduled soon, would need about 1-2 hours and could be done just prior to a regular Council meeting. Consensus was to have it at 5 p.m. on 9/23/91.

With regard to the City Hall roof contract, it is now to include the mechanical and electrical for the heating and air conditioning and an amendment to the contract has been prepared, she stated. The amendment was distributed to Council and she said this item could be brought up later on the agenda under Legal Matters.

With regard to the Centennial Logo, she stated that in order for the City to continue using it after the Centennial, permission must be obtained from the artist. This matter can be looked at at a later time, she said.

Public Works Director Zabell announced that tomorrow is the DOE meeting regarding the Wastewater Treatment Facility. He stated he and the Mayor had a meeting today with the County regarding pipeline permits and the meeting went well.

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MAYOR'S BUSINESS:

Mayor Matheny said she has been receiving a lot of calls regarding the increase in utility rates, especially from senior citizens and she suggested the possibility of a rate study.

Councilor Weiser explained that it was not known originally what the impacts of the Everett transmission would have and City Administrator Sanden said it was her understanding that City Council adopted the new rates without a study, but if a new rate study was to be done, it would take at least 2 months plus a budget authorization for a senior citizen adjustment.

Community Information Officer Kelley confirmed the Mayor's statement that most of the calls and complaints are coming from seniors.

CORRECTED: SEE 9-23-91
 MINUTES

City Administrator Sanden pointed out that there are no bonds on the sewer, the rates are based on state law.

Councilor Baxter said he felt it unwise to keep adjusting rates down for seniors because of the impact on the rest of the population and further, this issue should not be used for political causes, he said.

Mayor Matheny said she took exception to that remark, that the senior citizens are being hurt financially to a great degree here.

Councilor Baxter said he felt the City has tried to treat everyone equally and fairly but it's very difficult, especially when the seniors don't use the 5,000 gallon minimum. Maybe we could do something as far as a special usage rate, he suggested.

City Administrator Sanden stated that may drive other rates up to cover the bond.

Councilor Lashua pointed out that Larry Wade had suggested a rate study be done in two years.

CALL ON COUNCILMEMBERS:

Councilor Lashua commented on the broken glass in the roadway at State & 84th. He said he thinks this should be the responsibility of the wrecker and if they don't do it, maybe the police could do something about it when they are at the scene.

Public Works Director Zabell said he would check into this further.

CORRECTED: SEE 9/23/91
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Councilor Wright followed up on the pedestrian crosswalk issue brought up at a previous meeting. She noted there are several more than the one at 94th & State that need to be brought to drivers' attention and suggested amber flashing lights.

Public Works Director Zabell said he would be checking into this further, as far as banners and flashing lights. He also noted that the crosswalks on State are painted about twice a year.

Councilor Lashua brought up the subject of the dangers of stopping for pedestrians and how often, the driver who stops ends up getting rear ended and his vehicle (Councilor Lashua's) was once pushed right into the pedestrian he stopped for.

Public Works Director Zabell suggested pedestrian-actuated crosswalks as a possibility and said he would check into prices.

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Councilor Pedersen asked about the telephone utilities tax and noted that she paid the 6% for the City of Marysville on three different bills.

Finance Director Dexter explained that there is a company in Pennsylvania that processes different cities' ordinances, computes the tax, collects it and sends it back to the cities. He said he was not sure about tax on cellular phone bills but that the City collects the 6% utility tax from about four carriers.

Councilor Pedersen said there was a nice article in the Snohomish County Weekly about the Library Annexation.

Councilor Baxter asked about the Mall sales revenue and Finance Director Dexter said that he has not had time to analyze any particular business but that sales tax revenue is down 4% from last year, which is 21% below budget. He said he would try and look into this further and report back at next meeting for Council.

Councilor Weiser asked about the finance recap sheets and Finance Director Dexter said Council should be getting them later this week for June.

Councilor Weiser asked about parking in alleys in Marysville and noted that the 1900 block 3rd St. is not posted "No Parking", there were vehicles parked in the alley the other day and the recycling and garbage trucks could not get through. He stated he is concerned about emergency vehicles not getting through in the event of an emergency.

Public Works Director Zabell confirmed that there is a City ordinance stating it is illegal for vehicles to be parked in alleys but all alleys are not signed.

Councilor McGee asked about the 21% under budget figure, whether that was for sales tax revenue or the total revenue and Finance Director Dexter stated it was sales tax revenue, however total revenue is down from budget also.

Councilor McGee followed up on the street lights Councilor Lashua reported out of order at last Council meeting and Public Works Director Zabell said he had reported them to PUD.

AUDIENCE PARTICIPATION FOR NON AGENDA ITEMS:

Delores Boone, 7404 66th Av. NE, addressed Council. She stated with regard to the crosswalk situation, they should have flashing amber lights at either end like they do in Everett. She reported that with regard to the Marysville Golf Center, she and the neighbors are still getting golf balls over the net, coming into their yards. As far as the 6 center stalls, she said that just because the pro is there is no guarantee balls won't come flying over, because even Arnold Palmer can slice a ball! She said she would like to know what Mr. Ramcke is doing (and she would like to see some proof) as far as ordering the extension poles, as well as the other things he promised to do. She pointed out the neighbors have brought in a lot of hard evidence and don't feel they have been treated fairly. For example, they were not allowed to speak at the 7/1/91 Council meeting and the MGC attorney was. She pointed out that under RCW 35.18, the section regarding public meetings, as parties of record, the neighbors were to receive minutes of the meetings and haven't been receiving them. She said she would like to see some receipts showing Mr. Ramcke has hired an engineering firm to check the feasibility of the pole extensions. She said they don't want to put him out of business,

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they just want him to stop the balls from coming over the nets. She added that with regard to the driving range's statement that the neighbors don't see too well, the neighbors are using binoculars to check whether irons or woods are being used and she noted they are still getting balls over the net, whether it's irons or woods, too. She concluded that according to state statute, she and the neighbors are allowed to speak at the public meeting 7/1/91 and she invited anyone who was not familiar with the RCWs, to go to the library and read them, regarding public meetings.

City Attorney Weed said there was a decision made the evening of 7/1/91 that that was not the night for the public hearing.

Mrs. Boone said nothing should have been changed then, as it was, that night. City Attorney Weed said the reason the MGC attorney was allowed to speak was so Council could determine whether there should be a stay to the Hearing Examiner's decision. He noted it was discussed as to whether or not public testimony should be taken, and decided that it would not be appropriate.

Mrs. Boone pointed out that all City Council meetings are to be public and City Attorney Weed noted that they are but the matter was to do with a stay and there was no necessity to have two public hearings, one 7/1/91 and one the following meeting.

Councilor Baxter said he was of the understanding that someone was to go and check to see if the Marysville Golf Center had receipts.

Mrs. Boone stated she felt everyone in the neighborhood would feel better if receipts were produced by Mr. Ramcke. She added they were not allowed to have input with regard to the use of woods for the Saturday morning classes, either.

Councilor Pedersen said Council decided to go with the public hearing but she understood Council gave approval for woods just for one Saturday.

Public Works Director Zabell said he and Associate City Planner Hirashima went to the site and checked on their system for logging golfers in and out and it was difficult for them to log people out because people sometimes leave before getting logged out.

Mrs. Boone asked if they were supervising golfers and Public Works Director Zabell stated yes, that both Mr. & Mrs. Ramcke were there that day, but that the golfing center was not that busy.

Councilor Weiser asked Mrs. Boone about her house and car damage and Mrs. Boone explained that two dents in her car occurred before the Ramckes came and the previous operators contended the damage was the responsibility of the golfer (whom they have not located). Since then, she stated, there has been damage to the house which has not been repaired as yet. She noted that a year ago, they had a window broken and Mr. Ramcke repaired the window at a cost of \$250, but now he doesn't think they should be responsible, she said. She stated they still get on the average 2 balls per day in their yard; they averaged 3-5 balls per day before the netting was improved as it is now.

Mrs. Frances Crook, 5828 93rd Pl. NE, addressed Council, stating she lives just outside City limits. She stated her husband, she and their two children are a very low income family and she went in to make arrangements to pay her water bill (which has just gone up) but before she could make the 2nd payment, she was charged a \$1.00 late charge. She explained that usually, when a person makes arrangements like this, it's not normal to charge a late

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fee and though \$1.00 doesn't sound like much, it adds up and she can buy three loaves of bread for \$1.00.

Finance Director Dexter said for a 30 day late notice or a 15 day shutoff notice, the \$1.00 is under ordinance and is to cover postage, the envelope, billing, and in order for the computer to register, it must have the \$1.00 charge added. He added that staff does not have the authority to override City ordinances, that this would be at Council's discretion, if they wish to give staff limited authority.

Councilor Pedersen stated she would be in favor of allowing this minimal waiving by staff and Finance Director Dexter stated that many people call in and ask for these types of arrangements, although he couldn't say exactly how many requests there are.

Councilor Weiser said he would agree with the staff waiving these \$1.00 fees, in particular cases.

Consensus was reached and Finance Director Dexter said he would work out something with the City Attorney and bring it back to next Council meeting. He said the procedure would probably be noting the particular account number and pulling them out manually.

There was discussion about the process of suppression of the service charge, tracking the promise/arrangement, budget payment plan for a whole year (like PUD). Finance Director Dexter said he could look at the budget payment option but this would require a change in the rate structure to accommodate it.

Mrs. Crook asked about the \$1.00 she was just charged and it was agreed by Council that it would be waived.

Councilor McGee said he agreed with some hardship cases being waived but suggested some kind of precaution against abuse be taken by staff.

YMCA Request for Funding. Bill Walker addressed Council, noting they had missed the 8/26 meeting when this was on the agenda. He asked that Council's "reluctant" denial be reconsidered and he proceeded to point out several reasons why it is to the benefit of the community to support the Y. He noted that for every child that drops out of school, statistics show that child ends up costing the community \$26,000 because of the person's getting into trouble, relying on social programs, etc. Mr. Walker also explained the Y's scholarship program and talked about the tremendous amount of youth participation this past year.

Mayor Matheny explained about the federal funding having been cut off and Councilor Lashua stated he felt he spoke for everyone when he said they are all sympathetic, but the City situation has not improved since the "reluctant" denial of the Y's request for funding. He said the money is just not there.

Councilor McGee said that based on Finance Director Dexter's analysis of the budget and the fact that the money is not there, the City just can't do anything until the 1992 budget process.

City Administrator Sanden said staff is submitting department budget requests now, to be reviewed in October by the Budget Committee.

Councilor Pedersen said unfortunately, the City has also had to say no to the Food Bank, Maryfest and other worthwhile projects.

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CONSENT AGENDA:

1. 8/31/91 Payroll in the amount of \$457,929.72.
2. 9/9/91 Claims in the amount of \$128,095.89.

There were questions regarding temporary employees, the liquor tax portion that comes back to the City, with part of it to be used for drug and alcohol rehabilitation.

Councilor Weiser moved and Councilor Pedersen seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

CURRENT BUSINESS:

1. **Utility Variance - Thomas Andrews (continued from 8/26/91).**

Public Works Director Zabell noted that Mr. Andrews did not supply any further information as was agreed, to the effect that it was not feasible to put a well on the property. Mr. Andrews was not present at the meeting, either.

Councilor Weiser moved to deny the request without prejudice, Councilor Baxter seconded and the motion passed unanimously.

2. **Hearing Examiner Decision - Preferred Homes, Inc. Rezone.**

Associate City Planner Hirashima explained the Hearing Examiner has recommended approval of the rezone with 7 conditions (the 7th one regarding demolishing of existing structure). There have been no appeals filed and staff recommends affirmation of the hearing examiner decision, she said.

Councilor Weiser asked about Condition 4, if it was voluntary mitigation.

Associate Planner Hirashima said yes, \$100 per unit has been volunteered by the applicant.

Councilor Wright moved and Councilor McGee seconded to affirm the Hearing Examiner's decision, including the 7 conditions. Passed unanimously.

3. **Hearing Examiner Decision - Klingbeil Rezone, Marysville Apts.**

Associate Planner Hirashima explained this was another rezone request and the hearing examiner has recommended approval with 7 conditions for Marysville Apts. (38 units). She stated staff recommends approval. She noted there were four letters of protest but they were prior to the hearing examiner's decision and there was no opposition at the public hearing. The hearing examiner took the letters of opposition into consideration, she said and she added the Comp Plan does designate this as low density multiple family and a similar request had been approved in the immediate vicinity.

Councilor Lashua said he knew there was a lot of confusion regarding the notices that were put up. He asked about the six additional units it sounds like the applicant is requesting to be added to the complex. He said he knows there are many many complaints about this complex with the police in constant attendance, and would not be in favor of making the situation any worse.

Associate Planner Hirashima clarified that the applicant is not requesting 6 additional units; the hearing examiner's decision was to include RML zoning but a binding site plan was filed so at this

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point, the applicant is not allowed to put in more units without an entire new hearing process.

Councilor Baxter asked about right of way for the First St. Bypass and Public Works Director Zabell said the City has 60', that another 10' is actually needed.

Councilor Lashua asked about realignment of the street with the sewer line and Public Works Director Zabell stated the predesign report said it's possible with the existing alignment.

Councilor Lashua moved to affirm the hearing examiner's decision, but there was no second.

Councilor Baxter noted that the City gave some concessions to these people originally and there were some problems dealing with them. He said he would want to make sure the City has enough right of way before affirming/approving anything tonight.

Public Works Director Zabell said he would check into it further with the Street Dept.

Councilor Lashua withdrew his motion.

Councilor Baxter moved to postpone the decision until Public Works Director Zabell has checked into the right of way issue (to 9/23/91). Councilor Lashua seconded and the motion passed unanimously.

ORDINANCES AND RESOLUTIONS:

1. Resolution Regarding ULID No. 15 Formation.

Finance Director Dexter explained the petition represents 60.77% of the assessed valuation of the affected area. He stated the proposed resolution states the City's intention to form ULID No. 15 and sets October 7, 1991 as the date for the public hearing for the formation and the preliminary assessment roll.

Councilor Baxter moved and Councilor Weiser seconded to approve recommended action and adopt Resolution #1499. Motion passed unanimously.

LEGAL MATTERS:

1. Dykeman Contract Amendment for City Hall Roof, addition of heating and air conditioning.

After having reviewed the hand out, Councilor Baxter moved to approve both items, as listed, to be added to the Dykeman contract, at a total cost (not to exceed) \$4070.00. Councilor Wright seconded and after brief discussion, the motion passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:23 p.m.

1. Pending Litigation - no action.
2. Personnel - no action.
3. Real Estate.

RECONVENED: 10:20 p.m.

Councilor Pedersen moved to approve the pipeline right of way purchase for value discussed in Executive Session. Councilor Wright seconded and the motion passed unanimously.

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ADJOURNED: 10:28 p.m.

Accepted this 23rd day of September, 1991.

Steve Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Manda A. Iverson
RECORDING SECRETARY