

MINUTES RECAP

ORIGINAL

MARYSVILLE CITY COUNCIL MEETING JUNE 8, 1998

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:

- 1. City Council Spec.Mtg. 5/16/98 Approved
- 2. City Council Reg.Meeting 6/1/98 Approved

AUDIENCE PARTICIPATION: Mike Papa

CONSENT AGENDA:

Approved:

- 1. Authorize Mayor to Sign the 1998/99 Interlocal for the Snohomish County Regional Narcotics Task Force.
- 2. Authorize Mayor to Sign the 1999 Contract for Supplemental Police Services at Cedar Grove Complex between the Housing Authority of Snohomish County and City of Marysville.
- 3. Approval of Liquor License Renewals for Chevron/PDQ Oil Co. #1103 & Fourth St. Market & Deli; and New Liquor License Application for Wine Plus.
- 4. Approval of May 1998 Payroll in the amount of \$704,847.65; paid by check nos. 29274 through 29637 with 29272, 29273, 29275, 29392, 29393, 29394 and 29395 void.
- 5. Approval of 6/8/98 Claims in the amount of \$860,814.53; paid by check nos. 39602 through 39810.
- 6. Acceptance of the Ken Baxter Building Remodel Project and Begin 45 Day Lien Period.
- 7. Approval of Fireworks Stand Permit Applications.
(Location of RV Supply stand should be behind 7-11, not behind K-Mart.)

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

REVIEW BIDS:

- 1. Edward Springs Reservoir Liner/ Cover Project Approved - Boss Const. - \$462,507.39

CURRENT BUSINESS: None

NEW BUSINESS:

- 1. Interlocal Agreement with Wash. State Corrections Community Service Workers Approved 4-3
- 2. Pedestrian Crossing; 7th & Alder Approved
- 3. 124th St. NE and 128th St. NE Roadway Circulation To remain private crossings
- 4. Professional Services Agreement for State Ave. Trunk Sewer (100th-113th); with Hammond Collier Wade-Livingstone. Approved

ORDINANCES & RESOLUTIONS:

- 1. Ordinance 2199 Approved Relating to the Policy and Procedure for Filling Council Member Vacancies and Adding New Sections 1.12.030 and 1.12.040 to the MMC.
- 2. Resolution 1889 Approved Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale Thereof.

LEGAL MATTERS:

- 1. Water Purchase for Resale Agreement Approved 5-2

ADJOURNMENT: 9:29 p.m.

EXECUTIVE SESSION:

9:37 p.m. to 9:47 p.m.
Information Only

- 1. Litigation

RECONVENED & ADJOURNED: 9:47 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JUNE 8, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
John Myers
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Robert Carden, Police Chief
Owen Carter, City Engineer
Jim Ballew, Parks & Recreation Director
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

City Attorney Weed called the roll and all members were present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

1. City Council Special Meeting of 5/16/98.

Councilmember Leighan noted on page 4, in the 2nd paragraph under "Main Street" -- the Downtown Merchants did the survey referred to, not the City.

(It was also noted the meeting was called to order at 8:10 a.m.)

2. City Council Regular Meeting of 6/1/98.

Councilmember Herman noted on page 3, in the last paragraph under Staff Business, "little green card" should be changed to "information card."

There being no further corrections, Councilmember Herman moved and Councilmember Myers seconded to approve the 6/1/98 City Council Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Papa, 8127 54th Dr. NE, addressed Council. He handed out a letter too late for the public hearing on the stormwater management plan. It was an undated letter, just for City Council information, he said and he added he thought the Council should really see these comments.

Councilmember Dierck asked if there was something specific in the two page letter that Mr. Papa wanted to bring to the Council's attention and he said the first page is the most important; most of the ideas were discussed at the hearing.

Public Works Director Winckler noted Public Works did receive the same letter on Tuesday and sent a copy to Hammond Collier Wade as well as the Council. If there are any changes necessary, that can be taken care of on an addendum basis, he said.

CONSENT AGENDA:

1. Authorize Mayor to Sign the 1998/99 Interlocal for the Snohomish County Regional Narcotics Task Force.
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(Location of RV Supply stand should be behind 7-11, not behind K-Mart.)

Councilmember Myers moved to approve Consent Agenda Items 1 through 7, Councilmember Pedersen seconded and the motion passed with Councilmember Leighan abstaining on check #39795.

STAFF'S BUSINESS:

Police Chief Carden reported he has been attending the Criminal Justice Training Academy, finishing up and passing the course he had agreed to when he came on board with the City.

City Attorney Weed reported the State Legislature has adopted some amendments regarding having the ability to confiscate vehicles if drivers are caught driving with revoked or suspended licenses. He said local jurisdictions must adopt state statutes and spell out local requirements; Marysville will be amending ordinances within the next 60 days or so, after getting input from the police dept.

Councilmember Bartholomew asked about this being a priority and City Attorney Weed said it is; other cities' ordinances will be reviewed and compared in order to incorporate elements required to make this a workable ordinance.

There was some discussion about local tow companies having the responsibility of having impound yards within Marysville, disposal of vehicles (if necessary) to be handled by the tow companies, not the City.

Public Works Director Winckler listed 3 upcoming meetings:
Snohomish County Solid Waste Advisory Committee to meet 6/10
Utility Committee to meet 6/11 at Public Works 7:30 a.m.
Ground Water Advisory Committee to meet 6/12 from 9 to Noon
at Snohomish County PUD

He also noted the protest period is now up on LID 69 (Parkside Manor) and no protests were received.

MAYOR'S BUSINESS:

Mayor Weiser announced the City has advertised for a Cedarcrest Golf Course Restaurant Operator. He noted some architectural proposals have also been received.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen reported the Sno-Island Regional Board has decided to filter all computers where children have access. She also reported people who have overdue books or books on hold will now receive a voice call rather than a postcard. This is expected to save the library \$100,000 a year. In other library news, Merrill Bradbury, 15 yrs. old, of Marysville, won the contest for making a marker to be placed at the birthplace of Helen Keller in

Alabama. The very elegant marker will be on display at the Library for only a week or so before it is shipped off to Alabama.

Councilmember Dierck said she had a citizen report to her that there were 3 vehicles stolen on Short St. in the last week. She asked about making the Sunnyside Blvd. improvements (on 6 Year Street Plan) a top priority because of the death of 15 yr. old Nikki Deffries about a month ago. She also said she would like to see the speed monitoring sign put back out on Sunnyside to try and deter speeders.

Public Works Director Winckler noted shoulder improvements, etc. on Sunnyside are planned for this summer; there is a design being worked on. With reference to the Six Year Street Plan, he said they are in the process of putting it together for the first week in July to be presented to Council. The Sunnyside Project is tied in with acquisition of funds and it is listed as a high priority, he said. The shoulder design should be done in a month, he added.

With regard to the speed monitoring sign, it was noted that is up to the police dept. to place at various locations.

Councilmember Bartholomew referred to a memo regarding TIB funds being awarded the City and City Engineer Carter explained the funds can't be released until a funding prospectus is submitted and no construction can be started until the design plan is done; the City is working with WSDOT in order to coordinate all highway projects and not have too many projects going at once.

Councilmember Bartholomew referred to the issue involving property owners around Cedarcrest Elementary, noting their coming before Council last week is considered an ex parte communication and they should be informed about the correct process to follow in this case.

Councilmember Herman commented regarding the Stormwater Management Plan that was adopted last week, that the Council did recognize the fact that there are some pending issues. He said he would like a projection for some kind of review and when it will come back to Council. He also said he would like to know what issues the Planning Commission has scheduled over the next few months.

Councilmember Leighan reported there is a Downtown Merchants meeting tomorrow which he plans to attend. Also, he asked about the timing on the traffic signal at Grove and State heading east.

City Engineer Carter explained the City is working with the county on that intersection; they are working on a fixed time system until they can get the loops fixed, he said.

Councilmember Leighan asked that the minutes reflect congratulations to 17 year old James McGarrity who recently attained the highest rank in Scouting--Eagle Scout (BSA Troop 84) and a letter will be sent to him commending him on this, signed by Marysville Mayor and City Councilmembers.

REVIEW BIDS:

1. Edward Springs Reservoir Liner/Cover Project.

Public Works Director Winckler reviewed the agenda bill, noting 4 bids were received. He passed around a large photograph showing what the liner/cover looks like. The low bidder is Boss Construction, recommended by the Public Works Staff, in the amount of \$462,507.39 including sales tax, which will be funded by a state loan without using 1998 budgeted funds. He described the floating walkways, concrete anchors, durability, etc. He said there is a 20 year warranty on the liner/cover.

There was discussion about there being no disruption of water service, draining of water so liner/cover can be installed, electric service, monitoring level of water flow, new telemetry

system, amount of loan being no more than actual cost, history of Boss Construction, construction costs include disposal of old liner/cover.

Councilmember Bartholomew moved and Councilmember Leighan seconded award of bid to Boss Construction as per staff recommendation, in the amount of \$462,507.39, to be funded by a state loan. Passed unanimously.

NEW BUSINESS:

1. Interlocal Agreement with Washington State Corrections Community Service Workers.

Parks & Recreation Director Ballew reviewed the agenda bill and proposed agreement, noting this will provide 10-30 prisoners under supervision for a variety of work for the Parks Dept. He said the Parks Dept. have about 1000 hours of work including preparing the waterfront site, cleaning up periphery of the golf course, clearing brush along trails, mowing at Deering Acres. The rate of pay is \$1.10 per hour plus mileage at 31.5 cents per mile and a 10 to 12% administrative fee, he said. He noted the schedule is for 10 workers at 6 hours a day and all equipment, gloves, etc. are provided by the Dept. of Corrections, as is L&I insurance, with funding of this program available until 1999.

Councilmember Pedersen asked about the City's responsibility with regard to some action on the part of the worker and City Attorney Weed said this agreement is written in a way so there are not as many scenarios where the City would be liable; it's a contractual relationship between the State and City and the City needs to weigh the advantages of the program against the small risk involved.

There was considerable discussion about other work release programs in the past, noting Charles Rodman Campbell is a very good example of exactly what we don't want to have happen ever again and how is this situation being prevented? City Attorney Weed noted the City's only responsibilities are to identify projects and then pay the money for work performed. The State must supervise and be responsible for who they send out; there is no indemnification language and so the City needs to accept any degree of risk there, he said.

Two items in the agreement, if approved, would be changed: The person signing on behalf of the City would be the Mayor and the payment for services would simply be included on the City's normal accounts payable listing of vouchers.

It was clarified that the DOC worker under this agreement is not the same work release type worker Charles Campbell was and there was further discussion about liability insurance, indemnification (or lack of indemnification by the state), supervision of 10 workers to one DOC supervisor. It was emphasized that the workers are people who have committed "property crimes" and not "people crimes"--different from the work release program, which has now been discontinued. Parks & Recreation Director Ballew explained funding for the Parks Dept. projects employeeding these workers would come from the General Fund. He reiterated that the workers would be employed in areas of low profile and the Parks Dept. would see to it that there was as little risk as possible to the community.

There was also discussion about whether these workers would be replacing others Parks & Recreation Director Ballew said no, this is not the type of work that would be done by a union employee, eg. He added that these workers would not be employed right in a park where there are members of the general public present, they would be utilized clearing brush to make new trails, or mowing at Deering Wildflower Acres before it is open to the public, eg. It was also pointed out that the contract limits what the City can have done by these workers; there would be no neighborhood litter clean up, eg.

Parks & Recreation Director Ballew clarified that this is a contractual agreement with a list of jobs and how many people are expected. As far as possible hazardous materials exposure, it is the City's responsibility not to expose people to hazardous materials and one suggestion was that an analysis be done before a work part is sent out as to what they will and will not be doing.

As far as having no sex offenders in the program, Parks & Recreation Director Ballew said he would verify this with the Dept. of Corrections.

Councilmember Bartholomew commented on the successful roadside litter clean up program in the county and Councilmember Myers commented on the successful teen/youth rehab programs in which he has been involved with the Dept. of Corrections. He noted the custody officers are not usually armed because the "prisoner" was not being held for a crime that they would be shot for, there are no sex offenders (property crimes only) and this is not forced or slave labor, these people are very willing to get out and do the work and in fact volunteer for the duty.

Councilmember Myers then moved and Councilmember Leighan seconded to approve the interlocal agreement and authorize the Mayor to execute same. Motion passed 4-3 with Councilmembers Herman, Dierck and Pedersen against.

Parks & Recreation Director Ballew said he would provide a list of projects the Parks Dept. has in mind as well as other information requested in tonight's discussion.

2. Pedestrian Crossing; 7th and Alder.

City Engineer Carter reviewed the agenda bill and gave a presentation utilizing a computer and large screen. He reviewed the need, the proposed speed table and flashing beacons proposed, as well as \$20,000 cost to come out of Growth Management Funds and the parking and fencing issues.

Mayor Weiser noted that Marysville School District is agreeable to all items proposed including their putting up a fence on 7th St. to channel students into the crosswalk, and elimination of a few parking places in order to build the crosswalk and speed table.

There was discussion about concerns of the fire dept. and it was noted as long as the speed table is not on an arterial, the fire dept. has approved this. As far as the speed table being a possible attraction to skateboarders, Chief Carden suggested putting a channel down the middle of the top plateau of the speed table.

Another concern was with the volume of students that will be using the crosswalk at one time but apparently the school district did not share this concern. It was noted the school district is willing to help with education of the kids and parents about the safe use of the crosswalk. (Councilmember Herman said he would like that in writing from the school district to cover the City's liability issues.)

There was also discussion about the speed over a speed table and it was determined that 20 mph (which is the present speed limit in a school zone, anyway) is fine. Higher than 20 mph could cause damage to vehicles. It was noted a speed table plateaus on top, speed bumps don't.

Councilmember Bartholomew moved and Councilmember Dierck seconded to go ahead with the construction of the project as outlined, at an estimated cost of \$20,000. Passed unanimously.

3. 124th St. NE and 128th St. NE Roadway Circulation.

City Engineer Carter reviewed the agenda bill, showing information on the large screen. He spoke about the existing railroad crossings and circulation around Northwest Composites, Pacific Grinding Wheel and a couple other businesses in that same area. He explained that there was a meeting and after much discussion, the property owners and BNSF all agree that the crossings should remain private because for one thing, it is the railroad's requirement in the event they become public crossings, that the public street would have to be raised 3' which is quite a costly proposition and so Public Works staff is recommending it remain private. He also noted that all the buildings in the area are sprinklered. The one change would be that cross arms are to be installed at both railroad crossings, he said.

There was discussion but because this essentially does not mean anything is going to change (other than the cross arms being installed), it was noted this is basically information only for Council.

Public Works Director Winckler added that there were some discussions with BN and they strongly prefer no Frontage Road and would fight any kind of turn toward the railroad tracks. He also noted that it is interesting that BN originally was very adamant about eliminating private crossings a couple years ago but are now apparently in favor of keeping these two private crossings as private, with cross arms to be installed.

4. Professional Service Agreement for State Avenue Trunk Sewer (100th to 113th); with Hammond, Collier & Wade-Livingstone.

Public Works Director Winckler reviewed the agenda bill, recommending the professional service agreement be approved in the amount of \$47,052 with Hammond, Collier, Wade-Livingstone. He explained the start of the project depends if the LID is approved, then the engineer has to be selected, the project has to be designed; construction is anticipated to be done during the latter part of the year.

There was discussion about keeping the Tulalip Tribes informed about sewer availability for their projects, one of the problems with extending sewer across to the west side is crossing the railroad tracks. There was also discussion about the eventual extension to 122nd (Bidell Kruse subdivision), assessment method, recovery, the fact that 136 people signed a petition in favor of forming an LID. It was also noted the Quilceda Auto Wrecking Yard will be taken into consideration in the study as far as impacts on the creek.

Councilmember Wright moved and Councilmember Pedersen seconded to authorize the Mayor to sign the professional services agreement with HCWL in the amount of \$47,052.00. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Relating to the Policy and Procedure for Filling Council Member Vacancies and Adding New Sections 1.12.030 and 1.12.040 to the MMC.

Councilmember Bartholomew moved and Councilmember Myers seconded to adopt Ordinance 2199. Passed unanimously.

2. Resolution Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale Thereof.

There was discussion regarding City employees being allowed to bid on items, whether the surplus fire truck could be donated to another city or town in need, buying property "as is", noting that department heads as well as the City Administrator and City Clerk are the ones who determine whether certain property is to be declared "surplus."

There was also discussion about having a third party auctioneer (this is the case) and disposal of unusable or unsalable property. It was noted that state code says "no employee should receive any benefit greater than a member of the public" and perhaps there should be something added to the City code/policy.

Councilmember Bartholomew moved and Councilmember Wright seconded to adopt Resolution 1889. Passed unanimously.

LEGAL MATTERS:

1. Water Purchase for Resale Agreement.

City Attorney Weed reviewed 7 specific items in the draft agreement in the packets:

- 1) The rate would be the same as what is charged for an individual/company outside of UGA;
- 2) Revenue split would give the City 10% of gross revenue less cost of raw water;
- 3) There is a limit of 40,000 gallons to be drawn daily;
- 4) Term is 5 years with 3 options to renew at 5 years each;
- 5) Termination clause includes reasons such as quality, quantity, if the City requires more water for existing customers;
- 6) Product liability insurance;
- 7) Location of connection from which water would be drawn, hours, payment, metering, other terms.

He said KA Development has signed off on a faxed copy of this agreement.

After some discussion, Councilmember Leighan moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the agreement with KA Development. The motion passed 5-2 with Councilmembers Dierck and Pedersen against.

ADJOURNED: 9:29 p.m.

EXECUTIVE SESSION: 9:37 to 9:47 p.m.

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| 1. Personnel. | Information Only |
| 2. Litigation. | Information Only |
| 3. Real Estate. | Information Only |

RECONVENED & ADJOURNED: 9:47 p.m.

Accepted this 22nd day of June, 1998.

David Weiser
MAYOR

Ray Pedersen
CITY CLERK

Manda A. Iverson
RECORDING SECRETARY