

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 22, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Bob Lashua  
 Lee Cundiff  
Administrative Staff:  
 Carolyn Sanden, City Administrator  
 Phil Dexter, Finance Director  
 Jim Allendoerfer, City Attorney  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 Jerry Jacobsen, Fire Marshal  
 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:

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

MINUTES OF THE PREVIOUS MEETING:

Councilor Pedersen noted in the minutes of the 1/8/90 meeting, on page 4 in the ninth paragraph, the word "fense" should be "fence" and in the tenth paragraph, the word "ture" should be "true". On page 8, in the third paragraph, she noted that Bob Renford should be Bob Branford.

Councilor Weiser moved and Councilor Pedersen seconded to approve the minutes of the 1/8/90 meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PETITIONS & COMMUNICATIONS:

1. Letter from United States Department of Interior, Bureau of Indian Affairs.

PUBLIC HEARINGS:**1. Jones/Belmark Annexation.**

City Planner Corcoran explained that this is an 8 acre, 60% petition with a RUSA designation of RR-12,500. He noted that the location of the property is in the vicinity of 88th & 67th and he handed out a copy of a letter of protest that had just been received from Mr. Doleshel, who, it was noted, does not live within the annexation area but adjacent to it to the north. City Planner Corcoran noted that an island will be created (he referred to map in packets) with this annexation.

Councilor Cundiff asked how many property owners there are within the annexation area and City Planner Corcoran stated five with signed petitions for four and one with an annexation covenant.

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Tom Powroznik addressed the Council, representing Belmark Industries and stated they wish to annex so they can work with the City of Marysville and also because they feel it to be the best use of the land.

Councilor Weiser asked about the property remaining zoned RR-12,500 and Mr. Powroznik stated they will probably be coming in with a rezone request for RR-9600 which is the zoning adjacent to this.

Brett Aasen, 6429 88th St. NE, addressed the Council and stated he is in favor of the annexation and it was noted that he lives within the annexation area.

Nancy Emory, 6323 88th St. NE, addressed the Council and stated she is against the annexation; that she does not believe Marysville should be annexing anything right now because of not enough sewer or water facilities. She said they don't want apartments to continue surrounding them, that they are "wrecking" the neighborhood.

Public Works Director Zabell noted that because the property is within RUSA, they can get sewer whether they are in City limits or not.

Councilor Lashua noted that the property is zoned single family not multiple family and so there would be no apartments built on it.

Councilor Weiser said he felt very uncomfortable about sending this to the Boundary Review Board with an island having been created and he moved for a denial of the annexation request. There was no second of the motion.

Discussion followed regarding annexation of an island, being surrounded by 80% of property within City limits, possible action of the Boundary Review Board including increasing a municipal annexation by up to 100%. City Attorney Allendoerfer then pointed out that this public hearing was advertised to be held at 8 p.m.

Councilor Pedersen moved and Councilor Wright seconded to table this matter for 12 minutes. Passed unanimously.

CONSENT AGENDA:

1. 1/22/90 Claims, Check #18386 through #18581 and voided Check #18395 in the amount of \$399,198.28.
2. Non-union Employees 1990 increase of 4.3% effective 1/1/90.
3. Authorize Mayor to Sign 1990 Contract Extension with Snohomish County Fire Protection District #12.
4. Personnel Report.

Councilor Cundiff moved to approve Consent Agenda Items 1, 3 & 4. Councilor McGee seconded and the motion passed unanimously.

REVIEW BIDS:

1. **1990 Cement Concrete Curb, Gutter & Sidewalk Construction - Public Works Contract 90-01.**

Public Works Director Zabell explained that two bids were received and he recommended acceptance of LeDuc's Concrete.

Councilor Baxter moved and Councilor Pedersen seconded that the City award the 1990 Cement Concrete Curb, Gutter, and Sidewalk Construction contract to LeDuc's Concrete. Passed unanimously.

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CURRENT BUSINESS:

**1. LID 63 Bond Purchase.**

Steve Gaidos of Security Pacific Securities addressed Council and explained that the principal would be \$666,006.90 with the interest currently equal to an A rated bond issue. He compared other general obligation bond issue interest rates and explained that this is an exceptional offer. He recommended rounding the bond interest rate to 7.4% and Financial Director Dexter noted that this would be a .6% reduction from what was originally predicted in the rate.

Mr. Gaidos noted that Suncrest Terrace has prepaid their portion of the LID.

Councilor Cundiff moved to accept Security Pacific Securities' offer to purchase the bonds. Councilor Wright seconded and the motion passed unanimously.

Hugh Spitzer, Bond Counsel, then addressed the Council and outlined the draft of the ordinance prepared which reflects the approval of the issuance of the bonds.

Councilor Baxter moved to approve Ordinance 1757 on the recommendation of the City Attorney. Councilor Weiser seconded and the motion passed unanimously.

PUBLIC HEARING:

**1. Jones/Belmark Annexation, Continued.**

Councilor Cundiff moved to approve the annexation with an RR-12,500 designation. Councilor Pedersen seconded and the motion passed with Councilors Weiser, Baxter and Lashua against.

CURRENT BUSINESS:

**2. Planning Commission Recommendation - Preliminary Plat of Bayview Summit (continued from 1/2/90).**

City Planner Corcoran explained this is a 14 lot subdivision south of Bayview Ridge, including a rezone, with RUSA designation of 12,500 single family. He noted that the applicant has offered all appropriate mitigation fees.

Councilor Pedersen asked about the easements being included in the lot size calculations and City Planner Corcoran stated they were.

Councilor Baxter moved that the Preliminary Plat of Bayview Summit be approved, including 12,500 single family zoning and conditions as per the Planning Commission. Councilor Pedersen seconded and the motion passed unanimously.

**3. Fire Department Sprinkler Standards.**

Fire Marshal Jacobsen explained that the document (as presented in the packets) is the final version after having been presented to the committee three times. He said he had also been in contact with several developers and the standard seems to be a very workable wording for all concerned.

Councilor Baxter moved that Resolution 1405 be approved. Councilor Lashua seconded and the motion passed unanimously.

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#### **4. Hearing Examiner.**

City Planner Corcoran explained that the committee interviewed three candidates. The committee consisted of Councilors Weiser and Pedersen and City Planner Corcoran. The selection committee requests authority for the City Administrator to negotiate a contract for services with the top two candidates and he noted that the selection process was based upon the responses from a list of 20 interview questions (in the packets) as well as a background check of professional references, experience, education, personal demeanor, etc.

Discussion followed concerned the need for a hearing examiner, the Planning Commission's feelings regarding a hearing examiner, Planning Commission workload, reduction of number of hearings when using a hearing examiner, elimination of the Board of Adjustment.

Councilor McGee asked about salary and how many cases would be heard per month.

City Planner Corcoran said it would probably be in the range of \$20,000 to \$30,000 per year and recommended Bldg./Planning Dept. fee schedule changes in order to fund the hearing examiner's salary.

Councilor Baxter moved that the City Administrator enter into negotiations for a contract with one of the two candidates whom the Mayor chooses, based on staff/committee recommendations. Councilor Lashua seconded and after a short discussion, the motion passed. Councilor Cundiff noted for the record, that he is opposed to the position of hearing examiner having been created.

#### **5. Marysville/Arlington RUSA Boundary Agreement.**

City Attorney Allendoerfer asked for clarification on the intent of the committee for drafting of the agreement and discussion followed regarding sewer and water lines, annexation policies not having been discussed in committee, suggestion of another committee meeting in view of the fact some issues should be reviewed. Options were discussed.

Councilor Cundiff moved to continue until Marysville and Arlington have had another opportunity for a meeting to further review the final agreement. Councilor Pedersen seconded. Passed.

NEW BUSINESS: None.

LEGAL MATTERS:

##### **1. Status of PUD Lawsuit.**

City Attorney Allendoerfer stated PUD has dismissed the lawsuit and he reported on the settlement meeting and other actions that led up to the dismissal. He explained that PUD gave the news to the press and the public prior to giving it to the City of Marysville and they said the reason PUD dropped the lawsuit was because Marysville withdrew their Notice of Action. He said he feels PUD is manipulating the press and they are trying to say the project has "stalled" which it has not. There was discussion about the different newspaper articles.

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ORDINANCES & RESOLUTIONS:

**1. Resolution Waiving Public Bidding Requirements for Acquisition of Computer System for Finance Dept.**

Finance Director Dexter explained that the budget includes this upgrade because the City's existing software will not operate on any other hardware other than NCR which is the sole purveyor. He added that NCR was the best and lowest bid originally in 1985; that Mill Creek is using this system and Mukilteo is looking at using it also, however Marysville does require a larger and more powerful system than these two cities.

Councilor Baxter said he would like a little more reassurance that NCR is the only purveyor of the hardware and Finance Director Dexter stated that he could get a letter from the software people but that he and Veda had done an indepth study prior to presenting the request in the budget. He noted this would be an upgrade to hardware only.

Councilor McGee moved that Resolution 1406 be approved, waiving public bidding requirements for acquisition of the computer system for the Finance Dept. Councilor Lashua seconded and the motion passed unanimously.

**2. Resolution Adopting Revised Greens Fees for Cedarcrest Municipal Golf Course.**

Councilor Cundiff moved and Councilor McGee seconded that Resolution 1407 be approved/adopted. Passed unanimously.

**3. Ordinance Relating to & Providing for the Condemnation of Necessary Right-of-Way Easements for the Construction & Maintenance of, & Access to, a Water Supply Pipeline which will Connect the Everett Water System to the Marysville Water System.**

Councilor Baxter moved and Councilor Weiser seconded to approve Ordinance 1758 and authorize the Mayor to sign a lawsuit to condemn a 265' easement/right-of-way naming Marian and Thomas Alburg and Alice Kincaid. Passed unanimously.

**4. Amendment of Budget - Non-union Employees 1990 increase of 4.3% effective 1/1/90.**

City Administrator Sanden explained that this would cover non-union employees as well as non-union management and that the salary survey probably will not be done until July now. When the survey is completed, she explained that adjustments can be made at that time if necessary. The Mayor requested that an acceleration of the salary survey be made, if at all possible.

Councilor McGee moved and Councilor Baxter seconded to approve Ordinance 1759 increasing non-union salaries by 4.3% and amending the Budget. Passed unanimously.

**5. Real Estate Proposal/Offer.**

City Attorney Allendoerfer explained that the City has made an offer on some property to be used for park land. The offer is good for 120 days and is contingent upon an appraisal and engineering study being done; the City will have the first right of refusal, would be paying 100% of the appraisal fee (\$3,000 to \$3,500) and would share the engineering report and fee with the property owner.

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Councilor Lashua moved to authorize the Mayor to sign the offer on waterfront property with an appraisal and engineering study to be made. Councilor Baxter seconded and the motion passed unanimously.

There was a short discussion and it was noted that the 120 days will allow time to explore funding options for the property.

#### **6. Transient Business Licenses.**

City Attorney Allendoerfer explained that there have been complaints regarding the transients that sell velvets, trinkets, etc. in parking lots throughout the City and the thought is to tighten up the business license ordinance by allowing a criminal penalty/fine of say, \$100.00.

Discussion followed regarding the transients receipt of permission from the parking lot owners, fees that should be paid, the current process, notification to parking lot owner, making their not having a business license a misdemeanor so that there would be an enforceable component in the ordinance, making the penalty worthwhile so that the transients would get a business license, discussion about the Green River Ordinance and exceptions, changing the civil component to a criminal one. It was the consensus that City Attorney Allendoerfer will draft an ordinance for next meeting to crack down on businesses without business licenses.

There was further discussion about collection procedures similar to Everett or Snohomish County. Councilor Baxter suggested trying the civil vs. criminal penalty and hoping the transients won't come back to town. It was also suggested that someone other than a "building official" should have to enforce the ordinance, eg. appear before the hearing examiner.

#### **7. Navy Off-Base Support Facility.**

City Attorney Allendoerfer asked for Council's consensus regarding location of a Navy off-base support facility. There was discussion regarding spin-off business and it was the consensus that the commissary should/could be located in the "Greater Marysville area" with nothing specific as to whether that would be the west or east side of the freeway; that it would be beneficial to all concerned no matter where it is located.

#### STAFF REQUEST:

##### **1. Centennial Coordinator.**

City Administrator Sanden explained that the Centennial actually begins in March but the coordinator was not to start until July. They are proposing sending out the job description sooner than July (Pay Grade IV) if possible. It was noted that a "2 year Executive Position" has been approved under the Budget for this person.

Councilor Lashua moved to authorize staff to proceed with the advertising and selection of the position. Councilor McGee seconded and the motion passed unanimously.

#### CALL ON COUNCILMEMBERS:

Councilor Wright commented on the very helpful session last Saturday.

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Councilor Baxter commented on the cost of enforcing the business license ordinance with the trade-off of getting rid of "fly by nights", noting that they need to be discouraged.

There was discussion about their being unsightly, difficulty in collecting sales tax, nowhere to go if their product fails, criminal vs. civil enforcement of the law.

Councilor Weiser asked for clarification about Marysville's sewer system in light of all the recent press.

Public Works Director Zabell explained that as each expansion comes through, our responsibility is to submit plans to the Dept. of Ecology and Dept. of Construction and we are in compliance.

Councilor McGee thanked City staff for their tremendous efforts last weekend. He said he is disappointed in the Marysville Mall signage not being visible from the freeway and looking more like a warehouse than a mall.

Councilor Baxter asked if a letter could be sent to the Mall regarding employee parking.

MAYOR'S BUSINESS:

**1. Civil Service Commission Appointment - Jack Lovell.**


Councilor Baxter moved and Councilor Cundiff seconded confirmation of the Mayor's appointment of Jack Lovell. Passed.

STAFF'S BUSINESS:

Public Works Director Zabell gave an update regarding the traffic lights at 47th & 528 and 4th & Cedar.

ADJOURNMENT: 9:40 p.m.

Accepted this 2 day of Feb., 1990.

  
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 MAYOR

  
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 CITY CLERK

  
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 RECORDING SECRETARY