

MARYSVILLE CITY COUNCIL MINUTES

APRIL 9, 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
 Jim Allendoerfer, City Attorney
 Jim Ballew, Parks & Recreation Supt.
 Phil Dexter, Finance Director
 Mike Corcoran, City Planner
 Dave Zabell, Public Works Director
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

City Clerk/Finance Director Dexter called the roll with all members present/absent as indicated above. It was announced that the Councilmembers were now all wearing lapel microphones and the Mayor thanked Jim Ballew for all his efforts in this regard.

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua noted in the 4/2/90 minutes that Volker Stevin was misspelled once on page 3, in the first paragraph under Review Bids.

The subject of recording of the City Council minutes was brought up and Councilor Baxter asked if under the Call to Order a person who wishes to record the meeting couldn't state it at that time.

City Attorney Allendoerfer stated a policy with regard to recording meetings should be made and enforced, that the Mayor has the discretion to allow recording and the policy should be consistent. Courts, for example, do not allow video taping, he noted and it would not be fair to allow KING-TV to come in and tape but not allow a private citizen to do the same.

Mayor Matheny mentioned that Mr. Painter's remarks that he was not recording at the 4/2/90 meeting should have been included in the minutes.

Councilor Lashua moved and Councilor Wright seconded to approve the minutes as corrected. Passed.

Regarding recording minutes, Councilor Weiser said he felt it should be disclosed at the outset of the meeting and Councilor Pedersen agreed. Councilor Lashua pointed out that the tapes are available at City Hall. It was the consensus that the policy would be to allow recording subject to prior notice to the Mayor.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

John Painter, P. O. Box 1514, addressed City Council and stated that he wished to be discreet about his taping, that he didn't wish to record everything and that because these are public meetings, he really did not see the necessity in having to advise anyone that he was recording--that that restriction should not be put on a public meeting.

Mayor Matheny pointed out that it would be a courtesy to advise of the meeting being recorded.

Councilor Weiser asked Mr. Painter if he was aware that tapes can be obtained from City Hall and Mr. Painter said yes he was aware but that they are \$10.00 each and that is quite expensive.

CONSENT AGENDA:

1. Approval of 3/31/90 Payroll - \$358,938.05
2. Approval of 4/9/90 Claims - \$102,192.06
3. Authorize Mayor to Sign Agreement between the City and McConnell/Burke relating to Comprehensive Plan
4. Approve Reimbursement for Oversizing the Water Main for the Marysville School Dist.

Councilor McGee asked about the plant hangers for the Public Safety Building, Councilor Pedersen questioned the voucher for US West and Finance Director Dexter confirmed that this was for air time for both the police and fire department car phones. Councilor Pedersen then questioned whether the agreement with McConnell/Burke should be at an hourly billing rate or not to exceed a dollar amount.

City Planner Corcoran explained that there would be different hourly rates for consulting, secretarial, etc. and mentioned that originally, the agreement was for \$24,000 but that was renegotiated down to \$15,000 although this is not a maximum figure.

City Administrator Sanden suggested adding "not to exceed \$15,000 without prior authorization" and it was the consensus that this be added to the agreement with McConnell/Burke.

Councilor Weiser moved and Councilor McGee seconded to approve Consent Agenda Items 1 through 4 with the change to #3 as noted above. Passed unanimously.

PRESENTATIONS: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS: None

REVIEW BIDS: None

CURRENT BUSINESS:

1. Hearing Examiner Pro-Tem.

City Planner Corcoran explained that there no longer is a quorum on the Board of Adjustment but there is need occasionally for a hearing examiner. He said staff recommends McConnell/Burke on a pro tem basis before hiring them full time and this would also act as a good probation period.

City Attorney Allendoerfer pointed out that it would not be a hearing examiner pro tem but rather a zoning adjuster pro tem and that the Mayor would have to sign the final agreement/contract with McConnell/Burke, i.e. City Council would have to approve.

Councilor Baxter moved and Councilor Wright seconded to approve hiring of McConnell/Burke as a zoning adjuster pro tem. Passed.

NEW BUSINESS:

1. RUSA Variance - McCurdy/Erpelding.

Russell McCurdy and Sandy Erpelding of 14420 45 Road addressed Council and explained they are requesting 5 additional water connections and that a variance be granted because of financial hardship to design, drill and construct a community well, especially when Marysville water is in the existing residence already. They said they did not feel the request is inconsistent with the long range plans of the City utility system.

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Public Works Director Zabell stated that the City has on occasion allowed new hookups but not for new development as in this case. He said his interpretation of the need for a variance would be in the case of failed wells, health hazards and without a contract for water from Everett in the past, this request would have been denied. He stated that maybe the criteria need to be changed now that a contract has been signed with Everett, but at present, this application does not meet current criteria and staff is therefore recommending denial of the request.

It was noted that there is existing Marysville water adjacent to the property in question but City Attorney Allendoerfer pointed out that Marysville has some very important restrictions on the use of Everett water and we have committed to DOH that Everett water would not be used to extend Marysville RUSA boundaries.

City Administrator Sanden pointed out that Marysville will be having problems this summer and she added that the coordinated water study is to address these outlying areas (such as 45 Road).

Councilor Baxter referred to a letter the applicant received from the County and stated that critical water boundaries have been defined and that it is disappointing to think that the County would pass out information that is not totally accurate or reflects the true water situation that Marysville is in.

Mr. McCurdy stated that they would be in favor of a postponement and City Attorney Allendoerfer asked specifically if there is a health hazard on the property that would preclude using well water.

Mr. McCurdy responded that they are looking to Marysville because of a financial hardship and also basing their application on the letter from the County indicating availability of Marysville water and that Marysville may be looking for an additional way to pay for water with additional payors.

City Attorney Allendoerfer pointed out that the line that runs adjacent to the subject property is a water transmission line, not a service line.

Mr. McCurdy concluded that they would have to pursue the community well situation further because the County will not help them out either. He noted that some money has already been expended on a design for the well and Ms. Erpelding asked if Marysville City Council could write a letter to submit to the County explaining the denial.

City Attorney Allendoerfer said there's a form on the back of the utility variance application--that the City of Marysville should not have to "relinquish" anything as suggested and that further, if a water quality test is done and there is a heavy mineral content, that would be the only criteria for a variance, i.e. a letter from the Health Dept.

Mr. McCurdy said they would go ahead with an exploratory well to determine the mineral content as a possible way to get a variance.

Councilor Baxter moved and Councilor Lashua seconded to deny the request for a variance without prejudice. Passed unanimously.

2. Crystal Heights - Variance/Ordinance No. 1763.

Councilor Weiser disclosed he sold fencing to Tom Withers for Valley Commons. There were no challenges.

Public Works Director Zabell described the location and explained that Ordinance #1763 "shut down" the project although the sewer line was across property. 1700' of sewer line (offsite) does need to be extended, he said but noted that this preliminary plat was considered as part of the number of lots that would be vested.

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Jim Egge, on behalf of Tom Withers, addressed the Council, explaining that Mr. Schmelzer had given permission for Crystal Heights' sewer pipeline to cross Meadow Creek for 97 out of 125 lots but then Ordinance 1763 was put in force, with 6000' of sewer line in the ground. He noted that they are asked for relief under Ordinance 1763 for 97 lots (not the full 125) under the hardship status not self-generated.

Councilor McGee asked about the status of Meadow Creek and City Attorney Allendoerfer stated they have not reached the point of being ready for a public hearing and have in fact sued the City over Ordinance 1763. He added that if this variance were allowed tonight, it may impact Meadow Creek because part of Crystal Heights sewer line will go through Meadow Creek and it could be argued that they have a valid design. He noted also that Crystal Heights would then have recovery rights from Meadow Creek.

Mr. Egge explained that the timing of the payment by Schmelzer would be after Meadow Creek is approved and noted that Mr. Withers has entered into an agreement with Mr. Schmelzer with regard to the sewer design.

Councilor Lashua questioned the fact that the sewer has not been stubbed in on Crystal Heights as yet and that was a condition for a variance under Ordinance 1763. City Attorney Allendoerfer said yes, if approved, this could set a precedent for Meadow Creek and if it is decided that Crystal Heights is vested, the variance would have to be worded so as to protect the City.

Councilor Cundiff said he concluded from the testimony and information in the packets that Crystal Heights does have vested rights and he therefore moved that a variance under Ordinance #1763 be granted, with findings of fact that a unique hardship exists with 6000' of sewer line already in the ground and only 1700' yet to go; that 97 connections during the moratorium is not a significant amount of effluent; that the staff had included these connections as vested in their forecast; that the public health or welfare would not be jeopardized; and that there will be no stub outs through Meadow Creek and this will not imply any vested rights to the owners of Meadow Creek but vested rights are solely for Crystal Heights. Councilor Wright seconded the motion and it passed with Councilors McGee, Lashua and Weiser against.

LEGAL MATTERS:

1. **Brown & Caldwell Contract.** To be continued.
2. **Discussion Regarding Growth Management Legislation/House Bill 2929.**

Mayor Matheny announced that she would be attending an upcoming meeting 4/17/90 regarding HB 2929 and she invited other City Councilmembers to attend.

City Attorney Allendoerfer noted that the House Bill is 82 pages long and is basically copied from the State of Georgia. He noted the document refers to a "new age" Comprehensive Plan to be developed by each city which will allow a real estate excise tax to be used for growth mitigation. Also the bill contains a concurrency policy which means no new development until the infrastructure is in place, no occupancy permits until the schools are in, sewer lines, etc., i.e. the roads and sewer lines must be in before new development, he stated. He added that the only way this is going to work is with a recovery system for the developer. Another element in the bill is impact fees are now legal and would put it in the subdivision code--roads, parks, school facilities, fire protection, he said. He noted that the impact fees must have a balance between private and public money but that's not really defined, however it does not put the onus on one party. He noted also that the burden of proof is on subdivisions to provide little impact.

Urban growth zones are also defined in the bill, City Attorney Allendoerfer noted, whereby cities are prohibited from annexing outside a circle drawn by the county around the city and any impasses are to be resolved by the State. The bill would go into effect 20 days after the Governor signs it, he noted and Marysville would probably have to set up a "new age" Comp Plan before setting up impact fees, etc.

ORDINANCES & RESOLUTIONS:

1. Resolution 1416 - Jubie Variance to Ordinance 1763.

Councilor Cundiff moved, Councilor Wright seconded. Passed 4-3.

2. Resolution 1417 - Sagebrush Development Variance to Ord. 1763.

Councilor Wright moved, Councilor Baxter seconded to approve. Passed 4-3.

3. Resolution 1418 - Willis Variance to Ordinance 1763.

Councilor Lashua moved, Councilor Pedersen seconded to approve. Passed unanimously.

4. Resolution 1419 - Pepelnjak/Walker Variance to Ordinance 1763.

Councilor Cundiff moved, Councilor Weiser seconded to approve. Motion passed. (Councilor Pedersen did not vote.)

5. Resolution 1420 - Sigler/Cedarcrest Vista Mobile Home Park Variance to Ordinance 1763.

Councilor Weiser moved and Councilor Lashua seconded to deny. Motion passed. (Councilor Baxter did not vote.)

6. BRB/County Public Hearing.

City Attorney Allendoerfer explained that the BRB/County has requested a Public Hearing for 6/12/90 with regard to the annexation request at 67th & 88th.

7. Recovery Contract #150 - Emerald Development Sewer Line.

(For 8" sewer line at 48th & 98th.)

Councilor Wright moved and Councilor Lashua seconded to approve Recovery Contract #150. Passed unanimously.

8. Recovery Contract #151 - Emerald Development Water Line.

(For water line at 48th & 98th)

Councilor Lashua moved and Councilor Pedersen seconded to approve Recovery Contract #151. Passed unanimously.

9. Contract with WSDOT for development of Park & Ride Lot near Village Restaurant.

Councilor Pedersen moved and Councilor Cundiff seconded to authorize the Mayor to sign the contract between the City and WSDOT, as prepared by the City Attorney. Passed unanimously.

10. Contract with Robison Const. re Everett Water Pipeline.

City Attorney Allendoerfer explained the contract agrees to pay \$2.5 million for construction of the pipeline with bonds to be sold by the City in order to raise the money. He noted there is an environmental review lawsuit in process and this can potentially delay the project which could in turn cause a lawsuit from Robison and the City could be liable to the bond holders as a consequence.

Mayor Matheny pointed out that Robison Construction was able to do the job for a million dollars less than any other bidder which is a savings to the citizens of Marysville.

Councilor Baxter pointed out that Marysville has a very urgent need for water at this point and Councilor Pedersen asked about including something in the contract regarding the potential for delay.

City Attorney Allendoerfer stated there is a termination for convenience clause in this contract which would minimize damages/losses under the agreement. We also have wording under "Notice to Proceed" he said that offers a protection for the City and added that the City is pressed for time to complete this by fall.

Councilor Baxter agreed, stating we could miss this year's construction season and we have a serious water shortage for the first time --a very serious water shortage--and that he feels Marysville really has no choice but to sign the contract at this point.

City Attorney Allendoerfer asked about bonding/borrowed funds for the project and Finance Director Dexter stated that if the pipe-line is never built (worst case scenario), the \$4 million borrowed could be paid back less about three-quarters of one million dollars out of construction funds and money obligated for the sewer lagoon which could be used and then paid back under bond anticipatory notes.

There was further discussion about the water shortage and Councilor Baxter moved to authorize the Mayor to sign the contract with Robison Construction. Councilor Cundiff seconded and the motion passed unanimously.

City Attorney Allendoerfer noted that a previous motion by the City to dismiss allegations under the PUD/Aldrich lawsuit is to be rescheduled now for another week and a half.

MAYOR'S BUSINESS:

Mayor Matheny congratulated the Parks Dept. on the Arbor Day tree planting on 528. She also noted the boy scouts did a tremendous job helping everyone plant the trees and the whole event was very worthwhile for the City.

She asked for suggestions for a retreat location but the only times an AWC representative will be able to attend are May 18 and 19.

CALL ON COUNCILMEMBERS:

Councilor Lashua thanked City Administrator Sanden for the effort she puts into the Friday reports. He also congratulated the Street Dept. for finally getting State into shape with no more dips for the catch basins and manholes.

There was discussion about how the lights at 4th & Cedar and 4th & State are working well.

Councilors Wright and Pedersen both made positive comments about the Arbor Day event, also.

Councilor Baxter said he recalled an old decision of Council's that there be no recording at all of meetings, that this had been discussed in the past and people have the option of getting the tapes from City Hall. He said he thought taping should be prohibited.

City Administrator Sanden pointed out that it does cost \$10 per tape and there is a provision in the MMC for the \$10 charge.

Councilor Cundiff asked about the media being allowed to tape and the consensus was that the subject deserves more discussion at a later date.

Councilor Baxter asked about the storm drain work and Public Works Director Zabell said it would be advertised for bid in the Globe tomorrow and the work will probably be started in about 30 days. He added that this will enable collection of about one quarter million gallons of storm water at peak season which will be eliminated from running into the sewer lagoon.

Councilor Baxter asked about the golf course parking lot and Public Works Director Zabell said work should be done in the next week or so.

Councilor McGee congratulated his father, Pat McGee, for a job well done, working with the Marysville Seniors for Crime Prevention. He asked about City lapel pins and City Administrator Sanden stated there are new ones being made up now denoting our Centennial.

STAFF'S BUSINESS:

City Administrator Sanden noted that we now have written approval for the Comprehensive Water Study.

She then gave an update/review on the Union salary negotiations, stating that a 4.3% cost of living increase was offered to Public Works effective 1/1/90. She also said they would be offered a 2.5% minimum promotion increase whereas the police union would be offered the 4.3% cost of living but with a lower percentage increase for promotion in the lower end positions and a higher percentage in the higher end positions. The overall increase would be the same as Public Works. She said the Fire Union will probably follow the Police Union. She added that she would like Finance Director Dexter to work on these figures more and if OK with Council, the offer can be made to the unions.

Councilor Weiser questioned salaries/wages at the entry level in the Police Union and City Administrator Sanden said the salary study did show some compression at the higher levels and Councilor Baxter noted that it's easier for them to get an increase at the lower end than at the higher end of the salary schedule.

City Administrator Sanden stressed that the City is basically responding affirmatively and said she is asking for authority to make a counter offer to the unions.

Councilor Baxter mentioned the step system in the Police salary schedule and there was discussion about it being over 24 mos., noting the need to give incentive at a higher grade, history regarding compaction in the schedule, problems w/hiring and retention, comparing averages, various ranks/classifications, benefits, entry level salary, attracting better people to the profession.

Councilor Lashua noted that the committee had decided it better to have an incentive at the lower (entry) level in order to attract good people and Councilor Cundiff said he agreed with that concept. Councilor Wright also agreed but Councilor Weiser said he would rather see a 4.3% increase across the board. The consensus was 5-2 in favor of the incentive/higher offer at the entry level.

City Administrator Sanden said she would go forward with the proposal then and would come back for formal approval. She added that there are some benefits with 4.3% to the higher level.

City Planner Corcoran referenced the Public Works and Clerical Workers Union and noted there has been a request/interest in having a comparable worth study done there. For example, he said there are two people in the Planning Dept. who would be appropriate for a comparable worth review.

City Administrator Sanden stated there is some concern as far as representation and a comparable worth survey however the City just can't justify all positions at this point; the City offered them a cost of living last December and there has been a lot of expectation because of the salary survey; the City is offering 100% of the CPI but can't meet all the expectations, she said. She added

City Planner Corcoran's concern is difficult to evaluate and that the clerical positions are fairly comparable to other cities.

Councilor Lashua stated he would like Councilor Baxter's concern expressed to Bob Braun with regard to the Police Union and City Administrator Sanden said she would pass this information along and said she would be comfortable with a 4.3% across the board or total average increase. As far as the Building Inspector and Building Official, she said these positions are lower than other cities, that a comparable worth was done 12/89 and puts it at a Grade VI. She said she would like to advertise for a Building Official/Inspector at \$1700 to \$1850 per month depending on experience/training, which would be more comparable with other City positions.

There was discussion about salary ranges, benefits, comparison of Building Inspector and Building Official salary ranges, comparable worth evaluations, labor negotiation committee comments, seasonal employment vs full time with benefits, Building Inspector and Building Official having to deal with the public, concurrence of City Council.

City Administrator Sanden asked if City Council would be comfortable with her giving the current Bldg. Inspector the employment offer of \$1700 to \$1850 per month depending on her evaluation of his credentials. There was discussion about time frame, some kind of contractual agreement being a possibility, comparable worth adjustment being held back because of union negotiations.

City Attorney Allendoerfer stated an emergency budget amendment would have to be instituted with offsetting revenue and Councilor Baxter asked about the City's first quarter sales tax as an indicator of this year's revenue.

Finance Director Dexter said he believed they were up 53% over last year's but that he was not sure this trend would continue necessarily because the first quarter reflects Christmas sales. Discussion followed concerning the mall's income, recap of dept. budgets, over budget/under budget indicators, variables, capital outlay items, expenditures that must be met.

Final Plat of Alderwood Grove East

City Planner Corcoran requested the Mayor's approval of the mylar for the Final Plat of Alderwood Grove East which has vested sewer rights, is in the 6200 block of 70th (Jim Bloom applicant), meets all requirements, all fees paid, streets completed.

Councilor Baxter moved and Councilor Lashua seconded that the Mayor be authorized to approve the Final Plat of Alderwood Grove East. Passed unanimously.

Zoning Update/Concern re Alternative Learning Center/Discussion

City Planner Corcoran said the school district may be moving the alternative high school from 136th down to their service center location on 80th St. near the bus barn. He noted that is general industrial zoning which includes offices, shops, storage, etc. but there is no high school listed in the matrix to show what zone it would be permitted in. He said an elementary school would be allowed in a residential zone but not in a general industrial zone. He noted we have a golf course in a residential zone with a restaurant and liquor sales and so maybe the alternative school could be processed as not being the principal use of the service center, so that it can be put/included in a general industrial zone. He said he understands the school district will be coming back in in about two weeks regarding this matter.

Councilor Pedersen asked about restrictive uses within certain distances from a school. She noted that the Circle K, only a block or so from the service center, sells liquor.

Discussion followed concerning the Alternative Learning Center being similar to Vocational Education, administration of the zoning code, zoning matrix, day care need at the Alternative High School, amending the zoning at 47th & 80th to commercial from industrial, original zoning policies/intent for that area, changes that have occurred over the years, needs for commercial zoning, changes being contemplated in the Comp Plan, non-conforming uses allowed, so much latitude being given to Planning Dept., long term and short term outlook/need for alternative schools, skills center, process time for rezoning, portable buildings, zoning in place now is consistent with land use at the service center now.

City Planner Corcoran talked about the codes being a valuable resource and guideline for rezones, consistent with Comp Plan, changes to zoning codes, conditional use permits and zoning amendments.

ANNOUNCEMENTS:

Public Works Director Zabell announced there would be a meeting tomorrow regarding the sewer lagoon, as well as meetings Wed. and Thur.

It was noted that the Mayor's Advisory Meeting would be at 7:00 a.m. 4/10/90 at Maxwell's Restaurant.

ADJOURNMENT: 10:15 p.m.

Accepted this 23rd day of April, 1990.

Rita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Nanda A. Iverson
RECORDING SECRETARY