

MARYSVILLE CITY COUNCIL MINUTES

00078

JUNE 11, 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
Mike Corcoran, City Planner
Dave Zabell, Public Works Director
Duke Carrier, Sanitation Dept. Supt.
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.

MINUTES OF THE PREVIOUS MEETING:

Councilor Weiser moved that the minutes of the Special Emergency Council Meeting 6/1/90 be approved as presented. Councilor Wright seconded and the motion passed unanimously.

In the minutes of the 6/4/90 Council meeting, Councilor Pedersen asked that her statement on page 3 under the Griffore Annexation be clarified/changed to read: "Councilor Pedersen disclosed that she has a possible conflict of interest due to the recent acquisition of rental property in the area, and would not be participating in the discussion."

Councilor Wright asked that Pastor Strom be changed to Pastor Strum on page 1 under Petitions & Communications.

Councilor Weiser pointed out that on page 3, in the third paragraph, that he was in fact in favor of continuing this item but Councilor Wright was against, in addition to Councilors Pedersen and McGee.

Councilor Lashua moved and Councilor Cundiff seconded to approve the 6/4/90 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PUBLIC HEARINGS:

1. A Proposal to Revise Solid Waste Rates.

Finance Director Dexter referred to the information in the packets as well as some data he had outlined on the board. He gave a little background about the rate structure and noted that a 1989-90 analysis shows there has been a 20% increase in containers of garbage put out for collection. He noted that effective August 1st, the county will be increasing the tipping fees from \$35.00 per ton to \$72.65 per ton charge to the City, \$62.65 per ton when a County approved recycling program is implemented.

He gave a breakdown of collection costs:

- 55% - Disposal
- 3% - Depreciation
- 5% - State Taxes
- 23% - Labor
- 14% - Other

and said his recommendation is for the present \$6.25 minimum charge for up to 3 cans (or \$5.09 per mo. for one can) to be increased to \$9.25 minimum per mo. per can with \$3.00 for each additional can or equivalent. He explained this still gives the customer a break on multiple cans, whereas other collectors just multiply twice the one can rate for two cans, for example. He also recommends a 60 lb. limit per can because with the increased rates, he said he suspects people will try and cram as much as possible to a can. The senior rate is based on 50% operating cost and a can with less weight, he added.

Finance Director Dexter outlined the other proposed increases (as per information in packets) and stated staff wishes to notify customers as soon as possible.

Councilor Weiser noted that the proposed rate for eight cubic yards went from \$165.80/mo. to \$401.60/mo. and Finance Director Dexter explained that he could have justified/calculated out the proposed rates to \$800/mo. but this would pose an astronomical increase and would also be more than the City needs to cover the tipping fee increase.

Councilor Cundiff commented on the senior rates and it was noted that seniors must qualify as per the Marysville Municipal Code, for the lower rates. Finance Director Dexter noted that in Lynnwood, they allow the seniors to use their "senior exemption certificate" which is a possibility in the future in Marysville.

In reading from the MMC, City Administrator Sanden noted that one of the senior qualifications is a total annual income NTE \$14,000 as well as several criteria for being a "disabled senior".

Councilor McGee asked how the proposed rates compare to Northwest Garbage and Finance Director Dexter stated they have not adjusted their rates yet but Duke has talked with them.

Duke Carrier, Sanitation Dept. Supt., addressed Council and stated that Northwest Garbage currently charges \$5.90/can/mo. and has indicated their rates will probably double. Rubatino Refuse Removal in Everett has indicated about the same, he said.

Mayor Matheny asked about the initiation of recycling rates and Mr. Carrier stated there is a meeting regarding this on Wednesday and that recycling is going to still cost the City money.

Finance Director Dexter stated that the County inferred that the differential once recycling is in place would save \$10.00 per ton.

City Administrator Sanden noted there is a \$50,000 grant that can go toward working out an adequate recycling program, which will last one year and help the City to establish a history and analyze the situation for future planning.

Mr. Carrier stated that Fibers International out of Bellevue has indicated a cost of \$3.45 per household to recycle.

Mayor Matheny asked when the county says we have to start the recycling program and Finance Director Dexter stated 8/1/90 is when it starts but it doesn't have to be finished until 1991.

Councilor McGee stated he would like to see Northwest Garbage rates compared in the information sent out to ratepayers and Finance Director Dexter stated he could have that information put together in early July with a mailing about the middle of July.

Christine Belcher, 7702 51st NE, addressed Council, stating they have found City rates very reasonable. She said she would like to see more recycling and asked if recycling could be done independently of the City or the County.

City Administrator Sanden explained that the County has made it mandatory for the City to require it and that charity and non-profit organizations are OK, too and that can be continued also.

Councilor Baxter asked about the equipment replacement reserve for an additional garbage truck and Finance Director Dexter said there is enough for a new garbage truck in the General Fund. Based on the fact that diesel engines last longer, he estimated a new truck will probably not be needed for another five years.

Councilor Weiser moved that staff prepare the ordinance amending solid waste collection rates, as proposed, effective 8/1/90. Councilor Pedersen seconded and the motion passed unanimously.

CONSENT AGENDA:

1. Approval of 5/31/90 Payroll Check Nos. 18562 to Nos. 18866 - \$366,222.02.

Councilor Cundiff moved that Consent Agenda Item #1 be approved. Councilor McGee seconded and the motion passed unanimously.

2. Approval of 6/11/90 Claims Check Nos. 20178 to Nos. 20351 in the amount of \$301,048.26.

Councilor Cundiff questioned the City's membership at the Cascade Club with respect to Voucher #20224 and City Administrator Sanden explained the membership is to provide a place for the Mayor's meetings, staff meetings, Municipal Attorneys Association, etc.

After brief discussion, Councilor Cundiff moved and Councilor McGee seconded to approve Consent Agenda Item #2. Passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Classification Promotion Minimum Increase of 2.5% (continued from 6/4/90 meeting).

City Administrator Sanden explained there has been a change in the proposal from police and non-union employees to all City employees.

Councilor Baxter said he still thinks this is the wrong time to negotiate with the Police Dept.

Councilor Pedersen asked how many people this will affect and City Administrator Sanden stated she was not sure; that the Public Works negotiated back to 1/1/90 but this would apply as the Council wishes tonight--it would not be retroactive. She stated two police officers have recently been promoted to sergeant and that she would want to see the increase to apply to them only, based on a presumption there would be this kind of an increase, she stated.

Councilor Lashua questioned the difference the 2.5% increase would make to the sergeants' pay and City Administrator Sanden explained that the Grade is a vertical promotion, Steps are lateral promotions and sometimes they don't get as much as 2.5% which guarantees at least as much as you would have if you had stayed in the grade.

Finance Director Dexter gave an example where an increase could mean a lesser increase.

City Administrator Sanden stated it is an unusual situation when this occurs and Councilor Lashua asked why we don't wait until this fall's labor negotiations.

City Administrator Sanden explained the request is in an effort to provide consistency, that there was a grievance that called this to staff's attention and this is an attempt to right something staff feels is unfair in the code.

Councilor Lashua stated he understands the fairness issue, but we may be throwing away a negotiable item for the next contract.

Councilor Baxter agreed, stating the average increase in wages over the last three years has been \$90 per month which he doesn't feel is that bad, nor are they being "hurt", he said. He added that the police union did hold a very hard line and have not been easy to negotiate with, so he feels we need to hold the position of this as a negotiation tool, he said.

City Administrator Sanden argued that she felt the negotiations with the police this last time went very smoothly and they were very cooperative.

Councilor Pedersen commented that \$90 per month per step is a nice increase but the issue is that there should be a minimum increase.

Councilor Baxter stated he agrees but their contract has already been negotiated and if there was an assurance that this would be a concession toward next year's contract, that would be something to consider.

City Administrator Sanden admitted there would be some precedent set and her recommendation would be to say that it's only good until the end of the year and then let them negotiate for it for the next year's contract.

Councilor Weiser asked why the Public Works and Police Dept. don't have one union and City Administrator Sanden answered that apparently they want to be separate, the same as the firefighters now wanting their own union.

Councilor Weiser pointed out that it appears to him that one union negotiated for this minimum increase and the others didn't, also, the City has given the police union leave sharing as an additional benefit.

City Administrator Sanden stated she feels these things have shown good faith and there seems to be a desire to work this out and agree on the basic issues.

Councilor Weiser reiterated that there was no additional step for the two sergeants to go up to, so he would like to see it left as is until negotiation time.

City Administrator Sanden asked how he felt about the non-union and firefighter employees and Councilor Weiser stated the non-union employees should get the increase because they are not an organized body with ability to negotiate, as the others are.

City Administrator Sanden pointed out that non-union usually follow the Public Works and clerical union employees.

Councilor Pedersen said if this doesn't represent a lot of people or a lot of money, she would like to see the increase granted in the interests of good relationships being maintained.

Councilor Baxter said he would like to see some reassurance from the Police union.

Councilor McGee moved that a resolution be drawn up embracing the formula proposed by staff based on 2.5% minimum increase, such increase to be effective 7/1/90 and expiration date 12/31/90. Councilor Pedersen seconded the motion.

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Discussion followed with Councilor Baxter noting this is not a budgeted item and City Administrator Sanden pointed out that there is in fact a 5% flexibility allowed on salary adjustments which she felt would cover this item.

A roll call vote was called:

Councilor Cundiff - in favor of the motion to grant the increase
Councilor Lashua - " "
Councilor Wright - " "
Councilor Pedersen - " "
Councilor Baxter - against
Councilor Weiser - against
Councilor McGeen - in favor

The motion passed 5-2 in favor.

NEW BUSINESS:

1. Variance to Ordinance #1763 - Tulalip House of Prayer.

Pastor Sam Lee of the Tulalip House of Prayer addressed the Council and stated he did not know what some of the terminology means in the ordinance, for example, the meaning of "vesting".

Public Works Director Zabell read from Ordinance #1763 and explained there has to be existing sewer main across the property in order to be vested.

Mr. Alfred Sam then addressed Council and stated that when the City extended water and sewer to Roy Robinson's, it went right through his property and nobody said a word to him and the City did not receive his permission to do this.

Public Works Director Zabell stated the sewer drawings are at the Public Works Dept. and that the issue Mr. Sam is talking about is probably a county issue and that Roy Robinson built the pipe and may have used an easement across Mr. Sam's property.

Councilor Lashua asked if Roy Robinson would have been required to obtain a permit from the City to put the pipe in and Public Works Director Zabell said no, the City would apply on behalf of Roy Robinson to the county and that the as built drawings are at the Public Works Dept.

Pastor Lee explained that Mr. Sam does not feel it's fair that Roy Robinson came in without permission. He asked about the unique hardship or health hazard criteria stipulated in Ordinance 1763. He said the reason they need a septic is because about a year ago a soup kitchen was started to be built for the poor and now they can't use the facility until they have a sewer connection. He said they have a contract with the U.S. Government now and this building was started before the sewer moratorium, they have a building permit from the Tulalip Tribes and they can apply to them for a septic system if the City denies the sewer request however, they don't feel a septic system would be adequate for future needs.

Public Works Director Zabell asked about building inspection and Mr. Lee explained that the Tulalip Tribes brings in an inspector, that the building in question is on trust land.

Mayor Matheny noted that the Tulalip Inn is also on trust land and had to have a county inspector come in.

Public Works Director Zabell pointed out that the request is worded in such a way that it implies that they have not started the soup kitchen building as yet.

Mr. Lee assured Council that the building is complete and installation of sinks, refrigerator, etc. has been done but there is no way to dispose of the waste water. They have portable toilets only.

Mr. Lee added that two months ago they got the water and they only need one sewer connection.

Public Works Director Zabell concluded that from the new information presented, it would appear the applicant is vested under 1763 and so he would therefore retract his recommendation for sewer connection denial.

Mr. Lee thanked City Council. He noted that he was not involved in the original application.

Public Works Director Zabell clarified that the extension cannot be more than 500' from the main nor more than 8" in diameter and Mr. Lee said that wouldn't be a problem.

2. Variance to Ordinance #1763 - Mark Paul Jaeger.

Mark P. Jaeger, 12342 Riviera Pl. NE, Seattle, addressed Council, noting that the request is for a variance to Ordinance #1763 for 8421 State (the California Tavern and a one bedroom house). He said the drain field has failed, they are on City water and there is a health hazard at this point without sewer.

Councilor Lashua asked about the request being for two buildings and Mr. Jaeger explained there is a residence in the back but they just need a stub for the residence--it has its own drain field and septic tank and it's not necessary to hook up the residence at this time. As far as the commercial building is concerned, they have had to pump the septic out every two weeks now.

Councilor Baxter asked if the applicant could produce the receipts from the septic pumping service and Mr. Jaeger said no problem.

Councilor Baxter moved that the request be approved, based on satisfactory evidence being provided by the applicant of having had the septic pumped and also the approval not to include a sewer connection for the residence until after the moratorium is lifted. Councilor McGee seconded and the motion passed unanimously.

3. Proposed Traffic Control Measures - Various Locations.

Councilor Weiser disclosed that he is part owner of a business located across the street from the location in Item #1 of staff recommendations, however City Administrator Sanden pointed out that this would not be a quasi judicial hearing.

Public Works Director Zabell explained that police, street and engineering staff have formed an ad hoc committee to provide the City Council with recommendations for traffic safety improvements. He noted their first recommendation is for no parking on the west side of Cedar, in the south half of the 400 block. He added there is a truck that consistently parks there with a sign on it and it blocks sight distance for people at the intersection of 4th and Cedar.

There was discussion, pointing out this is a recurrent problem at a lot of intersections, especially with bushes and/or hedges on the corner and/or parked vehicles. Someone asked the legal distance from an alley and Public Works Director Zabell stated it is written up as 5' in some places, 30' in others, that the code is not consistent. He referred to the packets and read recommendations 2 & 3.

Councilor Weiser asked about the average speed on Grove St. from 51st north to City limits and Public Works Director Zabell stated it is 33-37 mph. He added that the fourth recommendation was initiated by Madeleine Villa, especially in light of the vegetation that obscures sight distance at 2nd & Liberty/47th Av. NE.

Councilor Lashua moved that all four recommendations be approved as set forth by staff and Councilor Cundiff seconded.

Councilor Weiser suggested the no parking sign on Cedar read, "No parking south to intersection" to clarify intent.

Councilor Pedersen asked how far out City limits extend on Grove and Public Works Director Zabell stated 80th.

The motion passed unanimously.

As far as future problems to be addressed by the ad hoc committee, Councilor Weiser asked about establishing a speed limit on 64th/Hickok/4th that the State will accept and Public Works Director Zabell explained that the City has imposed 25 mph, the State still says 55 mph is OK.

Councilor Pedersen noted that no one does 25 mph on State and Public Works Director Zabell commented that they knew that would happen when the speed limit was placed and Councilor Lashua added that realistically, the traffic is moving at an acceptable speed, depending on how fast the rest of the traffic is going.

There was discussion about the speeding problem on Armar Rd., people going around you if you only go 25 mph (the speed limit), the possibility of painting lines to warn people of the speed limit, enforcement of the speed limit on State, the fact that the severity of accidents has been reduced on State, however the engineering study did not support reduction of speed limit on State.

Linda Muscatell, 7903 51st Av. NE, addressed Council, stating she is in favor of reducing speed limits but would rather see the speed limit reduced up to and past 84th where the new elementary school is.

Public Works Director Zabell explained that 84th is in the County and as is customary, the City will notify them when our speed limit is reduced to 80th and it's possible the County will also reduce theirs at that point.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Ordinance amending Personal Services section of the 1990 Budget.

City Administrator Sanden explained that this is with regard to a part time position/receptionist in the Utilities Dept. which must be authorized by City Council. She added that it is budgeted for.

Councilor Baxter moved and Councilor Weiser seconded to approved Ordinance #1783 and authorize the Mayor to sign. Passed unanimously.

MAYOR'S BUSINESS:

Mayor Matheny appointed City Administrator Sanden and Councilor Weiser to the Solid Waste/Recycling Committee.

CALL ON COUNCILMEMBERS:

Councilor Cundiff gave a report on the Stillaguamish Senior Center of which he is one of 15 directors. He stated they derive funding from United Way (24%), from cities and the County (18%) and from Center fund raising (58%). Their main priorities are providing health services to the seniors (through Elderscreen), providing social and nutritional services to the seniors, including operation of a food bank, providing housing, education and recreation. He stated he is proud to be serving as a director for such an active group of seniors.

Councilor Lashua followed up regarding the Pilchuck Rentals bond on the tractor for the Parks Dept./Golf Course and City Administrator Sanden stated the bond had already been refunded and she added that bonds are not required for non-public works projects.

Councilor Lashua commented that the portable illegal sign is still up on 8th and City Planner Corcoran said he found out the property (and sign) are for sale.

Councilor Pedersen said she is looking forward to the AWC convention and followed up on a promise to the Y for funds (if there were any available).

City Administrator Sanden reported no funds have been provided to the Y as yet, that they have been requested to request the funds in writing. Also, she said budget amendments will be coming up 7/9 with their being discussed by staff 7/13 and to be reviewed by City Council 7/23/90.

Councilor Pedersen noted the Senior Center was granted \$7500 and City Administrator Sanden said that was because they submitted a written request which the Y was requested to do also.

Councilor Baxter reported that a Jim Klein contacted him regarding the possibility of arsenic in his well water and as such, would like to get City water. Councilor Cundiff suggested Mr. Klein should take a sample to the County.

Councilor Weiser asked about the tire store disposing of tires and Councilor Lashua reported that they are selling the tires--slowly.

Councilor Weiser commented on a report that Stanwood is applying to use wetlands for sewage treatment, using the latest technology in manmade wetlands--it's expensive but certainly an option.

STAFF'S BUSINESS:

Public Works Director Zabell reported he received a letter from Bill Gehring from DOT regarding left turns, stating no intersection in Marysville qualifies at present for the State's protected left turns. Regarding "C" curbing between intersections of Delta, Cedar and Beach, the State would do it for \$4,000, he said but he would rather take this back to the Traffic Advisory Committee first and then have it presented to City Council.

Councilor Weiser noted that Transpo has been hired by the Downtown Merchants to see whether the curbing is warranted now.

Councilor Cundiff asked about the criteria for a left turn signal and Public Works Director Zabell stated it is mainly based on volume.

Public Works Director Zabell reported that he followed up on the water situation in Bay Ridge Heights (James Wilson house). In talking with Mrs. Wilson, it was reported they have standing water in their backyard but Public Works Director Zabell states this is because the ditch has been filled in on 67th (by the Wilsons) and he will be following up with them again.

Public Works Director Zabell also reported on the Simkins situation and stated Mr. Simkins wants \$100,000 for his property and house at 1929 4th St. which in Zabell's estimation, is greatly overpriced. Public Works Director Zabell noted that the City will need to acquire the property by condemnation or some other means in order to allow for more turning radius at 4th & State. Apparently, Mr. Simkins does not want to negotiate or cooperate with the City and is holding out for as much as he can, he said and added that the property next to this was assessed at \$58,000 (owned by Pavish).

There was discussion about the different options (including leaving the Simkins property as is), various projects in progress, sidewalk improvements, the Simkins property originally being City right of way, various "projects" being undertaken in the garage including welding and painting.

Public Works Director Zabell was instructed to respond to Mr. Simkins stating the City Council did not wish to accept his offer of \$100,000.

ADJOURNMENT: 9:45 PM.

Accepted this 25 day of June, 1990.

Leta Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda A. Inerson
RECORDING SECRETARY