

MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 3, 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
 Dave Zabell, Public Works Director
 Wanda Iverson, Recording Secretary

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| CORRECTED: SEE | 9-9-91 |
| MINUTES | |

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 Weiser moved and Councilor McGee seconded to excuse Councilor Cundiff for this meeting and next meeting. Passed.

MINUTES OF PREVIOUS MEETING:

Councilor Lashua moved and Councilor Pedersen seconded to approve the minutes of the 8/26/91 meeting as written. Passed unanimously.

STAFF'S BUSINESS:

1. Report on Nuisance Ordinance.

City Attorney Weed reported that since last meeting, he has reviewed the Marysville codes and there are a few references made to nuisance items:

- a) Under Title 6.2.4 there is a general nuisance provision relating to public and private parcels which has been on the books since the early 1900s and basically relates to sanitation issues, but not really "up to par" and does not address vegetation along public right of way. It does relate to explosives, refrigerators, wells and requiring people to dispose of these things safely however, there is vague enforcement/criminal penalty.
- b) Under 7.04, there is reference to unsanitary premises. This part of the MMC was adopted in 1894 and relates primarily to animal waste and offensive privies and has a very limited scope.
- c) Under 12.36 of the street and sidewalk code, there is provision relating to vegetation within 20' of the right of way, requiring it be kept clear from obstructing traffic. There is provision to allow the City to clean up and then charge the cost of clean up back to the property owner.

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- d) Under 12.40, the right of way is to be kept clean and the property owner has only 24 hrs. to clean it up, but there is vague enforcement.
- e) There is some provision as a "misdemeanor" under state code.

He explained that as a condition of the plat process, there's often a bond issued with respect to landscaping under the subdivision code. There is also some grounds under the Business License code to revoke their business license, he said. He concluded that the real problem is the lack of one individual being responsible for enforcement of the codes, with the exception of a couple sections where the Chief of Police is responsible. He noted that the code is only as good as its enforcement and there's a possibility that an enforcement officer might be added to City staff.

Councilor Lashua noted that an ordinance was recently drawn up to take care of some old junker cars on Grove and City Attorney Weed agreed, but stated that would be for inoperable/junk vehicles only.

City Administrator Sanden added that there are five criteria for junk vehicles and sometimes that's difficult to enforce; the ordinance has been drawn up in accordance with state law.

Mayor Matheny asked if there is ever a time that old ordinances are eliminated and City Attorney Weed said there are a lot that have been and a lot that still can be taken off the books.

Public Works Director Zabell noted that since Al Matter and Mike Corcoran have left, the City really has no one to act as Compliance Officer. He said he feels a code enforcement officer should be a full time person in the Planning Dept. because most of the issues relate to planning issues.

Councilor Pedersen pointed out that one of the problems next to the driving range is general garbage, as well as concrete slabs. She said she would like that situation followed up.

Mayor Matheny mentioned the rhodies at 8th & Delta that obstruct vision.

City Attorney Weed stated that normally, there would be a letter sent out from the Planning Dept. or the Police Dept. first and if that does not get action, then a letter from the City Attorney. He said enforcing the code is a last step, with photos, investigation, taking it to court, etc. He stated 90-95% of complaints in Everett (from his experience) were settled out of court, and he said he would follow up on the matter.

CALL ON COUNCILMEMBERS:

Councilor Lashua said he knew of at least four street lights that need to be reported as out of order to PUD: 10th & Liberty, 10th & Alder, 4th & Union and 3rd & Union. He asked about water from PUD. He said it looked like Marysville was buying more than we were pumping and Public Works Director Zabell said he would have to go back and take a look at the reports.

Councilor Pedersen reported that she was impressed with the caliber of Senior Planner candidates. She asked about the cable TV being allowed to be an exception under the Green River ordinance. She said she did not want them to have any excuse for

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going door to door selling their "Encore" program.

Councilor Lashua explained that originally, they were allowed to promote three new channels but they have to come before Council and get permission before their door-to-door soliciting.

City Administrator Sanden reported there were 7 citations over the weekend for violations of the Green River Ordinance.

Councilor Pedersen gave a brief RUSA Committee report, stating the consensus of the committee was to go back to the PUD and reject their offer of selling their obsolete system to the City for \$1.6 million.

Councilor Weiser stated they also asked in the letter to PUD that there be a meeting as soon as possible with PUD regarding this.

Councilor Baxter asked about the business in the parking lot at 4th & Cedar, as to whether or not they have a business license to do same. City Administrator Sanden said she would follow up on that.

Councilor Baxter asked about the P.M. sprinkling time and whether Public Works Director Zabell was aware there was a Zabel filter. He said he thought the filter looked like it could be very effective.

Public Works Director Zabell said he had heard of the Zabel filter but was not that familiar with it. He stated watering/sprinkling is prohibited between the hours of 10 & 4.

Councilor Pedersen noted there was a barbecue business in the K-Mart parking lot and assumed that these "parking lot" businesses are separate from the landlord, having to pay rent to the property owner.

Councilor Weiser reported on the Fire Master Study Committee Report, noting the committee is shooting for a 1/1/92 merger date with a list of at least 10 items that need to be done prior to the merger. He said they are talking about having the joint board in place prior to the merger, as well as having issues about insurance, personnel, union issues and a department name resolved soon. He stated there are two more meetings coming up in September and they are planning to have some informational meetings for the firefighters, also.

Councilor Baxter pointed out that basically there will be no change in service and the general public will really not even notice any difference, once the merger has taken place.

Councilor Pedersen said she understood the next step is to draw up an interlocal agreement and City Attorney Weed said yes, one is needed to give authority to form the joint operating committee/board and the agreement, which was reviewed at a recent Council workshop and has not substantially changed from that, will be ready very soon.

Councilor Weiser reported that he had recently attended a Snohomish County Tomorrow meeting and they are working on drawing up an interlocal model agreement for communities that wish to have an agreement with the county. He pointed out that there are some overlapping areas in our Urban Growth Boundary and Marysville may want to work with the Tulalip Tribes, Lake Stevens and Arlington on this issue. He said Snohomish County Tomorrow might become the dispute resolution agency and he concluded that it's important

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that Marysville continue to be a part of Snohomish County Tomorrow because it's at the very least, a good forum for various county and growth management issues.

Public Works Director Zabell reported there was another meeting the next evening also, also about the interlocal agreement. He said he got the impression that Marysville should ban together with other growing communities such as Mukilteo, Snohomish, Monroe and approach the county on a joint basis.

Councilor McGee asked about the status of the new filter plant and Public Works Director Zabell stated the pilot system is going well and the consultants feel it will be very close to their original cost estimates. He said they ran a couple of tests without chemicals and it looks very promising; he said the system will be dismantled next week but with the algae count fluctuating, it's been a good test for the filter which was here on a trial basis.

Councilor Pedersen confirmed that the consensus of the Council is to send the letter to P.U.D. rejecting their asking price of \$1.6 million for the water system.

MAYOR'S BUSINESS:

Mayor Matheny reported she attended a meeting today at the Marysville School District celebrating the beginning of school tomorrow. She noted that Cedarcrest (the new school) will be open tomorrow. She stated there were about 600 certified and classified personnel at the meeting and the Marysville School District can be proud of the fact they have not lost a levy in 17. She stated they employ teachers from as far away as Bellevue.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

1. YMCA Request for Funding - Withdrawn.

Bud Darling, 1916 Grove St., addressed Council, stating he was glad to see something being done about a nuisance ordinance because there are a lot of problems along Grove St., for example. He said it sounds like the problem with PUD is being addressed and his last item was that sometimes it's very hard to hear the Council from the audience.

Councilor Baxter commented on the new director for the Snohomish County Boys Club and said he might be a good one for Jim Ballew to talk with about different programs in the community.

Don Boone, 7404 66th Av. NE, addressed Council regarding the Marysville Golf Center. He said he wanted to bring up a few points that weren't brought up last time. For example, 6 stalls in ront have no nets for some reason.

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Councilor Baxter said the driving range told him it's because their pro doesn't allow anyone to hit from there, the pro teaches from there.

Mr. Boone noted that someone could still slice a ball over the net whether they are supervised or not. He said they are still getting a couple of balls a day and don't like this at all. He said they keep getting put off for 30 days and they are going to have to take it to court if the balls won't stop. He said he does not believe Marysville Golf Center is doing everything possible to prevent errant balls and the neighbors really need Council's help because one of these days it's going to be too late. He said they are really getting tired of having to jeopardize kids' safety for

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the sake of the driving range making money.

Mark Hartwell, 5016 139th St. NE, addressed Council regarding the increase in his water and sewer rates. He noted that his water rates went up 97% and sewer rates 102% recently. He remarked that his wages don't go up that much and suggested that if the City needed that much money, they should have had a bond issue.

Public Works Director Zabell stated there was a bond issue but the rates had to be increased to compensate for no rate increase since 1984. He pointed out that the City will have to spend \$3.5 million to move the sewer outfall into Steamboat Slough, to help with the Everett pipeline project and the sewer upgrade. Basically, he stated the reason the rates were increased as much as they were is because of the length of time since rates increased and he pointed out that his personal rates increased three times the previous amount and it's because of the new water quality laws.

Mr. Hartwell said he didn't think the City should allow development without them paying their fair share and Public Works Director Zabell stated the City does get capital improvement costs from developers.

Councilor Pedersen added that this Council is particularly sensitive with regard to developers and environmental issues.

Mr. Hartwell stated he feels he has been strong armed because he can't just go to his employer and ask for a 100% raise, for example.

Councilor Baxter pointed out that unfortunately, people forget all the years Marysville had low rates and Public Works Director Zabell said we still do have a lower rate than all of the communities in Puget Sound, compared with other cities with wastewater treatment facilities.

Mr. Hartwell asked if it couldn't have been a stepped increase and Councilor Baxter pointed out that the money was not really needed right away and so the rate was increased when it was needed, vs. a small increase before it was needed.

Mr. Hartwell concluded that a 100% rate increase was a bad way to do it and Public Works Director Zabell offered to go over the whole thing with Mr. Hartwell down at the Planning/Public Works Dept. as far as costs for the various projects, etc.

Finance Director Dexter pointed out that none of the rate increase went to refinancing of old bonds.

MORE STAFF BUSINESS:

Public Works Director Zabell reported on a meeting he attended at the consultants, Hammond, Collier, Wade & Livingston and they will be coming out with an updated schedule next week. He stated the end date remains the same and that Jon Ives was also at the meeting, to discuss wetland issues. He reported that the Corps is using 1987 guidelines but other agencies are using 1990 guidelines and so there is a meeting next week with Mike Dawda regarding this. He stated the wetlands mitigation plan is to be completed by the end of this month, with the Shoreline Permit hearing in 10 days and a tech review meeting tomorrow at 1:30. He reported the geotech work at the WWTF is 70% complete (bores). The curtains, aerators and pilings which are part of Phase I are 90% complete, he reported but the design of headworks, pump stations, etc. need

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clarification from Mike Dawda again.

Councilor Baxter asked about keeping the pilot plant in operation for a longer period and Public Works Director Zabell said it's scheduled for another location. He stated another issue that's come up is the recovery contract issue on sewers and because of the sewer moratorium, it puts the recovery contracts in jeopardy because the clock is still ticking on them so we need to have authorization to have the City Attorney draft an ordinance, extending the recovery contracts until people can hook up to the sewers.

City Attorney Weed commented this is something the City needs to work through thoroughly and Public Works Director Zabell said it's difficult to get the word out to everyone with a recovery contract with regard to the tolling, so an ordinance amendment would take care of that problem.

Councilor Pedersen asked if it should be on a case by case basis but Public Works Director Zabell said it would not be fair if the City keeps people's money with two years of "dead" time and we do have all the recovery contracts on file. He offered to bring in a list to the next City Council meeting.

Councilor Weiser expressed a concern about the meeting with Dawda turning into a jurisdictional dispute over wetlands.

REVIEW BIDS:

1. 1991 Water Improvements.

Public Works Director Zabell explained that 7 bids were opened 8/28 and the low bidder was Grant Construction, \$250,832.23.

After a brief discussion, Councilor Lashua moved and Councilor McGee seconded to award Grant Construction the contract, at \$250,832.23. Passed unanimously.

2. U.L.I.D. No. 17 Sanitary Sewer Improvements.

Public Works Director Zabell explained this is the "Sleasman" or "Roncrest" ULID and 6 bids were opened 8/30, with Wilder Const. coming in with the low bid at \$49,946.00. He stated the City has worked well with Wilder Construction on several projects and staff is recommending acceptance of their bid.

Councilor Pedersen moved and Councilor McGee seconded to award Wilder Construction the contract for ULID 17, at \$49,946.00. Passed unanimously.

(It was noted that the preliminary assessment roll was \$45,000.)

ORDINANCES & RESOLUTIONS:

1. Resolution Regarding Marysville Golf Center.

Councilor Wright moved and Councilor Baxter seconded to adopt/ approve Resolution #1497. Passed unanimously.

2. Resolution Denying Without Prejudice Utility Variance, Brian Shular.

Councilor Weiser moved and Councilor McGee seconded to approve/ adopt Resolution #1498. Passed unanimously.

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3. Ordinance Authorizing Condemnation of Permanent and Temporary Right of Way Easements.

City Attorney Weed explained this is out of the Executive Session from last Council meeting for right of way acquisition and the condemnation procedure is identical to other pipeline ordinances.

Councilor Baxter moved and Councilor Pedersen seconded to approve/adopt Ordinance #1856. Passed unanimously.

LEGAL MATTERS:

1. Al Gordon Contract for Court Collection.

City Attorney Weed handed out copies of a memo from the Court Administrator showing the number of cases and the dollar amounts outstanding from 1986-1991--a total of 649 cases, with a dollar value of \$134,514.03. He explained that a 30% collection fee would be added to the fines, with a net of 23% to go to Al Gordon for their fee. In the cases of letters having to be sent out, the fee would be 26% instead of 23% to Al Gordon & Associates, he said and litigation would require a special arrangement.

Mayor Matheny asked about the possibility of an outstanding fine going against a person's driver's license and City Attorney Weed said that may apply to a moving infraction; this program is for all cases, rather than just moving violations. He introduced Gail Ryan as a representative from Al Gordon & Associates.

Councilor McGee asked about the rate of return and Ms. Ryan stated on a 30 day letter, 8-14% and after that, it depends on how long the court has been using Al Gordon & Associates. She stated the longer they have been using the collection agency, the higher rate of return.

Councilor Pedersen asked about combining outstanding amounts for the same person and City Attorney Weed said he was not sure whether our Municipal court could merge what we have on computer with what we do not, that the court system may be able to do that so there are no duplications to Al Gordon.

Councilor Pedersen asked what types of non-moving violations would be included in the program and City Attorney Weed explained that parking, faulty equipment, etc. are non-moving violations that would be included and you are not allowed to put that against a person's driver's license.

Councilor Pedersen said she liked the idea, if possible, of tying up a person's driver's license renewal until they have paid outstanding court fines but City Attorney Weed said it would be difficult and there are considerable gaps in time.

Councilor Weiser asked about the duration of the contract and Ms. Ryan stated it is normally one year.

Mayor Matheny asked if Al Gordon & Assoc. would begin with collection of the most recent fines first and Ms. Ryan said yes, they would start with 1991 fines and work backwards. She also explained the method of computer input that they use at Al Gordon & Associates, noting that they can combine records for one person with several outstanding fines.

City Attorney Weed added that because Al Gordon & Assoc. are performing this same service for several other courts in the area, they have a good data base and there is some efficiency/data for

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locating outstanding accounts.

Councilor Pedersen asked how funds would be disbursed if a person paid a lump sum to Al Gordon & Assoc. for several courts and Ms. Ryan said they would disburse funds to the court who has waited the longest to get paid.

Councilor Pedersen asked about the assistance Ms. Ryan could give the City and she said they would be happy to come in and help copy citations, eg.

City Attorney Weed said he saw no problem as long as it is OK with the court administrator.

Councilor Pedersen moved and Councilor Weiser seconded to authorize the Mayor to sign the contract with Al Gordon & Associates for collection of court fines as outlined, effective October 1, 1991, for a one year term. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:40 p.m.

1. Real Estate.

RECONVENE AND ADJOURN: Approx. 9:30 p.m.

Accepted this 9 day of September, 1991.

Lita Matheny
 MAYOR

Phillip E. Dexter
 CITY CLERK

Manda A. Iverson
 RECORDING SECRETARY