

MARYSVILLE CITY COUNCIL MINUTES

DECEMBER 9, 1991

7:05 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright
 Lee Cundiff
 Bob Lashua

CORRECTED: SEE # 1/6/92 MINUTES

Administrative Staff:

Carolyn Sanden, City Administrator
 Grant Weed, City Attorney
 Phil Dexter, City Clerk/Finance Director
 Steve Bennett, Associate City Planner
 Dave Zabell, Public Works Director
 Bob Dyer, Police Chief
 Roger Kelley, Community Information Officer
 Det. Swaengin, Marysville Police Dept.
 Bob Kissinger, Utilities Supt.
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:05 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 PREVIOUS MEETING:

Councilor Pedersen noted on page 1 of the 12/2/91 minutes under the Library Bond issue, rather than the recount being "two less in favor than against", it should be "two less votes in favor than we needed". On page 5, in the middle of the page, she noted that she suggested the Finance Committee look at it.

There being no further corrections, Councilor Pedersen then moved to approve the minutes of the 12/2/91 meeting as corrected. Councilor McGee seconded and the motion passed unanimously.

STAFF'S BUSINESS:**1. Narcotics Unit Seizure Report.**

Police Chief Dyer gave an update for the first three quarters of the year. He stated they have seized over \$105,000 in drug sales, \$432,000 worth of narcotics, 6 vehicles, hand guns, made numerous arrests, etc. He reimbursed the City the \$20,000 for the drug buy fund and introduced Detective Swaengin.

Det. Bob Swaengin, Marysville Police Dept., reported further on the drug situation in Marysville and said unfortunately, we have a long way to go. They have worked with other agencies with the largest portion of the money being turned into the City coming from an international drug seizure, he said. It came out of Mexico, through Marysville through to Canada and back again with several arrests and several hundred pounds of marijuana being seized, he reported. He stated the narcotics unit is now making a list as to how to best spend the seized money.

Mayor Matheny expressed appreciation for all their efforts.

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MAYOR'S BUSINESS:

Mayor Matheny thanked City Council, the staff and public for her memorable last four years as Mayor. She announced that all the 88th St. interchange money has now been allocated by the Feds.

CALL ON COUNCILMEMBERS:

Councilor Weiser expressed appreciation to Jim Ballew for Friday night's parade from Fred Meyer to Comeford Park. It was an excellent event, well received, and getting bigger and better every year.

Councilor Baxter announced that the 1462 missing bulbs were to be installed in the street decorations, thanks to Lloyd Taubeneck who had also offered to buy the bulbs out of the Street Dept. budget.

Councilor Pedersen stated she had received a call from Faith Lutheran Church regarding a very high (\$867) water bill a few months ago, which they have communicated with the City about. The bill is believed to be in error and now the City has sent out a shut off notice to the Church because the \$867 was in dispute, she reported.

City Administrator Sanden explained there is an ordinance which authorizes staff to do a leak adjustment but the church did not wish that, they wished the City to take care of the whole thing and straighten it out. She noted it's a large disputed amount and it needs to be resolved by City Council, although she could send out a letter extending their water service until it's resolved, she said.

It was the consensus that the City Administrator should do that and Councilor Pedersen commented that it was possible this was a water leak problem.

Councilor Weiser reported on the Arlington Airport/RUSA discussions, noting there was a possibility that the airport would be changed to an international airport vs. a general navigation airport, however there still needs to be research done with regard to the flight path, height and noise regulations, etc.

Councilor Baxter reported he had a call with regard to the Quil Ceda Annexation asking why it had not gone to the Boundary Review Board yet.

Public Works Director Zabell noted the legal description is being revised and Associate Planner Bennett stated the Planning Dept. should be able to get this done within the next two weeks, for forwarding to the Boundary Review Board.

Councilor Wright asked about post office drop boxes that were to be installed on Columbia and Public Works Director Zabell said it is the Street Department's next priority.

Councilor Wright noted she had received several complaints about a (business) sign on 88th on private property advertising a "sex special". City Administrator Sanden said it would be looked into.

Councilor Cundiff noted this is his last official meeting and he stated he has enjoyed working with the Mayor, City Council, the City staff and public.

Councilor Lashua said he echoed Councilor Cundiff's comments and even though the votes went different ways at times over the years,

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there was never any animosity. He wished the best for the new City Council and Mayor in their upcoming terms.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATION:

Mayor Matheny accepted the Quil Ceda Carvers Montage on behalf of the City Council. The montage is now hung in the voyer outside of Council Chambers.

STAFF'S BUSINESS:

City Administrator Sanden reported with regard to the City Hall Roof project, the bid opening has been extended to 1/9/92, with the hazardous materials report now in.

City Attorney Weed reported that the Marysville Golf Center hearing was set for tomorrow in Snohomish County Superior Court, however after discussions today, Marysville Golf Center has basically resolved all issues in the City's favor so no hearing will be held now.

Finance Director Dexter thanked Marysville P.D. for their efficient handling of this year's parade, crowd control, traffic, etc. He said there were several comments on how well the parade went this year.

PUBLIC HEARING:

2. U.S. West New Vector Conditional Use Permit and Height Variance for Cellular Telephone Facility.

City Attorney Weed first explained that under the hearing examiner ordinance, all testimony must be taken under oath and so he administered the oath to two people in the audience who indicated they wished to give testimony.

Associate Planner Bennett explained the City Council's concerns were to do with a light at the top of the tower and the height variance.

Scott Greenberg, 10900 NW 8th St., Bellevue, representing US Vector Group, addressed Council. He stated they received a letter from the Arlington Airport stating that the tower would not affect the airport's operations and the FAA has advised that they are requiring a constant red light with a backup system in the event of failure. He added that they were not able to get anyone from the FAA to be present at this evening's meeting, however.

Councilor Weiser said he believed the minimum height people are supposed to fly is 500' but he saw a low flying plane last Thursday over Cedar Av. and asked about the requirement of the color of the tower, i.e., if it blends into the environment this would raise the likelihood of getting hit.

Mr. Greenberg stated that the FAA has no requirement on the color of the tower.

Councilor Pedersen asked about co-locating and Mr. Greenberg stated there would be only one antenna on this tower.

Councilor Pedersen asked about the differentiation between US West Cellular and US West New Vector and Mr. Greenberg stated this is a capacity installation and those are two different companies.

Councilor Pedersen asked about a question in the hearing examiner's report and Mr. Greenberg stated the hearing examiner was referring to another tower.

Councilor Pedersen asked about the usual distance between towers and Mr. Greenberg said it depends on the distance/reception needed.

Margaret Loveday, 1106 Grove St., addressed Council, stating she lives next door to the proposed installation. She stated no one has been around to inform them of this building and tower and they have heard conflicting stories. She said she had concerns about the installation lowering property values, about whether this would have the same adverse effect as high power lines and whether this would affect their TV reception.

Mr. Greenberg admitted they did not talk to the neighbors because the City sent out notices two different times and this is the first time that any resident has come forward with any question or concern. The proposed tower height is 156' and originally it was going to be 175', he said. With regards to the equipment building it is proposed to be 12' x 36' with the 12' running east-west and the area of the installation would be approx. 40' x 30', he said. The building will be approximately 11-12' high, he stated.

Mrs. Loveday commented on it cutting off light to her garden.

Mr. Greenberg stated it would not adversely affect property values, TV or radio reception and in answer to Councilor Lashua's question, he stated it is in a General Commercial zone.

Councilor Weiser asked if this facility would be fully automated and Mr. Greenberg said yes. Councilor Weiser asked about their liability.

John Hendrickson, Attorney for US West New Vector, addressed Council and he stated that with regard to liability, the burden of proof would fall onto US West New Vector to prove there was no negligence.

City Attorney Weed added that if an injured party could show that there was negligence on the part of the City or the owner of the tower, then there would be liability.

Mr. Hendrickson stated he would not see this facility as being any more sensitive than a building approved by the City.

City Attorney Weed said his only recommendation would be with regard to the color of the pole--he said he questions whether it should be obscured from vision.

Councilor Lashua said he agreed it should not be.

Ron Smith, Regional Properties Manager for US West New Vector, Bellevue, addressed Council. He stated they would paint the pole any color the City wishes and that many communities wish the poles to blend in and there are several trees in the area. He noted they have 500 such poles and most are "screened".

There being no more public testimony, this portion of the Public Hearing was closed at 7:50 p.m.

Councilor Pedersen referred to page 3 of the hearing examiner minutes where it refers to a "public necessity" and not being able to make a variance fit. She questioned the need for this.

Councilor Lashua noted that in the next paragraph it talks about DOT having problems with reception and Councilor Weiser asked about the City superseding jurisdiction with respect to the color of the pole.

City Attorney Weed said yes, the City could do that and as far as liability issues, if the general standard is for the poles to blend in, then we could not be found negligible if the tower is conforming to what the general industry standard is.

Councilor Lashua pointed out that there is a 90' high tree in the vicinity and Public Works Director Zabell noted there is a 120' water tower also 2 blocks away.

Councilor Baxter stated he felt the light and the back up system would be adequate and Councilor McGee asked Mrs. Loveday what color she suggested the pole be painted. She said she doesn't care but she commented that the tree is very unstable and may fall on top of US West's installation some day soon if it is not taken down.

Councilor Baxter commented on the base of the antenna and the general size of the overall structure being fairly large. He asked Mr. Smith what the "standard" color would be.

Mr. Smith stated it would be matte gray to blend in with winter time backgrounds.

Councilor Baxter moved for affirmation of the hearing examiner's decision for approval of the conditional use permit and height variance for the cellular telephone facility, with the tower to be painted matte gray. Councilor Wright seconded the motion which passed with Councilor Pedersen opposed.

CONSENT AGENDA:

1. Payroll Checks in the amount of \$415,140.27.
2. Claim Checks in the amount of \$487,034.53.

Councilor Lashua questioned Voucher #4165 payable to PUD for the Bonneville grant in the amount of \$14,695 for "incentive pay" and Finance Director Dexter explained this is the BPA energy conservation grant program and these are payments to seven builders for 95% of their cost. The City then gets reimbursed by BPA, he explained and this was approved about a year or so ago.

Councilor Baxter commented that he didn't know the City had to front the money and Mayor Matheny said she would like the City Attorney to take a look at this process.

Councilor Lashua questioned Voucher 4166 & 4167 for Centennial salaries and said he thought monies were appropriated earlier in the year and he felt the City had gone over their budget in this area. He said he would like the City Council to have an accounting for Centennial year expenses. He asked about Voucher 4225 - more computer maintenance.

Finance Director Dexter explained this is for the main frame computer, printer, additional CRTs, the entire computer system's 1992 annual maintenance agreement.

Councilor Pedersen commented that this was discussed during budget meetings and Steve Wilson was going to research these costs as it was thought some of them (eg., on the CRTs) was a little high.

Councilor Lashua asked about Voucher 4217 and it was stated this was for the Police Dept.

Councilor Pedersen questioned \$363 for a law book and City Attorney Weed explained this is for the annual supplement to the 20 volumes of law books at City Hall.

Councilor Pedersen asked about Voucher #4246 to Shockey/Brent and City Administrator Sanden agreed it is in excess of what was originally projected but there were more hours than it was thought it would take to phase Gloria's services out, she said. She added that the total has been about \$12,000 to date for Gloria's services.

Councilor Wright asked about temporary court personnel expenses and City Administrator Sanden explained there was a maternity leave as well as someone who quit, so the temporary services were extended.

Councilor Lashua moved and Councilor Weiser seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

3. Public Works Building Paving Project Phase II Contract 91-06.

Public Works Director Zabell explained the parking lot paving project has been completed satisfactorily and staff recommends acceptance/approval.

Councilor Baxter moved and Councilor Pedersen seconded to accept the project. Passed unanimously.

4. Acceptance of U.L.I.D. No. 17 Sanitary Sewer Improvements, 61st Dr. N.E.

Public Works Director Zabell explained this is for the Roncrest project which was completed 11/18/91 at \$5500 under budget, reducing the final assessment roll. Staff recommends that City Council accept this public works project, he stated.

Councilor Baxter moved and Councilor McGee seconded that the project be accepted as recommended. Passed unanimously.

Councilor Lashua asked about the \$5500 savings and Public Works Director Zabell explained it was because of not requiring additional backfill material, as originally anticipated.

5. Authorization to Pay Claims Vouchers for Balance of 1991.

Finance Director Dexter explained the City's final December disbursement will be December 23 and that voucher register will be presented to the Council on January 6, 1992. Staff is seeking authorization to process and pay claims vouchers during the balance of December.

Councilor McGee asked if a list could be supplied and put in each Councilmember's mail box of the vouchers prior to the 1/6/92 meeting and Finance Director Dexter said he would do that.

Councilor Weiser moved and Councilor Pedersen seconded to authorize staff to process and pay claims vouchers during the balance of December. Passed unanimously.

REVIEW BIDS:

1. Waste Water Treatment Plant Phase I.

Public Works Director Zabell explained 8 bids were received, ranging from \$498,000 to \$719,900 with the low bidder being McClure & Sons of Mill Creek. He stated Brown & Caldwell checked out McClure & Sons and all 7 contacts made a very positive recommendation for them as a company and their project manager was checked out as well. He stated staff recommends awarding the bid to McClure & Sons. He added that it was estimated that mobilization on the site would probably be in January with completion to be 150 working days as per the contract.

Councilor Baxter estimated the project to be done in May and Councilor Pedersen commented that with no previous experience, this is a difficult decision to make, however the 7 recommendations look good for McClure & Sons.

Councilor Pedersen then moved and Councilor Baxter seconded to award the bid to McClure & Sons for Phase I of the Waste Water Treatment Facility Upgrade, for \$498,000. The motion passed unanimously.

There were comments with regard to this triggering some action on the part of DOE, this being a new contractor, close bids, etc.

PUBLIC HEARING:

1. 1992 Budget (Continued from 12/2/91).

Finance Director Dexter noted that there has been a change in the budget since last meeting, in that the City has received formal certified notice of assessed value, so the Fire Dept. budget has had to be increased by \$3,960 with total revenues only increasing \$170. He stated they have not got the final figures/calculations in yet however, the budget must be adjusted accordingly. Also, a letter from Luella Rieger, a senior citizen, was received urging the City to include \$7500 for the Elderscreen Program in the budget, he stated and he read her letter.

There was no public input and this portion of the Public Hearing was closed at 8:30 p.m.

Councilor Baxter moved to adopt the 1992 Budget, under Ordinance #1866. Councilor McGee seconded and the motion passed unanimously.

Sgt. Dennis Petersen of the Marysville Police Dept. addressed Council, stating that as of 12/31/91 their dispatch system will change and the fire stations will operate separately as a result of the recent merger. He noted that MPD needs \$3800 worth of equipment to improve their radio dispatch reception and he explained the four different tones needed now.

Councilor Baxter suggested Sgt. Petersen wait until tomorrow night's meeting and City Administrator Sanden offered that there is enough money in the carryover, if necessary for this additional equipment.

Councilor Weiser said he would like to see the fire dept. purchase the equipment rather than the police dept. and Councilor Baxter said he thinks this should be a combined district expenditure.

Sgt. Peterson explained they do need to be up and running by the

end of January and Councilor Baxter said he felt sure this matter can be resolved tomorrow night at the joint fire dept. meeting.

There was further discussion about the possibility of a combination of fire district and City 1991 funds being used, whose responsibility it should be, availability of funds, the issue to be decided/resolved tomorrow night.

ORDINANCES & RESOLUTIONS:

2. Ordinance Amending MMC 2.04.010 Relating to the Scheduling of Regular City Council Meetings.

City Attorney Weed explained that traditionally the last meeting of December is cancelled due to a lack of a quorum and it was suggested that the code be amended, eliminating the fourth City Council meeting in December.

Councilor Pedersen asked if a special meeting could be called if necessary and City Attorney Weed said yes.

Councilor McGee moved and Councilor Pedersen seconded to approve/adopt Ordinance 1867. Passed unanimously.

3. Ordinance Amending Ordinance No. 1846 Extending Duration.

City Attorney Weed explained this would extend the sewer moratorium to 4/6/92 which would be the first City Council meeting after the 90 days following the present expiration date of 12/31/91. He noted that the City will be continuing to discuss matters with DOE and hopefully this date will also be close to completion of Phase I of the Waste Water Treatment Facility Upgrade.

Councilor Cundiff moved and Councilor Lashua seconded to approve/adopt Ordinance 1868. Passed with Councilor McGee opposed.

4. Ordinance Amending MMC 19.40.020 (3) Concerning Non-Conforming Structures.

City Attorney Weed stated concerns have been raised regarding the present code with regard to reconstructing a residence in a commercial zone. Under limited circumstances, this would allow for reconstruction of a single family residence on the same footprint in a commercial zone and allow the same use of the structure, he said. He added that there is an addition under Section 2 to make the non-conforming use available for continuance also so both non-conforming structure and use shall be allowed to be continued.

Councilor Weiser moved and Councilor McGee seconded to approve/adopt Ordinance 1869. Passed unanimously.

5. Ordinance Annexing Certain City Owned Property which is Contiguous to the City.

City Attorney Weed explained this would annex the Reagan property now owned by the City and contiguous to City limits. He noted that by law, this can be annexed without public hearing.

Councilor Weiser moved and Councilor Cundiff seconded to approve/adopt Ordinance 1870. Passed unanimously.

15 MINUTE BREAK 8:45 P.M.

6. Ordinance Amending 1991 Budget.

Finance Director Dexter apologized for this ordinance and the following three resolutions not being complete until Friday and so were not included in the agenda. He then itemized all the necessary budget changes with regard to the General Fund, the Water/Sewer Operating Fund No. 401, the ULID No. 13 Fund No. 413, ULID No. 14 Fund No. 414, ULID No. 15 Fund No. 415, ULID No. 17 Fund No. 417, ULID No. 18 Fund No. 418, Golf Course Operating Fund No. 420, 1977 Refunding Bonds Fund No. 450, LID No. 64 Fund No. 764 as well as temporary personnel needs.

Councilor Wright moved and Councilor Baxter seconded to approve/adopt Ordinance 1871. Passed unanimously.

7. Resolution Authorizing an Interfund Loan and Designating the Interest Rate for ULID 17.

Finance Director Dexter explained all interfund loans would be at the rate of 4.8%.

8. Resolution Authorizing an Interfund Loan and Designating the Interest Rate for ULID 18.

9. Resolution Authorizing an Interfund Loan and Designating the Interest Rate for LID No. 64.

Councilor Baxter moved and Councilor McGee seconded to approve/adopt Resolution Numbers 1510, 1511 and 1512 for the above three items. Passed unanimously.

10. Resolution Honoring Councilmember Bob Lashua.

City Attorney Weed read the resolution detailing Councilor Lashua's years of service and many contributions while on City Council.

Councilor McGee moved and Councilor Weiser seconded to approve/adopt Resolution 1513. Passed unanimously.

11. Resolution Honoring Mayor Rita Matheny.

Finance Director Dexter read the resolution detailing Mayor Matheny's years of service on City Council and as Mayor and her many contributions to the City of Marysville.

Councilor Weiser moved and Councilor Wright seconded to approve/adopt Resolution 1514. Passed unanimously.

Councilor Baxter left Council Chambers at 9:22 p.m. and returned at 9:24 p.m.

12. Resolution Honoring Councilmember Lee Cundiff.

City Attorney Weed read the resolution itemizing Councilor Cundiff's years of service on the City Council and many contributions made to the City of Marysville.

Councilor Wright moved and Councilor Lashua seconded to approve/adopt Resolution 1515. Passed unanimously.

13. Resolution Honoring City Administrator Carolyn Sanden.

Finance Director Dexter read the resolution itemizing the many contributions and accomplishments made in City Administrator Sanden's last two years.

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Councilor Cundiff moved and Councilor Pedersen seconded to adopt/
 approve Resolution 1516. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:30 p.m.

1. Personnel.

RECONVENED: 10:15 p.m.

Councilor Lashua moved and Councilor McGee seconded to approve the
 City Attorney's contract. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:18 p.m.

RECONVENED & ADJOURNED: 10:25 p.m.

Accepted this 6th day of January, 1992.

David Wuer
 MAYOR

Phillip DePeters
 CITY CLERK

Manda A. Iverson
 RECORDING SECRETARY