

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

JANUARY 27, 1997

00302

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilmember Myers exc.

MINUTES OF PREVIOUS MEETINGS:

1. Council Mins. Jan. 13, 1997

Approved

CORRECTED: SEE 2/3/97
MINUTES

AUDIENCE PARTICIPATION:

Mark Watkins

CONSENT AGENDA:

Approved:

1. Approval of the 1/27/97 Claims for Period 13 in the Amount of \$50,369.70; paid by check nos. 32409 through 32516 with check nos. 28552 and 32301 void.
2. Approval of 1/27/97 Claims for Period 14 in the amount of \$66,476.38; paid by check nos. 32517 through 32627.
3. Approval of Liquor License Renewal for Boulevard Grocery, Godfather's Pizza #48523, Las Margaritas Family Mexican Restaurant, Loyal Order of Moose Marysville Lodge 1845, Marysville Texaco Starmart, Payless Drug, Saigon Garden Restaurant, Skipper's Seafood 'N Chowder House #109, 7-Eleven Store #2306-18861D & Denial of Liquor License Renewal for AJ's at Cedarcrest.
4. Authorize Mayor to Sign Final Plat Mylar for Whiskey Ridge Div. I; PA 9203011.
5. Authorize Mayor to Sign Toner Inclusive Maint. Agreement w/ The Wm. Dierickx Co.
6. Authorize Mayor to Sign Professional Plans Examiner Services Agreement with Pacific Rim Code.
7. Authorize Mayor to Sign Professional Plumbing Inspector Services Agreement with Bill Bailey.
8. Authorize Mayor to Sign Hearing Examiner Services Agreement and General Planning Consultant Services Agreement with McConnell/Burke.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

None

CURRENT BUSINESS:

None

NEW BUSINESS:

- | | |
|----------------------------------------------------------------|-----------------------------------------|
| 1. Employee Assistance Program | Approved |
| 2. 1996 Water Comprehensive Plan | Approved |
| 3. Request for Exemption from Compulsory Garbage Collection | Continued to 2/10/97 |
| 4. Utility Var. for Rod Forsberg; 5505 108th St. NE; UV 97-001 | Approved, subject to mtg. w/staff, etc. |
| 5. Util. Var. Extension for Gene Robertson; 2722 169th Pl. NE | 6 Mo. Extension Approved |
| 6. Residential Parking Permit Policy | Continued |

ORDINANCES & RESOLUTIONS:

1. Ord. 2113 Approved Amending MMC 2.50.040 Relating to Compensation of the Mayor & Providing for Transition from a Part Time Mayor to Full Time Mayor.
2. Res. 1839 Approved Providing for Procedures for Annual Amendment and Update of the City's Growth Management Comprehensive Plan.

ADJOURNED:

9:41 p.m.

EXECUTIVE SESSION:

9:42 to 9:51 p.m.

1. Personnel

Action - See Minutes

EXECUTIVE SESSION, CONTINUED:

10:05 to 10:55 p.m.

2. Real Estate

No Action

RECONVENED & ADJOURNED:

10:55 p.m.

MARYSVILLE CITY COUNCIL MEETING

JANUARY 27, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
John Myers (excused)
Ken Baxter
Mike Leighan
Otto Herman
Shirley Bartholomew (8:32 p.m.)
Administrative Staff:
Steve Wilson, Finance Director
Grant Weed, City Attorney
Dave Zabell, City Administrator
Charlene Byde, Asst. Personnel Director
Doug Buell, Community Information Officer
Paul Rochon, Code Enforcement Officer
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Jim Ballew, Parks & Recreation Director
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order and led us in the pledge of allegiance at approximately 7:00 p.m.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

Councilmember Herman noted that he arrived at 7:25 p.m., just after the beginning of Current Business of the 1/13/97 Council Meeting.

Councilmember Leighan noted that on page 2 of the 1/13/97 minutes, under Call on Councilmembers, in the 5th paragraph from the bottom, the press release he was referring to was about the low flow toilet water rebate.

There being no further corrections, Councilmember Leighan moved and Councilmember Wright seconded to approve the 1/13/97 Council Meeting Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mark Watkins, 3822 119th NE, addressed Council. He noted he represents a number of people in the audience who have been without plumbing and running water for sometime, because of the recent flooding in the Bedell Kruse Addition. No toilets or showers. He thanked the City for their outstanding temporary fix and doing as much as they can but his house is flooded out and so are others in the neighborhood and they would ask that the City apply some expedience in resolution of this problem. He presented some photos to show Council.

Mayor Weiser asked for a report from staff concerning flood damage.

Code Enforcement Officer Paul Rochon reported that 8 areas were hit hardest in Marysville. Mr. Rochon noted that the flooding in these areas was due to the unprecedented severity of the storm events experienced the latter part of 1996 and early 1997, and that problems in the 8 areas listed weren't the norm.

- 136th St. (39th Av. East to railroad tracks)
- Smokey Point Blvd. (116th St. to 136th St.)
- Bedell Kruse Addition (122nd St. south to 116th St. & I-5 to railroad tracks)

- Intersection 108th & 67th Av. - 100th St. (55th Av. to 67th Av.) - 95th St. (65th Dr. to 67th Av.) - County
- 84th St. (Allen Creek culvert leaving Golf Course)
- Plat of Sunnyside Hills
- Allen Creek (Ebey Slough up through Jennings Park)
- Plat of Strawberry Vista (122nd block of 41st Ave) and neighboring properties along the Eastside of the railroad spur up to approx. 130th Place)

Mr. Rochon spoke about the sheer volume of rainfall, saturation problems, encroachment of channels, etc. In the case of the lower Allen Creek flooding problems, some of the root cause of that was because of high tides coupled with the prolonged storm event.

Public Works Director Winckler spoke specifically about the Bedell Kruse area, noting the City is surveying the area. The outflow is inadequate to handle the volume of flow experienced. The City has been running a temporary pumping system and is planning to get a more permanent system installed soon, he said.

He also spoke about Sunnyside Hills, Allen Creek/Jennings Park and Strawberry Vista, and recanted some of the particulars, i.e., fill encroachment into drainage channels.

Councilmember Baxter noted the Bedell Kruse subdivision has had a reputation of flooding since inception and the county never did help them out all these years.

There was discussion about the high water and volume of rainfall that's fallen lately--the most in 30 years; along with high tides and saturation.

Councilmember Herman mentioned some pavement damage he had observed from the cold and rain.

CONSENT AGENDA:

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8. Authorize Mayor to Sign Hearing Examiner Services Agreement and General Planning Consultant Services Agreement with McConnell/Burke.

Councilmember Leighan moved and Councilmember Pedersen seconded to approve Consent Agenda Items 1 through 8. Passed unanimously. (Councilmember Baxter did not vote on Vouchers 32473 & 32435 under Item #1.)

STAFF'S BUSINESS:

Public Works Director Winckler announced the annual Utility Coordination Meeting to be held this Tuesday. Also this Thursday, there will be a HUD meeting/presentation regarding LID issues and Public Works Director Winckler will be attending.

The 88th St./I-5 Interchange is now scheduled to be opened Feb. 4, 5 or 6; BNSF is finishing up their work on the cross arms and signals.

With reference to some of the asphalt damage, a list has been submitted to FEMA, however the minimum project they will fund is \$2,000, Public Works Director Winckler reported.

Community Information Officer Buell gave a report in conjunction with the recent AWC update on the Telecommunications Act. He spoke about new telecommunications companies coming into the market place, deregulation, new fiber optic technology, the fact that we will start seeing more antennas in use, more pagers, more wireless communications. He stated the Planning Dept. currently is processing one tower location applicant however, Everett is seeing more applications. Marysville needs a new ordinance that addresses issues such as rights of way, easements, landscaping but along with the hurdles, he said he says many opportunities opening up such as fiber optic interconnections between public buildings, schools, etc. and some revenue could be realized. He reported that the City will be getting a cable consultant to work on a new ordinance and there will be a meeting this Thursday where several cities will be represented at City Hall to discuss and compare what is happening in the telecommunication field.

City Administrator Zabell, who is on the same telecommunications committee, added a few comments and Councilmembers were invited to the upcoming meeting.

MAYOR'S BUSINESS:

Mayor Weiser reported that Mary Swenson has been reelected to the Washington Cities Insurance Authority Board for another 2 year term. He also noted that he has been appointed to the Legislative Action Committee of Snohomish County Tomorrow and he mentioned several issues/bills that are being or will be discussed such as transportation funding, gas tax, 106% tax lid on property tax, intangible personal property tax (tax on leases, franchises, etc.), prohibition of elected officials lobbying. He noted some of these issues are referred to in the AWC Bulletin included in the Councilmembers' packets.

CALL ON COUNCILMEMBERS:

Councilmember Herman spoke about some public agencies having had high numbers of people working on issues which have undesirable implications. He said regarding the gas tax, there is a lot of need and five cents a gallon won't go very far. He spoke about Councilmember appointments and noted that in some cases, they represent the City through the election process and he said he would like to avoid any miscommunication in this area.

Councilmember Pedersen said it was nice to be back attending Council meetings again after her auto accident. She thanked everyone who called or sent cards. She asked about meeting with legislative representatives at the AWC Convention in February and City Administrator Zabell said he would follow up on this.

Councilmember Pedersen asked for a recap of issues and also noted she had talked with Ann Grace about a discount for seniors with regard to water and sewer rates, especially for disabled seniors.

CORRECTED: SEE 2/3/97
Councilmembers

Councilmember Baxter reported the golf course came through all the flooding amazingly well and they actually had to mow some grass the other day. He asked about the restaurant and Parks & Recreation Director Ballew reported RFPs have gone out and responses are to be back by 2/7/97.

Councilmember Baxter reported the Groundwater Advisory Committee is now planning for 1998 even though the committee was not supposed to be needed beyond 1997. He asked about the remodel of the Planning Dept. and City Planner Hirashima stated it is going well, though not quite completed.

Councilmember Baxter reported he had occasion to go to Reno and even though they got a lot of publicity about their flooding, it was relatively insignificant compared to other areas of the country.

NEW BUSINESS:

1. Employee Assistance Program.

Assistant Personnel Director Charlene Byde reviewed the agenda bill, noting the Employee Assistance Program would be available to employees and family members who are going through a crisis. The employee can be referred by their supervisor and supervisory training will also be available. Staff is recommending Council authorize the Mayor to sign a contract with Rainier Employee Assistance for one year at approx. \$2700 per year, to be paid on a monthly basis, rather than quarterly as stated in the contract in the packets.

Councilmember Pedersen asked if local counselors would be used and Ms. Byde said yes, Rainier contracts with counselors in Everett and Smokey Point.

City Attorney Weed said he has reviewed the contract and it meets the City requirements.

Ms. Byde further explained that the employee can go directly to counselors up to three times a year and this includes part time employees and police employees.

After brief discussion, Councilmember Pedersen moved and Councilmember Baxter seconded to authorize the Mayor to sign a one year contract with Rainier Employee Assistance Professionals with the payment schedule changes as recommended by staff. Passed unanimously.

2. 1996 Water Comprehensive Plan.

Public Works Director Winckler noted this plan was submitted to DOH in 4/96 and they approved it 12/96. He introduced Larry Wade.

Councilmember Pedersen left Council Chambers at 8:09 p.m.

Larry Wade, Consultant with Hammond, Collier, Wade-Livingstone, summarized the approximate 200 page 1996 Water Comprehensive Plan. He briefly talked about the overall water system, effects of the Coordinated Water Supply Plan, compliance with DOE/DOH, RUSA boundaries, CWSP boundaries, the UGB.

Councilmember Pedersen returned at 8:12 p.m.

Mr. Wade noted that Marysville currently serves approx. 40,000 water customers and he reviewed water sources.

Councilmember Leighan left Council Chambers at 8:13 p.m.

Mr. Wade spoke about distribution, flow, usage, average consumption being 375 gallons per day per connection.

He spoke about projections and noted Marysville will need another water source within the next 20 years to keep up with demand. He spoke about storage, supply, filtration.

Councilmember Leighan returned at 8:16 p.m.

Mr. Wade noted his recommendation is to continue using the Everett Pipeline as Marysville's main source of water and when expansion is necessary, to continue with the Everett Pipeline also. He spoke about costs, improvements, operations and maintenance and briefly reviewed the many appendices within the document.

After some brief discussion, Councilmember Baxter moved and Councilmember Leighan seconded to adopt the 1996 Water Comprehensive Plan including the water design and construction standards as recommended by the consultants. Passed unanimously.

Councilmember Herman asked about population figures and Mr. Wade stated about 20 years ago, Marysville served about 6000 people; current service area population is about 40,000.

3. Request for Exemption from Compulsory Garbage Collection.

Finance Director Wilson reviewed the agenda bill and request from Ms. Lambert for exemption from compulsory garbage collection.

Councilmembers Pedersen, Leighan and Baxter all declared that they had been called by Linda Lambert, just making sure that they had received her letter outlining her request.

Councilmember Pedersen asked about "transfer of services" and Finance Director Wilson said the City has never received this request before.

Councilmember Bartholomew arrived at 8:32 p.m.

Linda Lambert, 8124 83rd Ave. NE, addressed Council. She said if she has to pay the \$84.00 she would like to be able to tag someone else's garbage so they could receive free services because she doesn't want to have to pay money and get nothing in return. She added that she got a call from Sharon Crandall of the Utilities Dept. and that's what started all this. The garbage truck has now offered to drive down the Lamberts' driveway but they do not wish City garbage service. She referenced a comment made by Councilmember Baxter a few years ago in the minutes of a Council meeting about not wanting to be in the utility business, but it was noted this reference was in the Island Crossing area.

Councilmember Herman spoke about the task of the City attempting to make people happy as well as making the regulation/ordinance work for everyone. He asked her about her special circumstances.

Ms. Lambert referred to the public hearing process and talked about the annexation public hearing she attended where she was told they didn't need to use City services. She talked about the small farms ordinance that she feels she will be eligible for and how she knows the mandatory garbage collection is to prevent illegal dumping. She said they do not dump illegally, have very little garbage, maybe 2 cans a year, did not plan to be in the City limits, actually tried not to be in City limits and even when they lived in Lake Stevens they never used garbage services, she said. She added that they have allowed the City to put a pipeline across their property and the City has made a concession to come to the end of their driveway now so they don't have to take their garbage all the way out to the road (over 600').

Councilmember Baxter asked what they do with food garbage and Ms. Lambert stated it mostly goes in their garbage disposal. She added she feels their uniqueness is that they did not ask to be annexed and they have very little garbage.

00355

Councilmember Herman pointed out that it's important to have a mandatory garbage rule in order to make a city function.

Ms. Lambert suggested possibly a change in the Small Farms Ordinance.

Councilmember Herman spoke about the difference between urban and rural and said even some urban residents have requested exemption from mandatory garbage collection but possibly if no City services are used, as in the Lambert case, if it's acreage/small farm, 600 feet plus to the road, perhaps these criteria could be exempted. He asked how many people that would affect.

Councilmember Pedersen said she would like to see the Lamberts rewarded for recycling and for small amounts of garbage.

Councilmember Baxter spoke about the health problems often created and noted the county is considering mandatory garbage service also.

It was noted that Ms. Lambert's garbage bill is about \$7 per month and because she has not paid since 1995, the City has threatened a lien against the Lambert home.

Ms. Lambert stated she didn't want to pay the \$82.00 owing because then it would look like she agreed with the principle, which she does not. She does not want any City services at this time and if she paid this, they would be getting no value for their money.

Mayor Weiser noted that the last time Council was asked to exempt garbage collection was for property which is now being developed.

Ms. Lambert said she would like to prevent development in her area, even though the school district is planning to build a new school 1/4 of a mile away.

Councilmember Herman then moved to amend the MMC by resolution to be administered by staff, as long as all criteria are met, to allow an exemption for properties of 2 or more acres, if the residence is at least 300' along the access path from a public right of way and if they do not utilize other City services, specifically water and sewer. Seconded by Councilmember Wright.

distant measured

It was noted this should be reviewed on a regular basis and that the exemption request would be initiated by the property owner. Councilmember Pedersen said she would like to wait for further information from the Planning Dept. about how many people this would affect.

CHECKED: SEE 2/3/97
MINUTES

Councilmember Herman amended his motion to direct staff to analyze options/criteria, looking at recommendations and offer their recommendations, putting Ms. Lambert's lien on hold. Recommendations to be brought back before Council 2/10/97. Councilmember Wright seconded the amended motion.

There was discussion about staff looking into county mandatory pick up, exceptions and how they are dealt with. Also, discussion about this opening Pandora's Box, health issues involved, making the occasional administrative/Council exception.

The motion passed 5-1 with Councilmember Baxter against.

4. Utility Variance for Rod Forsberg; 5505-108th St. NE; UV 97-001.

Public Works Director Winckler reviewed the agenda bill.

Rod Forsberg addressed Council, noting the request is for a variance because the distance exceeds 500' for a water line.

Public Works Director Winckler explained that staff would like to spend some time discussing alternatives with Mr. Forsberg, for example, an easement across his property.

Mr. Forsberg said that is fine with him; he would like this expedited. He added that his driveway parallels the high school and he is about 1200' from 108th and only 250' from the cul de sac.

Councilmember Bartholomew moved to approve the utility variance request, subject to the meeting with staff and applicant and if an alternative can't be reached, then a utility variance to the 500' rule be granted with the line running down the driveway. Councilmember Leighan seconded the motion and it passed unanimously.

5. Utility Variance Extension for Gene Robertson; 2722 169th Pl. NE, Arlington.

Councilmember Baxter moved and Councilmember Wright seconded to grant a 6 month extension as per staff's recommendation. Passed unanimously.

6. Residential Parking Permit Policy.

Public Works Director Winckler reviewed the agenda bill and there was considerable discussion about Everett's code, specific zones in Marysville this would apply to, junker cars in the streets, merchant parking being abused, this plan is for residents only, zones, restricting to residential parking within a commercial zone with parking restrictions in front of their homes, Everett criteria/evaluation, designation of zones and who would be eligible for parking permits, letting committee review.

Councilmember Pedersen moved and Councilmember Leighan seconded to direct staff to work on a residential parking policy and bring back to Council. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. An Ordinance of the City of Marysville, WA amending MMC 2.50.040 relating to Compensation of the Mayor and providing for Transition from a Part-Time Mayor to Full-Time Mayor.

After discussion about inclusion of COLA provisions, Councilmember Bartholomew moved and Councilmember Herman seconded to adopt/approve Ordinance 2113 with some recommendations regarding COLA to be brought back next week. Passed unanimously.

2. A Resolution of the City of Marysville Providing for Procedures for Annual Amendment and Update of the City's Growth Management Comprehensive Plan.

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Resolution 1839. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:41 p.m.

1. Personnel.

RECONVENED: 9:51 p.m.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to authorize the Mayor to execute the separation agreement discussed in Executive Session between the City of Marysville and Chief Dyer, subject to Chief Dyer's final approval. Passed 6-0.

EXECUTIVE SESSION: 10:05 to 10:55 p.m.

2. Real Estate

(No Action)

00400

RECONVENED & ADJOURNED: 10:55 p.m.

Accepted this 3d day of February, 1997.

David W. Wain

MAYOR

Mary D. Swenson

CITY CLERK

Standa A. Swenson

RECORDING SECRETARY