

MARYSVILLE CITY COUNCIL MINUTES

APRIL 3, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor ProTem  
 Mel Schank  
 Dave Weiser  
 Bill Roberts  
 Larry Hots  
 Bob Lashua  
 Lee Cundiff (excused)  
Administrative Staff:  
 John Garner, City Administrator  
 Mike Corcoran, City Planner  
 Dave Zabell, Public Works Director  
 John Turner, Police Chief  
 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:

Secretary Iverson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Lashua noted that in the minutes of 3/13<sup>27</sup>/89, on page 12, first paragraph, that "until the golf course" should be worded "and then cross over to the golf course".

Councilor Schank noted on page 5, in the 4th paragraph, "wefare" should be "welfare" and in the second paragraph, last line, "in some of the businesses parking lots located near Chita's" should be added. Also, on pages 7 and 8, Mr. Olmstead's name was incorrectly spelled "Omstead".

Councilor Weiser noted on page 15, second paragraph, regarding the speed limit motion, that there was a dissenting vote and Councilor Roberts stated that he was opposed.

Councilor Lashua moved that the minutes of the 3/27/89 meeting be approved as corrected. Councilor Schank seconded and the motion passed unanimously.

Councilor Schank moved that the Minutes of the Annual Workshop of 3/17-18/89 be accepted as written. Councilor Hots seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS:

None.

PETITIONS & COMMUNICATIONS:

1. From Ted A. Schmelzer, 3/22/89, regarding appreciation for support in efforts to annex.

PUBLIC HEARING:

1. Grove Street Improvements, Continued from 3/27/89.

(Councilor Roberts stepped down from the hearing.)

Public Works Director Zabell stated that the improvement is for Grove St. (76th) from 67th to 71st as a TIP under the Local Transportation Act of 1988 and the City has agreed to participate to the extend of 20%. He gave the revised cost figures:

Construction of roadway	\$200,000
1/2 St.improvement for 500'	30,000
Stream Crossing	50,000
Engineering fees	<u>30,000</u>
	\$310,000
less 20% City participation	<u>62,000</u>
Private Funding	\$248,000

He stated that this would work out to \$290 per lot assessment, based on Gary Wight's determinated that there would be 858 dwelling units participating in the T.I.P.

Councilor Baxter moved and Councilor Hots moved that Ordinance #1684 be adopted for the Grove St. TIP from 67th to 71st on Grove. The motion passed unanimously.

CONSENT AGENDA:

**1. Water Main Oversizing Reimbursement, west of State to 36th Av. NE on 88th St. NE.**

Councilor Lashua moved and Councilor Schank seconded that the Consent Agenda be approved as submitted. Passed. (Councilor Roberts did not vote.)

REVIEW BIDS:

None.

NEW BUSINESS:

**1. Federal Prisoner Jail Contract.**

Chief Turner referred to the information in the packets and explained that operating costs had been calculated at \$39.87 a day per prisoner and this is the figure that was submitted to the Feds. He noted that this figure includes \$55,329 annual depreciation on building and equipment. With a more practical occupancy rate of 80%, the per day per prisoner cost would be \$49.84.

Councilor Lashua asked about the types of prisoners that would be accepted under the program and referred to the contract, stating that he recalled aliens and females would not be accepted, or at least not aliens.

Chief Turner explained that the aliens are usually in transit and there have been no real problems. He noted that a fight had broken out in the building the other night involving federal prisoners but it was handled well and the prisoners were moved out the next day.

Councilor Hots asked if there had been any other incidents with federal prisoners and Chief Turner stated they had an incident where one took a meal from another prisoner but these problems are resolved quickly.

Councilor Hots asked if there had been a comparison of the cost analysis in any other facilities in the area that take care of federal prisoners and Chief Turner said the closest facility that takes federal prisoners is in San Juan or Island County and they receive \$60/day/prisoner but their operating costs are higher and

can justify a higher contract reimbursement fee. He noted that if Marysville's operating costs do go up, the contract can be renegotiated on an annual basis.

Councilor Hots asked if any other local jurisdictions have an interest in housing their prisoners in the City of Marysville jail and Chief Turner stated that Sultan and Stanwood have interest in contracting however that would represent more administration costs for the City of Marysville in comparison with the Federal contract. Because of that, he said if and when local contracts are negotiated, he would recommend a higher per day per prisoner rate for local prisoners.

Councilor Hots asked if there is any conduct difference between federal and local prisoners and Chief Turner stated the federal prisoners are more of a "professional con" type of prisoner and that the federal prisoners offer a unique experience and challenge for the security personnel, also. He added there are pros and cons associated with housing federal prisoners.

Councilor Hots asked if there has ever been a time when Marysville has been unable to house our own prisoners because of lack of space and Chief Turner said no and based on current occupancy, there would be an average of \$6,000 income from housing federal prisoners.

Councilor Lashua asked if Chief Turner was satisfied with the reference to the City's liability on page 5, paragraph 5 of the contract.

Chief Turner explained that's a standard clause and insurance costs are a part of the total operational costs that were calculated.

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Councilor Roberts noted there had been previous discussion with regard to cost analysis and a reevaluation of personnel, etc. He concluded that the operational costs are whether federal prisoners are housed or not, and that he would like to see more profitability in the operation that \$10 per day.

There was discussion regarding Councilor Baxter's original request for the cost analysis of the operation and about additional liability assumption. Councilor Baxter asked if there is extra wear and tear on the facilities with federal prisoners vs. local prisoners and Chief Turner said he didn't think so and pointed out that there had been a recent incident where a federal prisoner's concession money had been reduced in order to pay for damages by the prisoner in the building. He added that he is impressed with the Federal Marshal Service's meeting the City's needs. He noted it is a 12 month contract, up to 1825 prisoner days--which is merely an estimated number of prisoner days on which to base the contract--and the City will probably be receiving about \$75,000 in revenue for the year.

Councilor Baxter expressed a concern with the implementation of the contract with the Police Chief's imminent departure.

Chief Turner explained that the jail staff works with this type of thing all the time and Tiki is basically the one who prepares the contract and deals with the Feds. He also noted that the Feds take care of all necessary medical bills for federal prisoners, too.

Councilor Hots asked if City Administrator Garner was happy with the Feds' payment schedule and the overall program and City Administrator Garner said it seems workable enough but that he would prefer some kind of trial; that the income is important, as long as the federal prisoners are not taking up bunk space for local prisoners.

Councilor Baxter said he felt Marysville would serve a better purpose by helping out neighboring cities although he said he wasn't sure how that would work out revenue-wise.

Chief Turner said the only concern he has with the federal contract is that currently the budget is based on 4 correction officers and that's not quite enough for full coverage and they have to use patrol officers for bed checks of the prisoners which is a cost factor and an issue in the Police Dept. because it hurts the staffing. Down the road, he said, if the staff is increased, that would allow renegotiation for more reimbursement from the Feds. He noted that dispatchers devote about 25% of their time involved with prison matters and that cost was included in the operating costs calculated for the Feds.

Councilor Hots asked if the liability wouldn't be there even if the prisoners were kept at the county jail and Chief Turner said yes, it would.

Councilor Baxter said he wasn't sure what was meant under the contract liability clause by "government furnished property"--does this pertain to property and equipment only or does it include prisoners.

There was more discussion regarding the interpretation and Councilor Baxter asked that it be checked further with the City Attorney.

Councilor Weiser asked what percentage of the total operating costs the four custody officers' wages represented and Chief Turner said that \$102,000 was included which also takes into account \$29,016 for dispatch wages.

Councilor Schank asked about including aliens as federal prisoners and also whether there is any way of knowing where the aliens come from. Chief Turner said they come from all over because they are moved around from prison to prison a lot. He said recently they housed an alien off the boat that was seized just off the coast for having drugs on board. He added that as far as occupancy, it has been averaging about 60%.

Councilor Hots said he knew the local judges feel easier about giving jail time now, knowing there's a jail that can accommodate the prisoners.

Councilor Weiser asked how many custody officers are employed at this time and Chief Turner stated that there are only two but two more are in the process of being hired, for a total of four full time, which cost was included in the total operating costs for the Feds. He said there is a need for five custody officers, however, no matter what kind of prisoners are taken in.

Councilor Baxter noted that if it takes 5 people, the costs should have been submitted for 5 people for the Feds but Chief Turner explained that only 4 were included in the budget and the Feds go by a submitted annual budget.

Councilor Baxter stated he was also thinking in terms of the total operating costs to be reviewed and referencing his original question of several meetings ago regarding actual cost to house a prisoner per day.

Councilor Roberts noted that the discussion at that time had been regarding reevaluation of profitability, also.

Chief Turner said that it was his understanding that with profitability, that would be the go-ahead to hire the 5th custodial officer.

Councilor Schank stated that he saw one of the advantages of housing federal prisoners being the method of recovery with respect to depreciation, etc.

Chief Turner stated that in addition to depreciation, there was \$11,000 worth of software and \$7,000 for some Motorola equipment included in the document for the Feds and the Feds have also indicated they will reimburse car expenses if prisoners need to be transported. Also, if they have any problems with a prisoner having AIDS, for example, the prisoner is transferred out without a problem.

Councilor Lashua said he was in favor of approval of the contract; that the liability clause he was sure was standard and just wanted to bring it to Council's attention.

Councilor Baxter stated that he was not satisfied that all the cost figures have been included and that he thought the City might be shorting itself a bit, especially if two people have to be taken off the street to work in the jail in order to make the contract work.

Councilor Hots said he wondered if the additional duties couldn't be included in the patrol officers' job descriptions in order to get around the discrepancy. Chief Turner said that was a possibility but it would have to be reviewed more.

City Administrator Garner stated that the best possible job had been done as far as identifying costs and that he felt it would be a real plus to have the additional revenue from the Feds in order to pick up the 5th custody officer.

Councilor Baxter said he agreed with the need for the additional custody officer but said he was wondering if the City could do better with local prisoners.

City Administrator Garner said he had spoken with a friend of his in law enforcement in Enumclaw where they house a lot of alien prisoners and his friend said it was number one, a very lucrative business and number two, that they have less problems with these types of prisoners than others. They can get out of the contract easily if they wish (just as Marysville can) but it has been a very positive revenue experience for them, City Administrator Garner related.

Councilor Roberts conceded that one of the advantages would be that there would be a higher volume of federal prisoners than local prisoners.

Councilor Baxter suggested "putting out the word" to other cities also about availability of space, in attempt to keep the jail 100% occupied.

Chief Turner said he wouldn't suggest that until the other two custody officers are hired and trained, in approximately 90 days or so, because of the current strain placed on the two custodial officers in place.

Councilor Hots moved to authorize the Mayor to sign the contract for 12 months, up to 1825 prisoner days. Councilor Schank seconded the motion and it passed unanimously.

Councilor Roberts asked when a reevaluation would be done as far as the need for the fifth custodial officer and Chief Turner said he recommended waiting until the new Police Chief comes on board.

Councilor Baxter suggested that if it's apparent and approved, why not go for a full staff of 5 custodial officers now and run the jail at maximum.

Councilor Schank asked who determines priority of prisoners/occupancy and Chief Turner responded that that is up to the MPD. Chief Turner added that the City Attorney has a sample contract.

City Administrator Garner asked if it was Council's wish for the City to hire three additional custody officers now instead of two and Councilor Baxter said yes.

Councilor Baxter moved to pursue hiring of three custody officers to make a total of five. Councilor Schank seconded and the motion passed unanimously.

Chief Turner noted that they have recently changed suppliers on TV dinners which will save the City about \$50-60/wk.

Chief Turner then made some farewell remarks to the City Council and staff, thanking them for their support of him and the Marysville Police Dept. in the past 3-1/2 years. The Mayor led everyone in a standing ovation--a salute to a job well done by Police Chief John Turner.

## 2. Pearson Annexation PA 8903012.

City Planner Corcoran explained that the property is located at 7400 83rd Av. NE, on Whiskey Ridge Road, which is located in a "notch" in the county, adjacent to city limits. He said he didn't think there would be enough interest to make up 75% of the property owners, however.

Mayor Matheny reminded City Planner Corcoran of the 60% House Bill coming up and said maybe the annexation could be delayed and Councilor Roberts noted that the subject property is surrounded on three sides by city limits and perhaps would come under the 50% rule, also included in the 60% Annexation House Bill.

Councilor Baxter moved that the 10% Petition for the Pearson Annexation, 7400 83rd Av. NE, be accepted and Councilor Hots seconded. The motion passed unanimously.

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## 3. Building Permit Clerk.

City Planner Corcoran explained that this Grade II position request for the Planning Dept. would assist Gerry Becker and Ralph Walker. He noted that Ralph needs more time to be doing building inspections in the field.

Councilor Schank asked if a hearing examiner would help streamline the process with regard to building permits and City Planner Corcoran said he didn't think so; that the Planning Dept. is probably going to have to grow with the growth of the City.

Councilor Roberts agreed with the need, saying that he is hearing complaints in the field that in some cases building inspection response time is three days.

City Planner Corcoran explained that the Building Permit Clerk would allow a more efficient process, with Ralph doing building inspections and a contract plan checker to help out in that area. He noted that the fees will more than pay for the additional help.

Councilor Baxter agreed that the City is getting paid for a service to inspect and said he didn't think enough time is being allowed right now to do quality building inspections.

Councilor Roberts commented that quality building inspections are important, especially with so many new contractors in the area who may need additional expertise regarding Marysville code.

City Planner Corcoran stated the reason for hiring temporary

employees and contractors to assist with the workload in the Planning Dept. is that no one knows what's going to happen as far as the construction of new homes in the event the interest rates increase dramatically. He said it is possible that the Planning Dept. professional services budget may have to be increased in the near future but assured Council that wages would be covered by the increased revenue being brought in by fees. Another thing that needs to be reviewed down the road, he noted, is the cost comparison between a full time employee and a part time independent contractor.

There was discussion regarding the pros and cons of having employees put in overtime. City Planner Corcoran noted that overtime would not be the answer in Ralph's case because of the high stress all day long as a building inspector.

Councilor Schank agreed that overwork really cuts into efficiency, too.

Councilor Baxter moved and Councilor Lashua seconded that a Grade II position be authorized for the Planning Dept. with reevaluation of the position 12/31/89. The motion passed unanimously.

#### **4. Spring Clean-up.**

Duke Carrier, Solid Waste Foreman addressed the Council regarding the annual spring clean-up and explained that the program is getting more and more costly to the City--last year it cost \$10,000. Several reasons were cited for discontinuation of the spring clean-up (see packets).

Councilor Baxter said he knew that it takes a lot of work and time but that he thought it was worth it and serves an excellent purpose, however he admitted that probably the City does need to discourage some of the stuff that's being put out for pick-up during spring clean-up.

Mr. Carrier said the service could be continued at a very reasonable cost if no extra equipment were needed such as a backhoe and extra dump trucks. He said he would like to see discouragement of placing sod, appliances and furniture for pick-up because these are the things that take more than one man as well as equipment other than the normal garbage truck. He noted that transfer companies will haul away old appliances free of charge. He added that some people are really abusing the spring clean-up and actually start putting out more stuff in the alleys a week after spring clean-up and it builds up for another year, causing real problems of maneuverability. He said people should be encouraged to recycle more.

Councilor Baxter said that maybe the City should go back to the original intent of spring clean-up and that was to help people out with lawn clippings and prunings from trees, etc.

Mayor Matheny suggested using the upcoming City newsletter as a vehicle for informing people about the problems, methods of disposal, etc.

Councilor Schank suggested a notice in the newspaper that people will be fined for cluttering up the alleys and putting out inorganic materials.

Councilor Baxter suggested a tolerance of two extra bags during spring clean-up but Mr. Carrier noted that three cans are already allowed which is pretty liberal.

Councilor Baxter suggested a 60 lb. weight limit as an alternative to the extra bags.

Mr. Carrier said somehow people need to get the message that old TV sets, davenport, sheds and unidentified (paint?) cans are not acceptable. He said the situation has gotten totally out of hand.

Councilor Lashua suggested guidelines be drawn up by Mr. Carrier and brought back to Council for review with the possibility of publishing same.

Mayor Matheny noted that Channel 18 could be used also.

Councilor Schank agreed with the suggestion of submitting guidelines for submission to the newspaper.

City Administrator Garner said that with the heavy schedule for the 4/10 City Council meeting, he would suggest Mr. Carrier submit guidelines at the 4/24/89 meeting with the spring clean-up to be conducted in May.

Councilor Schank so moved and Councilor Hots seconded. Passed.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

**1. Contract between City of Marysville and Stillaguamish Senior Center.**

City Administrator Garner explained that the city attorney has signed the contract.

Councilor Baxter moved and Councilor Hots seconded that the contract be approved and signed by the Mayor. Passed unanimously.

**2. Ordinance #1685 repealing chapter 6.36 of the Marysville Municipal Code relating to Vagrancy, and enacting a new chapter 6.36 relating to the crimes of Loitering.**

City Administrator Garner explained this is an upgrading ordinance to reflect latest legislation regarding loitering.

Councilor Schank moved and Councilor Hots seconded that Ordinance #1685 be adopted. Passed unanimously.

**3. Resolution #1350 - ULID #14.**

After a brief explanation of the location being at Smokey Pt., north of 172nd and east of Pony Estates, Councilor Schank moved and Councilor Roberts seconded the approval of Resolution #1350 establishing ULID #14. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor Baxter stated that at the RUSA meeting this morning, Arlington proposed some boundary changes on 172nd with some compensation for exchange of water also being discussed. He said things are progressing, slowly but surely.

City Administrator Garner set up 4/25, Tue., 10:30 at the Public Works Building as a staff RUSA meeting prior to the next meeting with Arlington on May 1st.

Councilor Baxter mentioned the "Authorized Vehicles Only" parking sign on the north side of the Public Safety Building and noted that there was an overflow parking situation last week, with people seeing the sign and therefore parking on the street.

Councilor Weiser said a 1969 yellow El Camino has been parked in the 300 block on Columbia for three weeks now. He also reported that a homeowner on 2nd between Columbia and Alder has put up a sign for disabled parking. He noted this may be a good idea but should be with authorization from the City.



Councilor Schank said Centennial Clean Water Act meetings are coming up, to be held in Mount Vernon and Lynnwood and he would like to see a representative from Marysville attend. Public Works Director Zabell agreed, stating that Marysville has applied for a couple of grants under the Clean Water Act.

Councilor Lashua commented on the AWC, legislative and other reading material in the packets and stated that he found it very informative and interesting. Councilor Schank said he appreciated the interest and if anyone wanted further information to let him know and he would be happy to provide more.

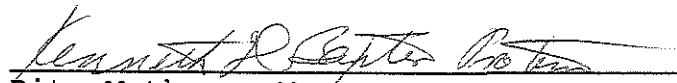
Councilor Baxter reported that the auto repair shop across the street from where the tennis courts used to be on 8th St. is back in business.

City Administrator Garner presented a resolution to be read at the upcoming John Turner Roast at the Village Restaurant Thursday.

Councilor Schank moved and Councilor Hots seconded that Resolution #1351 be approved. Passed unanimously.

ADJOURNMENT: 9:20 p.m.

Accepted this 10<sup>th</sup> day of April, 1989.

  
Rita Matheny, Mayor

  
Phillip E. Dexter, Finance Director