

MARYSVILLE CITY COUNCIL MINUTES

00216

~~00215-7530~~

SEPTEMBER 11, 1989

7:30 p.m.

Public Safety Center

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
Jim Allendoerfer, City Attorney
Dave Zabell, Public Works Director
Phil Dexter, Finance Director
Jim Ballew, Parks & Rec. Supervisor
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:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Lashua noted on page 1, last paragraph of the 9/5/89 minutes, that the tax rate should be 25¢ not 25 mil per thousand dollars. Councilor Schank noted on page 4, in the 2nd line, fifth paragraph, that it should read "the owner will find" not "the owner will fund" parking places.

Councilor Lashua moved and Councilor Schank seconded that the minutes be approved as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mr. Webb Porter of the Quil Ceda Wood Carvers told about their centennial project--a montage of carvings--that has been completed and will be presented to the City of Marysville at the Quil Ceda Wood Carvers upcoming show on 10/7/89. He noted that the project won three prizes at the Monroe Fair this year and passed around photographs of the large montage. He said the only stipulation is that the City would return it to the Quil Ceda Wood Carvers in the event it is decided that the City doesn't want to keep it at a later date. The Mayor accepted the anticipated gift with appreciation and suggested that it be mounted in the Public Safety Building.

PRESENTATIONS:

Mayor Matheny and Councilmembers read a proclamation proclaiming 9/14/89 D.A.R.E. Day and Officer Lamoureaux accepted a plaque. He noted that the program has received a great deal of recognition and in fact, 9/14/89 has also been proclaimed National DARE Day.

PETITIONS & COMMUNICATIONS:

1. Association of Snohomish County Cities & Towns Notice of Regular Meeting.

CONSENT AGENDA:

1. Claim Vouchers - \$141,335.70.
2. August Payroll - \$329,653.99.
3. Job Description Title Changes: Planning/Building Secretary, Confidential Secretary.

Councilor Schank moved and Councilor Hots seconded that the Consent Agenda be approved. Passed. (Councilor Weiser didn't vote on Item #1.)

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PUBLIC HEARING:

1. ULID #13 Final Assessment Roll.

Larry Wade explained that notices had been sent to property owners 8/9/89, it has been published in the Marysville Globe twice and the final assessment came in at considerably less than the preliminary assessment. He said the only letter received was from Flora Menzies with regard to how much had been withheld by the title company. He also noted that the length of the contract (10 or 15 years) should be determined by Council this evening.

Finance Director Dexter stated that 15 years at 7-3/4% interest is recommended by the consultant in Seattle.

Alan Jordan addressed the Council and asked how the assessment is billed and Finance Director Dexter said once a year and the interest accrues annually. He added that it can be paid off at any time 30 days after publication.

CORRECTED: SEE 9-25-89
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Someone whose name was inaudible to the recording secretary, asked what the minimum monthly rate for water is in Marysville and City Administrator Garner stated \$4.40/mo. in the City, \$.80/mo. in the county. The questioner then asked who is responsible for the bill if the house is sold and City Attorney Allendoerfer explain that the usual rule is that the buyer would take over the assessment under the ULID.

Flora Menzies addressed the Council and said she was not clear if she was responsible for the ULID assessment or the purchaser of her property.

Finance Director Dexter explained that unless there is wording to the contrary, the owner of record is responsible.

City Attorney Allendoerfer added that the County Tax Assessor's Office will send the notice to the taxpayer of record who is the responsible party.

Councilor Hots asked if Mrs. Menzies is carrying the contract on the home if she would be responsible for the assessment and City Attorney Allendoerfer said no. Larry Wade noted that she sold the house 1/25/89, after the preliminary assessment roll and the problem is that the escrow company only withheld \$1400 instead of \$3100. City Attorney Allendoerfer stated that Mrs. Menzies needs to deal directly with the escrow company in this matter.

Finance Director Dexter explained that the Bond Council had not prepared an ordinance however City Council could set time length and interest rate for the ordinance tonight.

There was discussion regarding 10 yrs. vs. 15, interest rate, the fact that the bond will probably be issued with two more ULIDs, early payments.

Councilor Lashua moved to have the ordinance drawn up reflecting a 7-3/4% interest rate and 15 year term. Councilor Schank seconded and the motion passed unanimously.

REVIEW BIDS:

1. Water Main.

Public Works Director Zabell explained that the small portion of water main under ULID #14 could be built by the City and he recommended rejection of the bid. Councilor Baxter moved and Councilor Hots seconded that the City build the small portion of the water main and provide materials. Motion passed.

Public Works Director Zabell also recommended rejection of bids on ULID #14 and recommended a rebid as all bids came in higher than

the engineer's estimate, the request for bids was not published in the Marysville Globe (inadvertently) and no local bids were received.

Councilor Schank moved and Councilor Hots seconded to have ULID #14 rebid. Passed unanimously.

CURRENT BUSINESS:

1. Chamber Contract to Fund Brochure (continued from 8/28/89).

Tom Lamoureux, Executive Director of the Greater Marysville Chamber of Commerce, addressed Council and said that they are totally out of stock on the brochures and wish emergency funding to reprint for use until 1990. He referred to a bid in the packets from the Gordon Group - \$2850 for 10,000 reprinted, \$4350 for 20,000 and \$5650 for 30,000 exclusive of sales tax. He stated that the Chamber wishes to have 10,000 reprinted.

City Attorney Allendoerfer asked if any competitive bids were received and Mr. Lamoureux stated no, that basically this is a very reasonable bid because the Gordon Group still has the original artwork. He added that the Gordon Group has been asked to rejoin the Chamber also. (Their membership had lapsed.)

City Administrator Garner stated it would be his recommendation to approve the \$2850 for 10,000 brochures and Finance Director Dexter stated there is about \$3382 in revenue sharing funds available at this time.

Councilor Hots pointed out that with a 10,000 order each piece would run 28¢ and with a 20,000 order each piece would be 21¢ and therefore he would be in favor of 20,000. He asked how many the Chamber needed and Mr. Lamoureux stated they could use 10,000 very quickly but they are simply in need of something to take them into 1990.

Discussion followed regarding how many to fund, reprinting, updating, 10,000 vs. 20,000 and Mr. Lamoureux noted that the updating and preparing of a new brochure will take about 3-4 months. Councilor Schank asked if the Chamber had any operational budget that could be used toward producing brochures and Mr. Lamoureux said there was not. There was further discussion about funding, the fact that the City contributed previously, revenue sharing funds, including sales tax the request comes to more than \$3,000.

Councilor Lashua moved and Councilor Schank seconded that revenue sharing funds be used to fund 10,000 more brochures for the Chamber.

After further discussion regarding the use of revenue sharing funds, whether or not to hold a public hearing, the motion passed unanimously.

2. Growth Management Fund (#111) Status Report (Funding of Office Facility for the Park & Recreation Dept. (continued from 8/28/89)

Finance Director Dexter referred to the agenda bill in the packets and noted that although funds cannot be used from the GMF to construct or remodel buildings, funds can be allocated out of the Street Fund which is a discretionary fund. He stated that the City's current expense fund was also analyzed and if things go in the same direction they are going now, the City will probably have a surplus of \$70-80,000 in revenue. This net surplus is derived from \$175,000 in building permit revenue (projected) less tax shortfalls totalling approximately \$94,000.

Councilor Roberts said he feels building permits is the area where the funding should come from; that that's most appropriate with the surplus being generated from the Building Dept. He also noted that he would like to see some park mitigation fees in place and that would also provide a structure for the Parks Dept.

City Administrator Garner pointed out that fees would go into the

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General Fund and City Attorney Allendoerfer said he felt the park mitigation fees should go into the Growth Management Fund.

Councilor Roberts stated that with more growth it certainly will require more personnel to administer and staff a Parks Dept. and that the building facility should be paid for out of a "Parks Growth Management Fund."

City Attorney Allendoerfer pointed out that excise taxes in the Growth Management Fund are discretionary funds but Councilor Roberts stated he feels they should stay in the Street Fund.

There was further discussion about the Street Dept. needs, spending Growth Management Funds, accumulation, Parks Dept. sources of revenue, the General Fund, excess funds, "loaning" money to the Parks Dept. toward the 1990 budget, transfer of funds, the budget process, facilities.

Councilor Schank asked about formulating an ordinance to provide funds for the Parks Dept. and City Attorney Allendoerfer stated that can be done however it is very difficult to calculate/formulate.

Councilor Schank stated he would like to see something developed there--something within reason. Councilor Roberts concurred.

Councilor Roberts moved that \$40,000 be transferred from the General Fund to the Parks Dept. budget for the new facility. Councilor Hots seconded and the motion passed unanimously.

3. Monte, Borseth, Olsen Annexation - PA8807037.

City Planner Corcoran explained that the petition has been resigned and he recommended that a public hearing date be set.

City Attorney Allendoerfer noted that the property is outside RUSA and therefore has a potential additional cost attached. There followed discussion regarding the City having declared we are in a crisis situation and whether any new utilities customers should be accepted at this time.

Councilor Roberts noted that if utilities are denied to this property, it would be incongruent when the City is serving property 5 miles away. He argued that this property wants to annex and is adjacent to the City. There was discussion about the location of this and other property contiguous to City limits, county zoning, Comp Plan designation, 12,500 vs. 9600 zoning, lagoon sizing and capacity, likelihood of time line for development of the property.

Councilor Baxter moved and Councilor Schank seconded to accept the petition for annexation, setting a public hearing date of 10/23/89, noting that the property owners, upon annexation, would assume bonded indebtedness and will come into the City at 12,500 zoning. The motion passed unanimously.

NEW BUSINESS:

1. Formation of ULID - Walt McKinney.

Public Works Director Zabell stated that the sewer line terminates at the northern boundary of the plat and Mr. McKinney and some of his neighbors would like to start an LID.

Walt McKinney, 5617 92nd Pl. NE, addressed the Council and stated that 2 years he had a new drainfield put in and now needs a new one again and he and his neighbors feel it would be more cost effective to be on City sewer. It would consist of about 1300' of sewer line and it was noted that there is already sewer on at least two sides of Mr. McKinney's property.

Councilor Lashua stated that drainfields have been proven not to be environmentally safe and that people should be allowed to go to sewer when drainfields fail, he said.

When asked, Mr. McKinney stated he would be willing to annex into the City. It was the consensus that approval be given for him to petition City Council to be hooked up to City sewer and form a ULID.

2. Utility Variance - Emmett Larson.

Emmett Larson, 106 172nd NE, Arlington, addressed City Council and explained that this is a hardship case where his 35' hand dug well has dried up. He has a wife and 2 children and this is not a healthy situation, he pointed out. He added that his property has 200 to 300 feet of frontage and he would like to hook into Marysville water.

Councilor Hots asked if the well had been tested and Mr. Larson said no it hadn't been.

Public Works Director Zabell added that Bob Kissinger inspected the well and at that time found it to have only 6" of water in it.

Discussion followed concerning the surrounding property having Marysville water with the water line in front of applicant's property, reservoirs, in-line pumps for increasing water pressure.

Councilor Baxter moved that a water only variance be granted, Councilor Hots seconded and the motion passed unanimously.

City Attorney Allendoerfer stated that it should be kept in mind that the Edwards Springs source may be abandoned with the Everett transmission project completion. Mayor Matheny asked Mr. Larson if he would sign a no protest to annexation agreement and Mr. Larson said no problem.

3. Condemnation Law Suit for Pipeline Project.

City Attorney Allendoerfer referred to the agenda bill and stated that they have reached an impasse with Mr. Alberg who was offered 25% of the assessed value of a 45' wide strip for a water line to go underground, the same formula that others have agreed to. Mr. Alberg is wanting \$8,000 and therefore the cost of condemnation would be justified if it means getting out of paying Mr. Alberg the \$8,000, City Attorney Allendoerfer stated.

Councilor Baxter asked about any other uses for Mr. Alberg's property and City Attorney Allendoerfer stated that the City is requesting easement where there is another easement already and there is no effect on his development of the property.

Councilor Hots asked about possible repercussions with the press on a condemnation issue and City Attorney Allendoerfer concurred that the timing issue is important and that would be considered when filing the lawsuit.

Councilor Baxter moved and Councilor Weiser seconded that the City Attorney proceed with the condemnation lawsuit at his discretion.

There was discussion regarding the other easement (Seattle City Light) which is above ground and the pipeline would be run underneath the same easement.

The motion passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Resolution regarding F. Taylor Rezoning Reclassification for Additional 9 Months and for not more than 118 Units.

After a brief discussion regarding the public hearing process, Councilor Schank moved and Councilor Hots seconded to adopt Resolution #1380. The motion passed unanimously.

2. Resolution relating to the maximum amount of Compensatory Time an employee may take off at any one time.

City Attorney Allendoerfer explained that there has always been a limit of 2 days off at a time and this has been changed to 2 days or shifts in order to accommodate 24 hr. firefighters and police officers.

Councilor Baxter moved and Councilor Schank seconded that Resolution #1381 be adopted. Pass unanimously.

3. Ordinance for Approval of Park View Estates Plat/PRD.

City Attorney Allendoerfer explained that this has been reviewed by the City Planner and Centex Homes. One dispute involved whether the buffer on the north end of the plat facing Parkside Manor should be 20' or 30'. Councilor Lashua clarified that it was his understanding that it would be 30' to include a 10' easement. It was the consensus that this was so.

City Attorney Allendoerfer also noted that with regard to the \$50,000 (cash) park mitigation fee, a change would be made in that the money would be given at the time of the park dedication with a stipulation that the money be used within 2 years of donation.

Councilor Schank moved that Ordinance #1723 be adopted and Councilor Hots seconded. Passed unanimously.

4. Ordinance relating to closure of 57th Dr. N.E. except for Emergency Vehicle Use.

Councilor Lashua moved and Councilor Schank seconded that Ordinance #1724 be adopted. Passed unanimously.

There was discussion concerning speed bumps and the possible re-opening of 57th by petition at a later date.

5. Ordinance relating to correction of typo in RCW concerning custodial interference.

Councilor Schank moved and Councilor Weiser seconded that Ordinance #1725 be adopted. Passed unanimously.

6. Ordinance mandating a 10' setback from center point of water or sewer lines.

There was considerable discussion regarding the situation in the older part of town, placement of garages, why the need for this ordinance, easements designated on plats, variances, the situation on the hillside.

City Planner Corcoran stated that from an administrative viewpoint it is very difficult, when a person comes in for a permit, to know where the easement/setback is without an "as built" drawing so it would be difficult to check/administer this ordinance.

Public Works Director Zabell stated the ordinance is simply an attempt to be consistent with the engineering needs and perhaps the permits could be sent to engineering if there is any question regarding setbacks/easements.

Councilor Roberts noted there would be a benefit as far as the square footage of the lot being calculated and there was discussion regarding setback lines being shown on the drawings and that this should be included in the code.

Councilor Roberts moved and Councilor Baxter seconded that Ordinance #1726 be approved. Passed unanimously.

7. Ordinance amending Ordinance #1706 regarding Bay Ridge Heights participation in 2 regional retention ponds.

CORRECTED: SEE 9-25-89
MINUTES

City Attorney Allendoerfer explained that it has now been discovered that this plat should be retained on site and the ordinance would be an amendment to relieve the owner from participating in the regional retention system.

Public Works Director Zabell concurred, stating that Trepanier studies further and are asking to retain on site first with drainage to then go to the county drainage system. The water eventually ends up in Allen Creek, he noted. He said he recommends approval and that the applicant is willing to work with the county.

Councilor Hots moved and Councilor Schank seconded that Ordinance #1727 amending Ordinance #1706 be approved regarding Plat of Bay Ridge Heights. The motion passed unanimously.

8. Contact with Everett Water Pipeline Attorney.

City Attorney Allendoerfer reported that contact has been made and they are willing to work with the City of Marysville.

9. Final Plat of Kellogg Valley.

City Planner Corcoran stated that this is 10 acres west of Meadowvale and meets with all conditions. He requested that the Mayor sign off on the final plat.

Councilor Baxter moved and Councilor Weiser seconded that the Mayor be authorized to sign the Final Plat of Kellogg Valley. Passed. (Councilor Roberts did not vote.)

CALL ON COUNCILMEMBERS/STAFF:

Councilor Schank reported there will be an AWC Committee meeting 9/15/89 which he will be attending and if anyone has anything they wish taken to the meeting, to get it to him by Thursday, 9/14/89.

Councilor Hots asked when the hourly survey is going to be done and City Administrator Garner stated it is being done now; that they have almost completed the police dept.

Councilor Lashua asked about the Third St. Bike Shop and City Planner Corcoran stated that they are putting in a sprinkler system and Ralph is to follow up. Brief discussion followed with regard to the events that have precipitated the need for a sprinkler system.

Public Works Director Zabell stated that there was a meeting with DOT last Friday regarding the 528 signal light at 47th. They have no money as yet, he noted, but suggested that \$6500 in budgeted professional fees could be utilized for formulating the signal design.

Councilor Roberts added that the proposal is to get it included in the 47th widening project and it will be paid back eventually with the TIP in place. There was more discussion about time lines to get signals in place and an estimate of 60 to 90 days was given.

City Administrator Garner announced the Hickock Park Dedication will be 9/24/89 at Noon. Also, the Mayor's Budget Review Committee is looking for interested people for next month.

CORRECTED: SEE 9-25-89
MINUTES

ADJOURNMENT INTO EXECUTIVE SESSION: 9:40 p.m.

EXECUTIVE SESSION:

It was determined to proceed with the selection process of the City Administrator position as originally planned.

RECONVENE AND ADJOURNMENT: 10:15 p.m.

Accepted this 25th day of September, 1989.

Peta Maloney
Mayor

Phillip Ed Dexter
City Clerk

Wanda A. Iverson
Recording Secretary