

MARYSVILLE CITY COUNCIL MINUTES

00309

December 11, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
Ken Baxter, Mayor ProTem
Mel Schank
Dave Weiser
Donna Pedersen
Bob Lashua
Lee Cundiff (excused)
Administrative Staff:
Carolyn Sanden, City Administrator
Phil Dexter, Finance Director
Jim Allendoerfer, City Attorney
Dave Zabell, Public Works Director
Mike Corcoran, City Planner
Jerry Jacobsen, City Fire Marshal
Doug Ronning, City Fire Chief
Bob Kissinger, Utilities Supt.
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 THE PREVIOUS MEETING:

Councilor Schank moved and Councilor Lashua seconded that the minutes of the 12/4/89 meeting be approved as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

None.

PRESENTATIONS:

Mayor Matheny presented a plaque to outgoing Councilor Schank for his service on the Council.

Mayor Matheny then showed the plaque presented to the City of Marysville by the Marysville & Tulalip Visitors Information Center.

PETITIONS & COMMUNICATIONS:

1. Letter from Marysville Library & Building Committee.

Mayor Matheny appointed Councilors Baxter, McGee and Pedersen to the "Library & Building Feasibility Committee".

2. Letters from Washington State Department of Transportation dated 11/3/89.
3. Letter from Pioneer Bank dated 11/17/89.
4. Memorandum from AWC Regarding Results of Legislative Committee Vote on AWC Priority Issues.
5. Letter from TCI Cable Regarding Rate Increase.
6. Letter from Alison Huffman dated 12/1/89.

NEW BUSINESS:

1. Northwest Energy Code Model Conservation Standards Adoption.

City Planner Corcoran introduced Jack Smith of Snohomish County PUD, Super Good Cents Program Director, who made a presentation regarding the benefits of the City adopting the Northwest Energy Code standards. He noted that the City would receive \$134,000 in 1990 and \$115,000 in 1991 in grant money to help implement the standards, for training, inspections, builder incentives, etc.

Mr. Smith noted that the NWECC builder incentive is higher than the present Super Good Cents program incentive and that the overall NWECC program would result in lower utility bills, would be good for the power companies because of the conservation and would be a very cost effective program, much more cost effective than the buy back program. He said that an indoor air quality program is also available and that PUD is doing this presentation to all the main cities in Snohomish County. PUD is recommending that cities adopt an ordinance incorporating the NWECC program and incentives, he said, with regard to new structures heated electrically. At this time, it is a two year program but he noted it's possible extensions might be allowed once the two years is up. He added that the Super Good Cents Program will continue as needed but will eventually be phased out by the NWECC Program.

Councilor Baxter asked about having to hire additional staff to enforce the new code and where the benefit is to the City. Mr. Smith said if NWECC becomes state law, there will be no grants to the cities, the money would go to the state with quite a bit less coming back to the cities for administering the code.

Guy Hughes of the Bonneville Power Administration addressed the Council and said that inevitably, the NWECC code is going to be adopted and the best deal for the City is that the costs will be reimbursed for implementation and enforcement. He said BPA has made a commitment to invest in the helping to reduce/conservate electricity use.

Councilor Baxter noted that people are in a somewhat of a "Catch 22" situation--they are trying to save electricity by using wood burning stoves and are now, on a regular basis, restricted in the use of the wood burning stoves.

Mr. Hughes said they have no control over the environment but the BPA is trying to merely make an investment here in conservation.

Councilor Schank asked why, with the code originally being passed in 1981, we are just getting around to doing this now and Mr. Hughes explained that the building standards and conservation standards have been modified over the years, that BPA has sent out seven mailings since 1984 to local governments and they were provided the opportunity to adopt the NWECC.

City Planner Corcoran added that there was not as much focus on energy conservation in the past as there is at this time, also.

City Administrator Sanden noted that the purpose here is to decide whether or not to have a public hearing regarding adoption of the code. She said if a public hearing is decided, that it could be held 1/2/90.

Mr. Hughes noted that a lot of jurisdictions have been simply waiting for the state to adopt the NWECC.

Scott Merryman of the Energy Office in Olympia addressed the Council and said this is a cost effective program to the consumer and is a very environmentally benign program as well. He said the AWC supports the program and that this is not an easy decision for cities to make because of the many personnel changes in government that are made, but it is a very good program to adopt. He talked a bit about dual fuel standards (gas vs. electric) and said they are encouraging efficient use of both.

City Attorney Allendoerfer asked why the financial incentive disappears once the state adopts the NWECC Program and Mr. Hughes stated there's planning going on now whereby the payments will not be as high but the program will not cease. BPA probably would not have as high payments with a statewide adoption because there would be more jurisdictions involved, he added.

Mr. Merryman also noted that any jurisdiction that adopts prior to state adoption would be grandfathered in.

Councilor Pedersen asked about the definition of "energy conservation" and Mr. Merryman said it is thought of as "stretching" the resources we have now.

Councilor Schank moved and Councilor Weiser seconded that a public hearing be held 1/2/90 with regard to adoption of the NWEAC Program. Passed unanimously.

It was requested that a copy of the model code be included in the packets prior to the public hearing.

PUBLIC HEARINGS:

1. Stillaguamish Tribe RUSA Variance (continued).

City Attorney Allendoerfer reviewed the past 7 months wherein the City of Marysville had made a commitment for water and sewer with a RUSA variance resolution drafted, including findings of fact, however Stillaguamish Tribes has now requested cooperation with regard to the public source of water.

Dan Rosser, representing the Stillaguamish Tribes, addressed the Council and explained the request was in a critical low water time and addressed the concern for the fish habitat however the Stillaguamish Tribes would drop that objection with passing of the resolution, he noted.

City Attorney Allendoerfer stated that the resolution could be passed upon confirmation of Mr. Rosser's testimony, such as a letter from the tribal chairwoman.

Mr. Rosser agreed that a letter could be obtained, confirming that they would drop the requirement of the City to protect the fish hatchery.

Councilor Baxter moved that Resolution #1395 be approved but that the Mayor not sign until a signed document is received from the Stillaguamish Tribes relieving the City of the obligation as discussed. Councilor Schank seconded the motion. City Attorney Allendoerfer noted that no need for the RUSA variance will probably occur for about two years. The motion passed unanimously.

CONSENT AGENDA:

1. Reimbursement for Oversizing the Sewer Main for Rivers Inlet.
2. 12/11/89 Claims #18085 thru #18227 in the amount of \$226,183.36 and 11/30/89 Payroll #16833 thru #17114 in the amount of \$317,326.30.

Councilor Baxter moved that Consent Agenda Items 1 & 2 be approved. Councilor Schank seconded and the motion passed unanimously.

REVIEW BIDS:

1. ULID #14 - Grant Construction - \$103,445.00

City Attorney Allendoerfer explained that this was the ULID that had to be rebid but now the bid is over 30 days old. Public Works Director Zabell said he would be talking with Grant Construction tomorrow and would find out if the bid amount is still OK.

Councilor Schank moved to accept the low bid of \$103,445.00 providing Grant Construction accepts their own bid. Councilor Baxter seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Sprinkling System Modification Request (continued from 12/4/89 meeting).

Fire Marshal Jacobsen reported on the work session held last Thursday, noting that the Marysville Fire Dept. has presented an agree-

able standard and he reviewed the changes that were made.

Councilor Pedersen questioned the use of the word "room" as opposed to the word "space" in the standard and Fire Marshal Jacobsen said that they want to be flexible and basically, the fire department is adopting 13-R with some minor changes.

Tom Powroznik of Belmark Industries addressed the Council and noted that just a few more changes need to be worked out and that he doubted whether the Fire Dept. has had a chance to review the latest revisions. He noted that it's not just Belmark, it's all the developers that are looking for adoption of 13-R. He went through the various changes that the developers are looking for and explained that the licensed sprinkler company requirement is OK however there already is a requirement that an engineering firm certify the system and said he felt the developer/builder shouldn't have to pay for double services. He said further that they wished to have the code remain in accordance with the RCW as far as a one year warranty with Fire Marshal inspection and no maintenance bond on the part of the developer; owner of the building/development would take care of the maintenance of the system. He said the biggest difference between what the Fire Dept. has proposed and what the developers want is that heat detectors (as opposed to sprinkler heads) be required in closets that have a solid, swing type door. He noted that heat detectors cost about \$70 and would be acceptable for a 6 sq.ft. area in the developers' proposal. He said they are also recommending an exception be made with regard to the requirement of annunciator panels because these are very expensive. He explained that an annunciator panel is a very sophisticated piece of equipment that displays where detectors are, which ones are activated, etc. He concluded that the developers would like a little more time to work out the details of the revisions.

Tom Withers, 12526 Meridian Av. S., Everett, addressed the Council and said he was not in agreement with either the Fire Marshal or Tom Powroznik and that he (Withers) basically uses the 1988 UBC as a guideline. He said he has just started a 177 unit complex and the whole project has been put on hold because of the sprinkler issue. He noted that under NFPA-13 one building's sprinkler system is \$80,000 as opposed to \$50,000 under 13-R requirements. He added that 13-R has been perfected over a couple of years, it's used in Everett, Snohomish County and he said he doesn't understand why everyone is getting so "creative"--the intent is to provide safety, which 13-R does very adequately, he said.

City Attorney Allendoerfer explained that the state has adopted the UBC 13-R but it's not mandatory--it's discretionary--as to whether a jurisdiction wishes to allow 13-R and he noted that a lot of cities are not going along with 13-R and there's a lot of disagreement within the industry. He said the Fire Dept. is looking for some kind of compromise between 13 & 13-R and noted that an administrative interpretation can be made so it doesn't have to come back to City Council.

Tom Powroznik noted that the UBC allows for an arbitration board and City Attorney Allendoerfer said it was really not an arbitration board but a panel of expert builders. There was further discussion regarding setting up of another meeting to finalize the issue, handling the situation among staff and developers. It was decided that the next meeting would be Tuesday, 7 p.m., downstairs in the Fire Training Room.

Councilor Schank moved to refer the matter back to committee of industry, City Council and staff and if any disagreement or clarification required, to be referred to the City Attorney. Councilor Lashua seconded and the motion passed unanimously.

2. Final Draft Comprehensive Water Plan, SEPA Checklist & Determination of Nonsignificance.

Tom Hughes of the James Montgomery Company, Bellevue, addressed the Council and reviewed the summary handout sheets of the 1989 Comprehensive Water Plan. He covered the plan objective, assumptions and alternates, noting that the least cost alternate is to purchase water from Everett (18 million gallons per day) vs. expanding the Stillaguamish River source. He noted that the recommended plan will cost \$7,200,000 and the current water rate structure will not support this cost and therefore outlined a plan whereby water rates and hookup fees can be increased between 1990 and 1995.

Councilor Schank questioned the doubling of connection fees and Mr. Hughes explained that these fees are reasonable and still less than drilling for a well if a consumer had to choose options.

City Planner Corcoran stated he has read the final draft of the Comprehensive Water Plan submitted by James Montgomery Company and pointed out a couple of minor changes to be made.

City Attorney Allendoerfer explained that once signed by the City Planner, the Comprehensive Plan/SEPA Checklist Review can then begin the 15 day public review process.

Councilor Pedersen asked about how this would affect the (Planning Commission) Comprehensive Plan review and City Planner Corcoran said this plan (Water Plan) appears able to serve areas being discussed in the Comp Plan workshops. He explained that the public review process will also assist in bringing any other issues to light. City Attorney Allendoerfer added that Mr. Hughes also wants the plan to be reviewed by DOH prior to any public hearing.

Mayor Matheny then directed City Planner Corcoran to circulate the Comprehensive Water Plan to the appropriate agencies, prior to a public hearing. There was a brief discussion about surface vs. ground water.

NEW BUSINESS:

2. Jones/Belmark Annexation.

City Planner Corcoran said a sufficiency of petition has been received and recommended a public hearing be set for 1/22/90.

Councilor Baxter moved and Councilor Weiser seconded that a public hearing be set for 1/22/90 and the motion passed unanimously.

3. Weiser 6th Street Vacation.

(Councilor Weiser stepped down.)

City Planner Corcoran explained that the staff recommends a public hearing to be set for 2/5/90.

City Attorney Allendoerfer asked about payment of 50% of fair market value and suggested an appraisal be brought to the public hearing.

City Planner Corcoran said Weiser Cedar Sales has agreed to pay all costs.

Councilor Baxter moved that a public hearing be set for 2/5/90 and that staff's findings of fact be adopted substantiating the street vacation, with fair market value to be charged the applicant. Councilor Schank seconded and the motion passed.

4. Personnel Report.

Councilor Baxter moved and Councilor Lashua seconded that the Personnel Report be approved, including a one month annual vacation for the police chief, as presented in the packets. Passed unanimously.

Councilor Schank moved that the sewer infiltration/inflow maintenance position be changed from a Grade III to a Grade VI, effective 1/1/90. Councilor Weiser seconded and the motion passed unanimously.

Councilor Schank moved that the pay grade adjustment for the Water Quality Control/Cross Connection Technician be amended from a Grade VI to a Grade V effective 1/1/90. Councilor Baxter seconded and the motion passed unanimously.

LEGAL MATTERS:

1. Consultant Contract with Bill Roberts.

City Attorney Allendoerfer explained that the contract had been drawn up to include negotiations with PUD and the Stillaguamish Tribes at \$50 per day.

Councilor Lashua moved and Councilor Baxter seconded to authorize the Mayor to sign the contract. Passed unanimously.

2. Standby Water Connection Request at 4th & I-5.

City Attorney Allendoerfer explained that no water or sewer connections are allowed at 4th St. & I-5 unless business is entertainment or entertainment-related, but no retail. He explained there is pressure now from retail developers for a possible modification of the agreement between the City and the Tulalip Tribes to allow water connection, at least for a hydrant for standby water fire protection. He noted there is nothing in the code to cover this situation at this time.

Discussion followed regarding making exceptions, possibility of annexing part of the reservation, comment that 15 years ago there were discussions on this.

City Planner Corcoran mentioned that in doing the Comp Plan, one of the land use alternatives at 116th is a commercial corridor and discussion followed concerning the negative impact of a commercial corridor adjacent to and not within city limits, negotiations with the Tulalip Tribes, benefits to Marysville being sales tax, spin off business; interlocal agreements with the Tulalips; best use of land; possibility of a committee being formed. City Attorney Allendoerfer stressed the issue was brought up by the developers wanting standby water available.

There was more discussion about the need for commercial sites in Marysville and City Administrator Sanden said she felt the best approach would be to allow the developers to approach the Tulalip Tribes. That was the concensus.

ORDINANCES & RESOLUTIONS:

1. Ordinance relaxing residency requirements for citizens who serve on the Parks & Recreation Board & the Golf Advisory Board.

City Attorney Allendoerfer explained it has been rewritten that the Parks & Golf Boards shall be comprised of 5 members, the majority of whom reside in Marysville and the balance within the Marysville School District.

Councilor Schank moved that Ordinance #1747 be approved. Councilor Lashua seconded and the motion passed unanimously.

2. Amendment to 1989 Budget.

Councilor Schank moved and Councilor Baxter seconded to approve Ordinance #1748. Passed unanimously.

3. Ordinance amending model traffic ordinance.

City Attorney Allendoerfer explained this is to update, in compliance with Washington State Legislation, a new requirement that all persons must have liability insurance effective 1/1/90 with a card in each vehicle.

Councilor Lashua moved and Councilor Schank seconded to approve Ordinance #1749. Passed unanimously.

4. Resolution denying petition to vacate Ash Avenue.

City Attorney Allendoerfer explained the parties are working towards designing a Park and Ride Lot and had agreed that Ash Av. should not be vacated.

Councilor Baxter moved and Councilor Schank seconded to approve Resolution #1396. Passed unanimously.

5. Resolution segregating subdivision assessments.

City Attorney Allendoerfer explained this would be for Campbell/Brashler under LID #62.

Councilor Baxter moved and Councilor Weiser seconded to approve Resolution #1397. Passed unanimously.

6. Resolution segregating subdivision assessments.

City Attorney Allendoerfer explained this would be for Campbell/Brashler under ULID #9.

Councilor Baxter moved and Councilor Schank seconded to approve Resolution #1398. Passed unanimously.

7. Hotel/Motel Tax.

City Attorney Allendoerfer stated a tax of 2% is to be proposed at the 1/2/90 meeting (public hearing) and will take effect in 1990 if approved.

8. City participation amendment in new curbs, gutters and sidewalks.

The question was raised whether residential and commercial should be treated the same or differently as far as City participation in curbs, gutters and sidewalk improvements. Public Works Director Zabell noted that he proposed a 50/50 participation at last week's Council meeting and discussion followed regarding the current \$10/ft. charge to residents, reconstruction of public sidewalks, grading and asphaltting charges, new construction vs. replacement of old sidewalks, voluntary replacement, 5:1 ratio/subsidy being paid for residential, the fact that more traffic is generated in a commercial area and it should be aesthetically pleasing (7th, 47th & 80th, for example), possible funding from the 1/2% real estate tax.

Finance Director Dexter noted that when the \$10/ft. fee was initiated on 3rd St., that was close to 50% in a residential area. He said it could be changed to a "minimum of \$10/ft." and suggested that commercial can go as high as \$17/ft. in charges.

Councilor Pedersen said she was in favor of the 50/50 participation.

Public Works Director Zabell agreed 50% is equitable for repairs and City Administrator Sanden noted it is unusual to contribute to new construction--the developer is usually responsible. But Public Works Director Zabell explained that this would be for existing businesses putting in new curbs, gutters and sidewalks.

There was further discussion regarding the discrepancy between commercial and residential and it was noted that it has been City policy that single family should not be burdened with as high

criteria as for commercial and established businesses should be the same as residential as an incentive to clean up the look of the City.

City Attorney Allendoerfer noted that it is easier if you get money upfront and with \$10/ft. it can be calculated before it's installed and collected upfront.

Councilor Baxter stated he would be in favor of raising the rate from \$10/ft. in order to be more equitable. Public Works Director Zabell agreed, stating \$10/ft. only pays for concrete--it's more like \$30-\$40/ft., i.e. \$15-\$20/ft. would be the 50% participation.

Councilor Baxter suggested \$12.50/ft. and there was discussion about the varying widths of sidewalks, square footage calculation instead of linear footage.

Councilor Schank moved that the charge be \$12.50/lineal foot for residential and \$15.00/lineal foot for commercial existing businesses, for new curbs, gutters and sidewalks. Councilor Weiser seconded and the motion passed unanimously.

It was noted that any agreements that have been made to date at \$10.00 (pending) would be grandfathered in and that the 50% repair would also apply to residential. City Attorney to draft amendment to the resolution.

COMMITTEE APPOINTMENTS:

1. Community TV Advisory Board.

Mayor Matheny appointed Dave McGee and Fred Ingram for two years each, their term to expire 12/31/91.

Councilor Lashua moved and Councilor Weiser seconded that these appointments be confirmed. Passed unanimously.

2. City Council Opening.

Mayor Matheny explained that a meeting needs to be scheduled regarding filling the City Council vacancy. The committee members are: Councilors Lashua, Weiser and Cundiff, Alda Paulsen and Clyde Lashua. The meeting was tentatively set for Friday, 12/15 at 10 a.m. in the Police Conference Room. The four people being considered are: Richard Bleasdale, Donna Wright, Otto Herman and Mel Schank.

STAFF REPORTS:

City Administrator Sanden reported:

- one police car was rear ended last Saturday in an Arlington assist/pursuit - our vehicle was run into by the chaser
- the City Administrator's furnished vehicle "died" in Seattle today
- next regular City Council meeting will be 1/2/90
- another City Council orientation is being planned and looking for topics such as appearance of fairness, finances, open public meetings
- the Finance Director has received certification from the assessor that \$13,700 additional money over budget will be received
- GO bond tax has been reduced to 74¢ per \$1000 of valuation.

Councilor Baxter asked about LID 61, 62 and 63 and Finance Director Dexter reported that LID 63 may be paid by the end of the year depending upon City, Seattle Mortgage Corp. and LID payments. He noted we are still within the 30 day prepay period.

CALL ON COUNCILMEMBERS:

Mayor Matheny commented that there have been so many positive comments from everyone regarding the lighting of the Water Tower and that a "City of Lights" celebration is planned for next year.

Councilor Pedersen asked if it would be possible to have the City Council orientation meeting on a Saturday and City Administrator Sanden said she thought it would be possible. Councilor Pedersen expressed concern again about the Planning Commission vacancies. Mayor Matheny said it was being taken care of.

Councilor Baxter initiated discussion about the possibility of purchasing a new vehicle for the City Administrator. He then moved to put it out to bid. Councilor Schank seconded and the motion passed unanimously.

Councilor Baxter noted there was a letter from the Y Director printed in the Globe recently and felt it was inappropriate (in content).

Councilor Schank thanked City Council for the opportunity of serving with them for the past four years.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:30 p.m.

EXECUTIVE SESSION: Personnel matter.

RECONVENE AND ADJOURN: Approximately 11:00 p.m.

Accepted this 2nd day of January, 1989.

Mayor

Mary A. Swenson
City Clerk Deputy

Wanda A. Swenson
Recording Secretary