

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING FEBRUARY 12, 1996

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

MINUTES OF PREVIOUS MEETINGS: 2/5/96 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

1. Affirm Hearing Examiner's Recommendation to Approve Conditional Use Permit Subject to Conditions to Construct One Duplex on a Single Family Residential 9600 Lot; Muller/Halliday; PA9511055.
2. Affirm Hearing Examiner's Recommendation to Approve Conditional Use Permit to Convert Former Library into New City Hall; City of Marysville Library Conversion; PA 9511057.
3. Authorize Mayor to Sign Independent Contractor Agreement with Videographer Kathleen House of In-House Productions, Marysville, WA for Production of Solid Waste Recycling Video.
4. Approval of Jan. 1996 Payroll in the amount of \$571,666.23; paid with check nos. 20171 thru 20508 with check nos. 20228 & 20278 Void.
5. Approval of Feb. 12, 1996 Claims for Period 13 in the amount of \$692,769.65; paid with check nos. 27924 thru 27949.
6. Approval of Feb. 12, 1996 Claims for Period 15 in the amount of \$646,595.02; paid with check nos. 27607 thru 27923 with check nos. 25761, 26920, and 27298 void.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

PUBLIC HEARINGS:

1. Pretreatment Ordinance Continued to 2/26/96 for the purpose of taking addl testimony

CURRENT BUSINESS:

1. Utility Variance; Ralph Monty UV 95-020 & UV 95-021 Continued to 3/4/96

NEW BUSINESS:

1. Professional Svcs. Contract for Design of Covered Parking Facility & Wash Rack Roof at Public Works Site; 80 Columbia Av. Approved subject to review Circa Designs, Marysville

ORDINANCES & RESOLUTIONS:

1. Resolution #1782 Approved Adopting a Hotel/Motel Tax Policy.

LEGAL MATTERS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

1. Personnel No Action
2. Litigation No Action

RECONVENED & ADJOURNED:

Approx. 9:45 p.m.

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 12, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem

John Myers

Ken Baxter (7:06 p.m.)

Donna Pedersen

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator

Steve Wilson, Finance Director

Gloria Hirashima, City Planner

Grant Weed, City Attorney

Bob Dyer, Police Chief

Ken Winckler, Public Works Director

Larry Larson, Utilities Superintendent

Doug Buell, Community Information Officer

Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

There being no corrections, Councilmember Myers moved and Councilmember Bartholomew seconded to approve the 2/5/96 City Council minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

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Councilmember Leighan stated he would be abstaining from voting on voucher #27912 under Item #6.

Councilmember Bartholomew then moved and Councilmember Wright seconded to approve Consent Agenda Items 1 through 6. Passed unanimously with the exception immediately above.

STAFF BUSINESS:

City Administrator Zabell noted he attended last week's AWC Legislative Conference and he will be distributing information to Council with regard to various issues and bills that were discussed.

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He also attended a meeting regarding the Third Runway and there is another meeting coming up 3/9/96; an EIS has been done for the Seatac location.

City Planner Hirashima reported there will be a Council Workshop 2/20 on the Comp Plan. The Planning Commission is beginning to review the adult entertainment land use/zoning and will be scheduling a public hearing at the beginning of March, she said. She reported the Small Farms Ordinance will be discussed further at the 2/27 Planning Commission meeting. Also, six municipal annexations were sent to the Boundary Review Board but they are requesting review on 3 of the sites because they are outside of the UGB; it may be appropriate to withdraw the 3 requests as it's likely they will be turned down, she said.

She said in talking with the county, the City has stated they could agree to never making the 3 sites future urban use. The county recognizes the sites are already in their end use but this is something to do with the fact that because of a recent RCW it was felt the county had to oppose the annexations.

City Attorney Weed said the county has requested review and a hearing will be set before the Boundary Review Board. Any land that's outside the UGB is subject to this review and municipal land is not exempt from the RCW so perhaps this is an opportunity to speak to our legislators because he said he didn't think municipal property was previously considered.

There was discussion about sending a letter to our legislators, how long the City has owned the property, the possibility of the property becoming part of another entity.

Mayor Weiser noted Municipal Research noted there are no case law precedents and the recommendation for it to be reviewed is simply based on the RCW.

Councilmember Baxter said he doesn't think we should drag our feet any longer on this because that is what happened to start with. This property should have been annexed into the City a long time ago, on an automatic basis, before the RCW came out.

There was further discussion about how to pursue this, whether it should go before the BRB or whether the City should try and change the GMA first and then present it to the BRB. City Planner Hirashima noted on the Highway 9 site there is going to be an expansion plan in 1997 which will be adjacent to the UGB, so eligible for annexation under the past rules.

It was noted that the City could go ahead with the 3 sites that are OK. Councilmember Bartholomew brought up the fact that wells are not that easy to come by and the fact that Marysville needs to protect wells and water sources.

There was more discussion about water sources, possible future filtration system on the Stilly site, **need to get copies of the RCW referred to and continue this matter at next meeting.**

City Planner Hirashima said there was a Senate Bill being proposed with regard to municipal sites and municipal annexations that will give the county more of a guarantee of future use of the subject property.

Public Works Director Winckler reported there will be a RUSA meeting Thu. at 7:30 a.m. in the Public Works Building, a Traffic Advisory Committee Meeting at 10:30 a.m. Thursday also (2/15/96) and the 6 million gallon reservoir contractor has started to do reinforcement work; 2/13 at noon would be a good time for Council to tour.

Police Chief Dyer reported that on 2/6/96 he was contacted regarding a proposed ordinance in Everett regarding prohibiting

outdoor camping of individuals ("homeless" people) within City limits and he has investigated the Marysville ordinances with regard to trespass, public nuisance, etc. He said at this time Marysville does not have a serious problem with transients; this community does not offer social services in the community as Everett does, Marysville does not have a plasma center where they pay for blood donations, the train doesn't stop here and we don't have any soup kitchens. Everett has quite a problem with transients living in cars and under bridges, he said. He noted Everett Gospel Mission did a survey and they have a lot of convicts, sex offenders, etc. and Everett is working on a revised ordinance modeled after the Santa Ana ordinance. He said MPD is keeping an eye on the situation and will keep Council apprised.

Councilmember Bartholomew asked specifically about what problems we do have in Marysville.

Chief Dyer responded that Marysville has a few people who camp out in the parks or vacant buildings but it's a very management situation right now.

There was discussion about getting copies of the Santa Ana ordinance for Council, some buildings are open every night in Seattle for the homeless, maybe Marysville is overreacting, comments about human waste problems, whether Marysville would be attracting these people into the community, lack of shelters in the community other than the Tulalip House of Prayer and some churches providing assistance. There was discussion about these people sometimes legitimately being victims of circumstance, the MPD has a list of churches available or able to help, some of these people have chosen this as their lifestyle, having the tools available to discourage transients, the difference between having a heart and being a haven for these people.

CALL ON COUNCILMEMBERS:

Councilmember Baxter asked about the golf course discussion which he thought was to be on tonight's agenda. He reported on last Friday's meeting and the fact that the schedule for the architect is already behind two weeks.

City Administrator Zabell stated the Parks & Recreation Director sent out a letter today directing a May 1 start date.

Councilmember Baxter talked about a Toro System in Eastern Washington and that the pro would come out and talk to Marysville/Cedarcrest Golf Course about the Toro System if it was thought that would be helpful.

Councilmember Bartholomew reported there will be an Economic Development Council Meeting 3/14/96 and said she plans to go. She noted also there is a Snohomish County Grant Committee hearing coming up 2/26/96 and City Administrator Zabell said he would be attending this.

Councilmember Herman reported on the RTA round table meeting this afternoon; they discussed regionalism, equity, effort on the part of Snohomish County representatives to get public input. He reported on a 1300 Block Beach resident who contacted him regarding a malfunctioning catch basin problem and Public Works Director Winckler stated it's because the dry well is full and the sump system has failed. He will follow up on the matter and get in touch with the resident who contacted Councilmember Herman.

Councilmember Leighan reported on the neighborhood meeting last Thursday night about the fire in Bayview Ridge. He said the concerns were about Dispatch and response time but these concerns were alleviated for the most part. He noted the 911 system is relayed through a mechanical system that can take up to 15 seconds and maybe E-911 could do some public education on that, so people don't think there's a problem, hang up and call again, which can cause an additional delay.

There were comments about Chief Corn talking with the E-911 Board about elimination of delay.

Councilmember Wright reported on the AWC legislative conference and said she got some information on the workshop for elected officials' liability she would share if anyone else is interested.

Councilmember Pedersen asked about the new Planning Commissioner appointment, the old library and the use of the old City Hall.

City Administrator Zabell gave an update, noting Council will be invited to give input as to the use of the old City Hall, once it is vacated.

Councilmember Baxter said there was going to be a meeting tomorrow at Cedarcrest to look for a new water source.

PUBLIC HEARING:

1. Pretreatment Ordinance.

Public Works Director Winckler stated there is a draft ordinance available from staff now. People may borrow it or for a fee of \$15.00 (payable through the Finance Director) people may keep the copy of the ordinance.

City Administrator Zabell reviewed the agenda bill and introduced Larry Wade from Hammond, Collier, Wade, et al.

Mr. Wade gave an approximately half an hour presentation, based on the latest draft ordinance distributed to Councilmembers. He stated this ordinance has nothing to do with monthly service rates and in addition to the draft ordinance, a table for recommended limits for pollutants was also handed out.

He reviewed the Table of Contents for the 12 Sections of the ordinance and noted the purpose of the ordinance is to regulate effects on the slough, recycling, personnel, enforcement. He talked about the definition of high strength waste in terms of residential sewage being anything above 220 mg of BOD and/or Suspended Solids per litre.

He noted one of the main focuses has been on significant industrial users, especially those who use over 25,000 gallons per day as processed water with a waste stream exceeding 5%. He described the standards and methods of pretreatment required for significant industrial users and noted there are about 12 using the Marysville system.

He talked about the limits and prohibited discharges, especially as they relate to temperature, pH, size, BOD, COD, oils, solvents, toxic waste. He talked about pretreatment standards, state permits and local discharge limitations such as heavy metals.

Councilmember Pedersen asked about how dental offices would be notified regarding silver and mercury discharges, also laundromats with regard to detergent discharges. Mr. Wade said the City is anxious to work with these people.

Public Works Director Winckler stated there will be a liaison with users, someone that can work and educate end users.

Councilmember Bartholomew asked if the business license list was used and Public Works Director Winckler said no, there are about 12 significant industrial users that were notified and then they put notices in the newspapers also.

Councilmember Bartholomew noted the City should send notices out to all business license holders, just to cover all bases.

Mr. Wade continued his presentation with regard to petroleum con-

taminated groundwater limitations under Section 2.5 on page 12 and noted the DOE issues permits and established limits with regard to contaminated groundwater limitations. He reviewed Section 2.10 - Compliance and noted users would be given 2 years to comply, only 1 year if not a significant industrial user.

He talked about sizing criteria and noted it had been deleted with regard to dishwashing machines. He spoke at length about fats, oils, greases, etc. and enforcement concerns relating to grease interceptors installed or to be installed and maintained in restaurants, hospitals, meat processing plants, car washes, laundromats, etc. He noted the grease interceptors need to be pumped frequently and then the grease disposed of correctly, maintenance records need to be kept, the person who keeps track of the logging needs to be licensed as well as the person who takes the grease to an approved disposal site. It was noted the nearest one is in Kent. Mr. Wade said he could come up with further information about this procedure, in response to questions from Council. Information such as where they dispose of the grease, what it would cost the City if it got put in the lagoon, cost to maintain lift stations, sewer lines when grease gets built up in the system. Larry Larson also said he could get some figures from Cuz.

Mr. Wade talked about existing facilities and facilities which have a history of causing problems.

Councilmember Baxter asked about the cost of an interceptor and Public Works Director Winckler said he thought one would run in the ballpark of \$1000.

Mr. Wade reviewed the Accidental Spill Prevention Program in the proposed ordinance and septic tank waste dumping prohibition into the system. It was noted that they need to revise the prohibition of RV dump stations as the City owns one!

He talked about garbage disposal and garbage grinders limited to 3/4 hp. It was noted the intent here is so it won't grind up things otherwise meant for solid waste disposal. He reviewed the Significant Industrial Users section and noted they are defined as users whose BOD is greater than 5% of the design of the treatment plant, which equals 305,000 gallons per day. Once a permit is issued, it is not transferrable from owner to owner, he noted. He talked about the appeal process and reporting requirements. He noted the reporting requirements are intended to be the same as for state or federal permitting, as are the recordkeeping requirements.

He briefly reviewed Sampling & Analytical procedures and requirements, Compliance & Monitoring, Confidential Information, Administrative Enforcement Remedies, Judicial Enforcement Remedies, Supplemental Enforcement Action, Affirmative Defenses and Miscellaneous Provisions (pretreatment charges and fees, cost of permits, inspections, surveillance, enforcement). He noted the fee schedule needs to be adopted basically to protect the system from being put into non-compliance, working with individual users so they can work within limits set by DOE. He added that the ordinance also spells out surcharging once a user exceeds maximum limits.

Councilmember Pedersen noted on page 14 (B), under Significant Industrial Users Compliance Schedule, it mentions "within the shortest time feasible" and City Attorney Weed agreed that should be clarified.

Mayor Weiser opened the Public Hearing to public testimony at 9 p.m.

Brian Bookey, National Food Corp., 16900 51st Av. NE, addressed Council. He stated they have been communicating very well with the City and have been working to bring their BOD levels down. He

said they have a compliance schedule to get their BOD limit down by 7/1 as per the state permit requirement but he would point out that the City no longer has a BOD limit according to the new ordinance. What the City has is a high strength waste definition but he said he thinks the City might consider the user's cost to get down to the 300 mg per litre so to go an additional reduction down to 220 mg per litre is just an extra expense. He said what really has to happen is a reasonable trade off in order to operate at a 300 limit vs 220 and hopefully 300 is a limit that the City can handle. He said he thinks there can be some equity there; they are working on their state permit compliance and hopefully that will satisfy the City of Marysville. He said he is in favor of the ordinance. They have been in business here since the 60's and would like to work cooperatively with the City, he concluded.

There being no one further wishing to testify at this time, Councilmember Bartholomew moved and Councilmember Myers seconded to continue this public hearing to 2/26/96 for the purpose of taking additional testimony. Passed unanimously.

CURRENT BUSINESS:

1. Utility Variances; Ralph Monty; UV 95-020 & UV 95-021.

City Attorney Weed explained he had received a fax this afternoon requesting continuance to a later date because of the Vine St. Property variance coming up and negotiations between Marysville and Arlington. The applicant was agreeable to 3/4/96, he said.

Councilmember Bartholomew moved and Councilmember Herman seconded to continue these utility variances to 3/4/96, at the request of the applicant. Passed unanimously.

NEW BUSINESS:

1. Professional Services Contract for Design of Covered Parking Facility and Wash Rack Roof at Public Works Site; 80 Columbia.

Public Works Director Winckler reviewed the agenda bill and noted staff is recommending the bid be awarded to Circa Designs of Marysville in the amount of \$10,400 for design services.

After discussion about hourly rates, whether all the work is necessary, City Attorney Weed noted he would like to review the contract.

Councilmember Baxter moved and Councilmember Myers seconded to award the bid to Circa Designs as recommended by staff, subject to review and potential modification of the contract as deemed appropriate by staff and/or City Attorney, especially the AIA B151 form. Passed with Councilmembers Herman and Pedersen against.

ORDINANCES & RESOLUTIONS:

1. Resolution of the City of Marysville Adopting a Hotel/Motel Tax Policy.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve/adopt Resolution 1782. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:24 p.m.

- 1. Pending Litigation. (No Action)
- 2. Personnel. (No Action)

RECONVENED & ADJOURNED: Approx. 9:45 p.m.

Accepted this 26th day of February, 1996.

David Weaver

MAYOR

Mary S. Iverson

CITY CLERK

Wanda A. Iverson

RECORDING SECRETARY