

MINUTES RECAP

00249 Original

MARYSVILLE CITY COUNCIL MEETING

OCTOBER 12, 1998 ~~88200~~

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilmember Herman exc.

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting 10/5/98

Approved

~~88200~~  
~~23800~~

AUDIENCE PARTICIPATION:

Karen Elder, Rick Larsen,  
Bruce Tipton

CONSENT AGENDA:

Approved:

1. Approval of 10/12/98 Claims in the amount of \$1,144,819.19; paid by check nos. 41326 through 41553.
2. Approval of Sept. 1998 Payroll in the Amount of \$776,611.81; paid by check nos. 32081 through 32439 with check nos. 31808, 32079, 32080, 32082 and 32201 void.
3. Set a Public Hearing Date of November 9, 1998 for a Closed Appeal Hearing on Preliminary Plat/Rezone; Valley View Estates; PA 9801001.
4. Authorize Mayor to Sign Utility Easement between Jubie Construction Inc. and City of Marysville.

STAFF'S BUSINESS:

1. Cedarcrest Golf Course Restaurant

Staff to begin negotiation w/architect & restaurant operator

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

1. Refinancing of bonds

Finance Director to proceed ASAP

PUBLIC HEARINGS:

None

REVIEW BIDS:

1. L.I.D. No. 69 Sanitary Sewer Project - Bid awarded to SRV

Const. - \$180,497.08 including sales tax (Approved 5-1)

CURRENT BUSINESS:

1. Proposal to Videotape City Council Meetings for Airing on Channel 29

Staff to do more research on costs, etc. for "Option 4" effective 1/1/99--money to come out of 1999 Budget (Approved 5-1)

NEW BUSINESS:

1. Educational Incentive Discussion

Staff to proceed with proposal - Approved 6-0

ORDINANCES & RESOLUTIONS:

1. Ord. Affirming Hearing Exam. Dec. & Rezoning Property Owned by Dally Homes, Amending Official Zoning Map Prev. Adopted in Ord. 772.

Ord. 2209 Approved 5-1

2. Ord. Affirming Hearing Exam. Dec. & Rezoning Property Owned by Wm. & Margaret Burns, Amending Official Zoning Map Prev. Adopted in Ord. 772.

Ord. 2210 Approved 6-0

3. Res. Granting Utility Variance for Boyden, Robinett & Assoc. for Prop. located approx. 1/2 mi. west of the 108th St. NE & 67th Ave. NE Intersection at 5916 108th St. NE, Msvl.

Res. 1903 Approved 5-1

LEGAL MATTERS:

None

ADJOURNMENT:

8:55 p.m.

EXECUTIVE SESSION:

1. Litigation Update

9:05 p.m. to 9:33 p.m.  
No Action

RECONVENE:

9:33 p.m. - See Minutes

EXECUTIVE SESSION:

9:52 to 10:08 p.m.

RECONVENE:

10:08 p.m. - See Minutes

ADJOURNMENT:

10:10 p.m.

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 12, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem

Brett Roark

NormaJean Dierck

Donna Pedersen

Mike Leighan

Otto Herman, Jr. (excused)

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator

Grant Weed, City Attorney

Ken Winckler, Public Works Director

Gloria Hirashima, City Planner

Mary Swenson, City Clerk

Jim Ballew, Parks & Recreation Director

Doug Buell, Community Information Officer

Robert Carden, Police Chief

Wanda Iverson, Recording Secretary

00250

~~00239~~

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

City Administrator Zabell called the roll and all members were present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

**1. City Council Meeting of 10/5/98.**

Councilmember Leighan moved and Councilmember Wright seconded to approve the 10/5/98 minutes as presented. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Karen Elder, 5401 143rd Pl. NE, addressed Council. She read a prepared statement, noting she came mainly to talk about what the water rates are going to be for 1999. She reviewed the history of the rate increases, with different rates for City and County customers, also an overage charge and surcharge above the base rate for residential customers. She noted in 1998 the City did lower the rates from 1997 for county customers and lifted the surcharge a little but water is still a luxury for residential customers in the county, she feels. She also stated she believes the businesses do not have a surcharge and yet the City is having to charge high rates because of peak flow. She went on to talk about a commercial bottling company that hauls water to Seattle which she feels is not providing jobs or very much income to Marysville but is causing Marysville's peak flow to go up and thus higher water rates from Everett. Also, the City has contracts to sell water to developers/construction companies with no surcharge and she said she believes this also raises the peak flow. She said she would like to know why the residents are having to support these businesses through payment of surcharges. She said she just realized recently there has been some water theft; a tanker truck was coming into her neighborhood and taking out approx. 2000 to 3000 gallons per load, up to 8 loads a day, all summer and apparently they are supposed to be fined but then they are construction and maybe they don't get fined. Their rates are already lower than the residents' water, she noted and then they got away without paying for the water at all, she just found out.

Ms. Elder said even when the businesses do pay for water, it's at \$1.25 per thousand gallons and she would like to see the residents being charged that lower rate also, providing the City is still making money on that. She would like to know also when the City is going to review these rates again. She noted that she and her neighbors have no pride in their yards anymore and this is not

good for the community. They just can't afford to water any more and she said she doesn't really enjoy living in Marysville any more--she's only spending about \$20 a month in Marysville because she's trying to completely boycott doing business with a City that charges her so much for water. She said if Marysville can give the construction companies that low rate, she thinks the City should consider the residents who were customers for many years, the people who would like to have green yards and flowers again. She noted everything is brown, they have no pride in their yards plus the City has taken away any lawn mowing activity for the youth which used to be something to keep them busy and help them earn extra money, too.

Mayor Weiser explained the City is in the middle of the 1999 budget process and the last meeting in November and first meeting in December will be public hearings for that.

Ms. Elder told about her 77 year old neighbor who is legally blind who hauled her gray water out to water her flowers with all summer. Flowers and green grass mean a lot to these older people, Ms. Elder pointed out.

Councilmember Dierck asked why the construction company wasn't fined and why they are getting a lower rate.

Public Works Director Winckler explained the company thought they were able to take water from any hydrant, but they did keep records and paid for all the water, according to their records, he believes in excess of 55 trucks of water. He added that the rate was inadvertently not looked at by the consultant; the City has since done an analysis and will be taking a proposal to the Utility Committee for the business rate to be \$3.50 per thousand gallons and that change will be made, if approved by the Committee. He talked about the washdog connection device and the fact that the construction company in question weren't aware of this device and they weren't aware that they could not just go to any fire hydrant for their water.

Public Works Director Winckler said there are regular meetings with the local developers and contractors and the City will be talking about this very item.

Ms. Elder said she believed they made far more than 55 runs; she really wasn't keeping track, but knows they were coming in 6 days a week and they were taking it out of a number of locations so as not to be so noticeable. She said she thinks the residents should get a break whether they are in the city or the county, it should be more equitable.

Rick Larsen, Snohomish County Council, 3000 Rockefeller, M/S 609, Everett, WA 98201, addressed City Council. He announced that through the Conservation Futures Program funding, Mother Nature's Window and adjacent properties have been approved for purchase by the county council. He noted this has been going on for at least 6.5 years now; a lot of work and time has gone on here and he thanked Marysville for their support as well as the people in the community, collecting signatures, etc. Thanks to everyone's efforts, this property is preserved for now and in the future and the bottom line is the money approved will purchase all the property, he said. He said the next step is the development of a master plan for a passive use of the park and Snohomish County Council may be coming back to the Marysville City Council to report and talk about a partnership agreement.

Councilmember Leighan asked what the interim plan is for the site and Mr. Larsen said Mr. Turk will continue to live there, the property is "banked" and yes, there will probably be a little clean up, too. The Purchase and Sale agreements are all in process, he said.

Councilmember Roark asked if Marysville's input will be given toward the Master Plan and Mr. Larsen said yes, there will be the cost for hiring a consultant, too.

Councilmember Pedersen congratulated the County Council for getting this taken care of. Mr. Larsen agreed it's been a long time coming and said they appreciate Marysville's support.

Bruce Tipton, 6308 100th St. NE, addressed Council. He thanked Rick Larsen for his efforts on Mother Nature's Window. He said a lot of people would like to be on an advisory committee to help with some of the long range goals and he will get that list of people to Mr. Larsen. He said he is really happy this whole thing is finally coming about.

CONSENT AGENDA:

1. **Approval of 10/12/98 Claims in the amount of \$1,144,819.19; paid by check nos. 41326 through 41553.**
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3. **Set a Public Hearing Date of November 9, 1998 for a Closed Appeal Hearing on Preliminary Plat/Rezone; Valley View Estates; PA 9801001.**
4. **Authorize Mayor to Sign Utility Easement between Jubie Construction Inc. and City of Marysville.**

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 4. Passed unanimously.

Regarding item #3, City Planner Hirashima explained part of the motion is to include October 26 as the appellant's deadline for providing supplemental information, November 4th deadline for staff response and then November 9th would be the public hearing.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve the dates under Item #3 as outlined. Passed unanimously.

STAFF BUSINESS:

Chief Carden reported Tammy Horn just graduated from the Police Academy and will be sworn in as a Marysville Police officer very soon.

City Administrator Zabell referred to a letter from WSDOT he passed around, stating they have not gone to bid on the bridge projects as yet, that the Coast Guard may be a little more flexible in their ruling about not allowing the bridges to remain closed to water traffic for more than 7 days, and that the WSDOT may be able to trim the whole project down to 8 weeks of total closure to vehicular traffic. He said he understands Council has an invitation to a meeting Tuesday, Oct. 27 at 10:00 in Everett, when WSDOT will be present.

Councilmember Pedersen said she also believes Senator Strannigan, Congressman Metcalf and Sid Morrison are all involved in trying to come to a satisfactory resolution on this problem.

Councilmember Roark asked about the general public being allowed to attend the meeting Oct. 27 and City Administrator Zabell said he understands it is just for elected officials but that may change.

Public Works Director Winckler reported there will be a Utility Committee meeting Thursday, Oct. 15, at 7:30 a.m. at the Public Works Building. He also reviewed two change orders:

Change Order #4 for the Highway 9 Reservoir in the amount of \$1514.80 for additional pavement work, due to contractor damages, so this actually only represents 50% and the contractor will be paying for the other half.

Change Order #2 for the 60th & 528 signal changes (WSDOT changes) on electrical, new signage in the amount of \$2205.00.

Parks & Recreation Director Ballew reminded Council that Wednesday, the 14th, marks the first year anniversary of the opening of the Ken Baxter Senior Center and there will be a luncheon from 11 to 1.

**Cedarcrest Golf Course Restaurant Proposal.**

Parks & Recreation Director Ballew handed out proposal information and introduced Dan Jansen of CNJA Architects, to review the conceptual drawing with Council.

Dan Jansen addressed Council and said he was asked to look at two different options, the first involved moving the pro shop but due to noise and activity, they felt the best option was to just add the restaurant and kitchen on the other side. He said they wanted to make sure they kept the view for the dining room and have featured a lot of glass and outdoor dining in the conceptual drawing. It was pointed out that more space is needed in the pro shop and the conceptual drawing provides for that. The kitchen would be toward the west, he said and the back would be utilized for deliveries, trash, etc. He explained this is just a rough proposal; the kitchen has not been designed as yet, they just wanted to give flow and minimal disruption to the golf course.

He went on to explain that the area to the west could be an expansion area, if needed, for future dining but the existing tent structure could be utilized for now. The scope of work would include new lighting, HVAC, fixtures, restrooms, cart storage improvements, other storage areas, he said.

Parks & Recreation Director Ballew explained the cart area, breezeway, special event holding area, further.

Mr. Jansen also explained they would be trying to keep the same roof lines, keep with the same building materials, etc., in order to blend in with the existing style of the buildings.

Parks & Recreation Director Ballew said the next step would be to negotiate a contract with CNJA with a budget cap of \$600,000. He said they have also looked at some financing options, as per the handout.

City Administrator Zabell noted there is a little concern about taking that much out of the utility fund as they want to keep a cushion in the account. He added that when they established the rates in 1997, it was \$21 per round then it was reduced to \$20; this proposal involves an increase to \$22 per round.

Parks & Recreation Director Ballew explained that basically would be the only greens fee that would change and hopefully enough revenue would be realized in rounds to help with the construction which will then bring in the business being lost now because of no restaurant. He said it looks like the A/E fees would run about \$50,000. He also noted that the new facility would have a minimum capacity of 60 in the dining room and 80 outside. He said he would like to have staff authorized to begin negotiations with CNJA for A/E fees and would also like to work on a performance agreement with Mr. Higginson for operation of the restaurant; this would come before Council as an agenda bill item once negotiations have been completed and he said he would hope the Building Committee would be involved, also.

There was discussion about financing sources, general fund, utility fund, interfund loans, private financing.

Councilmember Leighan moved and Councilmember Wright seconded to direct staff to negotiate a contract with the architectural and engineering firm as well as the restauranteur. Negotiations to include Don Shaw.

Councilmember Bartholomew stated she will not be voting on this matter as she works for Kayak Point Golf Course. Motion passed 5-1 with Councilmember Bartholomew's abstention.

MAYOR'S BUSINESS:

Mayor Weiser said the Tulalip Tribes have also been invited to the Oct. 27th meeting with WSDOT, as have 38th District Representatives and county representation.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew referred to the municipal bond refinancing issue Finance Director Erickson brought up at the last meeting and said she read the market is at a 30 year low on interest rates.

After brief discussion, Councilmember Bartholomew moved that the City proceed to take advantage of the bond market and to direct the Finance Director to proceed with alacrity to refinance our bonds. Councilmember Roark seconded and the motion passed 6-0.

Councilmember Wright asked about Cities and Towns information and the Mayor said he will get it out as quickly as he can.

Councilmember Pedersen congratulated the Police Dept. on the awards received on their web page. She talked about the possibility of a "yellow ribbon" program for suicidal teens and also showed a pamphlet that has been put out by the Health District regarding smoke free restaurants.

Chief Carden said in response to the awards for the web pages, he would like to see a letter sent to LeMoor in recognition and have the Mayor sign it. It was the consensus to do this.

REVIEW OF BIDS:

**1. L.I.D. No. 69 Sanitary Sewer Project.**

Public Works Director Winckler reviewed the agenda bill and stated staff is recommending SRV Construction be awarded the bid in the amount of \$180,497.08 including sales tax. He said construction would start in about 2-3 weeks; this is a winter project.

Councilmember Wright declared that this project is in her neighborhood and so she won't be voting.

Councilmember Bartholomew moved and Councilmember Roark seconded to approve and award the bid to SRV Construction in the amount of \$180,497.08 including sales tax. Passed 5-1 with Councilmember Wright abstaining.

CURRENT BUSINESS:

**1. Proposal to Videotape City Council Meetings for Airing on Channel 29.**

Community Information Officer Buell reviewed the agenda bill and stated he had several tapes from different cities to show if anyone was interested. He said he did not have a sample from Lynnwood, however.

Councilmember Bartholomew said she had heard Lynnwood's tape quality is poor and the price is quite high in comparison.

Councilmember Dierck mentioned two cameras that were donated to Marysville and Everett's low budget beginnings.

Community Information Officer Buell said initially, Everett brought in students and he estimates that Marysville could do the same thing for about \$15,000 for start up costs plus \$5700 in staff costs.

Councilmember Dierck suggested also using senior citizens as volunteers.

Councilmember Pedersen referred to Option "4" of a six month pilot project where a review would be done at the end of the six months. She said she felt that would give everyone enough time to evaluate interest, quality, using the equipment we have so the price doesn't go too high at first.

Councilmember Bartholomew asked what has to be done to modify the Council Chambers in preparation for videotaping and Community Information Officer Buell said tracking lighting would have to be installed, possibly some back lighting, replace/add microphones, a need for 2 cameras or more. He explained about manual vs remote operation of cameras, video editing equipment, fiberoptics to be installed from the Council Chambers to City Hall.

There was lengthy discussion including Councilmember Pedersen suggesting calling KOMO because they are converting to newer equipment, Councilmember Bartholomew suggesting shorter meetings and possibly to include some kind of delay action factor in the videotaping. City Attorney Weed said what many cities have done is to have an ordinance that makes the TV tape not a part of the record, classing it as "educational/informational."

There was discussion about quality again and it was noted the more relays/modulators you have, the worse the quality becomes, discussion about running the tape more than once a week, where funds would come from, draft of an ordinance and proposal for where funds could come from, Everett Community College students, the general fund is running very low, budget overruns.

There was more discussion about practice runs, live vs recorded for later, need to have good quality or people are not going to watch plus it needs to promote the image of the City.

Councilmember Bartholomew moved to direct staff to do some preliminary work on costs, how to handle broadcasts, development of an "on camera manner", with the probable outcome to go with a six month trial, funding to come out of the 1999 budget. The motion was seconded by Councilmember Roark and passed 5-1 with Councilmember Leighan against.

NEW BUSINESS:

**1. Educational Incentive Discussion.**

City Administrator Zabell introduced this topic, stating this has been a concern for many years with personnel wanting to attain college courses that are work related. He noted that there is more and more interest in this but the tuition is very expensive and the proposal is for the City to pay tuition for pre-approved courses for job related courses or part of a career track, eg. if a meter reader wants to become an accountant with the City. He said he has done some research on this and there is usually a 24 month period where the employee is expected to continue employment with the City and would have to pay the City back a proportionate amount if they leave. He talked about cyber universities of today and said he wanted to see how Council feels about this issue.

Councilmember Bartholomew offered that well trained employees are an asset to themselves as well as to the City but she would be in favor of the 24 month obligation/payback should the employee leave the City.

Councilmember Pedersen said she would want the career path to be a definitive one, in other words the employee could not change their minds several times.

City Administrator Zabell suggested "job related or degree related."

Councilmember Roark asked about career counseling and City Administrator Zabell said Human Resources does do some of that now. He said the proposal is to take the funding for a course

our of the fund it relates to, eg. a course in parks would come out of the Parks budget. Any course would have to be something they can use while employed with the City, not a medical degree, eg., he said. He said he had some resources in mind to develop guidelines, noting the county has a similar program.

Councilmember Bartholomew moved to direct the City Administrator to proceed with a proposal to be presented to Council. Councilmember Pedersen seconded the motion and it passed 6-0.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Affirming Hearing Examiner's Decision & Rezoning Property Owned by Dally Homes, and Amending Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Ordinance 2209. Passed 5-1 with Councilmember Dierck against.

**2. Ordinance Affirming Hearing Examiner's Decision and Rezoning Property Owned by Wm. & Margaret Burns, Amending Official Zoning Map Previously Adopted in Ordinance 772.**

Councilmember Bartholomew moved and Councilmember Dierck seconded to approve/adopt Ordinance 2210. Passed 6-0.

**3. Resolution Granting Utility Variance for Boyden, Robinett & Assoc. for Property located approx. 1/2 mi. west of the 108th St. NE & 67th Ave. NE Intersection at 5916 108th St. NE, Marysville.**

Councilmember Bartholomew moved and Councilmember Wright seconded to adopt Resolution 1903. Passed 5-1 with Councilmember Dierck against.

ADJOURNMENT: 8:55 p.m.

EXECUTIVE SESSION: 9:05 to 9:33 p.m.

RECONVENED: 9:33 p.m.

City Council discussed potential for Memorandum of Understanding with Tulalip Tribes regarding utility service to tribal owned property. Council went back into Executive Session at 9:52 p.m.

EXECUTIVE SESSION: 9:52 to 10:08 p.m.

RECONVENED: 10:08 p.m.

City Council directed staff to explore with Tulalip Tribes staff a Memorandum of Understanding that would provide for the further study of near and long term utility needs. Councilmember Wright brought up concern over recent Theodoratus Decision.

ADJOURNED: 10:10 p.m.

Accepted this 26<sup>th</sup> day of October, 1998.

*Paul Weiss*

MAYOR

*Lucie Lein*

CITY CLERK

DEPUTY

*Wanda A. Iverson*

RECORDING SECRETARY