

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JULY 10, 2000**

000236

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. June 26, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION 1. George Wilcox re ban on fireworks	To be discussed on August 7 agenda
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Yellow Ribbon Program. 2. Solid waste rate study, final report.	
<b>ACTION ITEMS</b>	
<b>REVIEW BIDS</b> None.	
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. Gambling Committee recommendation	Approved Ordinance 2324.
<b>NEW BUSINESS</b> 1. Chapter 16.32 MMC code amendments; floodplain management; PA 0003009.	Approved Ordinance 2325 with text correction.
<b>CONSENT AGENDA</b> 1. Approve the July 10, 2000 claims in the amount of \$495,273.18; paid by Check Nos. 53046 through 53264 with Check No. 53168 void. 2. Approve the June, 2000 Payroll in the amount of \$860,078.65; paid by Check Nos. 38381 through 38636 with Check No. 38633 void. 3. Approve and authorize Mayor to sign Interlocal Agreement with Snohomish County for vehicle/equipment/radio repair and maintenance. 4. Approve Supplement No. 2 Professional Services Agreement for R9701 - State Avenue and 128 <sup>th</sup> Street signal; Skillings-Connelly, Inc.	Approved.  Approved.  Approved.  Approved.
<b>LEGAL MATTERS</b> None.	
<b>ORDINANCES AND RESOLUTIONS</b>	
1. A Resolution of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2001-2006), Including an Arterial Street Construction Program in Accordance with the Regulations of the Urban Arterial Board.	Approved Resolution 1993.
2. A Resolution of the City of Marysville Granting a Utility Variance for Bryce and Lianne Anderson for Property Located at 14725 Forty-Five Road, Arlington, Washington.	Approved Resolution 1994.
<b>INFORMATION ITEMS</b>	
1. Mayor's business 2. Staff's business 3. Call on councilmembers Reconsider council's action of June 26 approving the professional services agreement for the Trunk F to Trunk A sewer intertie and discuss further on August 7.	Approved. To be discussed on August 7 agenda.
ADJOURN	9:58 p.m.

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JULY 10, 2000**

**CALL TO ORDER/FLAG SALUTE**

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers. The assemblage joined in the flag salute. A voice roll call of councilmembers was conducted, and attendance was as follows:

Councilmembers Present:	Administrative Staff present:
David Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Grant Weed, City Attorney
Jim Brennick	Gloria Hirashima, City Planner
NormaJean Dierck	Ken Winckler, Public Works Director
Donna Pedersen	
Suzanne Smith	
John Soriano	

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, June 26, 2000.

Councilmembers noted the following corrections:

- page 4 under Jeff Seibert's comments, change "unfounded" to "unfunded."

**MOTION** by Pedersen, second by Leighan, to approve the minutes of the June 26, 2000 meeting as corrected. Motion carried unanimously (7-0).

**AUDIENCE PARTICIPATION**

Mayor Weiser reminded the audience that the time limit on audience comments was five minutes and that follow-on action, if any, would take place at a subsequent council meeting.

George Wilcox, 1522 Third Street, stated he had a small farm and raised cattle. He displayed the contents of one of the three large bags of spent fireworks he picked up in his pasture after the 4<sup>th</sup>. He asked council to consider following the lead of six other cities in county and banning the sale of fireworks in the Marysville. He noted that a youth was killed in the city last year and that people, pets and livestock suffer, even from sparklers. He had talked with the Fire Chief, who advised the department had already discussed this and was supportive. Mr. Wilcox suggested the city could sponsor or co-sponsor a public fireworks display as an alternative, and suggested some sites. He volunteered to serve on any committee the city appointed to investigate options.

Councilmembers Bartholomew, Dierck expressed support. Councilmember Pedersen agreed and volunteered to work on any committee that was established. Councilmember Brennick stated he had been contacted by three or four citizens after the 4<sup>th</sup> complaining of the mess and dangerous situation caused by fireworks. Councilmember Leighan questioned the city's ability to control illegal fireworks that were purchased on the reservation and exploded near the city, but in the county. Mayor Weiser noted the Kiwanis had three fireworks stands and made approximately \$9,000 from them. The service organizations, the Boy Scouts, and churches who have stands as fundraisers would need to be a part of any research committee. He added that a total ban required 365 days' notice, so if a ban were instituted, it would not go into effect until 2002. He requested the city attorney research pertinent laws.

CORRECTED:  
MAY/JTB  
SEE 7-24-00

**PRESENTATIONS/PETITIONS/COMMUNICATIONS:**

## 1. Yellow ribbon program

Councilmember Pedersen introduced the topic, noting this presentation was to make council and the public aware of the Yellow Ribbon Program, as it would become very active when school started in the fall. It was based on a program started in Colorado in response to teen suicide. She and Chief Carden and Dr. Eisenhower from the school district were working to implement a similar program in the city. Chief Carden played a video, which explained the program, specifically that suicide was the second highest cause of death among people 16 to 24. The Emmes, founders of the program, claim over 2,000 young people have been saved since the program began.

Councilmember Pedersen distributed "yellow ribbon" cards, noting it was intended that each student in high school, middle school, and the older children in grade school would hear about the program and receive a card. The card was an easy way for a child to let an adult know that s/he was having difficulty and needed to speak with someone. She emphasized that the adult receiving the card was not expected to be the counselor, but to connect the child with an appropriate adult. This was not just for suicide prevention, but other troubles a youth might have, also. The phone number on bottom of the card was the Volunteers of America care crisis line, and they were used to handling suicidal people; they are willing to take the calls. She noted that when she and Chief Carden and Dr. Eisenhower spoke at schools, they represented themselves solely as concerned community members who were volunteering this service on their own. The Noon Rotary had donated \$1,200 and 50,000 cards had been printed.

## 2. Solid waste rate study; final report

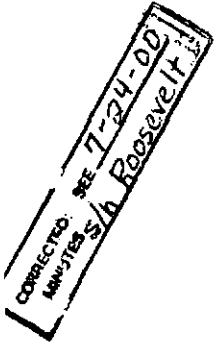
Mr. Winckler introduced the topic, noting this would receive public hearings at a later date, and the purpose of this presentation was to give council an early awareness of the three rate hike options being considered. There had been a rate increase last year, and a further increase was not anticipated until 2003.

Larry Larson, Public Works Superintendent, gave a detailed slide presentation and supplied councilmembers with copies. He noted that Marysville still did its own garbage hauling and averaged 850 tons per month. The solid waste was taken by Snohomish County to Goldendale. Tipping fees were still at \$89 per ton. Recycling, which was also compulsory in the city, was contracted through Waste Management Northwest. He noted that temporary garbage containers could be rented for varying periods of time. He briefly explained that even with peak days, the hauling was usually completed in eight hours. The rate study indicated a need for another FTE in 2003.

Councilmembers asked about the added refuse from evictions; Mr. Larson responded that the city sought reimbursement from the landlord for added expenses. Councilmember Bartholomew asked about the DOE ban on direct dumping of fluorescent light bulbs. Mr. Larson responded that the city did not see much of that and one or two would be allowed, but there were recycling contractors who received them in quantity and extracted the mercury vapor.

Councilmember Bartholomew noted that the garbage from Snohomish County was "recycled" at the Roosevelt installation and came back to the county as power.

Tom Gould, Vice President of Economic and Engineering Services, Inc., gave a detailed slide presentation on the solid waste rate study. He distributed copies of his presentation to councilmembers and noted the utility was in good shape. He reviewed the global rate setting principles, which looked at a five year projected test period for the purpose of stabilizing future rates. He reviewed the key assumptions that the study was based on, noting the largest expense was for tipping fees. Snohomish County did not have a long term forecast for tipping fees so the study assumed they would increase at the general rate of



inflation. One truck was planned for upgrade in 2002 and one new truck was scheduled to be purchased in 2005. The analysis showed a \$48,000 deficiency this year growing to a 12% deficiency in the five-year period.

The study concluded that rates needed to be increased and the city needed to monitor its costs and compare them to the financial plan that was developed. If the rates were raised by 12% now, that would be an increase of \$1.90 per residential customer. He noted that no immediate action was being recommended. Rates could be ramped up over time using any one of the three proposed options in order to achieve the needed revenues. Another reason to delay was to allow time for the Supreme Court to issue its decision on I-695; this would determine whether an increase would require voter approval.

Councilmember questions and comments included:

- The city had five different rates for residential customers; was that a low or high number? Mr. Gould responded that there used to be just one rate, but thinking in the industry had changed and offering several options was not out of line. The city charged its customers by volume but paid Snohomish County by weight. The city might eventually charge its customers by weight, also.
- Seattle had two private contractors doing their garbage hauling; had the competition reduced their rates? Mr. Gould said Seattle residents paid about twice what Marysville residents pay. But there were some education programs and other approaches, which raised the costs in Seattle.
- Snohomish County had scheduled a hearing for July 12 regarding siting of the transfer station. A 50¢ increase was being discussed to help pay for the site.
- Phoenix weighed garbage at the curb; some cities in California had a weighing mechanism on the arm that picked up the can. Port Angeles was doing some automated things, but he had seen no economic studies on the value of investing in that. Mr. Gould said the city's current method was efficient.
- When would the tipping fee change? Mr. Gould thought it would remain at \$89 for the next year or two.

Mr. Winckler concluded that the study gave the city a very good view of the next five years. No rate increase would probably be instituted for two years, which was ample time to inform the public and hold hearings to receive input regarding the preferred option for the increases.

Councilmembers thanked Mr. Gould for the excellent study, both in content and readability.

## **ACTION ITEMS**

### **Review Bids**

None.

### **Public Hearing**

None.

### **Current Business.**

1. Gambling Committee recommendation

Mayor Weiser introduced the topic, and gave a brief report on the work of the committee, noting it was the committee's sentiment that following the Gambling Commission's criteria for siting mini-casinos took the land use decisions away from local government. There were differences of opinion

between city attorneys and the Gambling Commission's attorneys. For these and other reasons, the committee agreed to recommend a total ban on gaming facilities. He added that in the last four years there had been two inquiries, but no formal applications for mini-casinos. The city clerk reviewed the revenues from Type B gaming, social card rooms, and none had been reported.

The Mayor called for public comments.

Deanna Vaughan, 6617 83<sup>rd</sup> PL NE, questioned the wording in the proposed ordinance, noting it mentioned social card games but not mini-casinos. Mr. Weed responded that "social card games" was an all-inclusive term; "mini-casinos" was a nickname for enhanced card rooms where up to 15 tables were allowed. Ms. Vaughan asked for clarification regarding non-betting vs. betting games. Mr. Weed said the ordinance was adopting state law by reference to the RCW.

Councilmember Dierck mentioned Mrs. Kuhnle's testimony regarding the ability to continue pinochle and cribbage games at their tavern. Mr. Weed noted that those types of games would be allowed to continue.

Councilmember Pedersen suggested spelling out what would be allowed, rather than just citing the RCW. This would make the ordinance easier to understand especially as to businesses like Kuhnle's and non-profit organizations like the senior center. Mr. Weed suggested adopting the ordinance at this meeting then amending it later.

Chief Carden noted the Police Department did not have problems with existing businesses in the city where gambling was currently allowed.

Mayor Weiser added that the committee was unanimous in its recommendation, however, they desired the continuation of non-gambling card games, such as referenced by Mrs. Kuhnle. Because the city would not be able to limit where the mini-casinos could go, they felt it was better for the city overall to have a total ban.

Councilmember Brennick asked if the Police Department had received any complaints linking the card games in taverns with prostitution. Chief Carden stated he was not aware of any. There had been reports of prostitution along the I-5 corridor but there had been no arrests in the last three years.

Councilmember Soriano asked if there had been many challenges to municipalities that had banned gambling. Mr. Weed responded that there had not been. There was a state statute that said cities could not regulate what the Gambling Commission regulated but did have right to do outright bans of certain activities if there was a solid foundation for the ban. The problems came when cities tried to regulate.

**MOTION** by Dierck, second by Bartholomew, to approve Ordinance 2324. Motion carried (7-0).

### **New Business**

1. Chapter 16.32 MMC code amendments; floodplain management; PA 0003009

Ms. Hirashima backgrounded council from the agenda materials.

Councilmember Smith noted the term "mobile home" had not been changed uniformly to "manufactured home."

Councilmember Leighan asked if there were any manufactured home parks in the flood plain. Ms. Hirashima responded in the negative, noting the city's flood plain was fairly limited and the city limited the uses that were allowed there. There might be a few single-family manufactured homes in rural areas, but no parks. The Sunnyside area, along stream sections of Quilceda/Allen

Creek and Braschler Industrial Park along Ebey Slough were the only 100-year flood plain areas in the city and the only areas covered by this ordinance. Most parts of the floodplain areas were buffers. The proposed ordinance was broader than the city currently allowed. This would give flexibility for a future council to make changes without having to change the ordinance.

Councilmember Soriano questioned the wording of 16.32.160 #2. Ms. Hirashima explained that the city required structures to be one foot above what the government requirements called for. The Corps of Engineers called for 9' of elevation; the city required 10'.

The Mayor called for public comments.

Jeff Seibert, 5004 80<sup>th</sup> Street, asked why there had been no Planning Commission process and public hearing. Ms. Hirashima explained this was part of the building code, which was not a title that the Planning Commission had the responsibility to review.

**MOTION** by Dierck, second by Brennick, to approve Ordinance 2325 with the change to 16.61.090 replacing "mobile home" with "manufactured home." Motion carried (7-0).

The Mayor called for a 5-minute break at this point, then reconvened the meeting.

### **CONSENT AGENDA**

1. Approve the July 10, 2000 claims in the amount of \$495,273.18; paid by Check Nos. 53046 through 53264 with Check No. 53168 void.
2. Approve the June, 2000 Payroll in the amount of \$860,078.65; paid by Check Nos. 38381 through 38636 with Check No. 38633 void.
3. Approve and authorize Mayor to sign Interlocal Agreement with Snohomish County for vehicle/equipment/radio repair and maintenance.
4. Approve Supplement No. 2 Professional Services Agreement for R9701 - State Avenue and 128<sup>th</sup> Street signal; Skillings-Connelly, Inc.

**MOTION** by Bartholomew, second by Smith, to approve consent items 1 through 4. Motion carried (7-0).

### **Legal**

None.

### **Ordinances & Resolutions**

1. A Resolution of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2001-2006), Including an Arterial Street Construction Program in Accordance with the Regulations of the Urban Arterial Board.

**MOTION** by Pedersen, second by Leighan, to adopt Resolution 1993. Motion carried (7-0).

2. A Resolution of the City of Marysville Granting a Utility Variance for Bryce and Lianne Anderson for Property Located at 14725 Forty-Five Road, Arlington, Washington.

**MOTION** by Leighan, second by Bartholomew, to adopt Resolution 1994. Motion carried (7-0).

**DISCUSSION ITEMS:**

None.

000242

**INFORMATION ITEMS:**

1. Mayor's business

- Received notice on July 7 that the Arlington shelter would re-open July 15. Everett was convening a meeting and wanted all jurisdictions to attend to continue the work towards a permanent county-wide solution.
- Notice had been received from the Department of Ecology Clean Water Fund that the grant application was denied. 220 applications had been received and 207 had been ranked. Marysville's was 145 or 146; funding stopped at 53. No further explanation had been received. Councilmember Dierck noted that the application had received 550 points; the funded applications were 625. She suggested there was a great deal of competition for the grant this year.

1. Staff's business

Mr. Zabell:

- There had been a fire alarm evacuation at the library today. The Fire Department responded but found nothing.

Mr. Winckler:

- Utility Committee would meet July 20.
- Asked if there were questions about the contract Change Order No. 5 for the Trunk D sanitary sewer project. Councilmember Dierck asked if the side sewer connection was being used at all; he said the pump had been removed. The wet well was there, but the line had been tapped into the city. Was the side sewer connection charge of \$1,385.94 paid by the city or developer? Mr. Winckler said the city paid the contractor to do the work then sought reimbursement from development.

1. Call on councilmembers

Councilmember Pedersen:

- Would attend the Snohomish Health District meeting on July 11.
- Repeated her praise of the Solid Waste Rate Study and suggested using this consulting firm for the sewer and water rate studies.
- Asked if the North County animal shelter had determined what method of disposal it would use. Mayor Weiser responded that the decision had not been made.

Councilmember Dierck:

- Asked about the information on the pipeline. Mayor Weiser noted that a map was being prepared. Councilmember Dierck requested that information be included on who received payments from pipeline franchises.
- Asked Mr. Winckler to research the gravel on 75<sup>th</sup> at 49<sup>th</sup>. Mr. Winckler noted it had been looked at one time, but he would follow up on it.
- Asked that the banning of fireworks be discussed on the council's agenda for August 7.

Councilmember Brennick:

- Asked if the letters from Tyler and Coverson had been responded to. Mayor Weiser said responses were being prepared; councilmembers would be copied.

Councilmember Soriano:

- What did the city do with yard debris? Mr. Winckler said it was recycled.

Councilmember Leighan:

- Asked for a report in August on the RFP's the city received for the golf course.
- Mentioned the stain on garbage truck No. 650. Mr. Winckler agreed to follow up.

Councilmember Smith:

- The Historical Society newsletter said Marysville was the second oldest city in the county, right after Snohomish.
- Received information regarding the census noting that both Snohomish County and Marysville had grown significantly.
- Had several concerns about the Trunk F to Trunk A sewer intertie professional services agreement which council passed at its June 26 meeting and wanted to discuss the issue further.

**MOTION** by Smith, second by Dierck, to reconsider council's action on June 26 approving the professional services agreement with Berryman and Henigar in the amount of \$403,500 for the Trunk F to Trunk A sewer intertie.

**DISCUSSION ON MOTION.**

Councilmember Smith stated that her concerns included where the money was coming from to pay for the study, whether this area needed to be studied before some other area, people in the city were already hooked up to water and sewer and this study was for the purpose of providing an improved intertie to new construction, the suggested sewer project paralleled a stream which needed to be protected. She noted she had voted for the original action, but wanted to see some changes before proceeding, such as impact fees for schools at appropriate levels, the Sensitive Area Ordinance reviewed, agreements that required county residents who were allowed to hook up to pay school mitigation fees at the same level as the city.

Councilmember Brennick noted he had concerns about the proposed location of the line.

Councilmember Pedersen asked that the actual discussion of reconsideration be on a subsequent agenda so councilmembers could be prepared with background material.

Councilmember Leighan noted the Utility Department looked at the intertie's ability to serve all parcels in the area of 152<sup>nd</sup>. The suggested route was based on the topography of the area and did not cut off anyone's access to the line. Part of the consultant's job was to establish a route pursuant to city code, and the actual location of the line was part of the design element. Mitigation fees had been collected for three years, so the funds for the work were not being taken from another area.

Mr. Weed said case law was unclear whether a city could impose costs and fees for utility services, which were unrelated to the utility. The issue would require further research.

Councilmember Dierck noted there were two more annexations coming before council and the Sensitive Areas Ordinance needed to be in place or the city would lose its sensitive areas. Council should consider stopping growth in that area.

Further discussion ensued regarding procedure.

**MOTION** by Dierck to cut off debate. Motion carried (7-0).

**MOTION RESTATED.** Motion by Smith, second by Dierck, to reconsider council's action of June 26 approving the professional services agreement for the Trunk F to Trunk A sewer intertie and



discuss the issue further on August 7. Bartholomew and Leighan voted nay; all others voted aye; motion carried (5-2).

Mr. Winckler agreed to meet with interested councilmembers to explain the proposed study in depth and answer their questions.

**ADJOURN**

Council adjourned at 9:58 p.m.

Accepted this 24th day of July, 2000.

David Weiss  
Mayor

Mary D. Swanson  
City Clerk

Ann M. Curran  
Recording Secretary