

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 1, 1990

7:30 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright (7:35)
 Bob Lashua
 Lee Cundiff
Administrative Staff:
 Carolyn Sanden, City Administrator
 Jim Allendoerfer, City Attorney
 Dave Zabell, Public Works Director
 Mike Corcoran, City Planner
 Phil Dexter, Finance Director
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 10/8/90 MINUTES

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua noted in the minutes of the 9/24/90 meeting that on page 12, in the third paragraph, the County did not "take exception to" Jim Allendoerfer's Item #10 but rather, did not totally agree with it.

Councilor Pedersen asked that on page 2, in the first paragraph, the reference to \$5,000 in fines be changed to "in interest" or "in costs".

Councilor Lashua moved and Councilor Pedersen seconded to approve the minutes of the 9/24/90 meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION:

Rich Mockler of the Snohomish County Health District addressed the Council, asking for approval of an interlocal agreement regarding purchase of the Rucker Building. He reiterated that purchase of the building was by far more cost effective than leasing. He noted that the agreement includes \$1.00 per capita from each city participating, i.e. \$8,250 from Marysville for the 1990-91 year. The total area of the building at present is approx. 52,000 sq.ft.

City Attorney Allendoerfer stated he had reviewed the interlocal agreement and recommended it be signed. He noted it is a 17 year agreement with Marysville agreeing to their proportionate share.

Councilor Pedersen moved and Councilor McGee seconded to authorize the Mayor to sign the interlocal agreement and to instruct staff to remit Marysville's share of the down payment to the County Health District. Passed unanimously.

Vicky Carver, 7314 66th Av. NE, addressed Council but then realized she was on the agenda and agreed to address Council later under New Business/Traffic Concerns (Kellogg Meadows).

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Mr. Adams, 6721 72nd NE, addressed Council, explaining he lives in Cedarcrest South and that he has noticed traffic on 72nd is becoming very busy. He said they do have "Children at Play" signs but that he felt they also need 15 mph signs, as being requested by Kellogg Meadows. Mayor Matheny asked him to give his phone number to Public Works Director Zabell and he would be contacted further.

Alfred Saltz, 9503 64th Dr. NE, addressed Council, stating he believes there is a traffic problem at the corner of 95th & 67th as well as 4th & 47th. He has seen lots of speeders and a lot of potential accidents. He also complained about the odor up by 100th.

Public Works Director Zabell noted that his neighborhood (Foxtrail Estates) is outside City limits, as is the area where the reported odor is coming from, and therefore out of City jurisdiction at this point.

PRESENTATIONS: None.

PETITIONS & COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

CONSENT AGENDA: None.

REVIEW BIDS: None.

CURRENT BUSINESS:

3. Sewer Dry Line Issue.

City Administrator Sanden stated there is a little more investigation to do, but the basic question is whether construction would constitute a sewer extension under the moratorium. She outlined "pros" for allowing a dry sewer line to be constructed as taking pressure off City staff in some situations, however, she itemized several "cons" including the covenant may not be enforceable, time delays could cause problems with performance bonds, the land would be left barren causing an erosion control concern, infrastructure would need to be maintained while awaiting development of property, security issues, the foot-in-the-door issue as it relates to liability, additional staff time involved.

She stated that DOE has agreed to look into this situation with regard to what other cities have done and she specifically checked with Lynnwood, who had not viewed it as a connection or an extension to the sewer line. She noted there may be some flexibility in the area of whether or not to classify it as an extension but that she would like to wait to hear back from DOE, with John Glynn coming back from vacation tomorrow, also. She added that by next week, staff would have more information and recommended that the matter be tabled until next City Council meeting.

City Attorney Allendoerfer pointed out that City Administrator Sanden was checking into situations only where the design was already done and if it is decided to allow developers to continue with construction in these cases, this will still not cover situations such as the one Mr. Leifer is in, for example. He also added that if dry lines are approved, Ordinance 1795 would have to be amended to allow same.

It was the consensus to continue this matter to 10/8/90.

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1. Vine Street Group Sewer Request.

Public Works Director Zabell explained that Mr. McKinley's request involves hooking up to the Marysville sewer system but then diverting the sewer to Arlington. He stated there was a meeting this morning including some Marysville City Councilors, staff and City of Arlington representatives in which nothing was settled but water and sewer service was discussed as were annexation issues and RUSA boundaries. He said Arlington indicated they could probably accommodate Mr. McKinley's sewage, but he said it looked as though they were being very selective.

Councilor Baxter noted that the city engineers are still reviewing capacities of sewer and water lines and Public Works Director Zabell mentioned the Weir System.

Councilor Pedersen stated that on a more positive note, she thought Arlington willing to listen to the proposal, with Marysville to send a letter to Arlington regarding Mr. McKinley's situation, noting this would be a temporary "bandaid" only.

Brent McKinley, 515 N. Olympic, Arlington, addressed the Council, stating he would like to proceed with his specific request at this point.

City Attorney Allendoerfer pointed out that there are a lot of related elements here--cost of water and sewer, annexation areas, diversion of Mr. McKinley's sewer line and Councilor Pedersen stated that she didn't see all these issues solved by 10/16 however, there is another meeting set up between the two cities 10/8/90.

There were some comments regarding the two cities having the opportunity to make some of their own annexation decisions, the fact that DOH will need to be involved in the approval process, the general mood of the meeting this morning, the negotiating committee needing some direction from City Council and whether water boundaries should be put on the negotiating table.

Councilor Pedersen stated she felt Mr. McKinley's property may be used as a bargaining chip if included in the negotiation meetings and so should be decided on its own merits separate from the other negotiations.

Councilor Lashua asked about Mr. McKinley's dealings with Arlington thus far and Mr. McKinley stated he had spoken with the mayor, city manager and engineer and it had been explained that Arlington had the capacity and all three city people stated they saw no reason why Arlington could not or would not facilitate the request, he said. Mr. McKinley added that he feels his request should not get involved in the larger negotiations, this is a straight forward request with no impact on Marysville's sewer treatment plant and he is simply asking for Marysville's "blessings" at this point.

Councilor Baxter said he felt it should be continued to next week.

City Administrator Sanden stated she felt it could be considered as a Marysville connection to the sewer system and therefore should be under the terms of an interlocal agreement.

Councilor Lashua commented that he didn't believe this whole issue would be settled as soon as Mr. McKinley would like, but that he tended to agree with Councilor Pedersen that Mr. McKinley should have some kind of OK to negotiate with Arlington on his own, with a letter from Marysville.

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Councilor Baxter said he understood that was the case already and Councilor Pedersen said she understood a poll of Arlington City Council was to take place tonight regarding Mr. McKinley's request.

Councilor Pedersen then moved that a letter from Marysville City Administrator and Mayor be sent to Arlington stating Marysville would not object to Mr. McKinley's negotiations with regard to transfer of Vine Street Group sewage, with the outcome of the negotiations to be included under the terms of an interlocal agreement between the cities of Arlington and Marysville. Councilor Wright seconded the motion.

There was discussion regarding the City of Arlington engineer not having information as yet, Mr. McKinley negotiating with Arlington at the same time as the City of Marysville negotiating with Arlington, Mr. McKinley's issue to be separate from Marysville's negotiations, annexation boundaries to include Mr. McKinley's property, letter to stress this is a temporary agreement and whether more sewage would be diverted than just that from the Vine St. Group.

Roll call vote was taken:

Councilors McGee, Weiser and Baxter were against. Councilors Pedersen, Wright, Lashua and Cundiff in favor. The motion passed 4-3.

It was agreed that Mr. McKinley should report back to staff regarding his negotiations with Arlington.

2. Snohomish County Tomorrow.

Councilor Lashua reported on the last meeting, when most jurisdictions expressed their feelings about the mission and goal statement. He reiterated that Snohomish County Tomorrow is only an ad hoc committee and not a legislative body.

Councilor Lashua moved that a letter of endorsement of the mission and goal statement, as well as comments from the Council be written to Snohomish County Tomorrow. Councilor Pedersen seconded.

Discussion followed regarding concerns of other cities and Councilor Lashua noted that three cities approved the mission and goal statement with no comment, Monroe didn't approve any of it and all the rest were in the middle. There were also some comments regarding City Attorney Allendoerfer's comments with the consensus being to include his comments along with the City Council comments and endorsement, all in one letter, to Snohomish County Tomorrow.

The motion passed unanimously.

Councilor Lashua reminded everyone of the Snohomish County Tomorrow Assembly meeting at 7 p.m. at Snohomish High School 10/11/90, with public comments invited at that time. He pointed out that Snohomish County Tomorrow is working in orchestra with 2929 with regard to land use plans.

There were some additional comments regarding the importance of public input and how the goal and mission statement of Snohomish County Tomorrow can assist in developing the Comp Plan update.

4. Update on Biosurge Wastewater Treatment Alternative.

Public Works Director Zabell reported that he had been in touch with the City of Tehachapi, CA who have a percolation system and an effluent of about 600,000 gallons per day (about one-fifth of

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Marysville's effluent). He noted that the product is working well for them and the City of Ontario, Canada is now also looking at the possibility of using the product. He said of all the sewer systems that use the product, none of them even come close to Marysville's size and said he felt the product might help out with Marysville's BOD problem but would elevate suspended solids. He noted that the biggest and best use the City of Strathmore, CA has for the product is for odor control but Marysville does not have an odor control most of the time. Williams, CA (300,000 gpd) uses the product strictly for odor control, he reported. He added that there may be evidence that the product may reduce sludge but none of the cities have used it for long enough to substantiate this claim as yet. He noted that the product is also used in England where they use a system of rotating biological contactors because of their very dense population and having very little land on which to put a large sewer lagoon. He also noted that Mike Dawda of the DOE will be reviewing Marysville's engineering report on November 1, the report which has been in process of preparation since February, and if Marysville were to change its strategy to the use of the Biosurge product, it is estimated there would be another 4-6 month delay in the DOE approval, he said. He also noted that Mr. Dawda expressed a concern about the lack of data to support Biosurge's claims, at this point. Public Works Director Zabell concluded that he felt Marysville should focus on more aeration, noting that Ebey Slough will not be allowed as a destination for the effluent for much longer, and he added that in either case, a solid separation system should be installed. He offered three alternatives:

1. For Marysville to remain on track toward the 11/1 deadline with the current engineering report and data;
2. Submitting a Biosurge proposal which would delay the process by 4-6 months;
3. Biosurge to submit their own report on a statewide basis.

Dale Thayer, Engineering Consultant, then addressed Council and stated that the inventor of the product had been contacted for more information and after much discussion and information gathering, it has been concluded that there just is not enough research data available on the product. He noted that the product is basically an enzyme (alfalfa) for which Mr. Bulack has come up with all the figures and no research from any other sources to substantiate all his claims. Further, he pointed out, Marysville has an "ecosystem" lagoon, which none of the other cities using the product have, and an ecosystem can be upset very easily by introducing foreign materials. He noted that the product is very good for odor control.

Councilor Weiser asked about there having been any contact with California Water Quality (similar to Washington DOE) and Mr. Thayer responded that Mr. Bulack is supposed to be sending more information and evidence to substantiate claims.

Councilor Cundiff said he would feel more comfortable with some kind of pre-approval from the DOE and Public Works Director Zabell stated a conference call is going to be set up in the very near future with Mr. Dawda, City staff and Mr. Bulack.

Councilor Weiser noted that in working with DOE, they pretty well know Marysville's situation and he asked Public Works Director Zabell if he felt the engineering report/process for approval from DOE is proceeding without incident and Public Works Director Zabell stated he feels it is.

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Councilor Weiser said he felt the City should continue with our present program/report to DOE but would like further information from Biosurge also.

Councilor Pedersen said she would feel more comfortable with Biosurge doing their own testing and development of evidence, rather than causing a delay.

Bernie Sigler addressed the Council, stating he was the one who set up the conference call, basically to deal with this matter as a policy matter rather than a technical matter. He said he does not believe DOE is as concerned at the policy level as they are at the technical level, that they are interested in whatever can be done. Further, he said he did not believe an engineering report is required to use Biosurge and that he knows of an organization (whose name he would not divulge at this time) that's going to use Biosurge without first going to DOE.

Councilor Lashua pointed out that Marysville is bound by the Consent Order with DOE and that requires DOE approval before considering another type of solution.

Mr. Sigler assured City Council that Marysville's relationship with DOE is not being prejudiced and City Administrator Sanden expressed a concern that if several jurisdictions or parties lobby DOE, it might jeopardize Marysville's position, but she said DOE has assured her that would not happen and that DOE has in fact been approached by many suggestions/products.

Councilor Pedersen asked about the possibility of a "pilot program" whereby Biosurge could use the product in a sample of effluent and try to duplicate circumstances. Mr. Thayer stated this is possible but very time consuming and quite a complex process.

City Administrator Sanden stated Bill Persich agreed with Mr. Thayer's assessment. She noted that a lot of products which have been suggested are to do with filtering and most of the products have not been applicable to Marysville's system.

Councilor Weiser asked about pre-treatment and Public Works Director Zabell explained that we are already organically overloaded, so it does not make sense to add more. He commented on the effectiveness of rock filtering, recirculation of sludge, etc.

The consensus was to continue this matter to next meeting 10/8/90.

NEW BUSINESS:

1. Neighborhood Traffic Concerns; 73rd St. NE/66th Av. NE (Kellogg Meadows).

Vicky Carver, 7314 66th Avenue NE, addressed Council, representing about 8 homes at or near the corner of 73rd & 66th and because of several accidents and/or near accidents and because of the number of speeders and children (15 - from 3 to 18 years), they wish to request small reflective speed bumps be installed as well as stop signs as previously proposed to the City. She pointed out there are only two entrances to the subdivision and the corner of 73rd & 66th is the most popularly used, plus there is a bus stop on that corner. She went on to explain how cars go too fast around the corner and one has already smashed into her parked vehicle; she expressed a fear that a speeder is going to end up crashing into a house unless something is done to slow the vehicles down.

Public Works Director Zabell explained this problem has developed in a lot of subdivisions and the Traffic Safety Committee is recommending stop signs as proposed by the neighbors, which should deter the speeders, he said.

Ms. Carver also asked if they could get white striping demarking parking because they have no lights and also, they need a street sign for 66th Avenue. Public Works Director Zabell said this could be done.

Councilor Pedersen moved to authorize stop signs as proposed at 73rd St. & 66th Av., speed bumps and striping. Councilor Wright seconded and the motion passed unanimously.

2. Neighborhood Traffic Concern; 73rd St. NE/Grove St. (Munson Creek).

Public Works Director Zabell explained that in this case, the Traffic Safety Committee did not agree with the neighbors' request for stop signs as a deterrent for speeders and would like to try striping, as outlined in the agenda bill, in addition to 25 mph signing. He said he spoke with Mr. Solla (one of the neighbors) and it seems one of the biggest problems is kids driving and speeding around in Bayview Crest and hopefully this is something the police can deter.

City Attorney Allendoerfer asked why the developer couldn't be responsible for putting in stop signs, rather than the City and Councilor Lashua (on the Traffic Safety Committee) explained it is not always apparent where the best place is to put a stop sign and for the most part, the developers are responsible for signage.

There was further discussion regarding the speeders going down the hill at 60 mph, the danger to children playing, etc. and Councilor Lashua then moved to approve the recommendations of the Traffic Dept., Items 1-5 as per the agenda bill. Councilor McGee seconded and the motion passed unanimously.

Councilor Weiser said he would like to see some follow up for the developer to be responsible for striping, at least and recommended that staff bring back a proposal. Public Works Director Zabell said he would.

3. Quil Ceda Auto Annexation - 10% Petition.

City Planner Corcoran referred to the agenda bill and noted that the annexation area as proposed would include Brookside Mobile Home Park, up State as far as 107th and including the crossing of Quil Ceda Creek. He said he had not checked as far as interest in annexation, with the areas on the east or west of State.

Councilor Pedersen noted that she knew of some property owners north and east of First Interstate Bank that are interested in annexation. City Planner Corcoran said he wasn't sure exactly which property owners those would be but that he knew some property owners north of Fred Meyers are interested also.

There was considerable discussion about the Quil Ceda Creek crossing, noting that there is no funding for a culvert such as this which is in need of replacement and will probably cost in excess of \$2,000,000. It was noted that the fill is included under the Snohomish County MRIP, which does have a mitigation formula established. City Attorney Allendoerfer suggested getting more information on the cost of replacing the "bridge" over Quil Ceda Creek.



Councilor Lashua asked if the formula for the MRIP would change if the area were annexed and City Attorney Allendoerfer speculated it might because at present Marysville is not a participant in the MRIP.

Councilor Lashua asked about filling in the creek, noting that was what was done originally to provide support for the bridge but Public Works Director Zabell explained that Quil Ceda Creek has since been categorized as a Class I wetland which precludes anything like fill being dumped into it. He speculated that the crossing will probably need to be replaced with a bridge.

Councilor Lashua said he would like to have more information on the MRIP and bridge issues.

Paula Townsell of Shockey/Brent, Inc. addressed Council, representing Rich Warbus and stated she had no information on the bridge at this point. She pointed out that the mobile home park is now interested in annexation as are people as far over as Cascade Elementary, the proposal represents a logical boundaries and she added that they have 100% interest in annexation within the boundaries as proposed. City Attorney Allendoerfer asked if Burlington Northern had been contacted and Ms. Townsell said they had not been.

Councilor Weiser asked about non-protest agreements in Hidden Lake Estates and Indian Creek Estates and Ms. Townsell did not know the situation there.

Robert Welch, Attorney and owner of an office building within the proposed annexation, addressed Council, stating it was his opinion that the proposed annexation and/or a larger area even, would be favorably received. He commented on the original plan to increase Highway 99 to 5 lanes (under the MRIP?).

Councilor Weiser said he would like to see the adjacent areas (east and west of the highway) approached with regard to annexation.

City Attorney Allendoerfer expressed a concern about the railroad tracks and the fact Burlington Northern should be contacted. Ms. Townsell pointed out that with a 100% interest at this point, this does leave some room for the odd one who may not agree to annex, and still be within the 60% requirement.

Laura Brent of Shockey/Brent, Inc. addressed Council, stating they are not opposed to another canvas for annexation however would like to have City staff support in order to have a quick turn around because this issue has been dragging on now for some 8 years. She added that Mr. Warbus just found out that to put the legal description together for the presently proposed annexation will cost him about \$1400, plus he has many other expenses involved here.

There was further discussion about the tracks, what taxes and/or franchise fees BN pays, inclusion of Hidden Lake Estates and Indian Creek Estates in the proposed annexation, logical boundaries to include plats on the east side of the highway as well, Public Works Director Zabell to contact the county regarding the MRIP.

Councilor Weiser moved to continue to 10/8/90 in order to allow time for staff to come back with further information from the county, Indian Creek Estates and Hidden Lake Estates property owners, Shockey/Brent, Inc., etc. Councilor Lashua seconded and the motion passed unanimously.

LEGAL MATTERS:

**1. Snohomish County Community Development Subrecipient Contract;
Authorize Mayor to Sign.**

City Administrator Sanden explained this is a community block grant contract for Grove St. for \$150,000.

Councilor Cundiff moved and Councilor Wright seconded to authorize the Mayor to sign the contract. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution establishing No Parking Zone across from Marysville Junior High School.

It was explained this is for a school bus loading zone during the school week.

Councilor Wright moved and Councilor McGee seconded to approve/adopt Resolution #1447. Passed unanimously.

2. Recovery Contract for water line on 44th Dr. between the 9400 and 9200 blocks.

City Attorney Allendoerfer explained this is for Mike Olas who paid \$21.50 per foot.

Councilor Baxter moved and Councilor Weiser seconded to approve Recover Contract #154. Passed unanimously.

3. Cruising Ordinance.

City Attorney Allendoerfer asked for direction. City Administrator Sanden stated it was thought that once school started up, cruising might subside and Councilor Baxter added that the committee wanted to give the kids an opportunity to work on this themselves.

There was discussion about meeting schedules and the consensus was to postpone the issuance of the ordinance, to get a report from the committee first.

4. Excused and Unexcused Absences from City Council Meetings.

It was decided to put a list of criteria in next weeks packets.

STAFF REPORT:

Public Works Director Zabell passed out a letter from DOT with regard to the Smokey Point Rest Area. The issue is whether Marysville or Arlington will take their sewage, even on a temporary basis, to resolve their current crisis. He explained that this is outside Marysville RUSA, it is not on Marysville water and with the DOT's plans to remodel the rest area, perhaps the issue should be included in the Marysville-Arlington RUSA negotiations, he stated.

City Administrator Sanden asked for availability of Councilors McGee, Weiser and Pedersen for Budget meetings during the 2nd and 3rd weeks of October.

Finance Director Dexter explained that the meetings will probably total about 32-40 hours and that there are some vacation conflicts that need to be worked around.

CALL ON COUNCILMEMBERS:

Councilor Baxter followed up on the Joint Fire Board to be appointed and was assured this is being taken care of.

Councilor Pedersen suggested a letter or some recognition from

the City to the family of Floyd Turner who recently passed away.

Councilor Wright mentioned the park at 67th & Grove and the fact that there might be some potential problems/liability there.

Councilor Cundiff followed up on the striping on the road near 51st and Armar, saying it is still being used on the east side of the road (illegally). Public Works Director Zabell stated he would follow up again with Lloyd Taubeneck.

Councilor Pedersen asked about the post office traffic issue and Public Works Director Zabell stated he would bring it up again at the Traffic Advisory Committee upcoming meeting.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:05 p.m.

- 1. **Litigation.**
- 2. **Real Estate.**

RECONVENE & ADJOURN: Approx. 10:35 p.m.

Accepted this 8 day of Oct., 1990.

Lita Matheny
MAYOR

Phillip E. Dexter
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY