



MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 5, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 John Garner, City Administrator  
 Grant Weed, City Attorney  
 Steve Wilson, Finance Director  
 Gloria Hirashima, Planning Director  
 Dave Zabell, Public Works Director  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 10/12/92  
 MINUTES

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Herman referred to the 9/28/92 minutes, noting on page 1 under Minutes of Previous Meeting, with regard to the Moose Lodge motion, "all fraternal organizations to have the same restriction placed on them and" should be deleted and "approval to be specific to the Moose Lodge" inserted.

Councilor McGee moved and Councilor Myers seconded to approve the minutes of 9/28/92 as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson noted that ULID ordinances probably need to be discussed at a special City Council meeting and he recommended 10/19/92 (3rd Monday) in order to meet advertisement requirements for the pre-payment period, bonding, etc. It was determined that five Councilmembers could attend 10/19 and so the meeting was set for 4 p.m. at City Hall.

City Administrator Garner reported there has been an individual going around asking people to donate for the painting of their house numbers on their curbs, but it is to be made clear that this person or persons have no Marysville business license and have no connection with the City, he said. He reported 24 applicants applied for the Public Works Director position and there will be an all day Assessment Center 10/15/92. He reported there will be a Finance Committee (Budget) meeting Thur. at 4 p.m. at City Hall.

Public Works Director Zabell gave an update on the WWTF tie in for effluent and he noted that testing continues.

MAYOR'S BUSINESS:

Mayor Weiser noted that it had been discussed at the retreat that he should appoint a committee to discuss a Mission Statement and Motto for the City. He stated that he has not had enough time to fully research those who would be interested, but hopes to have a committee appointed by next Monday.

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CALL ON COUNCILMEMBERS:

Councilor McGee mentioned water above manholes near the intersection of 47th & 528. Public Works Director Zabell said he would check into the water on the road; it could be a leaking valve, he said.

Councilor Leighan reported on a recent committee meeting on 9/30 where they looked at criteria, etc. and decided it should be called the "City Council Marysville Citizenship Award" with it being given on a monthly basis for every day good deeds, not for things out of the ordinary. It was also decided by the committee this should be an inhouse certificate and the process of selection would involve interview of the nominators rather than the nominees. There was brief discussion and it was the consensus that City Council would review the three finalists. Other items mentioned were rotation of committee makeup and keeping applications current for 3-4 months. It was decided that Councilor Leighan would get City Attorney Weed to write something up and Roger Kelly could do a press release, once the rules are in place.

Councilor Herman noted that it would be nice if Steve Wilson and Gloria Hirashima had name plates.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Keith and Sandy Crider, 9815 48th Dr. NE, addressed Council with a visual aid. She read a statement regarding growing crime in Marysville, citing at least 10 incidents that have occurred over the last few months and noted that McDonald's pays someone \$25/hr. on Friday and Saturday nights to keep the cruisers out of their parking lot. She read excerpts of reports regarding juvenile crimes--drug use, "keying" vehicles, theft, vandalism, rape, killing of wildlife, excessive noise, loitering, speeding up and down State, cruising, etc. Her husband pointed out the locations of these crimes as she read the statement and she noted that one of the problems is Marysville doesn't have enforceable ordinances. She recommended curfews, radar guns for the police, a loitering and/or cruising ordinance before the holiday season begins, so that businesses like McDonald's aren't penalized.

Mayor Weiser mentioned that the police dept. does have radar guns and he added that the City is trying to work on some ordinances such as the ones she mentioned.

Mrs. Crider said the word is out that kids can get away with things in Marysville.

City Attorney Weed said the subject was discussed 2-3 weeks ago at City Council. As far as a curfew ordinance, the Marysville PD and Sheriff's Office have discussed a countywide parental responsibility ordinance and he said he has gotten in touch with the state\*as far as funding, but one of the problems is a curfew and/or other ordinances can be unconstitutional. He pointed out that Marysville did previously draft a cruising ordinance and that's ready for City Council review. As far as a loitering ordinance, that would be unconstitutional--that was looked into with regard to vagrancy and prostitution issues, he said. There are two types of noise ordinance--a general one which does not require hand held noise meters and the other type of ordinance which does require the metering, he said.

Councilor Herman commented on the noise ordinance, stating he would like staff to check into prices of hand held noise meters.

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Councilor Leighan asked about input from the police chief and Mayor Weiser said Chief Dyer did comment some time ago, but not recently, they definitely need to be included in the process, he said.

PUBLIC HEARINGS:

1. Wayne Potter/Krotke Annexation; PA 9206027.

Mayor Weiser explained that more public testimony will be allowed and that is the main reason for the public hearing.

Planning Director Hirashima said there were some concerns at the last public hearing regarding designated agricultural land, proposed comprehensive plan and zoning designations. She referred to the agenda bill and maps in the packs, pointing out the current Marysville boundary on the overhead and noting that 81% of the property owners have signed the annexation petition. Two letters are in the packets, she noted, one from Celia Hunter (in opposition) and one from the Marysville School District (in favor of annexation). She added that one letter was received today from Harv Jubie, also in support of the annexation. She noted that the key to the designation issue is long term use and she gave some history, noting the county comp plan in 1982 designated the area as 1 du/2.3 acres with some ag designation which overlaps a small (approx. 2 acre) portion of the Rollins property. She said a small portion of the Krotke property is also ag however it is not under the Snohomish County Ag Preservation Area. She read the definition of ag and noted it deals with use, soil and proximity to other ag areas and the definition does not fit the Krotke property. She said the area proposed for annexation is within the Interim Urban Growth Area Boundary, RUSA/CWSA and the Transportation Update has shown that 88th & 84th extensions would be put through the proposed annexation.

Planning Director Hirashima stated the Planning Commission has recommended a designation of medium density urban for the area. She noted immediately to the Northwest, there is a critical ag area and a buffer may be considered; the county has in the past proposed a 200' buffer to separate residential from critical ag areas, she said. She stated the Planning Dept. is recommending approval of the annexation.

Councilor Herman noted that it would have been more helpful if the maps included in tonight's packet had been included at the 10% petition stage.

Wayne Potter of Barghausen Consulting, Kent, addressed Council. He stated it is really clear to him that the intent of locating ag is to follow topography and he noted there is some hard pan in there which is not appropriate for ag. Utilities, MSD, interim annexation boundaries all support annexation of this area, he pointed out and he said he thinks it's really important to remember that the county gave this a "broad brush" approach on the designation vs. a site specific designation.

Councilor Herman asked about soil samples at the toe of the slope, for example.

Tom Barghausen of Kent addressed Council, showing where the toe of the slope falls on the map. He noted one piece which has been designated Ag 10 by the County is all wooded. He showed where the hard pan was found and concluded the soils with ag potential are on the valley floor. He explained that the county map has no logic because in the process of transferring information from a

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small scalemap to a larger scale, there is a cartography problem and it's not 100% accurate. Based on utilities and other control, he said this area should be City and not county, with the City making the decision of where ag should go.

Harv Jubie, 9905 39th Dr. NE, addressed Council, stating he and his brother own 20 acres within the proposed annexation area and they are in favor of the annexation to the City.

Gene Krotke, 7715 84th St. NE, addressed Council. He stated he is also in favor of the annexation.

Chuck Rollins, 9220 76th Av. NE, owner of 20 acres, addressed Council, stating he is also in favor of the annexation.

Joan Boyd, 8325 84th NE, addressed Council. She stated they have enjoyed working with the City in the past on a personal level and would like to be annexed into the City.

Rose Hunter, 8201 84th St. NE, addressed Council. She stated she has been a resident of this address for 36 years and has lived in Snohomish County for 55 years. She referenced her opposition letter in the packs and said she really doesn't think any hillside should be developed because of erosion and other problems that will develop. She cited the problem they had in the north end of Marysville several years ago with standing water, she talked about how the schools are filling up so fast and pointed out that the Marysville School District has filled wetlands in the proposed area to be annexed and one of the local developers is using the area as a dumping ground. She pointed out that they don't need utilities in that area, their taxes are just going to go up if annexed and their quality of life is going to be ruined, she said. She added they already have a busy little store but the finances are not the bottom line; we need to leave something for the grand-kids, she said.

Russ Hunter, 8401 84th St. NE, addressed Council. He stated he is in opposition to the annexation because of erosion, firstly, with Getchell being so steep and he pointed out that the school district bought the Nylander wetlands and filled in the wetlands. He said he can see why they want to get into Marysville--Marysville doesn't have as strict an ordinance as the county. He said also he understood that the Boundary Review Board runs on geographical vs. property lines which should leave this area out of the City. Really, he said the City is not going to gain anything; there will be a lot of problems for Marysville, actually, he said.

Mike Papa, 9120 58th Dr. NE, addressed Council, pointing out there is nothing in force at the present as far as an interlocal agreement with regard to urban growth boundaries or protection of ag land within the City. He asked if the prime ag land is going to stay prime ag land.

Mayor Weiser stated the City has offered to establish urban growth boundaries but were turned down by the county, so we have no urban growth boundary at this point. He added the county wants to wait until we have better population projections.

Wayne Potter stated he understands Hunters' concerns but this is more of a broad annexation and not site specific until it's to be developed. It's basically going in at the same designation as it is now in the county, he pointed out.

Councilor Leighan asked about the proposed 88th St. extension and Public Works Director Zabell said it has not been finalized as

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yet. He said the county did it on a preliminary basis a few years ago and determined it should be somewhere near the power lines but Marysville doesn't have any specific improvements for Getchell planned without 88th St. improvements at this point, either, he said.

Councilor Baxter noted that the City had talked about 84th St. improvements in the past but there is no right of way now. He said he would hope that the City has a different program/plan for the water retention to the south of Getchell if this is developed.

Councilor Herman said he appreciates the drainage concerns and asked about density outside of the urban growth boundaries.

Planning Director Hirashima said 1 du/10 acres is being recommended.

Councilor Herman said he has a concern about lands designated for ag preservation and including such lands within an annexation could jeopardize our relationship with the county. He added he would like to see a letter from the county with regard to their intent on the ag land.

Councilor Wright asked if this could be construed as taking away property owners' rights, especially in view of the fact that these people are asking to be annexed.

Councilor Herman reiterated that his concern is whether the area is appropriate for annexation.

Councilor Baxter pointed out that there are some areas within that area that have been ag for 50 years--the topography is not that far off, he said. He added that he doesn't think there's anything wrong with including the ag within the City limits.

Councilor Pedersen asked for an interpretation of 19.28 of the code and City Attorney Weed stated the ag use zone under the MMC protects certain areas with permitted uses such as greenhouses, kennels, hatcheries, horticultural uses, accessory buildings.

Councilor Baxter stated he would hope that the density is not going to be 9600; he said he feels that is much too high for that area.

Mayor Weiser pointed out that the Sensitive Areas Ordinance is to be reviewed next week by the Council and the Planning Commission is working on designation issues at present--this would be a good time to submit input.

Councilor Wright moved for approval of the Potter/Krotke Annexation, subject to assumption of City's bonded indebtedness and adoption of a temporary land use designation of "Rural 1 d.u./2.3 acres" until final adoption of the City Comprehensive Plan for the subject area and authorizing staff to transmit the notice of intention to the Snohomish County Boundary Review Board. Councilor McGee seconded the motion.

Councilor Baxter asked about the land use designation and Planning Director Hirashima stated the Planning Commission is proposing the medium density designation.

A roll call vote was taken which revealed all in favor of the motion with the exception of Councilor Herman, so the motion passed 6-1.

PRESENTATION:

Heather Earnhart, Recycling Aid, City of Marysville challenged Councilmembers to start using reusable cups, grocery bags, etc. In promotion of the upcoming (10/10/92) Smart Shop Workshop, she presented each Councilmember and staff present with a reusable canvas grocery bag and said 550 had been purchased for the workshop out of the recycling grant money.

CURRENT BUSINESS:

**1. Bayview Crest Division II Final Plat; PA 8812066.**

Planning Director Hirashima gave a short staff report, stating the applicant is ready to obtain final plat approval. A precondition of this would be that they pay their TIP mitigation fees, which they will be doing tomorrow, she stated. All other conditions have been met and complied with and staff recommends the Mayor sign off on the mylar for final plat approval, she said.

Councilor Leighan disclosed he lives in Bayview Ridge but there were no challenges from the audience.

Planning Director Hirashima stated the open space dedication issue came before City Council 2-3 weeks ago; staff had concerns about acceptance of the dedication and City Council recommended not accepting it. Ownership would be retained under private ownership and under the protection of the Native Growth Protection Act at this time.

Councilor Baxter asked about the average lot size.

Bruce McKinnon explained Belmark is just the contractor, but he believed the plat was developed under PRD 12,500 zoning.

Planning Director Hirashima stated it was developed under PRD 12,500 and 9600, with the average lot size being 12,500 including the open space tract.

Councilor McGee moved and Councilor Myers seconded that the Mayor be authorized to sign off on the final plat mylar, including staff pre and post conditions. Passed unanimously.

**2. Interlocal Agreement between Snohomish County and Marysville to Establish Urban Growth Area Boundaries.**

Mayor Weiser noted this agreement is basically to establish joint planning between the two entities.

Planning Director Hirashima added that this draft was forwarded at the same time as the letter/agreement that was signed off at the Council Special Meeting 9/24/92. She noted this version has been reviewed by both the City and County Planning Departments and she highlighted some of the changes such as adoption of the term "IAA" Interim Annexation Area vs. "UGAB" Urban Growth Area Boundaries which might be construed as a "final" wording.

Mayor Weiser commented on the IAA boundary east of Highway 9, noting originally that the boundary was Highway 9. He noted also that the Robinett and Belmark parcels have been specifically excluded from the IAA and that some areas have substandard roads, which presented some concerns.

Councilor Pedersen asked about the "JCPA" Joint Comprehensive Planning Area boundary and Planning Director Hirashima stated it is generally north to 172/152nd, west to I-5, east to Highway 9 and south to Ebey Slough.

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Councilor Pedersen stated she has a problem with the Planning Commission having worked on this for so long and now the intent is to turn this over to another entity.

Mayor Weiser noted that Planning Area 13 was not finalized by the Planning Commission because it was known that this was going to go to a joint planning process.

Councilor Baxter asked why the area north of 100th on 67th has not been included within the IAA.

Mayor Weiser explained the idea is to establish a joint planning process outside of City limits to discuss areas such as that.

Councilor Baxter noted that nobody but Marysville can serve the north end.

Councilor McGee clarified the makeup of the joint planning committee: 3 from Marysville, 3 from the County and 1 person from the Tulalip Tribes.

Councilor Pederson questioned the size of annexations that the committee and/or county and/or Boundary Review Board would be considering and asked if perhaps the City should exclude smaller ones at the 10% stage.

Planning Director Hirashima pointed out that generally the SEPA review is done at the time of the 10% petition with a copy to the county and the county can give their input at that time.

Councilor Baxter said he still doesn't understand why service has to be discussed when Marysville is the only one that can serve the area.

There was discussion about services--water, sewer, police services, cable, that would be appropriate for Marysville to provide to the north end.

Reid Shockey, 2924 Colby, Everett, addressed the Council, representing Hank Robinett. He stated he is sure there are others interested in this process, also and noted that some areas on the interim annexation map have been excluded. Out of the whole area, only 2 parcels got left out, one of which is Robinett's, he pointed out and he said he knows the county has more or less agreed to include it in the IAA some day, but as we all know, "interim" can often become "permanent". He said no reason has been given for why this area was left out and he said his office has checked with the Planning Dept. and the only information they can find out is that someone in the county made the decision. It's not environmentally sensitive and they would like this parcel included in the IAA as there seems to be no justification for leaving it out, he concluded.

Bruce McKinnon, 7612 75th Dr. NE, representing Belmark Industries, addressed Council and said they would like to add that as far as their property is concerned, the City in 1982 excluded this property. It was zoned 7200 in the county, it isn't ag and the City had indicated they would annex it in, but the county pointed out that it's outside of RUSA and should not be included in the City, he said.

Public Works Director Zabell noted it's within the CWSA, however and Mr. McKinnon noted that for some reason, the City concurred with the County's reasoning and it has been left out all this time.

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Planning Director Hirashima pointed out that the Planning Dept. is now recommending these two areas be added in, but the county staff had concerns about including them and wanted them to go through the joint planning process.

Mayor Weiser noted that they wanted to check the one acre designation on these two parcels.

Planning Director Hirashima stated the county is just being cautious and wanted these areas reviewed by the Growth Management Coordinating Committee.

Mr. McKinnon stated the Snohomish County Comp Plan was adopted in 1982 and because the property could not get into RUSA, Belmark has not been able to plat the property.

Councilor Leighan questioned the items 1) through 5) under e) on page 4 and discussion ensued regarding road improvements, county owned detention facilities, generic terms in the interlocal agreement, the importance of people on the committee understanding the planning process to date.

Mr. McKinnon added that he know the Planning Commission has been working on this for over three years.

Mayor Weiser pointed out that the GMA was adopted midstream of the Planning Commission's updating of the Comp Plan and so parts of the Comp Plan were not discussed and purposely left til a later time because they knew this was going to be part of a joint planning area, he said. Also, the county would not have any say within City limits, however they would if it's within the Marysville planning area, he stated.

City Attorney Weed agreed the City should have more say for areas within the urban growth boundary in terms of land use designation and zoning. He said he would be following up with the WAC regarding this.

Planning Director Hirashima said that with regard to the Growth Management Coordinating Committee composition, it is reference on page 8, under C. 1. (3-3-1)

Discussion followed regarding the Tulalip Tribes not being a "party to the agreement", tribal issues, Smokey Point area, Arlington negotiations with the county, definitions of "interim", "urban", "interim UGB" vs. "interim AA", need for a date specific that this agreement will expire on, the many areas that wish to be annexed but have been excluded in the IAA, funding, adding cities to be included in participation/planning process/execution of the agreement.

City Attorney Weed said a lot of his suggestions are format, grammatical, DCD regulations which require inclusion of the cities, page 4/5 item list, policies (eg. small annexations), definition of incorporations, compliance with state law with regard to notification of owners of property.

There was discussion about current policy, the Smokey Point Chamber poll with regard to the wishes of the residents being annexed to Marysville or Arlington, suggestion to ask county to designae Smokey Point as a joint Marysville-Arlington planning area.

Councilor Baxter said that if the boundary was determined through the use of roads, he cannot see what the objective would be to exclude the two parcels.

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Planning Director Hirashima noted that the termination of this agreement would be 7/1/93 or in compliance with RCW 36.78, whichever occurs first; other cities have adopted this wording, she said.

Mayor Weiser talked a bit about the Planning Commission process and said he thinks they may have a Comp Plan finalized before 7/1/93.

Public Works Director Zabell referenced page 8, C. 3. with regard to subsequent annexations and asked if planning would still be conducted by the joint planning process within incorporated areas.

Mayor Weiser said he would like to get further clarification on that and it was the consensus that Marysville should plan within Marysville and not the county. With regard to the makeup of the Joint Planning Team: 3-3-1 was the consensus.

Councilor Pedersen asked about setting criteria for size of annexation in which the county should be involved in the planning process and there was further discussion. City Attorney Weed stated the threshold is 10 acres under state law before the county needs to be involved.

The interlocal agreement is to be redrafted and brought back to the next Council meeting.

**BREAK: 9:45 - 9:55 PM**

### 3. Solid Waste Committee Report.

Finance Director Wilson reported this has been a long, involved process, a lot of changes in situations, with respect to recycling impacts, need for new equipment in the City, etc. He pointed out that the rates are fairly steady right now but it is proposed that the tipping fees be increased to \$95 per ton as of 1/1/93 which will increase Marysville's rates by \$80,000, he said. In 1989, he pointed out that the tipping fee was \$35 per ton and the City was charging \$6.05 for a single can, less tax. He compared rates for the next year and noted that recycling has had a tremendous impact on fees and operation costs; the current rate being over \$9 for a single can, less taxes. He noted that in 1982 the tipping fees represented 45% of the total operation costs, in 1992 the tipping fees represent 62% of the total operation costs, with total costs having gone up 114% and garbage rates only being increased 59%. In other words, he said in 1991 Marysville lost \$45,000 and the projected loss for 1992 is \$121,000. Taxes, tipping fee increases, recycling fees have all attributed to this, he said and right now, the City has 4 men and 2 trucks on the garbage crew. One of the alternatives suggested was to reduce manpower and equipment but in comparing apples to apples and getting outside company quotes for contracting out garbage services, he said it became apparent that Marysville's rates would be considerably lower than a private company would charge. He referred to information in the packets and on an overhead and noted that on senior rates the City is way below the competition; all rates were based on \$79 per ton tipping fees for comparison purposes. His recommended rate increases are on Schedule II which do not take into consideration anything other than just proportionately increasing current rates, he said and he summarized that Marysville would still be competitive and yet generate enough money to cover current losses, purchase new trucks by reducing personnel (the plan is to purchase 2 new trucks at \$160,000), with a savings of \$117,000 by reducing personnel by 3 people, he stated. He explained that the reserves are down and the pros and cons of debt service vs. depreciation.

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Councilor Wright asked about the additional can rate and noted possibly it should be increased in order to be an incentive for people to recycle.

Finance Director Wilson agreed, stating he was just proportionately increasing the existing rates in his example.

Councilor Pedersen pointed out that the City is still subsidizing seniors and Councilor Leighan noted that tipping fees are going to go up to \$295 not too far down the road.

Mayor Weiser pointed out that \$295 per ton was for hazardous waste.

City Administrator Garner said he understands the regular tipping fee of \$95 per ton will stay in place for 3 years.

Councilor Pedersen asked about recycling for multi family and businesses and discussion followed about this as well as giving seniors a break, mandatory recycling, the City losing money on senior rates, the main purpose here was to determine whether the City could be competitive and whether the level of service would remain vs. privatizing, when comparing rates, recycling grant no longer being available in a couple years, needing some definitive increased rates based on the increased tipping fee (\$95 should be consistent for the next 3-4 years), life of a garbage truck/packers approx. 10 years, modification of dumpsters to accommodate new style of trucks, phasing in process, county is having a public hearing on the tipping fees within the next week or two.

There was also discussion about the impact recycling had on the income and operating costs, yard waste, yellow tag program, extra pick ups, raising our rates to help decrease current deficit/lack of reserves, increasing billing to once a month vs. once every 2 months, estimated billing, suggestion to have the Solid Waste Committee meet again after the county public hearing, recycling rates to be renegotiated in 1993, all of the rates except for the extra can rate to be increased. It was the consensus that the City should stay in the garbage collecting business.

Councilor Baxter moved and Councilor McGee seconded to make the commitment to stay in the garbage collection business and approve the Solid Waste Committee recommendation, with the rates to be reviewed again at a later date. Passed unanimously.

NEW BUSINESS:

**1. Restrictions on Fireworks Sales & Discharge.**

City Administrator Garner pointed out that the RCW already has a restricted period of time for sale and discharge of fireworks but Council can restrict it further.

Councilor Myers asked about common fireworks and there was discussion about illegal fire works, display fireworks, common fireworks. The consensus was to stick with the RCW and make no change at this time.

ORDINANCES & RESOLUTIONS:

**1. Resolution Granting a Variance for the Myron Gemmer Property for a Water Connection without Sewer Connection at 1507 NE 172nd NE, Arlington.**

Councilor Baxter moved and Councilor Myers seconded to approve/adopt Resolution 1584. Passed unanimously.

- 2. Resolution Affirming the Decision of the Hearing Examiner Denying a Variance for Northpointe/Focus Assoc., Inc. to Allow Construction of Model Homes for Property Located at the Southeast Terminus of Grove St. in Marysville.**

Councilor McGee moved and Councilor Herman seconded to approve/adopt Resolution 1585. Passed unanimously.

- 3. A Resolution Affirming the Decision of the Hearing Examiner and Denying a Variance to Allow Rolled Curbing for Northpointe/Focus Assoc., Inc. for Preliminary Plat of Northpointe located at the Southeast Terminus of Grove St., Marysville.**

Councilor Herman moved and Councilor Leighan seconded to approve/adopt Resolution 1586. Passed unanimously.

- 4. A Resolution Granting a Conditional Use Permit and Variance for Property Owned by Joel Hylback Subject to Conditions.**

Councilor Wright moved and Councilor Pedersen seconded to approve/adopt Resolution 1587. Passed unanimously.

LEGAL MATTERS:

- 1. Renewal of Contract with Al Gordon & Associates for collection of Outstanding Court Fees.**

City Attorney Weed explained this is for unpaid fines and \$17,000 has been collected through Al Gordon & Associates so far. The contract has been proposed to be renewed for one year at the same terms and conditions, he said and recommended renewal.

Councilor McGee moved and Councilor Pedersen seconded that the Mayor be authorized to sign the renewal contract. Passed unanimously.

- 2. Agreement for Establishing Waste Water Service and Delivery with Tulalip Tribes.**

Mayor Weiser explained he has three concerns with this: response from DOE, effects on bonding capacity and cost of system upgrades with the inclusion of the Tulalip Tribes.

City Attorney Weed said the form of the agreement seems to raise more questions than it answers: interplay with DOE, for example, what impact this agreement will have on the City's WWTF upgrade, another environmental review possibly being required. He said the perception of the community regarding pending mitigation is another issue, as is increasing our comprehensive water plan/impact area, expansion of RUSA, etc. He said a lot of these same issues were discussed when the entertainment center was to go in and now there are specific needs for the Navy with the possibility of Marysville providing temporary services until Tulalip services are in place but the Joint Operating Agreement between PUD, Marysville and Tulalip. He concluded that no commitment can be made until more information is received from the various sources indicated earlier.

Mayor Weiser noted the Tulalips have indicated a sense of urgency; they wish the agreement signed by 10/9 but the City has been asking to meet with them since February and they are just now doing it; also, there are a significant number of issues involved and not something that can just be signed and agreed to at the drop of a hat.

Councilor Herman commented with regard to the urgency, that he thinks the urgency is totally on the part of the Tulalip Tribes and said he wondered if it doesn't have something to do with a Navy contract.

Mayor Weiser agreed, stating it has something to do with the construction of the Navy commissary.

Public Works Director Zabell stated the commissary needs to be under construction by May or June, 1993.

There was discussion about negotiations within 30 days, water issue, whose responsibility it would be for improvements, impact on the community, Tulalips' share of pipeline being 19.8% (Finance Director Wilson to check on this further), litigation costs to be included, DOE and bonding issues, upgrades that would be necessary such as road improvements, Tulalips wanting unrestricted use, other requests such as water treatment, etc., control of the system, inspection of premises with respect to the Tulalips' sovereign nation status (a possibility that the City might not be allowed access to premises), the Navy trying to determine viability of establishing facilities.

**3. Contract for Street/Stream Improvements on 71st Avenue NE/  
Munson Creek.**

Public Works Director Zabell explained this contract includes replacement of a failed culvert, rehabilitation and enhancement of the stream corridor to allow for migration of fish, elimination of a potentially dangerous curve and improvement and widening of 71st. He noted that the vertical siding to improve the fish blockage and widening was at the recommendation of the City and the project has been funded for the 1992 season. The overall project will substantially improve fish and wildlife habitat and safety, he said and he added the total cost will be \$76,500.

Councilor Baxter moved to authorize the Mayor to sign the contract for the City's portion of the project, to be done in conjunction with Belmark Industries. Councilor Myers seconded and the motion passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 11:11 p.m.

**(3) Legal Matters.**

RECONVENED AND ADJOURNED: Approx. Midnight.

Accepted this 12<sup>th</sup> day of October, 1992.

*David Weiser*

MAYOR

*May P. Swenson*

CITY CLERK

*Shanda R. Swenson*

RECORDING SECRETARY