

MARYSVILLE CITY COUNCIL MINUTES

APRIL 22, 1991

7:30 p.m.

Council Chambers

Present: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor Pro Tem
 Dave McGee
 Dave Weiser
 Donna Pedersen
 Donna Wright (8:00 p.m.)
 Lee Cundiff
 Bob Lashua

CORRECTED: SEE <u>5/6/91</u> MINUTES

Administrative Staff:

Carolyn Sanden, City Administrator
 Mike Corcoran, City Planner
 Grant Weed, City Attorney
 Dave Zabell, Public Works Director
 Phil Dexter, Finance Director
 Jim Ballew, Parks & Recreation Supt.
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilor Cundiff noted that on page 10, paragraph 3, it should be changed to reflect the fact that he was contacted by the press, not by phone.

Councilor Lashua noted a typo on page 5, in the 4th paragraph from the bottom--the word should be "there's" not "thee's".

Councilor Pedersen noted on page 5, in the next first paragraph (option II) is not germane to the motion and she asked that it be deleted. On page 6, in the 3rd paragraph, "metting" should be "meeting"; on page 8 in the 3rd paragraph from the bottom, "review" should be "reviewed" and on page 10 in the 2nd paragraph from the bottom, she noted that the Library has not been put on hold as stated in the minutes.

There being no further corrections, Councilor Pedersen moved to approve the minutes of the 4/8/91 meeting as corrected. Councilor McGee seconded and the motion passed unanimously.

There were no corrections to the minutes of the 4/15/91 Special Meeting and Councilor Cundiff moved that they be approved as written. Councilor Lashua seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Angela Smith, 3819 97th Pl. NE, addressed Council, explaining she wished to speak regarding an annexation on the agenda, but just wanted to make sure there would be a time for questions and comments when this came up. Also, she said she wished clarification of a 10% petition as well the 9600 RUSA designation in the annexation area.

Scott Eastham, 4817 73rd Dr. NE, addressed Council, stating he is

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also within the proposed annexation but was busy working last time this came before Council and so he was not clear on a number of things concerning annexations. For example, he wished to know when an area is annexed how much it is going to cost and how much voice he would have as far as being forced into hooking up to a sewer system.

City Administrator Sanden assured him that all these things can be addressed in the public hearing and he added that he made a conscious decision to move to the county and would like to know what he has to look forward to if annexed into the City.

PUBLIC HEARING:

1. U.L.I.D. 17.

Public Works Director Zabell explained this is also known as the "Sleasman ULID" and is for the City Council to consider the assessment roll as per the packet information. He described the "Roncrest" subdivision location, noting they have filed for annexation. Cost of the sewer line is approximately \$45,000.

Finance Director Dexter said because of the small size of this ULID, it would probably only be for about 10 years and if it proceeds on schedule, it would be completed in August for issuance of bonds at that time and will be lumped together with two other ULIDs. Payments would be made on an annual basis for the principal, with interest on the declining balance, he explained.

Before proceeding with the public hearing, Mayor Matheny asked if anyone in the audience felt someone on Council should step down because of the appearance of fairness doctrine or whether anyone felt there was a conflict of interest. None were stated. She explained the public hearing process and opened it up to the public.

Bob Huson, 9301 61st Dr. NE, addressed Council, stating he felt he represented 13 other property owners on 61st Dr. who are all in favor of the ULID in order to get rid of "Gurgling Gertie". He said they are very tired of not having company over, wet back yards, being afraid to flush toilets, etc. and hope they can have the sewer in by this Christmas.

Jack Sleasman (just arrived in Council Chambers) addressed Council and stated he is definitely in favor of the ULID.

There being no further audience input, the public hearing portion was closed.

Councilor Pedersen asked Mr. Zabell to explain the ULID process for Mr. Eastham's benefit and Public Works Director Zabell said first, the citizens had failing septic systems and drain fields and came to the City for hookup to the sewer. If 60% of the subdivision is still in favor of the ULID after a 30 day protest period, the ULID is formed on the basis of an assessment roll and construction is proceeded with. He added that you only have to go on the sewer if your septic fails and/or if you are within 200' of the sewer.

Finance Director Dexter explained the payment method and Public Works Director Zabell noted that ULID 17 works out to \$3,000 per household.

Councilor Baxter moved that Ordinance #1838 be approved/adopted for ULID #17. Councilor McGee seconded and the motion passed.

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2. Southeast Annexation.

Mayor Matheny questioned whether anyone in the audience felt there was a problem as far as the Appearance of Fairness doctrine and/or a conflict of interest on the Council and there were no objections heard.

City Planner Corcoran explained that this was originally set for 2/25/91 but petitions were more than 6 months old so petitions had to be resigned and the hearing was continued to this evening. He noted the annexation proposal has a sufficiency of petition and the advertising/notification requirements were actually exceeded. He referred to the packets as well as posting the vicinity map on the wall and described the boundaries as presently proposed, to be north to 56th, west to 67th and 71st, east to 75th and south to the 44th St. alignment.

Councilor Weiser asked City Planner Corcoran to point out the adjacent City limits and City Planner Corcoran also noted that the proposed annexation is within RUSA, is designated RR 12,500 and a Determination of Non-Significance has been issued pursuant to SEPA. He stated staff recommends in the event of approval, the annexation area be subject to the City's bonded indebtedness as well as adoption of land use and RUSA designations.

Rick McArdle of McArdle & Murray, 2917 Pacific, Everett, addressed Council, noting his office has pretty much been spearheading this annexation and are representing three property owners who would benefit from being within City limits. He said it is felt they have done a good job of contacting all property owners in the area and pointing out the advantages to being within City limits:

1. Taxes would be \$1.00/\$1,000 of assessed valuation lower than in the county. Also taxes collected would stay in the City and there would be more direct benefit to the property owner.
2. With regard to ULID assessment and utility costs, he stated none of his clients have any intention of forming a ULID or extending utilities at this time. There are no hidden costs as far as he knows in this annexation, he said.
3. As far as land use, he said he thinks people believe if it stays in the county it will remain rural but if it is annexed, it will become urban, however, the whole area is planned "suburban" which is 12,500 or 9600 lots as per the county Comp Plan, developed several years ago. He said this designation was because of the close proximity to the City limits and is within Marysville RUSA boundaries. If the area is annexed to the City, it would remain 12,500 so there would be no perceivable difference, he added.

As an additional point, relating to utilities and densities, there are a couple of existing plats (Jefferson & Pinegreen Grove) with a total of 40 lots which are old plats and these are very much in line with the density designation as per the Comp Plan, he said. He noted this is the type of density the City and county have in mind and is also a logical extension of the City boundaries, he stated.

Morgan Bartlett addressed the Council, stating he owns 10 lots in Neartown Acres on the east side of 73rd Av. He said he is the major property owner and went around to see others in the area.

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He stated 32 out of 40 have signed the petition, with a total valuation represented by petition of \$1,096,200 which is right around 65% of the total assessed valuation of Neartown Acres (\$1,696,700). He stated his plans do not include a ULID nor any type of replat but he is very interested in improvement of 73rd Avenue. He pointed out the sewer easement on the map and stated that hopefully the property owners on the west side would participate on a strictly voluntary basis toward these improvements. He restated that he has no desire to replat but wishes to maintain the lots the same size. He said the area seems to be surrounded by the City of Marysville and so it seems like a logical extension of the City boundaries.

Councilor Lashua asked if most of the homes in Neartown Acres are on wells and septic systems and Mr. Bartlett responded there are 2 homes on 73rd Av. with water but no sewer, with access by trail, as provided by the county. He said he believed it would be in the best interest of the whole community to have a road in there to replace the "trail".

John Fagan, 7404 52nd St. NE, addressed the Council, stating he owns 1.8 acres across from Neartown and is in favor of the annexation. He said they are already using Marysville water, schools and other services and it would be slightly lower taxes and sees being part of the City a benefit.

Dan Schei of lots 39 and 40 in Neartown, addressed Council, noting that the water comes from 71st with right of way along 71st. He said he is totally in favor of the annexation.

Rod Keeler, owner of 10 acres bordering on 44th St. for 33 years, addressed Council and said he thinks this annexation would enhance the property tremendously.

The public hearing was then opened to those against the annexation:

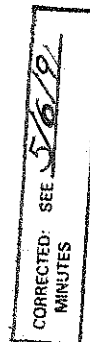
Scott Eastham, 4817 73rd Dr. NE, addressed Council and noted that Mr. McArdle represents 3 property owners. He said he finds it very interesting that they are dictating to tiny little property owners such as he is because very few people in Pinegreen Grove are interested in annexing, he said. I said he moved there because there are woods, no worry about tying up his dogs, it's a good place to raise kids and fails to see the fairness in 3 property owners dictating to all the rest of the residents. He stated he has 1/4 acre and has lived in his present house since 1986; that \$1.00/\$1,000 of assessed valuation in lower taxes is negligible compared to the benefits of remaining in the county. Regarding a ULID, he questioned whether he could be forced into participating in one and also had a question about whether the properties are all assessed at the same time, with the ULID having to have a 60% of the total assessed valuation participation.

Mayor Matheny assured him that every three years all property in Marysville is assessed by the County Assessor.

Mr. Eastham said that as he understands it, it is very possible that he could be forced to pay on something he did not want, i.e. sewer hookup/ULID.

Public Works Director Zabell noted he is playing "what if" games but basically, that's how a ULID/LID works, i.e. if 60% want it, then he would have to go along with it, also.

Mr. Eastham also noted that the petition represents 60% of the



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land but not 60% of the people and for one thing, it has not been made clear what is really happening but it looks like they could be forced into something they don't want here. Further, he said he took exception to Mr. McArdle's statement that all property owners had been contacted, because he had not been. He said they are happy with City water except if the City puts any more people on line, there's going to be a problem because of the poor pressure there already.

Public Works Director Zabell pointed out that the City has budgeted to increase water pressure in that area this summer.

Mr. Eastham said there are a lot of problems up there, for one thing, there's only one road going up the hill--52nd--and it's very dangerous in the winter. He said he has no trouble driving it, but others do. Also, there's another development in there which is a disgrace--Rivers Inlet--too much ground water, etc. He said they should have kept 1/4 acre lots. Also, there are a lot of horses in the area and even a bird sanctuary. One gentleman referred to 73rd as a trail, he said, but 73rd is a gravel road and two cars can squeeze by, he noted.

City Planner Corcoran pointed out that the county refers to an unimproved road such as that as a trail; that is the correct name for it.

Evelyn Blackburn, 7126 52nd St. NE, addressed the Council, stating they own 9 acres, she is the oldest resident in the neighborhood and has lived there 45 years. She said their land is fully wooded with several species of wildlife (she named several), 100 year old trees, deer, beaver, possum, birds, fruit trees, and she would just hate to see houses go up in there. She said they want to save the trees and the streams because they also want to put some calves in and will probably have to fence. She said they have had several real estate companies bugging them and she told them she would sell for \$2 million because that is what she feels it is worth to retain the rural setting. She said they just don't want to lose the trees. She pointed out that they were the first ones on the water line and have raised 5 kids who went through the Marysville School District, but they want to retain their rural living for as long as possible.

Gail Birdsell, 7218 52nd St. NE, addressed Council, noting she has lived there since 1971 and at that time there were very few homes in there. She said in her opinion, those in favor of the annexation just want to develop it with the sewer brought in. She said she watched them across the street have to bring in fill because it would not perk. Right now, there's no sewer and on some days, they don't have City water, either. She concluded that a lot of the land is undevelopable without sewer.

Boyce Stanton, 4825 73rd Dr. NE, addressed the Council, noting there is a very high water table up there but in the summer (they are at the end of the line), there is no pressure and he asked how a 30" line is going to help. He pointed out that the Comp Plan is only a guide and doesn't mean you have to go along with the suggested zoning/land use. He also mentioned the problems in the Rivers Inlet development with the concrete holding tanks and now the water runs down 52nd. He pointed out that they are at the top of the hill and any development at the bottom of the hill is going to get flooded. He added there is tons of wildlife in there which they don't want disturbed and actually, the wildlife was already displaced because of the Bay Ridge Heights and Rivers Inlet developments.

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John Jamieson, 4808 73rd Dr. NE, addressed Council, stating most of what he was going to say has been covered. He did point out that real estate agents are telling people that the property doesn't perk but the sewer is coming in. He expressed a concern about not enough water pressure/flow and in the case of a fire there would not be an adequate supply of water. He said he can't even adequately sprinkle his lawn in the summer. He concluded that he counted 26 in favor of the annexation, 40 against.

Councilor Cundiff asked how many people are in Mr. Jamieson's area and Mr. Jamieson guessed about 50.

It was noted that 26 in favor and 40 against adds up to 66 and Mr. Jamieson suggested some of the people have multiple lots and in some cases, husband and wife both signed the petition.

Gil Hovarth, 7221 44th St. NE, addressed Council and said they are wondering about the cost of sewers, sidewalks, etc., that are imposed when the City annexes people in.

Public Works Director Zabell explained that the City doesn't impose any such cost, these costs would have to be applied for by the citizens. City Administrator Sanden added that some escrow companies require you to be hooked to sewer if you sell but that's not a requirement of the City.

Mr. Hovarth said he would like to see the wildlife stay in the area and not have it developed.

Mayor Matheny explained you are not required to have sewer, curbs or sidewalks, just because you are annexed into the City.

Councilor Lashua pointed out that the property can be developed whether it's in the county or the City.

Wendy Blackburn, 7126 52nd NE, addressed Council, stating the whole area is pretty swampy with 4 streams running through, which she thinks are classed as wetlands and undevelopable land. She said developers would have to have sewers because the land can't perk but all the neighbors want to stay in the county and be rural. She pointed out that the county has slightly different rules, they are slightly more ponderous. But she said she feels there is a conflict of interest with Mrs. Wright into real estate, serving on the City Council in this case. She said she felt Mrs. Wright should step down on the voting.

City Attorney Weed said there is no legal requirement for Councilor Wright to step down unless she owns a piece of property within the area being discussed. He said there is no legal conflict of interest here.

Ms. Blackburn said there are 40 other property owners against the annexation and it would be incumbent for the proponents to contact them.

Andy Kops of 5025 72nd Dr. NE addressed the Council, agreeing with Ms. Blackburn, that there are 40 or 50 people against and these people have not been contacted, there is poor water pressure in the area and he is totally against the annexation. He said his property is a little over a half acre.

The public testimony portion of the public hearing was closed at 8:50 p.m.

Councilor McGee asked Mr. McArdle to explain further the process

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used to contact property owners and Mr. McArdle stated every property owner was contacted about a year ago by form letter which was sent to the property owner of record and if anyone responded, they talked with them and gave them an opportunity to express their opinion. He said they did not re-contact everyone this last time around; that they may not recall the letters, but that he knows they did do the mail out about a year ago.

Councilor Cundiff asked how many property owners are in the complete area and Councilor Baxter noted it says 88 in the packets. Discussion followed regarding the numbers for and against not adding up, "property owners of record", multiple property owners signing the petitions.

Councilor Weiser asked if it was conceivable that some people could be saying they are against the annexation, even though there's a no protest agreement for their property on file and Mr. McArdle said that was conceivable.

Jay Wright, 7224 49th Pl. NE, asked Mr. McArdle to indicate on the map on the wall which 3 property owners he represented.

A lady who addressed Council previously asked if it would be feasible to just redo the petitions.

Mr. McArdle stated that on 4/23/90 a letter was sent out to everyone except those in Neartown Acres. He read the letter and explained this went out to property owners south of 52nd, explaining the advantages of annexation and inviting people to contact his firm. He stated his firm represents the Dalan Corp., Mr. Keeler and the property next door to the Keelers, and 5 acres owned by Belmark Industries adjacent to Eastwood Hills.

City Administrator Sanden explained the notice requirements and stated the letter the proponent sent out was a courtesy letter; all other advertising/posting requirements were met. She added that it's also possible the lender (not the escrow company as she stated earlier) may require hookup to sewer before the property is sold.

Councilor Lashua said he understood the objection to change and development however, with regard to being able to let your dog run loose, the county has a leash law, as does the City, so that does not apply. He added that the county is even thinking about proposing a cat leash law. He said those that don't want their acreage to change, don't have to.

Councilor Baxter stressed that the City does not initiate petitions, the people living in the area do and the City in this case would be conforming to the Comp Plan, with the lots larger than usual. He stated he felt the new 12" water line will be put in this summer so that should take care of most of the arguments tonight. He also noted that the Health Dept. is getting very strict and most areas are under old rules and if they need to repair septic or drain fields (they will probably be needing sewer soon because that's generally how the Sunnyside area is going), they will have to follow the new rules, he warned. He added that he has a hard time with people who think they are living "in the country" on 1/4 to 1/2 acre. Water is in there, sewer is coming and he is in favor of the annexation, he said.

Councilor Weiser pointed out that Mr. Eastham did bring up some legitimate concerns and he hopes that he understands that ULIDs could be formed outside City limits as well as inside City limits. He noted that Mr. Horvath talked about curbs, gutters and side-

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walks and no, you don't have to install them but if you want to, the City will participate with you in putting them in.

Councilor Baxter moved to approve the annexation subject to adoption of the City's bonded indebtedness and the county/RUSA zoning/land use designations (12,500) with the City Attorney to bring the proposal before the Boundary Review Board for their review. Councilor McGee seconded and the motion passed unanimously.

City Attorney Weed stated the resolution/notice of intent will be prepared for next City Council meeting.

CONSENT AGENDA:

1. 4/22/91 Claims in the amount of \$117,747.88.

After one brief question, Councilor Cundiff moved and Councilor McGee seconded to approve Consent Agenda Item #1. Passed unanimously.

2. Request for "prior approval" for a 4/26 Claims Run.

Finance Director Dexter explained this is because it is an exceptionally long time between claims runs.

Councilor Lashua moved and Councilor Wright seconded to approve the request for prior approval. Passed unanimously.

CURRENT BUSINESS:

1. Northwest Annexation.

City Attorney Weed explained this annexation is at the 10% stage and state law requires an informal meeting to accept, reject or modify the proposed annexation area. From here, they would try and obtain a minimum of a 60% petition from property owners, he explained.

City Planner Corcoran stated petitions representing 10.89% of the assessed valuation have been received and he noted the annexation location excludes the Quil Ceda Annexation. The total assessed valuation of the Northwest Annexation is a little over \$46 million. He state staff is recommending approval be subject to the City's bonded indebtedness and land use/Comp Plan designation. He said in the area north of 100th, the county land use plan would be used and noted that the City of Marysville is in the process of preparing a new Comp Plan and this area is within that Comp Plan. He pointed out RUSA and City limits on the vicinity map.

Councilor Pedersen asked if Hidden Lakes Estates is part of the Quil Ceda Annexation and City Planner Corcoran said yes.

City Attorney Weed noted that the two annexations could not be combined without the whole process starting over.

City Planner Corcoran said the Quil Ceda and Hidden Lakes Annexation will probably come before City Council next month. He further pointed out that one of the things the Boundary Review Board looks at is whether or not the annexation would make regular boundaries and he said it is his opinion that they would look at this annexation as an irregular boundary but the staff's thinking was that it would be best to allow these people to state their objections at the City Council level rather than making them wait until the Boundary Review Board level. He noted that Quil Lane

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has signed some no protest agreements.

City Administrator Sanden explained that the 10% stage is to discuss conditions of annexation, to review boundary lines and when and if the boundary lines are established and a 60% petition is signed, a full public hearing is then held at that point.

Councilor Cundiff asked if all property owners would be notified and receive a copy of the information regarding the comparison between the City and the county and City Administrator Sanden stated the letter was sent out by the proponent; that the City advertises and posts but does not send out a letter due to cost. She added that there are information sheets at City Hall for anyone wishing it, regarding taxes, annexation, etc.

Councilor Lashua noted there were several people against this annexation and asked Ms. Smith how she heard about tonight's City Council meeting. She stated she saw an item in the North Snohomish County Today paper, an article, not a public notice.

Gary Gooch, 3812 93rd Pl. NE, addressed Council, requesting a list of names of those proposing the annexation.

City Attorney Weed assured him it is public information, all those who have signed the petition.

Angela Smith, 3819 97th Pl. NE, addressed Council again, stating she is still confused about the 10% because Mr. Leifer said his figures and the City's don't jive.

City Planner Corcoran pointed out that Mr. Leifer was including the Quil Ceda Auto Wrecking Annexation.

Ms. Smith said they are in an isolated area and they like it that way--they are isolated by the creek, the railroad tracks and they don't begrudge Leifer's their right to develop but she said she sees no correlation between his area and the area she lives in just off 88th. She said she would like the City's assurance that they would never be forced to hookup to sewers.

Mayor Matheny pointed out that the Health Dept. has new rules now regarding wells and drain fields but Ms. Smith countered that they have a good system and the county just approved another subdivision in there.

Councilor Pedersen asked if it could be considered fully developed now and an unidentified lady in the audience stated they just platted 4 lots and are one of the last to develop.

Councilor Pedersen asked if this wouldn't protect the rural nature of the development and Ms. Smith said they don't want an additional 6% utility tax. Further, she said she didn't think the City had enough police/fire protection nor enough animal control to be annexing in any more. She pointed out that she felt the City is increase their tax base with no benefit to the citizens. She added that the Bounday Review Board will probably be looking at Quil Ceda Creek with protected wildlife and will probably not allow this annexation. She said there's a lot of talk that Marysville is just a greedy annexation machine gone wild; that Mr. Leifer is no longer zoned farmland and they are very nervous because the only reason this is to become Marysville is because of the development being easier in the county. There are some families that have multiple lots, she pointed out, but most are 1/2 acre lots, it's very sandy, with no problems with septic and they just don't want to become part of Marysville. She said they

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don't object to Mr. Leifer but wonder if the City has an ulterior motive with regard to 88th because of the 88th St. interchange. She said they object to the possibility of being annexed without being notified.

Councilor Baxter commented that the City Council is simply reviewing an annexation proposal to establish boundaries, at this time.

City Administrator Sanden pointed out that normally there is not an expectation that the applicant would notify everyone at this stage and as far as public safety, the City has a higher ratio than most surrounding jurisdictions. She said water regulations on the creek are a concern but Marysville's regulations are actually more strick than in the county and as far as 88th, the City is a party with the Tribes in developing that.

Councilor Baxter stated the City and District 12 have an agreement to protect that area and so there would be no change in fire protection.

Leroy Hunter, 3506 100th Pl. NE, addressed Council and asked about the purpose of annexing without advantage to the City. To have the exit off I-5 onto 88th, they were told they would have to be in the City to do that, he said, but now it looks like the 88th St. on and off ramp is going in whether it's City or county, he said.

Councilor Baxter pointed out it's federal money and the City has very little to say about it.

Mr. Hunter asked if there is going to be a bridge built over the "dip" and Public Works Director Zabell said there would be.

Mr. Hunter speculated that people in his development would have to drive over 4 lanes of traffic to and from the development but Public Works Director Zabell pointed out that nothing has been designed as yet.

Mr. Hunter said he can't figure out why they have to be involved in Mr. Leifer's annexation because they are miles from him on a dead end road and can't see any advantage to the City.

Steve Leifer, 12709 Hwy. 99, address Council and asked if as far as water and sewer hookups go, it is required for them to hook up and Councilor Baxter pointed out that the Health Dept. requires it if your septic fails, but the customer still has to request the hookup.

City Planner Corcoran said it would be the same policy if you are in or outside of the City because it's within Marysville's RUSA.

Councilor Lashua pointed out that as far as promising never to require sewer hookups, though, this City Council can't make commitments for the next 5-10-20 years.

Councilor Cundiff pointed out that at this time, there's a sewer in front of his home on Grove where he has lived for 26 years and he does not have to hook up to the sewer unless his septic fails, because he is within 200' of the sewer line.

Mr. Leifer asked about the additional City utility tax and Mayor Matheny said yes, there is a 6% utility tax, however when you come into the City, your insurance rates are lower, your property taxes go down and your water rates go down.

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Finance Director Dexter also pointed out the City utility tax is not charged if you qualify as a low income senior. He added that he did a comparison and taking into consideration all the things that go up and all the things that go down, it pretty well balances out.

Public Works Director Zabell pointed out there would be no county road tax, no library district or Fire Dist. 12 taxes either, once you are within City limits.

Councilor Cundiff recommended highly that the citizens obtain the comparison information from City Hall, in order to get the facts straight.

Councilor Baxter mentioned again there's a new rule concerning water systems where it's going to be more difficult to obtain wells through a permit from the state and DOH. He said they really want to get rid of people withdrawing water from the aquifer and these restrictions plus the Health Dept. requirements are going to become more and more restrictive and it's not the City that requires this but the City does have to enforce the regulations.

Mr. Leifer said he has a concern with the opposition south of 100th and this could hinder the ability to put this annexation together. He said he didn't want to downplay all Mike Corcoran's efforts in calculation, mapping, etc., but perhaps the Leifer annexation could be considered separately.

Councilor Baxter pointed out that the Boundary Review Board may include the area without input from the citizens and the thinking was that it would be more fair if there was a public hearing so people from south of 100th could give their input. He added that public input really does not affect the BRB's decision one way or another, they are looking objectively at logical boundaries. He also noted that the BRB is a state board, appointed by the governor, and not a county agency/entity.

City Attorney Weed agreed, stating that legally the BRB can reduce or increase an area to be annexed, the question would come up if an island is created by a reduction in the annexation area, however.

Councilor Weiser asked what jeopardy the Liefer annexation would be put in with a reduction and City Attorney Weed said he doubted there would be any negative impact on the Liefer annexation.

Councilor Baxter moved to accept the boundaries as recommended by staff, and to proceed to the 60% annexation stage, including conditions regarding the adoption of the City's bonded indebtedness and zoning/land use designation, with the area north of 100th St. to utilize the County's land use plan, i.e. zoning and comprehensive plan.

Councilor McGee seconded and the motion passed unanimously.

NEW BUSINESS:

1. Request for Hanging Banners; Calvary Cathedral.

City Administrator Sanden explained the City's concerns regarding this issue and pointed out also that Marysville School District banners do not say who to vote for.

Councilor Baxter moved to deny the request, Councilor McGee

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seconded and the motion passed unanimously.

2. Utility Variance, 8420 - 47th Av. NE/McIntosh.

City Planner Corcoran reviewed the request and noted that the City has not yet received the results from the Pollution Control Board hearing.

Public Works Director Zabell stated their decision should be in between now and the end of May. He noted that Ms. McIntosh has a deadline from the Health District of 5/23/91.

Councilor Lashua asked about applying for an extension from the County and City Planner Corcoran suggested writing a letter to her, pleading her case to the County. He said this could set a precedent.

City Attorney Weed suggested that if the City receives a the decision from the Pollution Control Board on or before April 23, she could be notified and make sure she comes in before that date. He said there is no guarantee that her variance will be granted, however.

Penny McIntosh, 8420 47th Av. NE, addressed Council, stating that the county thought the moratorium had been lifted and she explained how she had to straighten them out on that. She said she would like to go ahead with the paperwork, in the meantime.

City Attorney Weed pointed out that if she were within City limits, she could go ahead with the paperwork, but added that even developers who are within City limits and have the OK to go ahead with their paperwork, still do not have a guarantee as far as sewer. He said it is hoped the PCB decision will help ease this situation.

Ms. McIntosh pointed out that this has been in process since Feb. 1990 and she got her last sewer and water extension from the county until 5/23/91 and cannot get another extension.

Councilor Lashua said he believed that to be true--that the county has a policy of only allowing one extension.

City Administrator Sanden explained that because Ms. McIntosh is in the county, the City ordinance can't cover her with regard to going ahead with the paperwork, etc.

Councilor Baxter asked about writing a letter from the City to the County on her behalf and City Attorney Weed said he has in fact recently written to George Newman, the County Sr. Planner, clarifying implications of the recently passed Ordinance 1833. If the County needs more information, he said another letter could be written but this still does not guarantee Ms. McIntosh's variance. He suggested the possibility exists of getting her a brief extension from the county until the Pollution Control Board decision is received.

There was brief discussion regarding annexations in Ms. McIntosh's immediate area.

Councilor Lashua moved to deny the request without prejudice with a letter from Grant Weed to the County as discussed. Councilor Cundiff seconded and the motion passed unanimously.

CORRECTED:
 MINUTES SEE 5/6/91

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ORDINANCES & RESOLUTIONS:

1. Resolution Granting A Utility Variance For A Water Hookup Without Sewer Connection/Peggy Jackson.

Councilor McGee moved that Resolution #1474 be approved/adopted and Councilor Wright seconded. The motion passed unanimously.

LEGAL MATTERS:

1. Amendment to Narcotics Regional Task Force Interlocal Agreement.

City Attorney Weed explained this is extending the funding period an additional month; it's been pro rated for one month.

Councilor Weiser asked if this is in addition to the offices we have provided in the past and City Administrator Sanden said yes, the money is used for training as well as field trips.

Councilor Pedersen moved to authorize the Mayor to execute the amendment to the interlocal agreement, Councilor McGee seconded and the motion passed unanimously.

STAFF'S BUSINESS:

Parks & Recreation Supt. Ballew made a presentation regarding IAC grant money. He explained that the IAC requires a letter of intent for the upcoming funding season and there are two projects the Parks Dept. is interested in pursuing:

1. Development of the Crystal Heights Park with a land match of \$330,000.
2. \$150,000 under Initiative 215 for development of a boat launch on the waterfront property. This would require matching funds and although we have the ability to perform some of the services inhouse and could actually do with less, would like to request \$150,000 at the outset, he said.

Councilor Baxter noted that Council used to have a choice of projects but Parks & Recreation Supt. Ballew explained the WWRC & Initiative 215 accounts are the only funds available at this time and these two accounts are very limited, with WWRC funds to be used for parks only and Initiative 215 funds to be used for waterfront development only. He added that Crystal Heights is the only project that would not need matching funds and if you own the land already you have to have matching funds. In kind services, as with Crystal Heights, are most appropriate and as far as prioritization, we only have one shot at these grant funds, he said.

City Administrator Sanden explained the grant application process a little further and Parks & Recreation Supt. Ballew said it will involve a resolution/commitment in the budget of \$300,000 to follow through with the conditions of the grants. He added that they are active in the pursuit of the Reagan property, with the survey and appraisal to be done at a cost of approx. \$6,000 but these fees will be reimbursed by IAC, he noted.

Councilor Baxter talked about the issue of confidentiality and Parks & Recreation Supt. Ballew said a letter will be coming to Mr. Reagan from Grant Weed this week.

It was the consensus that Parks & Recreation Supt. Ballew proceed with the grant applications as proposed.

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City Administrator Sanden reminded Council of the Fire Bell Tower dedication coming up and about staff training videos (Charlene Bye memo in packets).

City Attorney Weed noted that during the Retreat several City Councilmembers asked about the election method of annexation and he said there is information about this in the notebooks just passed out this evening, in the Planning section. Also, there was concern regarding how Ordinance 1833 affects the development community and he again referred to the letter he wrote to the county planning dept. explaining that and giving some additional information regarding development applications, etc.

Public Works Director Zabell updated Council with regard to upcoming meetings with the consultants regarding the sewer lagoon upgrade, a meeting with DOT regarding TIP #3 (4th St./I-5 interchange) and left turn phasing.

Councilor Baxter noted that he received another call from Bill Geddes today concerning the problem of mysterious and hazardous-looking material in the water at the marina. He said Tom took some samples and there's a possibility there may be some latex paint in there (a sizable discharge). He said he feels Mr. Geddes has a valid reason to complain and hopes something can be done for him soon about this problem.

There was discussion about manhole covers, outfall, catch basins, latex paint being dumped into storm sewers being an ongoing problem, illegal garbage dumping increasing, responsibility of the City/County.

Councilor Pedersen asked about the disposition of the post office traffic and Public Works Director Zabell said he checked into it and there were 2 accidents in 1989 in their parking lot and 2 in 1990, which really doesn't present that big of a problem.

Councilor Pedersen said she thought the postmaster had somewhat agreed to some revisions in the parking lot and Public Works Director Zabell said he will be following up on the situation with the postmaster, police dept., etc.

Councilor Pedersen asked when the driving range public hearing would be coming up and City Planner Corcoran said she should refer any inquiries about this to the Planning Dept.

Councilor Pedersen asked who decides who will be Hearing Examiner Pro Tem because it was her understanding that if Mr. McConnell was unable to preside, Mr. Burke would or else someone locally, with Mr. Burke busy on the Comp Plan.

City Attorney Weed said he would follow up on this.

Also, Councilor Pedersen said she had a concern with the Hearing Examiner meetings being advertised for 7:30 but then being held at 7:00. She asked who decided they should be held at 7:00 (p.m.) and City Planner Corcoran stated that was a staff decision he believed, but would follow up.

Councilor Wright reported that Heritage Bank is having traffic problems with people turning left onto State and said she thought it was a right turn only. City Planner Corcoran said he would follow up on this.

Councilor Wright requested that she be excused from the next Council meeting as she will be in Washington, D.C. again.

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Councilor Cundiff reported he and his wife had planned on taking the next two weeks for vacation but have now decided not to because of her health. He said a couple of weeks ago he was witness to Noah Davidson handling a dispute involving barking dogs and he wished to commend the officer on his competent handling of the situation.

Councilor Baxter followed up regarding the engineering on the City Hall roof and City Administrator Sanden explained an engineer needs to look at it for actual costs. Councilor Baxter said he thought last weekend (at the Retreat) engineering was discussed as far as being started and to be included in the costs and he added that he understood the building inspector would have that done and also that that had to be done first so you know what the roof can handle. He expressed great concern about all the delays on this project.

City Administrator Sanden said she would follow up on this.

MAYOR'S BUSINESS:

Mayor Matheny commented on last Sunday's newspaper article about Donna Wright. She also reported that on 4/30 she will be going to Washington, DC with Duane Berentson and Wayne Jones regarding the 88th St. Interchange.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:50 p.m.

1. Personnel.
2. Pending Litigation.

RECONVENE & ADJOURN: Approx. 11:50 p.m.

Accepted this 6th day of May 1991.

Lita Matheny
 MAYOR

Phillip E. Dexter
 CITY CLERK

Wanda A. Iverson
 RECORDING SECRETARY