

ORIGINAL

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 10, 1999

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting 5/3/99 Approved

AUDIENCE PARTICIPATION: Inez Robinson, Jeff Seibert

CONSENT AGENDA: Approved:

1. Approval of 5/10/99 Claims in the Amount of \$263,418.89; paid by check nos. 45304 through 45135 with check no. 44627 void.
2. Approval of April 1999 Payroll in the amount of \$789,031.38; paid by check nos. 34798 through 35087 with check nos. 34799, 34806, 35086, 35087 void.
3. Approve and Authorize Mayor to sign the Interlocal Agreement with Snohomish County Regional Narcotics Task Force.
4. Establish Salary Level of TN-G1-B for Procurement/Distribution Specialist.
5. Authorize Mayor to sign Local Agency Agreement; State Ave. (Ebey Slough to Grove St.); Washington State Dept. of Transportation (R9405).

ACTION ITEMS:

**Public Hearing**

1. Hendrickson/Glein Annexation; 60% Petition - Approved

**New Business**

1. Special Events Permit; Marysville Free Methodist Church Denied; Code to be amended with draft ord. to come before Council 5/24/99
2. Water Quality within our Watershed; Presenter, Kathy Thornburgh, Water Quality Specialist. Approved 6-1 to put up Health District Signs re: "Polluted Waters"

ORDINANCES & RESOLUTIONS:

1. Ord. 2257 Approved 7-0 Amending Ord. 2218 Relating to the 1999 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 1999.
2. Ord. 2258 Approved 7-0 Amending the Official Zoning Map of the City, Providing for the Area-Wide Rezone of Property within the City to Conform to the City of Marysville Comprehensive Plan and Repealing MMC 19.04.200 Relating to Interim Zoning.
3. Ord. 2259 Approved 5-0 Affirming Decision of the Hearing Examiner, Rezoning and Granting a Conditional Use Permit for Property Owned by Pilchuck Rentals (Lance Brown), Marian Braschler, and Dean Daughenbaugh, and Amending the Official Zoning map previously adopted in Ordinance 772.

INFORMATION ITEMS:

1. Mayor's Business
2. Staff's Business
3. Call on Council Members

ADJOURNMENT: 10:05 p.m.

EXECUTIVE SESSION: 10:15 to 11:00 p.m.

1. Personnel. No Action
2. Real Estate. No Action
3. Litigation. No Action

RECONVENED & ADJOURNED: 11:00 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MAY 10, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem

Brett Roark

NormaJean Dierck

Donna Pedersen

Mike Leighan

Otto Herman, Jr.

Shirley Bartholomew

Administrative Staff:

Mary Swenson, City Clerk/Asst. to City Administrator

Grant Weed, City Attorney

Gloria Hirashima, City Planner

Ed Erickson, Financial Director

Ken Winckler, Public Works Director

Robert Carden, Police Chief

Roger Kennedy, Fleet & Facilities Manager

Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

Mayor Weiser asked Recording Secretary Iverson to note for the record those present and absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:

**1. City Council Meeting 5/3/99.**

Councilmember Wright noted on page 1 in the 2nd paragraph from the bottom, she is a member of the Washington Association of Realtors and not the now defunct Association of Real Estate Brokers. Also, on page 7, in the 3rd paragraph, she was appointed by Mayor Fahey, not Mayor Hansen.

There being no further corrections to the minutes, Councilmember Roark moved and Councilmember Dierck seconded to approve the 5/3/99 City Council Meeting Minutes as corrected. Passed 6-0 with Councilmember Pedersen abstaining as she was not present 5/3/99.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Inez Robinson, 1930 5th St., addressed Council about her fence issue again. She said she had been speaking with Owen Carter who said she could put it up so far and now he's changed where she can put the pickets and she has to take down some of what she put up, again. She pointed out that there is enough sight distance if you stop before leaving the alley.

Mayor Weiser said he believed some of her fence was to be 6' and some 3' but Ms. Robinson said if she parks her truck where she normally does, it's 6' anyway, so she might as well have a 6' fence all the way across her property. She noted that without the fence, she has a lot of people coming into her yard without permission and she needs to get this taken care of soon.

Mayor Weiser noted Mr. Carter's focus is based on sight distance and a 30 mph speed on 47th.

Ms. Robinson pointed out that the speed limit is only 25 mph on 47th plus there is a stop sign right there and so everyone is slowing down anyway so she feels she should be allowed to keep her fence 6' all the way across her property.

Mayor Weiser asked staff about the variance process and Public Works Director Winckler said this falls under the Access Management Plan and he thinks the Traffic Safety Committee still felt it was a problem; Ms. Robinson apparently needs to put the fence

where City Engineer Carter stated but staff can review it again with the Traffic Safety Committee.

Mayor Weiser suggested City Engineer Carter review this with the Robinsons again as far as a variance as it can't be solved here tonight.

Councilmember Pedersen said she is hearing Ms. Robinson say part of the problem is where they are parking the truck and Ms. Robinson said that is a driveway and if she puts her pickets up there it will just slow the traffic down anyway, which it needs.

Mayor Weiser promised that Paul Rochon and/or Owen Carter will get in touch with her further, in writing.

Jeff Seibert, 5004 80th St. NE, addressed Council. He said he is here again to talk about the sewer extension/construction which is not going well. He presented about 12 photos and noted they have been leaving a mess and this has had a real impact on his home and his wife's daycare business. The construction work has been going on until 10:45 p.m., they called the police and then the next night until 11:45 p.m., then the police said there was nothing they could do because supposedly there was an emergency situation. Mr. Seibert suggested an ordinance so they can't go that late and also, to control silt and mud right in the street. He said there were some very poor attempts made at controlling water and mud during the rainy weather and the road on Saturday was ruined, as noted in the photos. He also noted there were big piles of dirt on his driveway and in his gravel parking area, they made a mess and said they would fix it but they did not know when. The dirt there is going to get tracked into his house, he pointed out. Also, they have broken timbers and then threw them into the bushes --they just don't seem to care. Mr. Seibert said he would like to see them have to get written permission before they use someone's property and he presented a couple photos from before the work started showing their clean cars and nice gravel parking area.

Public Works Director Winckler said there was no emergency declared and Councilmember Pedersen noted she also had a bad experience with the construction crew/supervisor who was very arrogant.

Mr. Seibert said yes, he is trying to work with the same person, Jim of Achilles Construction; they are very inconsiderate and don't care about others. They have heavy equipment working until midnight and that's just not acceptable, he said.

Councilmember Pedersen noted they really need to realize they have to be more considerate.

Public Works Director Winckler said they have an inspector out there right now, they had to redo part of the project and there was no emergency. City staff has had a hard time working with them also.

Mr. Seibert said Officer Lamoureaux was the one out there before.

Councilmember Bartholomew asked about penalties/time frame.

Public Works Director Winckler explained he is sure they are trying to get the system in as quickly as possible and if they have to redo part of the project that's at their own expense. The contractor actually works for the developer but they have to keep local traffic accessibility; he is sure they are getting a push from the developer, he said.

Councilmember Roark said the photos he has seen here would be unacceptable to him, also.

Mr. Seibert explained the dirt piles are right up to us curb but a lot was on his property also and they did not ask his permission to put it there before they did it. They don't seem to be doing this to the neighbor across the street, he pointed out.

Councilmember Roark noted that obviously the contractor is not following the precon rules of the road and he would like to see an apology made to Councilmember Pedersen for their remarks to her.

Councilmember Dierck confirmed Mr. Seiberts comments, noting the construction crew was using the street as a two way street when it is only one way with all the piles of dirt on it. Also, there are no flaggers and she asked about the storm water runoff and what the procedure would be for that.

Public Works Director Winckler said there are standards they are supposed to follow and staff will be checking on that. Typically, they should probably have to place 2 or 3 bales, sand bags, use best management practices and he said he will check with the inspector, also.

Mr. Seibert noted the silt is still there and it's been tracked up to Willow Run. He added that he believes there is something in the code about how long they will be working and they said originally 4 days--it's now been almost two weeks. He said he would appreciate the City looking into an ordinance for heavy equipment working that late as well as written permission before utilizing people's property.

Councilmember Herman said he thinks the developer needs to be made aware of this, also.

CONSENT AGENDA:

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2. Approval of April 1999 Payroll in the amount of \$789,031.38; paid by check nos. 34798 through 35087 with check nos. 34799, 34806, 35086, 35087 void.
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4. Establish Salary Level of TN-G1-B for Procurement/Distribution Specialist.
5. Authorize Mayor to sign Local Agency Agreement; State Ave. (Ebey Slough to Grove St.); Washington State Dept. of Transportation (R9405).

Councilmember Dierck asked that Item 5 be voted on separately.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve Consent Agenda Items 1, 2, 3 and 4. Passed unanimously.

Councilmember Dierck asked about a design on Item #5 and Public Works Director Winckler explained this is to pay for the design; part of the scope of work would be for drainage, as well as a biological assessment plan. He said he will be discussing this further under Staff Business tonight.

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve Consent Agenda Item 5. Passed 7-0.

ACTION ITEMS:

**Public Hearing**

1. **Hendrickson/Glein Annexation; 60% Petition.**

City Planner Hirashima noted this is a pretty straight forward annexation with 100% of the assessed valuation having signed the annexation petition.

Rick Bockman, 6509 40th St. NE, addressed Council and wanted the location clarified. Councilmember Bartholomew gave him a vicinity map from the packet and he said this property does not abut his.

There being no one further wishing to comment from the audience, the public testimony portion was closed.

Councilmember Bartholomew moved approval of the 60% annexation petition request, subject to the City's bonded indebtedness, comprehensive plan and zoning. Councilmember Leighan seconded and the motion passed unanimously.

#### **New Business**

##### **1. Special Events Permit; Marysville Free Methodist Church.**

After a discussion about whether this is a legislative or quasi judicial issue, and the City Attorney stating it was his considered opinion that this was a legislative issue, the discussion then turned to the fact that a special events permit was probably not the most appropriate way to cover the activities of volunteers setting up their RVs on church property in order to do volunteer labor/construction on the church building.

Councilmember Pedersen noted this activity is quite popular with churches as it only costs them the price of the housing of the RVs, i.e., water, sewer and electricity hookups and in return the church gets their addition constructed. It was noted, however, that if RVs are allowed at churches, they should also be allowed on private property when relatives come to visit, eg. and so some type of code amendment needs to be looked at very carefully to allow this type of activity to occur when it involves non-profit organizations only.

Some of the highlights of the discussion included the fact that the church applied for a received the building permit, there are a maximum of 8 RVs in this case, there is a certain length of time specified as to when they will complete the job. One suggestion was a 12 week time period and then have a provision for an extension, in order to keep the situation "temporary." Also, the location of the RVs was discussed, that neighbors, if any, should have some notice and input if they will be impacted. It was also noted that a code amendment should be worded so that the current code excluding RVs being parked on private individuals' property is to be upheld, except in the case such as this.

Quality and quantity of the RVs were discussed as well as keeping them limited to a specific site where the work is to be performed. Also, the work would be inspected and the project would be administered by the Planning Director, with an appeal process to the Hearing Examiner. It was noted there might be volunteer groups coming in that wish to help with Strawberry Fields, eg.

Jeff Seibert, 5004 80th St. NE, addressed Council and said as far as neighboring property, he would have a concern about impacts.

Councilmember Herman said he would like protection there, also.

Mr. Seibert also mentioned that if these people (volunteers) are going to be installing electrical connections, they need to have Washington State electrical permits and licenses as per state code. He said he is disappointed that the church did not come to the City first, rather than have the RVs already set up and trying to do this after the fact. He added that he would like to see a public hearing if there are any changes to the code here.

City Attorney Weed said this would be a temporary permit, with the church the applicant.

Mr. Seibert also suggested putting the volunteers up in RV parks and then they would travel to the job site.

Councilmember Leighan noted these are volunteers and probably don't have the money to rent and/or commute.

Councilmember Herman moved to direct the City Attorney to draft an ordinance to cover points discussed by Council and bring back in 2 weeks. Councilmember Pedersen seconded and the motion passed unanimously.

Councilmember Roark moved to deny the Special Events Permit as it is not applicable in this case and direct staff not to take any code enforcement action until the code amendment becomes effective. Councilmember Pedersen seconded the motion and after brief discussion about liability on the part of the City, deemed by the City Attorney to be low risk, the motion passed unanimously.

**2. Water Quality within Our Watershed; Presenter, Kathy Thornburgh, Water Quality Specialist.**

Kathy Thornburgh, Snohomish County Public Works/Surface Water Management and Water Quality Monitoring Program, introduced herself and showed some overheads. She reviewed laws regulating water quality, talking about the Clean Water Act, requirement of water quality assessment, standards, human health and aquatic life impacts. She noted the fecal coliform bacteria readings are not disease causing in themselves but usually indicate other disease causing bacteria is present in the water when the fecal coliform bacteria is present. She noted rubber gloves and other precautions need to be taken, such as not getting the water in your mouth.

She spoke about dissolved oxygen and high levels of fecal coliform bacteria being two of the major players in Snohomish County rivers and streams and the Clean Water Act state we need to set load limits (TMDLs). She pointed out there is a published watershed plan which recommends implementing certain actions.

She showed some of the data collected from samplings the county takes monthly and have been for the last 7 years. She stressed there seems to be no pattern for the two sites: One on 4th St. and the other at 67th & 112th. She noted other sites have been monitored by the Tulalip Tribes and bacteria is pretty widespread and they suspect various sources.

She showed a map (also in Council packets) depicting shellfish closure areas, where there are some safe swimming areas, other areas wading only, most of Allen Creek wading only, Quilceda not recommended for wading or swimming in the summer. She said the summer is when you really need to watch it because lots of kids want to go swimming however, the county doesn't typically test where people swim.

Councilmember Herman commented on other sites as per maps handed out and noted variations.

Ms. Thornburgh responded that the county is doing a long term program; the levels tend to be higher upstream but not necessarily --there is more ag in the upper watershed but there are probably other sources, eg. failing septic systems but it also depends on the time of day it's tested, she said. She added they can't tell the source, they just try to look at adjacent land use but you really have to get into DNA testing or you could do dye testing.

Councilmember Leighan talked about fecal coliform and fecal strep and Ms. Thornburgh said that's an outmoded method; it is an indicator of the presence of other bacteria but DNA testing is the best technology now. She added that the county's stormwater is tested and there are cities discharging into the county.

Councilmember Leighan spoke about state funding to clean up these point sources and Mayor Weiser asked about the Quilceda/Allen Creek Watershed Plan recommendations being implemented.

Ms. Thornburgh said she believed it has been approved by the state and the county has approved it, too, she believes, but Janet Carol of the county would know for sure.

Councilmember Bartholomew noted the summer usually has high fecal coliform readings because the water is at its lowest and it's warmer. Ms. Thornburgh agreed but added it's diluted by storm-water, also.

Councilmember Bartholomew said she remembers Lake Stevens going through this; Lake Stevens, Lake Ballinger and Allen Creek all have waterfowl contamination problems.

Ms. Thornburgh said there are other sources in Allen Creek but in smaller areas the waterfowl is at least a minor contributor.

Councilmember Pedersen asked about the definition of "swimming" and Ms. Thornburgh noted for a small child there is not much difference between swimming and wading; contact with mouth is key. She explained there must be a limit of 100 colonies of fecal coliform for swimming, 100 to 200 colonies supports wading only.

Mayor Weiser asked the county's recommendation and Ms. Thornburgh said she is not sure; they have been working together with the Tulalip Tribes, eg., but she can't speak for her department on that specifically.

Mayor Weiser noted he remembers when there used to be fish in Allen Creek on Sunnyside and flowing water. Now there is sediment, canary grass and no fish. He asked if velocity and flow under normal conditions affect fecal coliform readings.

Ms. Thornburgh said there are many factors, including temperature, summer flow, sediment, yes, though all tie together and they have seen no pattern of fecal coliform throughout the county.

Mayor Weiser asked her what she attributed the "spikes" of fecal coliform readings to and Ms. Thornburgh said it could be cows, storms, runoff in the winter, they see peaks in summer and winter and that's why they advocate more sampling for a baseline.

Councilmember Herman talked about increasing monitoring, multijurisdictional factors, asking what our next step should be.

Ms. Thornburgh noted Snohomish County and cities and communities within Snohomish County are just getting started on this process, eg. ESA listings, stormwater management has got everyone going on this. She said in this watershed there is a plan with strong recommendations which is a good start and a lot more monitoring needs to be done, too, but she said she thinks we need to start talking with the other cities and coordinate the next steps.

Councilmember Bartholomew noted DNA testing is very expensive and Ms. Thornburgh said yes, a consultant needs to be hired to come up with more accurate readings and interpretations. The county is doing a lot of monitoring in the county which they feel is giving them good data vs very expensive DNA testing. She said they are looking at farms, eg. and then they can work with the farmer.

Councilmember Bartholomew asked how TMDLs are determined and Ms. Thornburgh said the state is saying to following the recommendations in the watershed plan.

Councilmember Bartholomew asked who sets the TMDLs--DOE?

Ms. Thornburgh said yes.

Councilmember Roark asked if growth has had any impact on the fecal coliform readings and Ms. Thornburgh said she thinks there have been some balances, eg. some ag has been lost with new construction of homes and also there has been some improvement in best management practices. Other water quality problems are increasing, she noted, such as heavy metals which is more dangerous to aquatic life than human health.

It was noted that Jeff Wright and Larry Wade were also present in the audience if Council wished to direct questions to them.

Ms. Thornburgh ended her presentation and gave the Mayor her business card in case anyone wished to contact her further.

Under audience participation, Ed Harnden, 4724 64th St. NE, addressed Council. He asked if Allen Creek is so polluted why we are not doing something about it because there are kids swimming in Jennings Park. He cited an incident where he took his grandkids to Jennings Park and saw kids in the pond; no one came out to tell the kids to get out of the water. He said signs need to be put up down there or do we need to wait for an epidemic first? He said he knows it's polluted and the City needs to get those signs up.

Bruce Tipton, 6308 100th St. NE, addressed Council. He said there is more of a trend now of local control vs the state having the responsibility and the whole trend is to pass the responsibility on down to the local jurisdiction. He pointed out that Council has heard testimony, has been doing sampling and it shows the water is polluted. There have been experts, data, etc. and the waters need to be posted. Then you have to clean them up, but first you need to tell people how polluted the water is, he said, eg. "No Wading" and "No Swimming" signs and then you need to decide how many feet between the signs and where, he said.

Councilmember Dierck asked if he was looking for more information on the signs.

Mr. Tipton said yes, "Danger, Health Hazard, Waters May Be Polluted." He said you know it's more likely than not that the waters are polluted and it's a public health hazard. He pointed out that the watershed is designated as swimming and people have the right to swim so you must quote a reason why you are taking away citizens rights to swim.

Councilmember Dierck said John Glen of DOE wanted to come tonight but couldn't; he's going to write a letter but he says that the "No Swimming" signs are obviously not working in Marysville and he recommends something more like the signs the Health District dropped off to the Parks Dept. She added that she has more information on the TMDL studies as well as a map and documentation from Bob Drewell and he recommends that's a way for us to base our start on cleanup; she showed a sample of the sign from the Health District. She added that we need to do some education to keep the kids out of the water.

Councilmember Leighan pointed out that the county has monitored the waters for 7 years with no signs posted--if it's four times worse in the county, why have they not posted signs?

Mr. Tipton responded that he guessed it was because there has been more attention given to this lately and getting rid of the farms actually turns into point pollution out there--a pipe in the bay, so this falls into the realm of our having to deal with point pollution, he said. Pets, cows, all contribute. He noted 150 houses have a lot of pets and his guess is that is the same as 20 cows, but pets are point pollution and cows are non-point pollution so we can deal with the problem through prohibition of new sources but he said he would like to defer to Larry Wade on that.

Councilmember Leighan asked if maybe we should be testing the detention ponds.

Councilmember Roark asked how many times a child has been reported sick or have there been any epidemics because of swimming anywhere in the watershed.

City Clerk/Assistant to the City Administrator Swenson said she knew of no cases such as this.

Councilmember Roark said the signs are enough to scare someone and he would like to know how many children have been put in the hospital, eg., to justify the signs.

Ms. Thornburgh responded that the Health District has numbers, eg. fish kills, manure in the creek is a significant health hazard to children.

Councilmember Roark said he would her to get that data for Council.

Ms. Thornburgh explained he could call the Health District, it is not county data.

Councilmember Leighan asked again why the county has not put up signs if they are aware of high pollution and Ms. Thornburgh said the swimming places are actually within the City's jurisdiction; the areas out of the City are not typically swimming places. She noted they have done a number of watershed plans, monitoring, working with other jurisdictions.

Councilmember Leighan said he believed a study in 1992 attributed the problem to failing septic systems and animal waste and yet the county is still allowing septic systems.

Ms. Thornburgh said the county is putting on tighter restrictions for septic systems and DOE is working more and more with farmers and the county to clean up problem areas.

Mr. Tipton said he agrees, recommendations don't work; regulations are needed. These are in the Quilceda/Allen Creek Watershed Plan and we need to adopt them.

Councilmember Leighan asked if Mr. Tipton felt putting up signs which Councilmember Leighan termed as "scare tactics" would work.

Mr. Tipton said he didn't believe science is a scare tactic. He asked what an acceptable illness was.

Mike Papa, 8127 54th Dr. NE, addressed Council. He said regarding documentation of people getting sick, he was reading something about how the EPA arrived at the fecal coliform levels--they went to a beach and asked people who were swimming whether they were sick afterwards. It might be 2 to 3 days after, so it's difficult to pin it down to swimming, he said. He said he agrees "No Swimming" signs are not doing any good; people want to know why they can't swim--it's polluted so lets be upfront about it, he concluded.

Jeri Short, 6917 40th Dr. NE, addressed Council. She said she has 4 kids and don't think the Health District sign would offend. It's letting her know there is a problem so she can protect her children, she said.

Councilmember Wright asked how she felt about just a "No Swimming" sign and Ms. Short said she might automatically think it had to do with swimmer's itch or an allergy and there's a big difference here--this is a bigger problem and the parents need to be involved in the problem and the solution.

Councilmember Roark asked if her children had ever gone swimming in Allen Creek or if they had gotten sick from swimming in the creek and Ms. Short said "no" to both questions. She said she is not just looking out for her own kids, though, she is concerned about all the children in the community.

Councilmember Roark said he has seen kids in the creeks all the time but he hasn't seen any outbreak and Ms. Short responded by asking if someone has to become deathly sick before a sign is put up.

Councilmember Roark reiterated he hasn't seen any sickness.

Ms. Short said maybe the sign should say, "...if you get sick, please notify us as we are collecting data."

Mayor Weiser asked if the City can post signs on other than City right of way or City property and City Attorney Weed said no, he didn't believe so. He said Jennings Park would be OK as it is a City owned property but he knows of no authority for the City to go onto a person's private property and post signs.

Mayor Weiser pointed out that Class A streams are swimmable and Jennings Pond was lower than the standards in April and May so what kind of signs should the City use?

City Attorney Weed said he would recommend use of the words, "can be" or "may be."

Mayor Weiser asked about posting the length of Allen Creek and Quilceda Creek and/or possibly redesignating it as a Class B stream.

Councilmember Herman said he would like to start working on water quality, eg. start with some signage, eg. "fecal coliform levels may exceed standards" in order to raise public awareness but the City needs to find out the sources and have justification for what it does to control the issues. Is it septic systems? Then we need to look at having to force people to hook up to sewer. Is it ag sources? That may require county and City coordination, he said. What about pets? Education? We need to be concerned about the fish, too, and they can't read the signs, he pointed out.

Councilmember Pedersen suggested, "Swimming or wading in this water may be hazardous to your health."

Councilmember Dierck said she will call John Glen back and he can explain to the Council about TMDLs. She showed a '96 packet that John Glen recommended to base TMDLs on and said regarding funding, DOE sent her some sample forms. She suggested the City apply for funding but it won't be available until December (under the Clean Water Act) for TMDL cleanup/solution. She said part of the difficulty is we are on the 303(d) listing and the action needed is TMDL cleanup. The signs are not scary--DOE recommends these signs, she said, and citizens have a right to know why they need to stay out of the water.

Councilmember Dierck then moved to place the Health District provided signs: "Notice Polluted Waters, Not Safe For Recreation Uses....." starting at Jennings Park and then start on Allen and Quilceda Creeks where the City has right of way, also speak with adjacent property owners for the purpose of posting signs. Councilmember Roark seconded and a roll call vote was called, revealing the motion passed 6-1 with Councilmember Leighan opposed.

There was discussion about who pays for the signs, feeding the waterfowl, future funding/budget amendments, monitoring, where do we go from here? Councilmember Dierck said she wants John Glen to make a presentation and there was further discussion about point and non-point sources, better understanding of TMDLs, identifying sources, coordination with other jurisdictions.

#### **Ordinances & Resolutions**

- 1. Ordinance Amending Ordinance 2218 Relating to the 1999 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 1999.**

Councilmember Bartholomew moved and Councilmember Herman seconded to adopt Ordinance 2257. Passed unanimously.

- 2. Ordinance Amending the Official Zoning Map of the City, Providing for the Area-Wide Rezone of Property within the City to Conform to the City of Marysville Comprehensive Plan and Repealing MMC 19.04.200 Relating to Interim Zoning.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Ordinance 2258. Passed unanimously.

**3. Ordinance Affirming Decision of the Hearing Examiner, Rezoning and Granting a Conditional Use Permit for Property Owned by Pilchuck Rentals (Lance Brown), Marian Braschler, and Dean Daughenbaugh, and Amending the Official Zoning map previously adopted in Ordinance 772.**

Councilmember Roark moved and Councilmember Dierck seconded to adopt Ordinance 2259. Passed 5-0 with Councilmembers Wright and Pedersen abstaining.

INFORMATION ITEMS:

**1. Mayor's Business.**

Mayor Weiser advised the Tulalip Tribes/City Liaison Committee will meet 6/10/99 (Thursday) at Noon at City Hall.

Mayor Weiser gave information regarding two checks that had been questioned at the last Council meeting.

**2. Staff Business.**

Chief Carden reported positive comments have been received about Cosmos Teen Club; he has no specific numbers of attendance but said the club seems to be well received. He reported his term is up as President of the Snohomish County Sheriff's and Police Association and he now sits on the Board of Compass Health as well as Big Brothers & Sisters.

City Clerk/Assistant to City Administrator Swenson added she went down to Cosmos and several parents were present as well as a security presence. She said she was impressed with how they are handling that. She reported City Administrator Zabell is out of the office at a training this week but is keeping in touch by phone. She also reported on the copying machines the City owns and they have set up a program whereby machines will be replaced after five years to keep maintenance costs down. She said she will be reporting further on this.

Public Works Director Winckler reported they had anticipated going out to bid on SR 528 from 67th to 83rd later this year however federal funding will be delayed on any projects, such as this one, for biological assessment. He said they think there will be no impact but first it goes to WSDOT and then to NMFS so it is going to take 220 days which will delay the process until next year now.

Councilmember Herman noted that any projects that involve biological assessment need to have a built in time delay of a year. He asked about culvert work actually helping our time line and Public Works Director Winckler said Marysville is one of the first to go through this process and know it's going to have an impact on many projects. He said everything from grants to federal funding will be affected.

Councilmember Bartholomew asked if he had a handle on additional cost and Public Works Director Winckler said they don't know how much at this point.

Councilmember Bartholomew asked with the 528 project if the Sunnyside section is going to be slowed down, too and Public Works Director Winckler said no, but the complete analysis is not finished as yet; the City does not make the determination, however. He reported on a clean up at I-5 at 4th St. where City crews took out 8 yards of litter and debris. It was noted part of the problem is there are people living under the overpass.

Public Works Director Winckler reported there will be a Utility Committee meeting Thursday at 7:30 a.m. He also reported on the City purchasing hand tools for the shop mechanics and pointed out the advantages of doing so. He said the problem with employees owning the tools is they feel it's OK for them to work on their own vehicles and they also take their tools home with them when the City needs to have the tools at work. He explained they got

an excellent price for 2 sets of tools from Snap On which came in under budget and they will be coming before Council for the Parks Dept. hand tools, soon.

**3. Call on Councilmembers.**

Councilmember Pedersen noted the Library now has Online Encyclopedia. She will be attending the Health Board meeting tomorrow and she asked about the Chamber of Commerce meeting on Wednesday.

Mayor Weiser said there would be no meeting.

Councilmember Pedersen said as a side note, she has had an opportunity to review scholarship applications for another organization and it is refreshing to know Marysville has a lot of bright and talented students with lots of community projects, 4.0 GPAs, etc.

Councilmember Dierck said she will call the Health District for the signs and hopefully, they can be started to be posted this weekend.

Councilmember Leighan noted there is a Waste Water Excellence Award competition coming up and maybe Marysville can win it for the year 2000.

ADJOURNMENT: 10:05 p.m.

EXECUTIVE SESSION: 10:15 p.m. to 11:00 p.m.

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|-----------------|------------|
| 1. Personnel.   | No Action. |
| 2. Real Estate. | No Action. |
| 3. Litigation.  | No Action. |

RECONVENED & ADJOURNED: 11:00 p.m.

Accepted this 24<sup>th</sup> day of May, 1999.

  
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MAYOR

  
\_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
RECORDING SECRETARY