

NOVEMBER 6, 1989

7:30 p.m.

Public Safety Center

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
Ken Baxter, Mayor ProTem  
Mel Schank  
Dave Weiser  
Bill Roberts  
Larry Hots  
Bob Lashua  
Lee Cundiff (excused)  
Administrative Staff:  
John Garner, City Administrator  
Phil Dexter, Finance Director  
Jim Allendoerfer, City Attorney  
Dave Zabell, Public Works Director  
Mike Corcoran, City Planner  
Jim Ballew, Parks & Recreation Supt.  
Doug Ronning, Fire Chief  
Larry Wade, Engineering Consultant  
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 THE PREVIOUS MEETING:

Councilor Schank noted that the spelling of Mr. Garing's name should be with an "a" not an "e" and should be corrected throughout the 10/23/89 minutes. Other than that, he moved that the minutes be approved as written. Councilor Hots seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Leroy Berry, 4329 94th Pl. NE, addressed the Council and reminded them this is not the first time he has come before them regarding the need for a traffic signal at 94th & State. He noted that it's very difficult, sometimes impossible to turn left onto State from 94th.

Councilor Roberts explained that the Traffic Advisory Committee has looked at this situation and agrees that something will need to be done about the congestion on State between 88th & 100th very soon. The State does not feel there is enough traffic yet to warrant a light however there is still studying going on and so there is no answer for Mr. Berry right now, he said and noted the same problems are occurring at other intersections and the City has only so much money they can invest toward the \$150,000 cost of a signal.

Mayor Matheny pointed out that the light is finally going in at 4th & Cedar which was a five year wait.

There was general discussion about priorities, criteria being met, State funding, State approval, etc. and Councilor Roberts invited the public and specifically Mr. Berry to attend Traffic Advisory Committee meetings.

Linda Lambert, 8124 83rd Av. NE, addressed the Council representing a group against the Monty Annexation. She read a statement regarding their feeling that this annexation will have an adverse impact on city services such as sewer and water.

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Russ Hunter, 8201 84th St. NE, addressed the Council and pointed out that part of the Monty Annexation area is served by Fire Dist. 22 and he questioned the City's jurisdiction.

Chief Ronning said Mr. Hunter is correct about part of the area being responded to by Fire District 22; that Marysville Fire Dist. has a mutual aid agreement with them in that area.

Mr. Hunter noted that Fire Dist. 22 was not properly notified of this annexation. Chief Ronning agreed to work with the appropriate parties, i.e., City Planner and Fire Dist. 22 to clarify this.

Mr. Hunter questioned the zoning of the annexation area and City Planner Corcoran stated the zoning will have to be recommended by the Planning Commission; that it is presently 2.3 acres.

Mr. Hunter then questioned the environmental impact checklist that was submitted and said it is rather "sketchy", also that some information on it is incorrect. Furthermore, he noted that the City is operating their sewer system illegally and Mr. Hunter said he has a concern for how many homes will be built in the newly annexed area.

Public Works Director Zabell explained that the City has their permit application into DOE for 2.8 million gallons but Mr. Hunter said he understood the City is going over 2.8 million gallons. Public Works Director Zabell explained the City does occasionally but that was before they took measures to remove storm water drainage from the sewer system.

Councilor Hots pointed out that \$1.6 million has been budgeted for the sewer lagoon upgrading in addition to removing storm water and Councilor Lashua pointed out that the annexation still has to go to the Boundary Review Board at the county level where the neighbors can express opposition if they wish.

Tim Bailey, Sr., 8413 83rd NE, addressed the Council and said he was against the Monty Annexation because of the traffic congestion that will be caused. He noted that Getchell Hill already has its problems, especially in the winter, and with this annexation, it is really going to create a lot more problems in the area.

Timothy Bailey, 12214 99th Av. NE, Arlington, addressed the Council and stated he is also opposed to the annexation, after learning about the sewer capacity problems. He referred to some DOE documents wherein they recommend denying any further new projects. He asked if the City is planning for secondary treatment and Councilor Roberts explained that Public Works Director Zabell is reviewing and scoping out this project with regard to expansion, alternatives, costs. He noted that our present system is only good to 1998 and we are trying to be prepared well in advance so there is not a tremendous financial burden on everyone.

Councilor Baxter explained that he and Councilor Roberts attended a DOE meeting and they learned that DOE was not up to date with all of their data concerning sewer system and improvements.

Mr. Bailey concluded that this issue does need to be looked at. He added that Lake Stevens has put in a secondary treatment plant and it's doing a good job for them.

Councilor Baxter noted that Marysville does have a \$1.00 per mo. charge to water and sewer customers in place in anticipation of future funding that will be needed for both the water and sewer systems in Marysville.

D'Arcy Curtis, 7138 76th St. NE, addressed the Council and asked how many additional police officers will be hired for the Monty Annexation. City Administrator Garner stated that two more police officers are being hired in 1990 and Councilor Hots added that there are also two more in the police academy being trained right now.

Ms. Curtis said that her concern is with figures that show Marysville is operating at 170% of water and sewer capacity and does not have adequate fire and police protection at the present time and that she and her neighbors are asking that the City rescind the Monty Annexation approval.

PRESENTATIONS: None

PETITIONS & COMMUNICATIONS:

1. Letter from Puget Sound Air Pollution Control Agency.
2. Meeting Notice - Association of Snohomish County Cities & Towns.
3. Letter from Downtown Merchants dated 10/24/89.

Chief Ronning explained with respect to #1 above, Puget Sound Air Pollution Control Agency will be holding a public hearing 11/16/89 at which time they will be proposing the "no burn zone" be extended north to Stimson Crossing, east to 67th, west to I-5, which means there would be no land type or residential burning allowed in these areas. He noted that the Marysville Fire Dept. has been invited and will be presenting testimony according to the concensus of City Council. He added that out of the 502 permits issued so far in 1989, 67 complaints were received. He explained that complaints are investigated and in a lot of cases, even if they have a permit, the complainant still has asked that the fire be extinguished. He noted that people within the City limits do have three garbage cans and can dispose of leaves, prunings, grass clippings that way rather than burning. He added that he felt there is also somewhat of a health hazard involved.

Councilor Roberts noted that the burning ban does not distinguish between very small fires and very large fires--they are all treated equally.

Councilor Lashua referred to "economically viable alternatives" for hauling clearing debris and said he took issue with that reference.

Chief Ronning explained there is a firm called Rainwater Land Clearing on the west side and they take wood/land clearing debris now but Councilor Baxter noted that he did some checking on them and to the best of his knowledge, they have only collected debris and have not disposed of anything yet; similar to the disposal of tires dilemma.

Chief Ronning commented that in comparison to other areas, Marysville has become a very smoke polluted area.

There was discussion about wood burning stoves, that banning burning would represent one more governmental control, the tremendous number of complaints received because of outdoor burning in our area, burning of tires and other than natural vegetation being a legitimate complaint and should be banned, the fact that the PSAPCA will still have control when the air quality is poor, anyway. Chief Ronning pointed out that they may go ahead and adopt the extension of the "no burning area" in Marysville even with testimony from him, which, he stated, would be against the banning as per City Council concensus.

PUBLIC HEARINGS:

1. ULID #14.

Larry Wade reviewed the re-assessment in the packets, noting there is now a zero assessment for Steen/Kline and a \$25,143.00 assessment for Van Laningham. He explained that Steen/Kline have already done a developer extension of utilities and therefore are not included in ULID #14. He also noted that there have been no negative comments received regarding this assessment from any of the participants.

Mr. Crawford of the Smokey Point Christian Alliance Community Church addressed the Council and stated that they are very much in favor of the re-assessment.

Dale Thuline (one of the participants) pointed out that he is paying for two lots and Larry Wade said Mr. Thuline would be subject to paying for the frontage but there is a side sewer being put in for Mr. Thuline and he will probably have recovery rights.

There was brief discussion about the higher bids, assessments, the fact that notices were mailed 10/17 and that the City has not received any negative comments.

Councilor Roberts moved to approve the new assessment roll, with the 30 day protest period to begin 11/6/89. Councilor Baxter seconded and the motion passed unanimously.

Public Works Director Zabell was instructed to accept the bids.

## 2. Variance Regarding Street Width - Crystal Terrace.

Public Works Director Zabell explained that due to an oversight, 58th was built to a 32' width instead of 38' and the applicant is now seeking a variance to 32' as curbs and storm sewers have already been installed and it would represent a very large expense to redo the road and improvements.

Councilor Roberts said that in looking at the profile, it was confusing whether it was for 69th or 58th, but he thought it scaled out at close to 38'. Public Works Director Zabell explained that he had fully intended that 58th be 38' wide but apparently it was never identified as a neighborhood collector, he said.

There was discussion about whether or not this issue was brought up in the Planning Commission meeting and if a 55' wide right of way was part of the preliminary plat approval.

Dave Nemens, 19502 56th Av. W., Lynnwood, addressed the Council stating he represents Group Four, the engineers representing Metco. He referred to a 10/19/89 letter in the packets and said that after going back and reviewing state code they are convinced more than before that there is nothing in the code requiring 58th to be 38' wide. The state code lists specific streets in Marysville as arterials and neighborhood collectors, he noted and all other public streets are designated "access streets" with a standard width of 32' of pavement. He also noted that the Marysville code does not designate 58th as a neighborhood collector, nor is there any reference made in staff reports, Planning Commission meeting minutes as to the classification or of the required pavement width so he said his conclusion is that according to the MMC, 58th is only an access street. He stated that if it was the intention of City staff to designate it as a neighborhood collector, the applicant would request a variance at this point because of all the improvements already done.

Councilor Hots asked how long the part is that is 32' wide and Mr. Nemens stated 1350' long with curbs and storm sewer installed. He added if there is some concern about the designation/functional classification of this street, the applicant is willing to post no parking signs on the north side of the street and this would not create a parking problem because adequate parking will be provided with the garages/carports.

Councilor Hots asked if there was enough room with a 32' width for two parking lanes and two driving lanes and Mr. Nemens said he thought so. Councilor Hots strongly disagreed.

Public Works Director Zabell pointed out that Group Four also developed Tyler Terrace and there is a similar 32' wide road in that plat but it is on a cul de sac.

There was more discussion about the profile drawing submitted and

Mr. Nemens said that both 58th and 69th were supposed to be represented by the profile drawing. Councilor Schank asked if any roadway exhibits were included in the original preliminary plat and Mr. Nemens said Exhibits E & G were prepared by the City of Marysville and they were to depict street standards.

Councilor Roberts said that with the Withers subdivision to the east, 58th would be the main route to 67th and also according to his scaling, it was closer to 38' than 32' wide. Councilor Schank asked when it was designated as a neighborhood collector and Mr. Nemens said he could not find any reference to it ever being designated as such.

David Halinen, attorney and engineer for Group Four, addressed the Council and referred to the MMC, and said it is very clear to him that according to the code, 58th is only an access street. He explained that his client is willing to take out parking off one side of the street but to rip out and change the width of the street would be unconscionable. He said they have gone through all correspondence, minutes, codes, etc. and see nothing designating 58th as a neighborhood collector.

Councilor Baxter pointed out that catch basins are shown on the construction drawings and would not fit if the roadway were only 32' wide; it would have to be 38' wide.

Ralph Krutsinger addressed the Council and argued that the catch basins would fit on a 32' road bed and are in the curb line; the pipe length is not in the roadway, he said. He noted that Group Four has halted construction at this point until the issue can be resolved regarding the 32' vs. 38' roadway.

Councilor Roberts tried to demonstrate/suggest possible alternatives for parking, possibly to provide more parking in driveways and Mr. Nemens said that because of the topography, Group Four feels restricting parking on the north side would be the best but are willing to look at other alternatives. He noted that the developer plans to provide double wide driveways on the north and south sides of 58th, which Mr. Krutsinger pointed out would make much more parking available than in subdivisions with only single wide driveways, for example. Mr. Nemens said they assumed 29 places will be eliminated from the north side of the street which could be compensated for with the double size driveways, allowing for 32 parking places.

There was further discussion regarding the scaling and calculation of the road width and Public Works Director Zabell suggested the possibility of widening the road bed where sidewalks would have gone in although this would mean some utilities would have to be extended. Mr. Krutsinger noted that the development to the east's roadway will remain 38'.

Chief Ronning demonstrated by way of photographic evidence the difficulty of maneuvering a fire engine on a 32' roadway and said a compromise of a 36' wide roadway would accommodate a fire engine safely. He pointed out that they cannot count on absolutely no parking on one side of the street, even if it is posted no parking and so had to consider "worst case scenario".

Mr. Krutsinger pointed out that a similar problem exists on other local access streets that are only 32' wide. Councilor Weiser asked about enforcement of no parking and Mr. Krutsinger said that hopefully, there would not be violation of the whole side of the street and a fire engine would be able to get around one or two vehicles in violation of the no parking signs.

City Attorney Allendoerfer stated that Marysville code does list neighborhood collectors and it is correct that 58th is not listed but that was because it was not built when the code was developed and he suggested the developers look at the definitions in the preamble of the code which makes it clear that 58th is a neighbor-

hood collector because 58th will be serving multiple plats. Further, he pointed out, that when this developer filled out the environmental checklist, under #14, they indicated 58th would be a neighborhood collector and so it was proposed by the developer at the outset. They made a mistake and Dave Zabell made a mistake in not catching their mistake but public safety is at stake here, he said and with no parking, it's not realistic to expect people not to be able to park in front of their own houses.

There was further discussion regarding the 55' of right of way, compromising on the road width, allowing a variance on square footage of the lots, request for Dave Zabell to come up with some compromise with the developer/applicant, equitable solution with the applicant, 32' vs. 36' vs. 38'.

Public Works Director Zabell noted there is a terrain problem if the road is widened entirely on the north side.

It was the concensus that Public Works Director Zabell would work out an equitable compromise with the developer/applicant and come back before Council next week with a solution.

### 3. 10th Street Vacation.

(Councilor Roberts stepped down.)

City Planner Corcoran explained that the request is for vacation on 10th between Cedar and the BN right of way and there have been previous vacations on 10th under Ordinances 1479 & 1666. He referred to the maps in the packets.

Councilor Weiser asked why this wasn't vacated at the same time as Ordinance 1479 and City Attorney Allendoerfer said he believed it was because of financial reasons. There was a brief discussion regarding access.

David O'Connor, 9210 Evergreen Way, Everett, addressed the Council (applicant) and stated access would be on 9th St. He said the City owns the land locked piece in there and that he thought everything else has been cleared except this piece. Upon questioning by the city attorney, Mr. O'Connor stated "OSO Properties" stands for David O'Connor, James Seaver and Leo Oehler, the three partners. He said he had received an appraisal from Harvey White, SRA, dated 8/23/89, appraising the vacated property at \$3,200 based on three comparable sales in the area.

Councilor Schank said he felt the appraisal equitable.

City Attorney Allendoerfer asked if OSO owns all the property to the immediate south and Mr. O'Connor said yes, a portion of Lots 5 & 6, all of 7, 8, 17, 18 and a portion of 19. He noted that BN owns part of Lots 5 & 6.

City Attorney Allendoerfer asked if anyone else has abutting property and Mr. O'Connor stated no one else except those who have already received vacation. When asked, he stated they wished to have the property rezoned for the purpose of a storage facility for RVs and would be presenting a rezone application to the Planning Commission.

Councilor Weiser disclosed a conflict of interest because he had recently submitted an application to the City for a similar use nearby and so he stepped down.

Councilor Lashua moved to accept the vacation to OSO Partnership at 50% of the appraised value. Councilor Hots seconded and there was brief discussion regarding the fact this property is only good to the applicant because it is land locked, that the appraised value may be actually low. The motion passed.

4. Sign Code Variance - Tube Art.

City Planner Corcoran explained that the owners have changed their name from Mobil to BP and are changing their signs to reflect that change. The sign they are proposing will only be 132 sq. ft. compared to the existing 308 sq. ft. one and although both exceed code, it is within the freeway service zone where variances can be allowed, he noted and will make way for the new traffic signal.

There was some discussion regarding the sign code in general and City Planner Corcoran itemized four findings of fact with regard to approval of this variance:

- 1) The variance shall not constitute a grant of special privilege inconsistent with limitations in this chapter on the types of signs allowed in the same vicinity and zone; that is, there shall be no use variances which allow types of signs in any zone which would be otherwise prohibited; and
- 2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the same vicinity and zone; and
- 3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity; and
- 4) The variance will not be contrary to the spirit and purpose of this chapter.

Bob Christopherson of Tube Art, 808 Aloha, Seattle, addressed the Council and explained this service station is very important exposure to them and it would be the BP standard size. He said this is the only station north of Issaquah in the freeway service zone.

Councilor Baxter moved that the request/variance be approved in accordance with the four findings of fact as stated. Councilor Schank seconded and the motion passed unanimously.

CONSENT AGENDA:

1. 10/89 Payroll in the amount of \$313,446.45.
2. Confirmation of appointment of Tom Wetzal to the Marysville Community Television Advisory Committee.

Councilor Roberts moved and Councilor Schank seconded that Consent Agenda Items 1 & 2 be approved. Passed unanimously.

REVIEW BIDS:

1. Modular Office - Park Department.

Parks & Recreation Supt. Ballew explained that only one bid had been received, from Pacific Mobile Leasing in the amount of \$47,800 which exceeds the \$40,000 approved for the project. As per information in the packets, he itemized some potential credits to the bid figure which could be realized however he also recommended cedar siding for the modular building and with all the adjustments, the total cost would still end up about \$46,991.50.

There was discussion regarding specs, wages, manufacturer's minimum wage affidavit, minimum wages to be paid for building on site vs. buying a factory built building with no labor involved. Councilor Baxter noted that the City may have eliminated some bids because of the minimum wage clause in the bid form.

City Attorney Allendoerfer asked about this being a competitive bid and Parks & Recreation Supt. Ballew explained that they checked with other Public Works roster companies and the bid received is

within range however the original (verbal) estimate was around \$35,000 to \$38,000.

There was discussion about eliminating the minimum wage clause from the contract in order to get a lower bid, who would put the foundation in, whether the foundation built by someone else would invalidate warranty, stick frame vs. design built building, rebidding without minimum wage clause with foundation as a separate bid item, Pacific Mobile Leasing calculations of minimum wages, warranty, transportation costs.

Councilor Baxter moved to reject the bid and to go back for a re-structured bid (building and foundation two separate items). Councilor Schank seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Establish 11/27/89 as Public Hearing date for Giffore Annexation

Councilor Schank moved to establish 11/27/89 as public hearing date for the Giffore Annexation, Councilor Hots seconded and the motion passed. (Councilor Roberts did not vote.)

NEW BUSINESS: None

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. A Resolution Stating Marysville's Intention to Annex the Monty Property Into the City.

Councilor Schank moved to adopt Resolution #1386, with the Monty Annexation to be sent to the Boundary Review Board. Councilor Hots seconded and the motion passed. Councilor Lashua was opposed and Councilor Roberts did not vote.

2. ULID #3 Collection Lawsuit.

City Attorney Allendoerfer explained that Mr. Leifer is only current through 1985 and asked if the Council wished to show more leniency.

Councilor Lashua said he knows Mr. Leifer is trying to sell the property and so would like to give him more time. Councilors Roberts and Baxter agreed. There was further discussion regarding taking a foreclosure judgment, putting the matter in abeyance, allowing another "final" extension, the possibility of paying a monthly assessment, the fact that he needs to make interest payments, pay court costs, attorney fees and that Mr. Leifer has borrowed money to make a \$5400 recent payment (Allendoerfer is still holding this check). City Attorney Allendoerfer noted the balance would be about \$10,000 if the \$5400 check is cashed.

Councilor Baxter moved to grant a further twelve month extension and Councilor Schank seconded. The motion passed unanimously.

3. Legal Agreement with County Fire Marshal.

City Attorney Allendoerfer explained the county fire marshal would charge the City mileage plus \$20 per hour for services and there followed discussion regarding the county charging the City for their services and the fact that the City only receives 20% back from the tax assessor.

Chief Ronning stated we are not experiencing an increase in arson fires however if county services are requested, the County wants the City to sign a contract identifying expenses of mileage and per hour charges. He noted that with only two people than can investigate fires at the Marysville Fire Dept., one person has to be on call 24 hours a day and this requirement would be eliminated if there was a contract with the county. He noted that last year there were 18 calls/investigations with 14 fires of accidental cause and 4 arson fires. He estimated the contract would cost about \$100 to \$200 for the county's assistance with investigation.



He added that with the exception of Everett, Edmonds, Lynnwood and Mountlake Terrace, all cities in the county have this agreement with the County.

Councilor Hots stated he does not agree with the concept; that MFD firefighters are already investigators.

Councilor Schank said he felt this should be covered by our taxes.

City Attorney Allendoerfer stated this is almost the same as the fingerprinting machine charges but the fire investigation contract would cost less. He noted that the county sheriff is set up by the RCW as the chief but there is no state law for fire marshals of a similar nature, which seems inconsistent.

There was more discussion about these small charges, county jail services; Stanwood and Snohomish are thinking of suing the county because of high cost of jail services.

Councilor Schank asked how much the City of Everett fire marshal would charge us to perform these services and Chief Ronning said he did not know; that he did not contact them. He added that the State Fire Marshal will assist MFD at any time however all fires must be investigated and therefore a 24 hour investigator is needed.

There was more discussion and someone suggested having Willis Tucker come and explain the necessity of this.

Councilor Lashua moved, in view of the small charge, to direct the mayor to sign the contract. Councilor Roberts seconded and a roll call vote was taken:

Councilor Hots - no	Councilor Lashua - yes
Councilor Weiser - no	Councilor Roberts - yes
Councilor Baxter - no	Councilor Schank - yes

Mayor Matheny voted in favor to break the tie.

#### 4. Everett Water Pipeline Contract.

City Attorney Allendoerfer explained that the contract has been reviewed and approved by the two City Attorneys and is being presented for Mayor Matheny's signature first. The contract consists of a 24" or 30" pipeline, up to 18 million gallons per day, for a 30 year renewable term running from July 1990 to July 2020 with renewal after that for a like amount. He said both technical staffs are happy with the contract and from here it will go to Everett to be signed.

Councilor Baxter moved to accept the contract and authorize the Mayor to sign. Councilor Roberts seconded and the motion passed unanimously.

Councilor Baxter moved that Resolution #1387 be adopted with regard to the Everett Water Pipeline Contract and Councilor Roberts seconded. Motion passed unanimously.

#### 5. Resolution granting a RUSA Variance to the Stillaguamish Tribe for Water and Sewer Connections to Property Located at the Intersection of Highway 99 and Highway 530.

City Attorney Allendoerfer explained that no response has been received back from the Stilly Tribe and so this matter was tabled.

#### 6. Resolution Supporting the Development of a Snohomish-Arlington Regional Trail System.

Councilor Roberts stated he felt abandoned railroad right of way could be used for a water line and Marysville should give some consideration to that.

Councilor Schank stated he thought a lot of right of way reverted back to the original property owners but Councilor Lashua said the right of way next to his property went back to the railroad.

Councilor Roberts pointed out that Marysville should at least make consideration for future utilities within the right of way and City Attorney Allendoerfer said he could add a clause to that effect. After further discussion, it was decided to add in the phrase "provided that consideration be given for joint easement of underground utilities" and table this resolution until next week.

**7. Prosecution of Custodial Parent.**

City Attorney Allendoerfer explained the State has now made it a crime if a custodial parent does not allow visitation and the non-custodial parent can prosecute, however, he noted there was a recent case in Marysville where a 14 year old did not want to go with the father and the prosecuting attorney was requested to prosecute the mother. He said that we do have the option of not agreeing with the State and not adopting it as a crime.

Discussion followed concerning repercussions this would have, the possibility of instituting "legislative oversight", father coalition, burden on our police department, no funding from the state to enforce the law, 12 year old children having the "right" to choose which parent they want to live with. It was the consensus to not incorporate this into the Marysville Municipal Code at this time.

**8. Hickok, Pearson and Withers Annexations.**

City Attorney Allendoerfer explained there was no opposition from the Boundary Review Board.

Councilor Schank moved to adopt Ordinance #1732 for the Hickok Annexation, Ordinance 1733 for the Pearson Annexation and Ordinance 1734 for the Withers Annexation. Councilor Weiser seconded and the motion passed.

**9. Welco Lumber Contract with the City.**

City Attorney Allendoerfer announced that Welco has finally signed the contract. Councilor Hots moved and Councilor Weiser seconded that the Mayor be authorized to sign the contract on behalf of the City. Passed unanimously.

**10. Contract with Richard Bennett, Public Defender.**

City Attorney Allendoerfer explained Mr. Bennett has agreed to the terms and conditions as discussed at the previous City Council meeting. Councilor Schank moved and Councilor Lashua seconded to authorize the Mayor to sign the contract on behalf of the City. Passed unanimously.

**11. Recovery Contract - Belmark Industries.**

City Attorney Allendoerfer explained that Belmark has installed a 12" sewer line for \$14,400 through Munson Creek Div. IV and is seeking recovery for the full amount.

Councilor Lashua moved and Councilor Schank seconded to approve Recovery Contract #145 and authorize the Mayor to sign. Passed. (Councilor Roberts did not vote.)

**12. Final Plat of Bayridge Heights.**

City Planner Corcoran reviewed the location, and noted that 57th will be a private road, built to City standards.

Councilor Schank moved and Councilor Hots seconded that the Mayor sign off on the Final Plat. Passed.

CALL ON COUNCILMEMBERS/STAFF:

Councilor Lashua said since 64th has been improved, he doesn't think it is really that safe because of the parts that are not improved and it's confusing with no parking on the north. Now with Hillis putting in improvements, he said he felt it should all be completed at once and Councilor Schank agreed, stating the City should make condemnations in order to make all the improvements all along 64th and 67th.

City Attorney Allendoerfer agreed that could be done however has just found out that Glenwood is now no longer anxious to annex and so the City may never get recovery from Glenwood because they don't need any more building permits, either.

Councilor Roberts pointed out that 528 has been greatly improved and suggested waiting until Glenwood is the only piece left and condemn the property at that time.

Mayor Matheny noted that the "Welcome to Marysville" sign at the south end of town has been knocked down and broken.

Councilor Baxter gave a rather extensive review of the Dept. of Health meeting he attended regarding the Marysville water supply.

There was general discussion regarding communications, the various agencies/people involved, the fact that the ultimate decision on the water line rests with the Marysville City Council, perceptions of RUSA boundaries, changes in concepts, final permit approval and ramifications, detail required leading up to the approval, comp plan revisions, next step is final draft.

Councilor Weiser noted that something should be done about the wine press at 6th & Delta that is actually sinking through the pavement--it's been there for the last 2½ years. He noted also that there have been some logging trucks parked on the west side of the railroad tracks on Cedar near Pacific Price for at least a year and someone is just using them to throw trash into. Mayor Matheny added that there seems to be an accumulation of tires at 8th & Cedar also.

City Administrator Garner reminded Council that City Hall will be closed Friday, 11/10/89, also for Council to bring their copies of the green preliminary budget book to next week's meeting and that there will be a meeting with PUD at 2:00 Wed. 11/8/89.

City Attorney Allendoerfer noted that Resolution #1388 needs to be adopted for the Griffore Annexation, previously approved this evening. Councilor Weiser moved and Councilor Schank seconded adoption of Resolution #1388. Passed. (Councilor Roberts did not vote.)

ADJOURNMENT: 11:27 p.m.

Accepted this 13 day of Nov, 1989.

Kenneth S. Baxter Pro tem  
Mayor

Phillip E. Depter  
City Clerk

Wanda R. Iverson  
Recording Secretary