

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 5, 1991

7:00 p.m.

Council Chambers

Present: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Lee Cundiff  
 Bob Lashua

CORRECTED: SEE 8/2/91 MINUTES
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Administrative Staff:

Carolyn Sanden, City Administrator  
 Gloria Hirashima, Associate Planner  
 Grant Weed, City Attorney  
 Phil Dexter, Finance Director  
 Roger Kelley, Community Information Officer  
 Dave Zabell, Public Works Director  
 Bob Kissinger, Utilities Superintendent  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:00 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:

In the 7/22/91 minutes, Councilor Wright noted on page 12, in the fourth paragraph from the bottom, it should be "City Administrator Sanden" and not "City Attorney Sanden". Also, on page 5, in the last paragraph, she noted that "Mr. Tudo" should be "Mr. Tudor."

Councilor Pedersen noted that on page 12, in the 3rd paragraph, reference was made to Attorney Drewell, which should be "Dewell". Also, on page 1, in the last sentence, it should be "for Marysville to go" rather than "for Marysville go go". On page 18, sixth paragraph, Councilor Pedersen said she wished the words "the contract renewed with" deleted so the sentence is not a contradiction in terms.

Councilor Pedersen then moved and Councilor Wright seconded to approve the minutes of 7/22/91 as corrected. Passed unanimously.

STAFF'S BUSINESS:**1. Sensitive Area Ordinance.**

City Administrator Sanden explained that the Growth Management Bill of 1990 mandates identification of sensitive areas by 9/1/91 however HB 1025 did extend this deadline and the City is working with the County and other agencies to identify these sensitive areas. She noted that this is a fairly lengthy public process and hopefully in October or November the City will be in a position to present the issue to the public for public hearings.

**2. Computer Program/Benefit Package.**

Finance Director Dexter reported that Staff and City Council has expressed the desire to be able to produce a computerized summary of benefits for employees. He explained that every fall the Personnel Dept. goes to a lot of effort preparing the budget for

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medical, dental coverages and it's now possible for Eden to write a program for approx. \$975 to save the Personnel Dept. the time having to work out each employee's benefits. He noted this is a non-budgeted item so they are looking for approval from the Utilities, Street, Golf and General Funds.

Councilor Pedersen said she would support it because it gives the employee a truer picture of what they are earning, for example, an additional \$450/mo. in tax free benefits, as well as alleviating the Personnel Dept.

Councilor McGee agreed, although he said he was surprised that the payroll software did not already have this capability of printing out each employee's benefit package.

Councilor Weiser also agreed with Councilor Pedersen's rationale, as did Councilors Baxter, Wright, Cundiff and Lashua. A consensus was given Finance Director Dexter for his recommendation.

### **3. Belmark/Jones Annexation.**

Associate Planner Hirashima reported that she had recently attended the Boundary Review Board Hearing where they approved the Belmark/Jones Annexation. She said the vote was 3-0 in favor of annexation this time; it had been turned down previously but the Superior Court had remanded it back to the Boundary Review Board.

Public Works Zabell also attended the BRB meeting and reported there was one person who spoke against the annexation in the modified area, and the County was against the annexation.

City Attorney Weed said no final action is necessary tonight but the annexation ordinance will be prepared for next City Council meeting, or the one after that.

#### CALL ON COUNCILMEMBERS:

Councilor McGee asked about the Grove St. project and Public Works Director Zabell said the plans are being reviewed by the County and it will probably be about 10 days before construction is started. Councilor McGee asked about the right of way and Public Works Director Zabell reported that the City did have to write a letter of condemnation to one property owner.

Councilor McGee asked about the construction behind Pay N Pak and Public Works Director Zabell reported it is the continuation of the water separation project for the City.

Councilor Weiser asked if the 50/50 program for curbs, gutters and sidewalks includes paving of streets and Public Works Director Zabell said yes. Councilor Weiser asked when the money is due from the customer for their portion and Public Works Director Zabell said 30 days after the work is done. He pointed out that really, the \$12.50 only pays for the concrete and doesn't pay for the other items.

Councilor Weiser asked if it's City policy to send a bill for the paving work if it's not complete and Finance Director Dexter said it's the City policy to send a bill once the work has been signed off by the department heads but the paving will all be at the City's expense.

Councilor Weiser said he had talked with Lake Stevens Mayor Toyer and Councilman Caldwell (of Arlington) regarding the Urban Growth Boundary recently at a Snohomish County Tomorrow meeting. He said

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he would suggest a continuation of RUSA meetings, with Marysville City staff meeting with Lake Stevens also. He said he agreed with Councilor Pedersen that the Critical Water Area should be discussed first, along with RUSA and Urban Growth Area boundaries so Marysville knows where we are going. He pointed out that there have been a lot of changes since the boundaries were originally set up many years ago and he said he felt strongly that City Council should have a workshop regarding these many issues.

It was pointed out that October has been tentatively set but a workshop could be planned sooner.

There was discussed regarding the many changes affecting the Urban Growth Boundary, needing to have a workshop sooner than October, the possibility of a joint meeting with the Planning Commission-- August 19th suggested and a consensus reached for that night. Associate Planner Hirashima to check with the Planning Commission and get back to City Council.

Councilor Baxter asked about water usage and Utilities Supt. Kissinger said Marysville reached its peak on 7/5--7 mgd but has dropped back to an average of about 5 mgd since then. He said there have been no recent problems although they did have to use the Highway 9 well one day.

Councilor Baxter asked about a potential annexation in the Northeast area and Associate Planner Hirashima confirmed there was a 10% petition being proposed by Prosperity Inc., for an area east of 67th.

Councilor Pedersen asked about Marysville Golf Center, noting it has been 2 weeks since the public hearing.

Associate Planner Hirashima said their attorney has asked for a 30 day extension and that there is a resolution on the agenda concerning the findings and conclusions reached at the last City Council meeting.

Councilor Pedersen asked about the installation of a traffic light at 67th & 528 and Public Works Director Zabell gave an update. He guessed the design would be complete in 60-90 days, plus 60 days for construction, then it would need testing, so by early next year it should be in working order.

Councilor Lashua asked about curbs, gutters and sidewalks in the 1900 block 2nd St. and Public Works Director Zabell stated one of the residents has a petition going to stop the entire project; the City will be replacing pavement for the entire 40' street width, however.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CURRENT BUSINESS:

**1. Amendment to Interlocal Agreement for Regional Planning of the Central Puget Sound Area.**

Chuck Eadie of the Regional Organizing Committee addressed the Council with reference to the letter and interlocal agreement amendment in the packets. He explained that the agreement was adopted in March or April of 1991 but since that time the counties have wished changes with regard to representation in regional planning. He explained the amendment guarantees county governments 50% voting power in the General Assembly as well as the Executive Board. To date, he said Everett, Edmonds, Bothell

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and Sultan have signed the amendment and he is on his way to the Stanwood City Council meeting tonight. He noted that they are trying to get the amendment signed so the organization can be formed by the middle of August, to meet other scheduled events in the Legislature.

Councilor Wright pointed out that King County had 100 more votes than Snohomish, Pierce and Kitsap Counties and Councilor Weiser asked about the Puget Sound Regional Council's jurisdiction/role with regard to land use planning and growth management planning.

Mr. Eadie stated the counties are being allowed to do their own planning before the regional planning would be done, for the first 12 months at least. He referenced the Growth Management Bill 2020 mandates in this connection.

Councilor Cundiff asked what would happen in the event of a 50-50 standoff between the counties and the regional members and Mr. Eadie said that hasn't been addressed as yet.

Councilor Baxter pointed out that often the local jurisdictions do not end up having any real say and Mr. Eadie said there are safeguards built in to address those concerns.

Councilor Baxter talked about giving the local jurisdictions "room to move" and said he sees problems with anything that's "regional".

Councilor Weiser pointed out a paragraph regarding transportation funding and asked how much and when the next cycle is due. Mr. Eadie said he could check with the Puget Sound Regional Council on that.

Councilor Lashua asked about sub-councils and Mr. Eadie confirmed that they are no more; that the General Assembly is the controlling body.

Councilor Lashua said he remembered that this was a controversial issue at the original organizational meeting, too but said he is in favor of the proposed amendment.

Councilor Lashua moved and Councilor McGee seconded to authorize signing of the amendment to the interlocal agreement. Passed with Councilor Baxter opposed.

#### PRESENTATION:

##### **1. Update on Wastewater Treatment Plant.**

Public Works Director Zabell introduced the consultants: Larry Wade of Hammond, Collier & Wade; Bob Denman of Jones & Stokes; and Dave Voight of Brown & Caldwell.

Larry Wade started by showing an overhead of the proposed design, depicting pumping stations, flow routes, south and north cells, headers, sand filter system, chlorine contact chamber, discharge pipe/diffuser into Ebey Slough. He then talked about wetlands replacement and noted that approval has been received from the DOE to construct the project in phases. He presented the time schedule and explained that Phase I - Wetland Mitigation - is scheduled to take from 3/92 to 10/92, Phase II - Internal Treatment - is scheduled from 11/91 to 5/92 and Phase III - External Treatment - is scheduled from 3/92 to 3/93. He noted that all items are basically on schedule at this time, with the wetlands replacement/mitigation taking priority. He reported that

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the 3 acres to be used has returned to cattails and has therefore been designated as wetlands, even though it was not wetlands when purchased and in fact, there has been a total redefinition of wetlands now, which the City is having to adhere to. Permitting, design, etc. are all on schedule, he said. With regard to acquisition of right of way, he said the Shoreline Permit application has been drafted and a pre-submittal meeting planned with the County for 8/12. He stated DNR has jurisdiction of Ebey and Steamboat Sloughs and they require a lease application but that can't be issued until the Army Corps of Engineers 404 permit is issued. He added that Mr. Hayes has been contacted regarding easement and that's in negotiation at this time. A wetlands mitigation appraiser is on board for that, also, he said, taking a look at values of the Poortinga property, etc.

Bob Denman of Jones & Stokes then addressed Council. He explained the process of looking for other property to replace the 3 acres that will be used in the treatment lagoon. He said they looked at a piece on the Quil Ceda Creek, Biringner property and the Reagan/Poortinga property. Also part of the 404 permitting process is looking at ways to enhance property, so that 9 acres of wetlands, or duplicated wetlands, can be returned to the environment, to replace the 3 acres that will be used for the treatment plant. He stressed the importance of collaboration with all agencies involved in the process so that there is agreement about the values, etc. and he stated the appraiser is currently trying to figure out how to create a higher valued wetland out of Poortinga's hayed property and the Parks Dept. is looking at the adjacent Reagan property, also. He gave a time estimate of 6 weeks before the 404 is ready to be submitted to the Army Corps of Engineers.

Councilor Baxter commented on the difficulty of duplicating wetlands and Mr. Denman agreed that it is very difficult but in the case of the Poortinga property, there are two main components already in place: it is a ready source of water and conducive to plants (once the dike is opened). He agreed that the current (tentative) plan would entail putting in another dike.

There was discussion about other property reverting to wetlands in the past in other areas, further studying being done, agencies needing plans, the difficulty of duplicating wetlands and therefore the 3:1 ratio (also to compensate for the time lag), monitoring, performance standards, measuring success, shooting for the end of 9/91 to be back up to speed as far as the time schedule, no assurance that after creating 9 acres of wetlands that they will be accepted however the Corps will consider this as being a water dependent use and therefore needs to be located on the slough.

Councilor Weiser asked about the DOE review and approval and Mr. Denman explained DOE has been the most difficult to obtain approval from and so they have focused on them in the time schedule. He did mention a recent success they have had with DOE in looking favorably at one section of the project and he talked about other alternatives to rebuilding tide gates/total removal of dikes, as well as the process Everett went through a few years ago. He explained the Everett facility was more complicated with dredging, etc.

Councilor Weiser asked about the time line again and Mr. Denman said it was fairly accurate and a reasonable time line, based on expectations of government agencies.

Mr. Wade pointed out that the Poortinga property is mainly in the

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County which would require a Shoreline Management Permit or else annexation into Marysville.

Councilor McGee asked about sand filtration and Mr. Wade said Dave Voight could better explain the process.

[Councilor Lashua left Council Chambers at 8:25]

Dave Voight, of Brown & Caldwell handed out information packets on the Dyna Sand Filter system.

[Councilor Lashua returned to Council Chambers at 8:28]

Mr. Voight explained that the filter tower is a continuous back-washing and cleaning filter system, takes up little space compared to sand beds, has automatic self-cleaning, is very popular and a successful technology and produces good quality effluent. He said the primary objective is to meet the 30/30 requirements and the tower stands about 16'-18' tall. The site has been prepared and the pilot sand filter is to arrive tomorrow, he stated. He explained the process of the pilot sand filter plant and noted that the second phase would be to add chemicals. The technology is novel but a proven "faster" one (35-50 gpm), he added.

Public Works Director Zabell talked about testing and monitoring and said Bill Persich knows of three other locations where this type of filter is used and overall, they seem very encouraging, although our algae and suspended solid count is higher than the other three locations, he said. It was noted that there is not very much maintenance of the system required and very little operator attention needed. The upcoming pilot period will be a worst case test, it was noted.

Councilor Lashua asked if we are going to have to bring in anyone special to maintain the system and Mr. Voight said City staff, himself plus a Parkinson provided process engineer will maintain the system and in addition, a university student from Florida will also be provided by Parkinson, if necessary.

Councilor Baxter asked about actual operations, maintenance, repairs, monitoring down the road and Mayor Matheny asked why Everett doesn't use this type of system.

Bill Persich and Dave Voight both noted that Everett's process is completely different from Marysville's.

Mr. Voight then explained the "CAHPS" drawing handout and described the hydraulic curtains, aerators, header pipes, recirculation pumping stations to be purchased and installed as well as other necessary improvements (electrical being upsized). He said the design is to be completed by the end of August with construction to start in November 1991 and be completed by May, 1992.

Councilor Weiser asked about only 30 days for DOE to approve and Larry Wade said they have agreed they would limit their review time on the first phase to 30 days and this agreement was followed up with a letter of confirmation written by "Dave".

Mr. Voight showed more overheads of sand filters, a cross section view, configuration of the system and noted the foundation for the sand filter tower would be cast in place.

Councilor Lashua asked who would hire the contractor and Public Works Director Zabell clarified that the City would hire. Mr. Wade said he believed it would involve a 15' excavation for in-

stallation of the sand filter plant.

Mr. Wade said the predesign report includes 8 tasks, three of which have already been submitted to the DOE, with the rest to be submitted in the near future. He explained that once one task is approved, other portions of that task can be proceeded with and this in fact will "fast track" the whole project. He explained they looked at the possibility of expansion which was not practical at this time as far as utilizing more property. He reviewed the engineering design reports submitted, to meet current required criteria, as well as proposed layout of the lab, office, storage, pump house, chlorine contact basin. Schematic ideas for dechlorination and ammonia removal were also shown and he said DOE has indicated that they will give us speedy review of each chapter on a chapter by chapter basis. He mentioned biweekly meetings are being held with staff, consultants, etc. in attendance, with the intent to update the time schedule on the first City Council meeting of every month.

Councilor Weiser asked if enough time has been allowed in the event we have to go to the slow sand filtration method and Mr. Wade said yes.

Councilor Baxter asked if this method will be superior to mechanical secondaries and Mr. Wade said yes. Mr. Wade added comments about the zoning, cost effectiveness and other factors that were considered and he noted that the intent is for the filter to be used only at peak periods of suspended solids but the DOE wants all units in place to accommodate the next 20 years, which this plan does, he assured Council.

Public Works Director Zabell noted a new permit has to be acquired every 5 years and Councilor Baxter noted this plan is much more cost effective than originally projected.

Councilor Weiser asked if Mr. Wade saw any problems with the time line and Mr. Wade said no; that the only snag would be in the permitting process. On some of the wetland mitigation, the City is at the mercy of the governmental agencies, he admitted, but said we have a lot of people involved who are professionals and know what they are doing. Mr. Wade said they are hoping that the lab area can be moved up on the time schedule as it is not on wetland.

Councilor Baxter asked about lifting of the sewer moratorium and Mr. Wade said in other areas there has been some relief given.

There was some discussion about DOE past policies with regard to Consent Orders.

Gary Petershagen of Belmark Industries, 505 Cedar, addressed Council and asked about opening up of the sewer moratorium--would it be 5/92 or 3/93?

Public Works Director Zabell said that would be a determination of DOE and right now it's too premature to start discussing, he feels.

City Attorney Weed said prior to expiration of six months, the sewer moratorium and Consent Order will be reviewed but the sewer moratorium can't be lifted until there is a substantial change, which is up to the DOE to determine.

Mr. Petershagen asked if it is up to the City to initiate such an action and City Attorney Weed said it would be a joint process.

CONSENT AGENDA:

**1. Final Plat of Cloverdale Division I.**

Associate Planner Hirashima explained this plat is in the vicinity of 67th & 88th and she gave some history, noting that the plat was originally applied for in 9/87 and in 3/91 they applied for a one year extension, which expires 9/28/91. They have run into some problems with regard to wetlands considerations and have divided the plat into two divisions, she stated and this is a request for Division I which is 33 lots. She added that Division II will have to be substantially redrawn because of the wetlands consideration.

Councilor Baxter asked about the realignment of 88th and Public Works Director Zabell said the wetlands would probably have to be mitigated with 88th eventually going up the hill and connecting with Getchell Rd.

Councilor Weiser asked if this was originally two divisions and Associate Planner Hirashima said no, it was originally a single preliminary plat of 58 lots.

Councilor Weiser asked about phasing at the final plat stage and Associate Planner Hirashima gave examples of other plats that have been divided, such as Munson Creek.

Councilor Pedersen moved that Division I be approved with the applicant being apprised of Division II status, to be redrawn and having to go through the preliminary plat stage again. Councilor Wright seconded and the motion passed unanimously.

CURRENT BUSINESS:

**2. Dispatching Services/Joint Fire Study.**

City Attorney Weed read for signature the agreement letter as agreed at last City Council meeting. He explained a paragraph was deleted with regard to expenses involved and it was agreed that this would be covered in the interlocal agreement to be presented at a later date.

Councilor Weiser explained that they either wanted a specific figure or for the paragraph to be deleted from the letter.

Councilor Lashua moved and Councilor Weiser seconded for City Council to sign the letter of commitment to the Fire Department. Passed unanimously.

NEW BUSINESS:

**2. Delinquent U.L.I.D. Assessment/Cornelius Vermulm.**

City Attorney Weed explained that the 1988, 1989, 1990 and soon 1991 assessments are delinquent, totalling about \$10,000. He said Mr. Vermulm has requested deferral until he is able to complete wetland studies which may help him sell the property and satisfy the delinquency. He noted that deferral was granted to Leifer in the past.

Cornelius Vermulm, 1776 Smiley Dr., Mount Vernon, addressed Council and stated he has had the property sold several times but gets stopped at the County every time. He said he is now in the process of having an Army Corps of Engineers study done which looks very favorable as far as the property not being wetlands



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and this study should be completed by 9/91 or 10/91, he said. He added that he has someone interested in buying again, even though there may be 4 acres out of 30 acres classified as wetlands. He noted that he has had to pay out a lot of expenses on this land and it is a real hardship for him at this time. He concluded that a six month extension would be adequate to meet his needs/request.

Councilor Lashua asked about interest on delinquent accounts and Finance Director Dexter said it continues on an annual basis with additional 5% late charges.

Councilor Cundiff moved to allow Mr. Vermulm until 1/1/92 to pay the delinquent assessments and Councilor Baxter seconded. The motion passed unanimously.

NEW BUSINESS:

**1. Post Office Mail Boxes.**

Public Works Director Zabell reviewed the proposed alternatives and problems that are encountered with the public entering and exiting the Post Office, employee parking, possibility of creating a drop box island on Columbia.

Councilor Lashua asked about potential liability and Councilor Pedersen asked about traffic after people have used the drop boxes, getting back on to State, eg.

There was discussion about the location of the drop boxes, traffic problems, crosswalks, use of drop boxes only, congestion in parking lot and on State.

John Myers, 7113 61st Dr. NE, addressed Council and suggested the post office reinstitute the old exit for drop box customers only.

There was more discussion about the situation, lack of wanting to change on the part of the post office, other sub-postal stations, Cynthia's at Shoultes closing, number of drop boxes in the City, creating more problems than you are solving under #1 alternative, making Columbia one way, mitigation of traffic impacts very difficult to enforce with an existing business, such as this.

Councilor Wright said she would be in favor of Alternative 2 and Councilor Lashua agreed.

Councilor Pedersen said Alternative #2 is a place to start but also likes the idea of putting drop boxes at malls, etc.

Councilor Pedersen moved that Alternative 2 be proceeded with, with some consideration to encourage the post office to locate some drop boxes in other locations around the City. Councilor McGee seconded. Public Works Director Zabell said he would be talking with Terranomics (the Marysville Mall managers) and would see what they think. The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Relating to Provision of the City's Sewer and Water Code and amending MMC 14.01.040 and MMC 14.32.040 (4).**

City Attorney Weed explained this is regarding the Sunnyside DOH water moratorium situation which was raised by Bud Darling and would allow people to continue with paperwork. He noted that the present MMC will not allow sewer unless you are connected to City water and the proposed ordinance amends the MMC to allow sewer even if water is provided by others, so long as the system meets

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City standards, he said.

Councilor Pedersen disclosed that she and her husband own a piece of property which is a rental in this area but there was no objection from the audience.

Bud Darling, 1916 Grove St., addressed Council, stating he has a concern with the wording regarding the water system having to conform with City standards because PUD only has a 6" line coming in and Marysville has an 8" line.

Public Works Director Zabell explained the extension would be 8" in the plat which would be to City standards.

Councilor Lashua asked about the possibility of a community water district with the owners buying water from PUD and sewer from the City.

City Attorney Weed said sewer would not be a possibility as they are outside the City limits and there was more discussion regarding DOH correspondence, DOH still reviewing situation, impact of proposed ordinance in other areas. confining this ordinance to the Sunnyside area, revisiting this ordinance once the CWAS and RUSA negotiations are completed, annexation issues.

Councilor Cundiff moved to approve/adopt Ordinance 1853, Councilor Wright seconded and the motion passed unanimously.

Councilor Weiser asked about an interlocal agreement with PUD with regard to collecting water, sewer and garbage.

**2. Resolution Denying Without Prejudice Utility Variance, East of 45 Road, North of the Intersection of 162nd St. NW; Besancon.**

Councilor Wright moved to approve/adopt Resolution 1489, Councilor McGee seconded and the motion passed unanimously.

**3. Resolution Stating Intention to Annex Certain Property (Quil Ceda Auto Annexation) to the City and Transmitting the matter to the Snohomish County Boundary Review Board for Approval.**

Councilor Wright moved to adopt/approve Resolution 1490, Councilor Weiser seconded and the motion passed unanimously.

**4. Resolution Regarding Findings, Conclusions, and Decision/ Marysville Golf Center.**

City Attorney Weed explained this is as a result of the public hearing and summarizes testimony, establishes findings and conclusions, implementing 7 or 8 requests/conditions including City Council request of compliance within 30 days. He noted that Kevin Hanchett, attorney for the Marysville Golf Center, has requested an extension, especially concerning the 25' additional height of netting as pole extensions need to be ordered from out of state, permitting process will take additional time, etc.

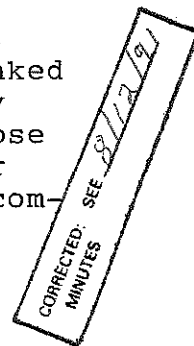
Councilor Pedersen said she received a letter from Kellogg Meadows residents and asked if it should be a part of the record.

City Attorney Weed said he thought it would be appropriate to share this with the rest of the Council.

Mayor Matheny also noted she has been getting phone calls from the residents, too.

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City Attorney Weed read the undated letter to Councilor Pedersen, from the residents of Kellogg Meadows into the record. They thanked City Council for their support at the last meeting but noted they (the residents) are not in favor of the extension and wish to close the driving range down now until the nets are raised. The letter was signed by Glenn Jefferson. City Attorney Weed said staff recommends that all other conditions be adhered to under the 30 days; the netting height would be allowed another 30 day extension due to their unique circumstances.



There was discussion and update on improvements.

Kurt Ramcke, owner of Marysville Golf Center, addressed Council and said in regards to the extension to the netting, a company in Bellevue which he tried to contact is now out of business and he had to go to a company in California and it will take about 60 days or more to extrude and heat treat the poles. He noted that he would then need to line up high rangers to install the poles, etc. As far as other improvements, they can be accomplished within the 30 days, he said and he has been watching to make sure they are only using the northerly 5 stalls for woods. He added that he has been there 6 days per week now with no complaints; it did not seem to go as well when the operation was leased out previously, he noted.

Councilor Pedersen said it was her understanding that he was to identify the golfers as part of the decision/agreement reached at the last Council meeting.

Kurt Ramcke said that can be implemented at any time but mainly he has posted people out there to watch for straying golf balls and they are making a considerable effort to find out who is hitting the errant balls. He noted that wasn't being done before and he said he feels confident that with proper supervision, they are going to eliminate that problem.

Councilor Baxter said if he is proceeding with improvement and control with regard to the cages, that should satisfy the majority of the complaint.

Councilor Pedersen said she would like to see him registering the players and show a little more cooperation in complying with the requests of Council.

Councilor Lashua pointed out that 6 or 7 conditions were put in place to be done within 30 days and he said he feels Mr. Ramcke is making that effort.

There was more discussion regarding time extension for extending the nets, with other conditions to be implemented within two more weeks.

City Attorney Weed referred to page 5, item 9 of the proposed resolution and said that could be changed: "Item 1 to be completed within \_\_\_\_\_ days of 7/23/91."

Public Works Director Zabell clarified that Mr. Ramcke has not ordered the poles as yet and it will be at least 60 days from order date before they arrive.

Mr. Ramcke said he is also waiting to hear from a man in Bellevue with regard to the feasibility of the extension poles.

Councilor Pedersen suggested he report in 3 weeks and City Council could grant an extension at that time.

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Councilor Pedersen moved to adopt/approve Resolution 1491, with Councilor McGee seconding the motion.

Mr. Ramcke said he is still concerned about Item 6 with regard to liability being his and City Attorney Weed said all Item 6 does is require an insurance policy and to name the City as an additional insured, as offered by the Marysville Golf Center attorney.

There was more discussion about conditions, granting of extension to extend the poles, etc.

The motion passed with Councilor Cundiff opposed.

City Attorney Weed noted that the existing CUP will be revoked if the conditions have not been met and then this would cause a 3 or 4 day lapse in time. He suggested the motion be amended to allow a 35 day extension rather than a 30 day extension in the resolution.

Councilor Pedersen moved to amend item 9 to 35 days. Councilor McGee seconded and the motion passed.

LEGAL MATTERS:

Councilor Baxter asked about PUD negotiations/offer/meetings and/or sub-committee meetings and Public Works Director Zabell said the committee is looking for direction from City Council.

There was discussion about an appropriate time to set up another meeting and it was suggested that the RUSA Committee put some proposals together.

City Administrator Sanden said the staff is also looking for more direction from City Council and it was decided that Public Works Director Zabell would set something up.

There was more discussion about DOH, PUD, the Attorney General's office becoming involved, the possibility of a counterproposal to PUD, phasing out of PUD service, parameters, arbitration.

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

1. Pending Litigation.
2. Personnel.

RECONVENE: 12:16 a.m. 8/6/91

Motion was made and seconded to authorize the purchase of pipeline right of way at appraised values as discussed in Executive Session. Passed unanimously.

ADJOURNMENT: 12:17 a.m. 8/6/91.

Accepted this 12 day of August, 1991.

Leta McElhenny  
 MAYOR

Phillip E. Dexter  
 CITY CLERK

Wanda R. Iverson  
 RECORDING SECRETARY