

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
NOVEMBER 27, 2000**

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CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Soriano absent.
MINUTES OF PREVIOUS MEETING 1. November 13, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION Becky Foster in opposition to Ordinance 2333, passed by council on August 28 2000, which changed "Smokey Point Boulevard" to "State Avenue."	Rescinded Ordinance 2333; directed staff to revise Ordinance 1626.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. ESA Update	
CONSENT AGENDA 1. Approve NOVEMBER 27, 2000 claims in the amount of \$485,297.43; paid by check nos. 55419 through 55632 with check nos. 54808 and 55166 void.	Approved
<b>ACTION ITEMS</b>	
<b>REVIEW BIDS</b> None.	
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. WWTP Capital Facilities Plan, presentation and recommendation	Tabled action for one week.
<b>NEW BUSINESS</b> None.	
<b>LEGAL MATTERS</b> None.	
<b>ORDINANCES AND RESOLUTIONS</b>	
None.	
<b>INFORMATION ITEMS</b>	
1. Mayor's business 2. Staff's business 3. Call on councilmembers Motion to retain an outside agency to investigate an incident involving pictures of councilmembers.	Approved.
ADJOURN	11:35 p.m.

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
NOVEMBER 27, 2000**

**CALL TO ORDER/FLAG SALUTE**

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

- |                             |                                       |
|-----------------------------|---------------------------------------|
| Councilmembers Present:     | Administrative Staff present:         |
| Dave Weiser, Mayor          | Mary Swenson, Assistant to City       |
| Mike Leighan, Mayor Pro Tem | Administrator                         |
| Shirley Bartholomew         | Gloria Hirashima, City Planner        |
| Jim Brennick                | Grant Weed, City Attorney             |
| NormaJean Dierck            | Ken Winckler, Public Works Director   |
| Mike Leighan                | Owen Carter, City Engineer            |
| Donna Pedersen              | Robin Nelson, Assistant City Engineer |
| Suzanne Smith               |                                       |

Mayor Weiser advised that Councilmember Soriano was ill and would not be attending.

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, November 13 2000.  
Councilmembers noted the following corrections:
  - Page 3, second paragraph, correct levy rate is 1.66.
  - page 5, last paragraph, 167th should be 67th.

**MOTION** by Dierck, second by Leighan, to approve the minutes of the November 13 meeting as corrected. Motion carried (6-0).

**AUDIENCE PARTICIPATION**

Becky Foster, 15526 Smokey Point Boulevard, spoke in opposition to Ordinance 2333, passed by council on August 28 2000, which changed "Smokey Point Boulevard" to "State Avenue." She read a prepared statement and presented councilmembers with copies of a petition signed by many business owners in the area.

**MOTION** by Pederson, second by Dierck, to reconsider Ordinance 2333 at this meeting. Bartholomew voted nay; all others voted aye; motion carried (5-1).

Councilmember Pederson noted that the revenue from the Smokey Point area did flow into city. The merchants there desired to be recognized as Smokey Point, which was an area, not a City. She gave examples of similar situations in Edmonds, Lynnwood and Everett.

**MOTION** by Dierck, second by Brennick, to rescind Ordinance 2333 and direct staff to modify Ordinance 1626 to set the north boundary for the use of "State Avenue" as 136<sup>th</sup>. Bartholomew voted nay; all others voted aye; motion carried (5-1).

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

1. ESA Update

Craig Stampher of Harris & Associates gave a detailed slide presentation on the status of implementation of the regulations. He noted that prohibitions applied

to anything that could potentially harm the salmon or their habitat. This applied to individuals, state and local governments, and groups of individuals. If projects were insignificant, a consultation process could be followed. To get a plan approved was a lengthy and difficult process. He gave further explanation of Section 4d, explaining how an accepted program would safeguard the city from being prosecuted. The effective date will be January 8 2001. He noted that the citizen lawsuit provision allowed any individual to bring a suit against any other individual. The Council needed to make a policy for the city that embraced a level of risk it felt was acceptable.

Councilmember Pedersen asked if there was any place citizens could check to see if the city had approved programs. Mr. Stampher responded that City Hall would be the best place for citizens to go, but they could also obtain information from National Marine Fisheries and State Fish and Wildlife. Mr. Winckler noted that staff planned to put information on the Internet as plans were developed. Randy Brower had been hired as the Surface Water Program Manager and would be in charge of this effort.

Meg Moorhead presented information on the Tri-County Conservation Program, noting that the program framework was mostly completed. The Tri-County agreement would not give protection until cities took the second step.

Councilmember Leighan asked how long the approval process would be if the city used the Tri-County model. Ms. Moorhead responded that supposedly if jurisdictions banded together they would be "first in line" for review, but the way the rule was written, each jurisdiction must do its own plan. Councilmember Leighan asked about liability during the interim. Ms. Moorhead suggested the city change its practices to avoid harm; if the city was not harming fish it was in compliance with the law. The twelve criteria in the 4D Rule should be used to evaluate the city's practices while it was waiting for program approval. She encouraged the city to model its program on something that had been approved.

Councilmember Smith asked about the unresolved portions of the Tri-County plan. Ms. Moorhead responded that they covered clearing standards in rural areas and urban buffers for fish-bearing streams. The proposal called for a 110 ft. urban buffer with additional restrictions on land uses out to 200 ft. Snohomish County was continuing to use the 150 ft. buffer with restrictions out to 300 feet.

Randy Brower, the city's Program Engineer for Surface Water Management, gave a detailed presentation on the city's efforts.

Councilmember Bartholomew asked about the city's fees and other funds available to pay for new programs. Mr. Carter responded that staff would be reviewing that and coming to council for fee setting. Staff would also be seeking grant money.

### **CONSENT AGENDA**

1. Approve NOVEMBER 27, 2000 claims in the amount of \$485,297.43; paid by check nos. 55419 through 55632 with check nos. 54808 and 55166 void.

**MOTION** by Bartholomew, second by Pedersen, to approve item 1.  
Motion carried (6-0).

The Mayor called a short recess then reconvened the meeting.

### **ACTION ITEMS**

#### **Review Bids**

None.

**Public Hearing**

None.

**Current Business**

1. WWTP Capital Facilities Plan; presentation and recommendation

Mr. Winckler gave the background presentation, noting the city was under a compliance order under the Phase II TMDL. The city's work must be done by July 2004 when the current permit expired. He requested that council consider the presentation by the consultants and move the recommended action.

Randall Samstag gave a detailed slide presentation regarding the current status of the treatment plant and suggested alternatives. His data showed that the current plant could not meet the effluent ammonia limit because it was not designed to do so. Another important parameter was the NPDES influent BOD load limit. The current plant could not meet the new standards. He reviewed the historical loadings and flows. Flow and loading projections indicate the city could not meet the standards after 2005. Mr. Samstag then covered the outfall alternatives: Steamboat Slough, Mission Beach, Everett/Kimberly-Clark, and reuse (on golf course, co-generation plant, and groundwater infiltration). He noted that reuse was not under active consideration because it could not handle the volumes produced. He said there were five parameters that were measured: CBOD5, ammonia, chlorine, copper, and silver. The monthly average permit limit for these items for each of the outfall sites was:

Steamboat Slough	5.1
Mission Beach	670
Everett	625.

Larry Wade, of Hammond Collier Wade Livingstone, recommended council consider a 50-year solution, not a 20-year one. He reviewed the various alternatives and associated costs: upgrading the headworks, using ultraviolet for disinfection, and lagoon storage of solids. He concluded by reviewing the recommended alternative: upgrade influent pumps and screens; upgrade lagoons; upgrade filters; new ultraviolet for disinfection; new land outfall to Everett; use Everett marine outfall to Sound.

Councilmember Bartholomew asked how the information heard earlier in the meeting regarding the 4d Rule affected the city's timetable. Robin Nelson, Assistant City Engineer, responded that staff felt an alternative could be in place by the July 2004 deadline if there weren't many appeals. They anticipated 12 to 18 months of permitting through the various agencies, including NMFS. The city would seek as much grant funding as possible and would come to council in early spring with a rate analysis. He added that if sludge were treated to the Class B level, it would be suitable for land application.

Mr. Winckler added that discussions had taken place with the Tribes and the City of Everett. Further talks were planned, but the background information had only been available for a short period of time and it was critical to move forward in order to meet the deadlines.

Councilmember Dierck noted that she had suggested joining with Arlington and the Tribes and applying for a Clean Water grant, as there was Federal money available. She stated she would not support any action until the full council met with the full council of the Tribes to discuss that option. She asked if consideration had been given to an outfall at Maplewood. Mr. Nelson responded that staff had focused on existing outfalls that had NPDES permits; Maplewood did not.

The Mayor called for public comments.

John McCoy, Executive Director of Government Affairs for the Tulalip Tribes, stated the Tribes had been discussing this with the city for more than three years. They had always supported a regional concept and desired to participate and have this move forward. He noted that city staff had briefed him last week, he had presented the information to the Tribes' council, and they had supported the recommended action. They had made Tom McKenzie of their staff available to work on the effort. He asserted that the cheapest short-term solution was to use the Everett outfall. The Tribes planned to widen Marine View Drive. When that happened they would lay sewer pipes in. So at some point in the future, the Mission Beach outfall would also be available. By participating in the recommended action, the Tribes would have time to do an excellent job of planning for their future installation.

Allen Huang, 7604 70<sup>th</sup> Place NE, asked if the city would have to pay for Everett to expand its capacity or upgrade its facility. Mr. Wade said the city would have to contribute to the capital facility, such as piping and crossing the Snohomish River, pay an operation fee per gallon of flow, and a maintenance fee.

Jeff Seibert, 5004 80<sup>th</sup> St., asked if the cost of upgrading Everett's plant had been taken into consideration. Mr. Wade said the estimates included capital and M&O costs. Mr. Seibert noted that Kimberly-Clark had recently been fined for not meeting their discharge permit requirements and were planning to upgrade; he surmised that the upgrade would assure future capacity.

There being no one else wishing to speak, the Mayor closed the public comment portion of the topic.

Mr. Nelson stated Kimberly-Clark also planned to go through a conservation process that would free up 11 million gpd. That would meet the city's needs for the next 50 years. Mr. Winckler added that 6 million gpd could be handled by co-generation.

Councilmember Dierck asked about the wetlands area that would be crossed to run the pipe to Everett. Mr. Wade responded that the westerly route, along Highway 99, encountered a minimal amount of wetlands.

Mayor Weiser stated that the NPDES permit came up every five years. There were new regulations which the city could not meet, mainly in the areas of TMDLs and ammonia. The most expensive option was to "go it alone" and upgrade the existing plant. The least expensive option, which included the most participants, was utilizing the Everett option.

**MOTION** by Bartholomew, second by Leighan, to approve the recommendation as presented by the design team.

**MOTION** by Pedersen, second by Bartholomew, to continue the meeting to 11:30 p.m. Dierck voted nay; all others voted aye; motion carried (5-1).

**VOTE ON ORIGINAL MOTION.** Leighan, Brennick and Bartholomew voted aye; all others voted nay; motion failed (3-3).

**MOTION** by Dierck to delay two weeks and have a joint meeting of the full council and Tribal council to consider the issue. There was no second.

**MOTION** by Pedersen, second by Smith, to table the topic for one week to allow time for staff to consult with the City of Everett and ensure that they were willing to sign a contract with Marysville on this project. Motion carried (6-0).

## **New Business**

None.

**Ordinances & Resolutions**

None.

**LEGAL MATTERS**

None.

**DISCUSSION ITEMS**

None.

**INFORMATION ITEMS**

1. Mayor's business
  - Skateboard Park meeting was November 28 at 7:00 p.m.
2. Staff's business
 

Ms. Swenson:

  - A special meeting was scheduled for December 12 at 3:30 to discuss Strawberry Fields and the golf course.
3. Call on councilmembers
 

Brennick:

  - Stated he had received a call and letter from an employee regarding an incident with a dartboard and pictures of some councilmembers. Mayor Weiser read the letter (silently) and said he would follow up on it.
 

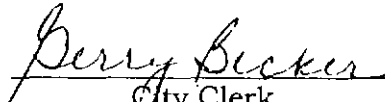
**MOTION** by Brennick, second by Dierck, to request an outside agency, such as the Sheriff's Office or Washington State Patrol, investigate the matter. Mr. Weed said those agencies only investigated crimes. Councilmember Brennick revised his motion to a human resources organization outside the city. Leighan voted nay; all others voted aye; motion carried (5-1).

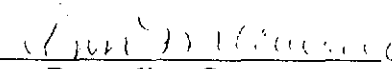
**ADJOURN**

Council adjourned at 11:35 p.m.

Accepted this 4th day of December 2000.

  
 \_\_\_\_\_  
 Mayor

  
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 City Clerk

  
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 Recording Secretary