

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 4, 1991

7:30 p.m.

Council Chambers

Present: Rita Matheny, Mayor (excused)  
Ken Baxter, Mayor Pro Tem

Councilmembers:

Dave McGee  
Dave Weiser  
Donna Pedersen  
Donna Wright (excused)  
Lee Cundiff  
Bob Lashua

Administrative Staff:

Carolyn Sanden, City Administrator  
Dave Zabell, Public Works Director  
Mike Corcoran, City Planner  
Steve Wilson, Asst. Finance Director  
Grant Weed, Acting City Attorney  
Wanda Iverson, Recording Secretary

CORRECTED: SEE 2/11/91  
MINUTESCALL TO ORDER:

Mayor Pro Tem Baxter called the meeting to order at 7:30 and led the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilor Weiser noted that the January 21 meeting was a workshop in which it was stated there would be no public testimony taken, however there are several paragraphs of discussion from the audience. He asked if legally these paragraphs should be included in the minutes.

Acting City Attorney Weed stated they could be considered comments but not to be accepted as testimony. He said further he didn't think the comments should be deleted from the minutes, but just characterized as comments only.

There being no further comment, Councilor Weiser moved that the minutes of the 1/28/91 meeting and the 1/21/91 workshop be approved as written, with the notation that comments from the audience 1/21 to be considered such and not testimony. Councilor McGee seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

It was noted that Boy Scout Troop 117 members were in attendance tonight, working towards their citizenship merit badges.

PRESENTATIONS: None.

PETITIONS & COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

CONSENT AGENDA: None.

REVIEW BIDS:**1. Meter Reading Vehicles.**

Public Works Director Zabell explained that bids for the Utilities Dept. for two one half ton right hand drive vehicles were opened 1/31/91 and the low bid received was from Blade Chevrolet, Inc. in the amount of \$16,679.90 each. He noted that \$15,000 each was budgeted, with the balance to come out of the equipment fund. Staff recommended approval.

Councilor Pedersen moved and Councilor McGee seconded that the Blade Chevrolet bid be accepted as recommended by staff. Motion passed unanimously.

CURRENT BUSINESS:

**1. Ordinance Amending Ordinance No. 1795, Extending the Duration Thereof.**

Acting City Attorney Weed explained that the current ordinance, in section 10, has a provision in it that would have the ordinance automatically terminate if there is no extension by 2/11/91. He noted that the proposed ordinance would extend Ordinance 1795 and he itemized reasons why he would suggest extending: the Pollution Control Board Hearing Feb. 11-12-13-14 and to allow additional time to evaluate the hydraulics of the lagoon as far as the Consent Order, giving a longer history to present to DOE. He noted that the readings in November and December were within limits but January was only marginally within limits. Also, completion of the EIS is another factor and once that's final, we may need to change the ordinance and possibly lift the DS so that developers can start to process their paperwork, he said. He stated that staff is recommending Ordinance 1795 be extended for 90 days at this time, with the option of being able to change it again or in the meantime, if necessary, if occurrences take place that would warrant a shortening of time period to 60 days, for example.

Councilor Lashua moved to approve Ordinance 1829 amending Ordinance 1795, extending it from February 11, 1991 to May 15, 1991. Councilor Cundiff seconded and discussion ensued.

Councilor Pedersen asked about differences between Ordinance 1763 and 1795 and Acting City Attorney noted the two main differences are in the "ban" clause and the limited input (168 gals.) under Ordinance 1795.

There was discussion about whether or not to take any more public testimony and/or comments and it was noted that the meeting tonight and in particular, Ordinance 1795, was advertised as part of the agenda and it was sent to all interested parties from the Utilities Dept. computer listing. City Administrator Sanden also noted that this is a legislative action and not a quasi judicial action.

Mayor Pro Tem Baxter opened the meeting to public comment after Acting City Attorney Weed stated it would be appropriate to take public input/comment.

Jim Egge addressed Council and referred to the proposed ordinance wording, a copy of which he had received from Mr. Weed, he said. He noted that the wording refers to an "environmental protection problem" and he said his concern is that if passed, it needs to be made clear what the environmental hazard is because he said it's his feeling that "in the interest of environmental protection" could come back to haunt us later. He said he was not aware of a public health hazard and felt that needs to be addressed. As far as rewriting the Consent Order, he asked the status of the City meeting with DOE.

Acting City Attorney Weed said the City has not actually met with DOE as yet but has been in touch with them by way of phone calls. As far as the environmental concern, he explained "in the interest of environmental protection" is common language consistent with SEPA/EIS related recitals.

Mr. Egge said if we do have an identified hazard, he feels that should be written into the ordinance and also, note which requirements are in compliance and which are not. He concluded that he is concerned about mentioning an environmental hazard that doesn't exist.

Bud Darling, 1916 Grove St., addressed Council and said as far as accepting plats for approval, he didn't see how the completion of the EIS should affect that. He said he feels the ban should be lifted so that they can proceed with their paperwork and he added that he and other developers that he has communicated with are all willing to sign hold harmless agreements.

Acting City Attorney Weed pointed out that the City presently has a Declaration of Significance (DS) under SEPA, meaning any developer would have to issue their own EIS but once the City's EIS is completed, developers would not be required to issue their own EIS.

Public Works Director Zabell said he expected the City's EIS to be completed by the end of February.

Councilor Pedersen pointed out it would probably be quicker for the developers to go under the umbrella of the City's EIS and Acting City Attorney Weed agreed, stating it's a time and cost prohibitive exercise for developers to have to file their own EIS and definitely in their best interest to wait until the City has completed theirs.

Councilor Pedersen asked about allowing the commercial/industrial plats to be excluded from the 168 gal. limit and Acting City Attorney Weed said that could still be changed in the ordinance according to use and with unique and special circumstances. He said he could look further into changing that wording but would not recommend any changes until after further readings from the lagoon, as well as the Pollution Control Board hearings.

Councilor Pedersen said she would like to see some relief for the builders, with the construction season coming up and Councilor Lashua noted that everyone has sympathy for the developers and real estate interests but protection of the City so they do not go out of compliance, needs to be the first priority.

Councilor Weiser noted that the ordinance can always be amended once readings are looked at and DOE contacted further.

A roll call vote was taken after determining there were no further comments and the motion passed unanimously.

## 2. Tide Gate Replacement (continued from 1/28/91).

Pete Poortinga, 5904 46th Av. NE, addressed Council stating that with recent flooding and rains, Diking District 3 has a lot of problems. He noted that the retention systems are not working either and the creek is running over. He said they desperately need some help from the City, noting that if the tide gate in question breaks, which is on City property, there will be a tremendous financial loss. He added that his family cannot continue to operate their dairy farm being continually flooded; that they really should have a fourth flood gate. When asked about the Diking District dues, he said there are only 400 acres and the dues are \$10/acre which is not enough to meet all expenses; that the City and the county should have some responsibility in addition to the Diking District's contribution. He reiterated that everyone is getting very discouraged with all the standing and flooding water.

Mayor Pro Tem Baxter noted that the City Council has agreed that the City should help but hasn't decided to what extent.

Councilor Lashua noted the estimate is \$11,000 to replace the tide gate and asked how much the Diking District could contribute.

Mr. Poortinga said the Diking District is actually broke at this point and can't get any more money until April. Repairs have to be done in May or June, when there is the lowest tide, he said, and noted that mainly the dues are for maintenance, but the Diking District has had to pay for the gates in the past.

Councilor Lashua noted that City Council had a considerable amount of discussion concerning this problem last week and it was the consensus the City should help by contributing 2/3 of the cost of the replacement tide gate.

Councilor Pedersen moved and Councilor Cundiff seconded to approve a \$7500 expenditure of funds towards Diking District 3 tide gate replacement. Passed unanimously.

NEW BUSINESS: None.

LEGAL MATTERS:

**1. Interlocal Agreement - Growth Management Act Grant.**

City Planner Corcoran explained that this grant has been awarded as a result of Snohomish County Tomorrow meetings and actions. It is in the amount of \$11,191 but in order to receive it, the City must sign an interlocal agreement, a copy of which was referred to in the packets. He noted that the agreement has been reviewed by the City Attorney and staff recommends approval.

Councilor Cundiff asked about the "local match" aspect of the grant and City Planner Corcoran said he had included another \$8809 for time to be spent for planning, working on the urban boundary, etc., in the budget.

Councilor Lashua pointed out that the hold harmless clause seemed a little one-sided, in the county's favor but Acting City Attorney Weed said this was a standard clause in county documents and the activities are all in Marysville with very little activity on the part of the county, as far as the actual terms of the agreement.

Councilor Pedersen noted that in Section 11, it refers to payments to be made by the county to the City and she asked if the grant was not to be a lump sum payment. City Planner Corcoran said he understood the grant to be a lump sum payment.

Councilor Weiser moved and Councilor McGee seconded to authorize the Mayor to sign the interlocal agreement. Passed unanimously.

ORDINANCES & RESOLUTIONS: None.

MAYOR'S BUSINESS:

A written memorandum from Mayor Matheny was distributed, submitting the names of Joan Clyde and Clara Likes to the Library Board for a six year term each.

After explaining that these are replacements for board members, one of which resigned two months ago and the other's term expired, Councilor Weiser moved and Councilor McGee seconded to confirm these two appointments. Passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about the 2/9 Library Retreat and City Administrator Sanden explained everyone would meet at the Marysville Library at 8:45 a.m. to head down to see the Lynnwood and Mountlake Terrace libraries.

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Councilor McGee asked about the 4/15 Retreat and City Administrator Sanden said Mary was working with Rosario on that and the Council would be advised further at a later date.

Councilor Cundiff asked how long the Library Retreat would be and City Administrator Sanden said it was planned to be from 9-2 (5 hours).

Councilor Pedersen and Councilor Cundiff both noted a \$.05 deficit on their checks and Asst. Finance Director Wilson said he would check into it.

Councilor Cundiff asked about a provision for garbage customers to increase or decrease the number of cans to be picked up.

Public Works Director Zabell said anyone wishing to do that can call the billing dept. at City Hall and arrange it through them.

Councilor Lashua referred to a letter in the packets from Mike Dada regarding the Joe Joy concerns at the lagoon and Public Works Director Zabell said staff was also surprised at the high content of metals found in the lagoon, but the problem is under control and for City Council "not to worry".

Councilor Lashua asked about any progress on acquiring more flags and City Administrator Sanden said she had not as yet formally contacted the Chamber of Commerce or Rotary about flags, but that yellow engineering ribbon is on order.

Public Works Director Zabell noted that the Public Works/Utilities building now has a flag which was donated by the City of Clinton.

Mayor Pro Tem Baxter said he was glad to see a date had finally been set for the 4th & 47th traffic signal light and that funds for the Regan property have come through. He asked about a press release being done on the property acquisition.

City Administrator Sanden explained that the funds have not been formally presented as yet but that is anticipated soon and an announcement would be made at that time.

Mayor Pro Tem Baxter commented on the nice letter of response from the Planning Dept. to the Boundary Review Board.

STAFF BUSINESS:

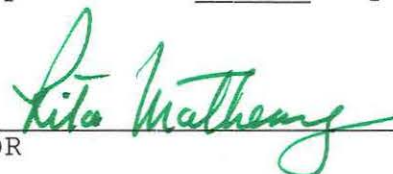
Acting City Attorney Weed reported that he checked on what could be done for staff employees who are reservists and that he will have the information this week and will be able to report back to Council at next meeting or at the Friday Briefing.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:30 p.m.

1. Pending Litigation.

RECONVENE & ADJOURN: Approx. 9:15 p.m.

Accepted this 11 day of February, 1991.

  
MAYOR

  
CITY CLERK

  
RECORDING SECRETARY

CORRECTED: SEE 2/11/91 MINUTES