

MARYSVILLE CITY COUNCIL MINUTES

APRIL 8, 1991

7:30 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

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Administrative Staff:

Carolyn Sanden, City Administrator
 Mike Corcoran, City Planner
 Grant Weed, City Attorney
 Dave Zabell, Public Works Director
 Phil Dexter, Finance Director
 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 PREVIOUS MEETINGS:

Councilor Cundiff moved and Councilor Pedersen seconded to approve the minutes of the 3/18/91 meeting as presented. Passed unanimously.

Councilor Pedersen noted on page 7, in the next to last paragraph regarding attendees at the Retreat, it should be a representative from McConnell-Burke, not Jones & Stokes.

There being no further corrections, Councilor Pedersen moved to approve the minutes of the 3/25/91 meeting as corrected. Councilor McGee seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Julie Krause, 9514 40th Dr. NE, addressed Council and asked City Planner Corcoran about approval of her business license.

City Planner Corcoran explained that Ms. Krause wished to set up an espresso stand at 3rd & State however her customers would have to line up on City right of way. He said he wished direction from Council on this.

Ms. Krause explained it is a very wide sidewalk--about 5.5' x 9' long--and the espresso stand can always be moved inside Hilton Pharmacy. She said she mainly wanted to cater to the early morning commuters, from 5:30-9:30 a.m., that she would serve hot and cold espresso as well as juices and cookies. She noted also that she has permission from Deebe Anderson (from California), who owns the building and said that they have nothing to do with the espresso stand at 4th & Cedar. Ms. Krause added that her stand would not be seasonal, but all year 'round.

Councilor Weiser asked about City policy and City Administrator Sanden said it would be fully off the pedestrian walkway which is adhering to present code.

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Ms. Krause said she was complimented that City Planner Corcoran is worried she would have so many customers, they would be on City right of way, but she didn't think that would be the case.

City Attorney Weed quoted MMC 12.2.4 and noted that a temporary business would be allowed to temporarily obstruct the sidewalk, but she would not be allowed to and her patrons would not be allowed to obstruct regular pedestrians.

Councilor Pedersen asked about street vendors requiring a business license and City Attorney Weed said they should have business licenses. He added there is no restriction under the MMC regarding street vendors operating a business in Marysville.

Ms. Krause stated she is flexible and said she would do whatever Council wished.

Councilor Cundiff said he compared this to merchants having sidewalk sales, for example, and was in favor.

Councilor McGee was in favor of allowing Ms. Krause to obtain her business license and operate from the edge of the sidewalk as proposed.

Councilor Baxter said he was in favor also, as long as it was not a nuisance.

Hearing no further comment, Councilor Baxter moved to allow the espresso business to operate just outside Hilton Pharmacy, at the corner of 3rd & State, and for Ms. Krause to proceed with obtaining her business license. Councilor Cundiff seconded and the motion passed unanimously.

Angela Smith of 3819 97th Pl. NE then addressed Council. She asked if it was City Planner Corcoran's intention to make a presentation this evening regarding the Northwest Annexation.

City Planner Corcoran said at the last City Council meeting it was asked that he gather more information with regard to the assessed valuation of the area including 136th south to 80th, east to I-5 and west of Smokey Pt. Blvd. and the BN Railroad tracks. He said he worked over this past weekend and came up with a total assessed valuation of \$46,513,327 and the petitioners represent \$5,065,100 assessed valuation, or 10.89% of the total, which makes it a valid petition for annexation.

Ms. Smith stated that every homeowner that they contacted did not know anything about this and past annexations have left a bad taste for people. She explained a very obscure reference to the possible annexation presentation that she read and said she thought people should be better notified and informed as to what's going on.

City Planner Corcoran explained this is only the first step--the 10% petition stage, showing an intent to annex, and then City Council would establish boundaries before anyone would actually go around soliciting signatures. He then pointed out that the Boundary Review Board has to further review the proposed annexation and in the case of an island being created, they may wish to include certain areas in addition to that proposed by the property owners/petitioners. He added that at the last City Council meeting, it was decided that we could go around and talk with neighbors prior to the annexation being proposed.

Councilor Pedersen said she didn't think it would be appropriate

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to have a hearing tonight and City Planner Corcoran agreed, stating the boundaries still need to be established first.

Ms. Smith asked if he was going to present his recommendation this evening. She explained the neighbors' concern about the possibility of this coming up, even though it is not on the official agenda.

City Planner Corcoran said he was prepared to give City Council further information.

Councilor Pedersen stated she felt the item should be on the agenda if it is to be discussed.

City Attorney Weed said at this stage it is not necessary to have it on the agenda, however from a PR standpoint, it would be good.

Ms. Smith pointed out that her area did not request annexation. She asked if a definite date could be set for when it would be coming up and City Planner Corcoran stated it would be on the regular 4/22 City Council meeting agenda.

PRESENTATIONS:

Councilor Lashua stated that several months ago it was decided by the City to post the old/historical names on the streets and he explained that Don Beaman and Chauncy Christoffersen have put many hours into this project since. He introduced the two gentlemen from the audience.

Mr. Christoffersen explained they were presenting three maps to the City: one with the old street names running east and west, one depicting the names of the old street names running north and south, and a comprehensive map depicting all of the above on one map. In addition, he stated they had made out a cross reference list to help the City Street Dept. when mounting the signs. He presented this list to Dave Zabell. Mayor Matheny directed that copies of the maps be made and the originals returned to the Marysville Historical Society.

CONSENT AGENDA:

1. 3/31/91 Payroll Checks in the amount of \$407,327.12.
2. 4/8/91 Claims Checks in the amount of \$118,349.61.

Councilor Cundiff questioned a physical exam for \$602 at the Everett Clinic, Councilors McGee and Pedersen the large miscellaneous amounts for Clark Office Products. Councilor Pedersen suggested itemization and there was a brief discussion about office suppliers, copy paper replenishment, \$1400 for the Police Dept. under office supplies. City Administrator Sanden said she would follow up on the physical exam and the office supplies with regard to itemization.

Councilor McGee moved to approve Items 1 & 2 of the Consent Agenda, Councilor Lashua seconded. Passed unanimously.

CURRENT BUSINESS:

Hearing Examiner Decisions: 1. Stryker.

City Planner Corcoran explained the applicant applied for a CUP to build an auto repair and RV shop and the hearing examiner approved the request. There have been no appeals in the 14 day appeal period and staff recommends affirmation of the hearing examiner's decision, he said.

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Councilor Pedersen asked about accesses/location and similar businesses and there was a brief discussion about this.

Councilor Lashua then moved and Council McGee seconded to affirm the hearing examiner's decision to approve the conditional use permit for Mr. Stryker.

Councilor Weiser asked about the 24' wide driveway and Public Works Director Zabell confirmed it is wide enough to accommodate turning radius. He added that there will not be a heavy volume of traffic going in and out of the location.

The motion passed unanimously.

2. Anderson Hearing Examiner Decision.

City Planner Corcoran referred to the revised site plan in the packets and stated the hearing examiner has approved the request for a conditional use permit to construct a single story dermatology clinic in a single amily zone, by Dr. Anderson/Finley Architects. He added there have been no appeals in the 14 day appeal period.

Councilor Weiser asked about the alley and frontage improvements and Public Works Director Zabell explained these.

Councilor Cundiff moved to affirm the hearing examiner's affirmative decision in this case and Councilor Weiser seconded. The motion passed unanimously.

NEW BUSINESS:

1. Utility Variance, 19621 Smokey Pt. Blvd., Peggy Jackson.

Public Works Director Zabell explained the situation and referred to the packets. He noted the applicant has a contaminated well and neighbors have similar circumstances; staff recommends approval of the applicant's request, he said. It was noted that the applicant is prepared to sign a no protest agreement.

Peggy Jackson, 19621 Smokey Pt. Blvd., addressed Council, stating her property is about 1.25 acres with a shallow 12' well on it at present, which she believes is spring fed.

There was discussion among Councilmembers about other wells in the area, lab results, etc.

Councilor Weiser moved to approve the variance as recommended by staff, with a no protest agreement to be signed by the applicant. Councilor Wright seconded and the motion passed unanimously.

2. Tidegate Replacement Ebey Slough.

Public Works Director Zabell explained the City had a complete failure of the tidegate in question and had to sand bag 80 Columbia. He referred to the packets, noting Bob Kissinger has done some cost estimates and has come to the conclusion that a total replacement is necessary, with either a Red Valve system or a Waterman system, as outlined in the packets. He said staff recommends spending the extra \$6,000 and fixing it right the first time.

Discussion followed about the differences in the systems.

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Councilor Baxter moved that a Red Valve system be purchased (option II) as outlined in the packets by staff. Councilor McGee seconded and the motion passed unanimously.

3. Proposed Water ULID 86th Pl. NE - Kalma Addition.

Public Works Director Zabell explained that this is located at 55th Av. & 86th Pl. NE, outside of city limits. They have bad water and there is a considerable amount of interest in the neighborhood to form a ULID. He said staff is confident the ULID would pass (Doug Ronning is one of the neighbors).

There was discussion about the need for a fire hydrant, the fact the neighborhood is on septic systems at present, Mr. Gonzales having done some leg work in the neighborhood already seeking interest in the ULID, cost of water main and fire hydrants \$27,000 (rough estimate).

Councilor Cundiff moved that the Public Works Dept. be authorized to prepare the ULID including no protest agreements. Councilor Pedersen seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Resolution Granting a Utility Variance Under Ordinance 1795 to Susan Morgan.

Public Works Director Zabell explained this was approved at the last Council meeting and this is the formal resolution.

Councilor Lashua moved that Resolution #1473 be adopted/approved and Councilor McGee seconded. The motion passed unanimously.

LEGAL MATTERS:

1. McConnell/Burke Contract; Comprehensive Plan.

City Planner Corcoran explained McConnell/Burke has requested their contract with the City be modified, including a total additional \$35,000 and with the scope of work to include the Growth Management Act requirements. He said he had budgeted an additional \$15,000 plus thee's about \$9,000 in the transportation budget which would leave a shortfall of about \$12,000. He noted that some of the money comes from a Snohomish County Tomorrow Growth Management Act grant and it's possible there may be some more money granted, however he said it may not come until 1992.

Councilor Pedersen asked about the timing of the Growth Management Act and City Administrator Sanden explained it was discussed originally and since budgeting, it has been found the Growth Management Act process is more complex than originally thought and so McConnell/Burke's expertise is needed to assist with implementation and to help the Planning Dept. and Planning Commission on the Comp Plan.

Public Works Director Zabell added that the City would be using McConnell/Burke rather than Transpo, so this is not taking away from anyone.

Councilor Pedersen asked about the Comp Plan timeline--how long it has been in the process of being updated, when it will be completed and City Planner Corcoran stated that it may have to be carried over to 1992 if that is the only way it will be funded. He added that there have been a lot of requirements since having started the Comp Plan, what with 2929 coming into existence, etc.

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and even if the Comp Plan had been completed, parts of it would have to be redone because of subsequent Growth Management Act requirements since the update was started.

Councilor Pedersen wanted to know if there would be any more changes after 1991.

Bob Burke of McConnell/Burke addressed the Council and said you can't be sure of any more changes or not. He said for example, all the housing guidelines have not come out yet and that he was going to a meeting tomorrow where he would be receiving another update as to legislative action. He added that as he understands it, once the Comp Plan is updated, it will be approximately 95% complete but a design element is still to be added, he said.

Councilor Pedersen said she liked the idea of only one consultant rather than two or more and Mr. Burke explained that Transpo will still be doing the transportation plan, actually.

Councilor Baxter said he understood there will not be that many changes in implementing 2929 and there was more discussion concerning utilizing Growth Management funds. City Administrator Sanden said Growth Management funds are really restricted to capital improvements and specific mitigation but there is a possibility of using reserves, although she said she is very reluctant to do that because of the lower than usual sales tax revenue anticipated this year.

Bernie St. Onge, Chairman of the Planning Commission, addressed Council, stating he was here at the request of all the commissioners because they feel it extremely important to have McConnell/Burke's expertise with regard to 2929. He noted the Comp Plan is becoming very complicated and although they are making some headway with it, still do need the consultant's help with it.

Otto Herman, Planning Commissioner, addressed Council, stating he wished to emphasize Bernie's points. He said McConnell/Burke is very knowledgeable and feels Marysville is getting their money's worth, however this is not the case with Transpo and any monies that can be shifted, would be most appreciated, he stated.

There was discussion about where the money would come from and City Administrator Sanden announced that Dave Zabell had just indicated to her that there is one project (or part of it) that may be classified as a growth management project and funds from that may possibly be used/borrowed. She suggested Council authorize staff to look into this further and make a budget amendment.

Councilor Pedersen moved to authorize staff to enter into an amendment of the McConnell/Burke contract and do whatever they can to find appropriate funds. Councilor McGee seconded and the motion passed unanimously.

2. Sunnyside Water Line Contract.

Public Works Director Zabell gave a brief summary of the situation and talked about the present water pressure problems and the proposal for solving them.

Larry Wade, Engineer with Hammond, Collier, Wade & Livingston addressed the Council and passed out maps, explaining where the interconnect would go in at 64th & 83rd, a 12" main to extend south to 60th, then west to 75th, then over to 52nd, to be upgraded to a "490" water service. He explained the Sunnyside

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well is drained on a regular basis at present and the proposed extension of water main will improve the situation substantially. He stated the total proposed construction cost would be \$650,000 with the project to be constructed this summer.

Councilor Baxter noted that this has been a problem for some time and moved that the City enter into a professional services agreement with Hammond, Collier, Wade & Livingston as outlined by Larry Wade. Councilor Weiser seconded and the motion passed unanimously.

3. Interlocal Agreement Creating Puget Sound Regional Council.

City Attorney Weed noted that most other city and county councils have reviewed and approved participation in the interlocal agreement, which has a deadline of 4/15. He said he has also reviewed the agreement as to form and content and has submitted a memo to City Administrator Sanden regarding this.

Councilor Baxter asked who is representing Marysville and Mayor Matheny stated she is and others on the council from Snohomish County are Bill Brubaker, Pete Kinch and Brian Corcoran.

There was considerable discussion about population figures, funding, proportionate assessments for each city based on population, other cities who are participating, Comp Plan impact/interaction with regional planning, authority this interlocal agreement will give in addition to that already given in areas of housing and transportation in Mountlake Terrace, for example. City Planner Corcoran talked about consistencies/inconsistencies, conflict resolution and other elements of the proposed interlocal agreement.

City Attorney Weed talked about the arbitrator process, appeals board, impasse element. He said the interlocal agreement is fairly general/flexible in this area.

Councilor Baxter stated he is not in favor of Marysville giving away rights to do our own planning and Councilor Lashua agreed, stating we are losing our autonomy bit by bit and eventually everything is going to be planned regionally but Marysville can't stay on the outside, either.

City Planner Corcoran noted that already, all the transportation money, for example, is funded on a regional basis. He talked a bit about the "Vision 2020" document covering such issues as taxing authority, regional jurisdiction, etc.

Mayor Matheny commented on making regional people aware of Marysville's problems.

It was noted that the information in the packets was not complete and it was suggested this matter be continued. However, City Attorney Weed assured Council that he had reviewed the whole document and felt comfortable with Marysville participating. City Administrator Sanden added some points with regard to Marysville's not wanting to be left out totally, jurisdictions, etc.

City Attorney Weed warned that the board membership is weighted with King County having 10 out of 19 votes.

There was more discussion about the time line, deadline of 4/15, needing 60% participation to validate the agreement and 75% to rescind it, advantages of membership/participation.

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Councilor Lashua moved to approve membership in the Puget Sound Regional Council and to authorize the Mayor to sign the interlocal agreement. Councilor Baxter seconded and the motion passed unanimously.

STAFF BUSINESS:

City Planner Corcoran announced the estimated population figure for Marysville as of 4/1/91 have just been received -- 12,761.

Councilor Lashua said when it reaches 20,000 there may be a need for a change in the makeup of City Council, eg. break the City down into five districts and have only 5 Councilmembers.

Public Works Director Zabell noted that once the City population reaches 15,000, the City takes over the jurisdiction of State Highways 528, 529 and "State" to the northern City boundary.

Public Works Director Zabell then talked about some negotiations that have been going on with the school district with regard to the transition school. He explained he recommended they participate in a ULID with the Cloverdale & Firstmark Plats but in the meantime, should be providing some interim improvements prior to school starting this fall, such as a turn lane for buses, do some shoulder widening and make some pedestrian pathway improvements on the south side of 88th, for public safety. He explained the school district will probably be coming before Council concerning this matter.

Mayor Matheny noted that Community Transit should be notified of the new school, for possible changes in CT routing.

City Administrator Sanden announced the date and location of the upcoming AWC Convention--June 18-21 in Spokane.

City Administrator Sanden also noted that the Visitor Information Center of Snohomish County contract is coming up for renewal and said she felt Marysville's participation could be covered with our hotel/motel tax. She advised that because they don't hand out any Marysville material, Council may wish to withdraw Marysville's support, in which case, now would be the time to do that, as six months' notice is required.

Councilor Lashua moved that Marysville withdraw their support of the Snohomish County Visitor Information Center and that the contract not be renewed in 6 months. Councilor Cundiff seconded and the motion passed unanimously.

Councilor Lashua pointed out that he didn't think the City should donate money to the Snohomish County VIC when the City doesn't even donate or budget money for our own VIC.

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City Administrator Sanden review the Retreat schedule, attendees, lunch menus, banquet, attire, activities for spouses, etc.

City Administrator Sanden asked Councilor Baxter to give a report about what happened in the meeting with Arlington.

Councilor Baxter said they talked with 3 of their members mainly, discussed the annexation issue, and it was noted they wish to continue discussions on the agreement discussions from last year. Other annexation issues and proposals in the Smokey Pt. area were also discussed and they indicated they would have trouble financing improvements that it would take to annex that area, he said. He said they were trying to find out Arlington's intentions

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prior to the BRB meeting tomorrow night and basically, Arlington agreed they didn;t want Marysville to raise a lot of objections to their annexation and Marysville agreed it was not a good idea to bring up all our differences at a BRB meeting. He said he spoke again with Arlington's mayor and they are to put their position on paper and he said the consensus was that Marysville should not come on too strongly opposed to Arlington at the BRB meeting.

Councilor Pedersen asked about whether Arlington or Marysville would testify first at the BRB meeting and City Attorney Weed explained this meeting is a continuation from the last BRB meeting.

City Administrator Sanden explained Marysville's position and that it should be on record that Marysville feels this area was planned in our planning area and that's why we oppose Arlington's annexation of it. She said she thinks they are backing off and that Marysville need not strongly oppose them in public.

City Attorney Weed pointed out that this is a public BRB meeting and will also be recorded, so that any statements made will be a part of the public record.

There was more discussion with regard to the two cities' positions, utilities, future annexations, what annexation of this area will do to our present utility system, written statements, agreements between the two cities, air space rights (owned by Arlington over Cornehl's), 51st (Shoultes Rd.), the long term zoning/use of the area, within Marysville's planning area, BRB, interlocal agreement possibilities, regular meetings between the two cities to be scheduled/resumed, jurisdiction rights as dictated by Growth Management Act, RID, boundaries, streategy for the BRB meeting, wetlands/ag/industrial, the egg farm being a good tradeoff, Marysville not having any intentions of serving Arlington customers, giving Arlington customers notice, ULID ordinance, picking up negotiations where they left off last year regarding utilities, RUSA boundaries being adjacent to Arlington's present boundaries, speaking with Arlington's consultant (Reid Shockey), long range plans/policy of both cities, possibility of meeting with Reid Shockey prior to Boundary Review Board meeting.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about whether tipping fees have decreased since starting recycling in Marysville and Public Works Director Zabell said he would follow up on those figures.

Councilor McGee asked about next Monday's special meeting and City Administrator Sanden said it was going to be specifically about bonding.

Councilor McGee asked about the hiring of the public relations person and City Administrator Sanden said they are down to 3 or 4 with interviews set for Wednesday a.m. She said it will depend on how close it is as to whether or not someone will be hired by Friday, in time to attend the Retreat.

Councilor Weiser asked about the DOE processing Marysville's sewer lagoon permits and Public Works Director Zabell said he would follow up on that.

Councilor Weiser asked about another Traffic Committee meeting soon and Public Works Director Zabell said yes, he would be scheduling one very soon and notifying the committee members.

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Councilor Baxter asked if estimates had been received for the City Hall roof to be discussed at the Retreat and Public Works Director Zabell confirmed there will be estimates at the Retreat.

Councilor Baxter commented on a radio news report he had heard regarding the City hiring an inhouse attorney and City Administrator Sanden said she thought they must have got information from the Herald article printed a couple weeks ago. Councilor Baxter stated the radio news report stated they were quoting the City Administrator with regard to having an inhouse attorney, secretary and law library for the same price as the City is paying now for an outside attorney.

Councilor Cundiff mentioned he had been contacted by phone recently by the radio station.

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Councilor Baxter asked for an update on the water line easements and City Attorney Weed stated they are in the process of negotiation with property owners and should be ahead of the construction schedule, the way it looks at this time. He added that they do have to know each of the property owners and each one has to be served separately; there are 4 parcels equalling about 15 to 20 people left who need to be identified and served, he said. He also mentioned the possibility of coming back before Council with settlement proposals from these entities.

Councilor Baxter asked about the water service contract (JOA) and City Administrator Sanden commented on the impacts of the JOA, a letter to the Mayor proposing new rates, the fact that Public Works Director Zabell is working out adjustments with Everett and she added that Marysville may have some new rates depending on participation of PUD and Tulalip Tribes.

Councilor Baxter gave an update on the Fire JOA, explaining that Snopac information is being compiled and as soon as Greg Corn gets back from vacation, meetings will resume. He reported that Dave Ronning has retired and Bob Paschal is a new fire commissioner. Councilor Baxter stated that he would like to see the Getchell Hill area included in the Critical Water Study Area and said maybe this could be discussed at the Retreat. He added that Arlington and PUD have said they would support this proposal.

City Administrator Sanden said Critical Water Study Area could be brought up immediately following discussion of the City Hall Roof at the Retreat. She reviewed items the Councilmembers should bring to the Retreat: Comp Plan Draft, public opinion surveys and Snohomish County Tomorrow Goals & Policies.

Councilor Pedersen asked for an update on water conservation education, pamphlets, etc. and Public Works Director Zabell said some people have signed up for ultra low flow fixtures and a pamphlet is being put together on sprinkling and ultra low flow fixtures.

Councilor Pedersen asked about the Pollution Control Board decision and City Attorney Weed said we are about half way through the waiting period now.

Councilor Pedersen mentioned that some of the lapel mics are falling apart and need repair and City Administrator Sanden said she would follow up on this. She reviewed the Retreat agenda again and added that the Community Center/Library has been put on hold for now.

Councilor Wright commented on some poor photocopies in Friday's packet.

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MAYOR'S BUSINESS:


Mayor Matheny stated she got a call from Mr. Geddes about their problem down at the marina with storm water, sand build up and Public Works Director Zabell said he would follow up on this.

ADJOURNMENT: 10:20 p.m.


Accepted this 22 day of April, 1991.



MAYOR



CITY CLERK



RECORDING SECRETARY