

**Marysville City Council Meeting**

**October 22, 2007**

**7:00 p.m.**

**City Hall**

**Call to Order / Invocation / Pledge of Allegiance**

Mayor Dennis Kendall called the October 22, 2007 meeting of the Marysville City Council to order at 7:01 p.m. There was no invocation given. Mayor Kendall led those present in the Pledge of Allegiance.

**Roll Call**

Chief Administrative Officer Mary Swenson gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Dennis Kendall

**Council:** Mayor Pro Tem Jon Nehring, Carmen Rasmussen, Jeff Seibert, John Soriano, Jeff Vaughan, and Donna Wright (Lee Phillips arrived at 7:25 p.m.)

**Staff:** Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, City Attorney Grant Weed, City Attorney Craig Knutson, Community Development Director Gloria Hirashima, Public Works Director Paul Roberts, Chief of Police Rick Smith, Commander Ralph Krusey, Assistant Public Works Director/City Engineer Kevin Nielsen, Assistant City Engineer Jeff Massie, Parks and Recreation Director Jim Ballew, Community Information Officer Doug Buell, and Recording Secretary Laurie Hugdahl

Chief Administrative Officer Swenson noted that Councilmember Lee Phillips was detained at work, but would be here as soon as possible.

**Committee Reports**

Councilmember Seibert reported on the October 10 **Snohomish County Solid Waste Advisory Committee** meeting. Items discussed included the following:

- Scale Automation Software – reviewing a RFP on that
- Continuity of Operations plan – update, activated recently during the fire at North County Transfer Station
- Disaster debris management plan – draft is out
- Steve Goldstein has resigned and gone to work at WM Northwest – he'll be missed
- Cost of Service Study Presentation
- Public Questions: One question regarding when the doors at Southwest Transfer Station would go up and what type of safety warnings would be on those. Another question about the rounding of tip fee – Fees are now rounded to the nearest dollar.

**Presentations**

1. Service Awards.

The following employees received service awards:

- John Dorcas, Building Official, Community Development, 15 years
- Jeremy Wood, Police Officer, 10 years

### **Audience Participation**

Gary Baker, 1802 Grove Street, Marysville, 98270, spoke regarding his concerns about removing on-street parking on Grove Street. He presented written comments to Council and asked that Council reevaluate the timeframe for implementing the elimination of parking on Grove Street.

### **Approval of Minutes**

3. Approval of October 8, 2007 City Council Meeting Minutes.

Councilmember Seibert requested that in the future the minutes reflect if someone has no comments under Call on Councilmembers.

**Motion** made by Councilmember Seibert, seconded by Councilmember Wright, to approve the minutes as presented. **Motion** passed unanimously (6-0).

4. Approval of October 15, 2007 City Council Work Session Minutes.

The following amendments were suggested by Councilmember Seibert:

- On page 1, Committee Reports. The first bullet under Carmen Rasmussen's report from the Parks Advisory Board meeting should be amended to read, "A high school student . . ."
- On page 7, the last sentence should be corrected to read, ". . . should be **NFPA70**."

Councilmember Wright noted that **Maryke Burgess'** name should be corrected on page 2.

**Motion** made by Councilmember Nehring, seconded by Seibert, to approve the minutes as amended. **Motion** passed unanimously (6-0).

### **Consent**

**Motion** made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve the following consent agenda items:

5. Approval of October 10, 2007 Claims in the Amount of \$1,400,789.37; Paid by Check No.'s 42533 through 42700 with No. Check No.'s voided.
6. Approval of October 17, 2007 Claims in the Amount of \$317,126.52; Paid by Check No.'s 42701 through 42855 with Check No. 40486 Voided.
7. Approval of October 19, 2007 Payroll in the Amount of \$719,039.41; Paid by Check No.'s 18688 though 18748.

10. Acceptance of the Stillaguamish Water Treatment Plant Project to Start the 45-Day Lien Filing Period for Project Closeout.
11. Standard Consultant Agreement with Berger/Abam Engineers Inc. to Perform Preliminary Engineering and Environmental Review Documentation for the Lakewood BNSF Railroad Overcrossing Project for the Estimated Cost of \$581,803.00.

**Motion** passed unanimously (6-0).

### **Review Bids**

### **Public Hearings**

8. 2007 Comprehensive Plan Amendments.

Citizen Initiated Amendment No. 1 – Amend the Comp Plan Map designation and concurrently rezone an approximately .40-acre parcel from High-density Single-family (R-6.5) to Mixed Use (MU).

Mayor Kendall opened the public testimony portion of the hearing at 7:19 p.m. Gloria reviewed the proposed amendment and reviewed staff's recommendation. There were no public comments. Councilmember Seibert asked if Neighborhood Business allowed for apartments on the second level. Gloria Hirashima replied that it did. The public hearing for this item was closed at 7:22 p.m.

Citizen Initiated Amendment No. 2 – Amend the Comp Plan Map and concurrently rezone approximately 3.10 acres from General Commercial (GC) to Mixed Use (MU).

The hearing was opened at 7:22 p.m. Gloria Hirashima reviewed the proposed amendment. There were no public comments or Council questions. Public testimony was closed at 7:25 p.m.

*Councilmember Phillips arrived at 7:25 p.m.*

City Initiated Amendment Text Amendment #1 – Repeal Ordinance 2487 which allows a master site plan over 60 acres to designate 20% of the gross site area for residential uses and infrastructure.

Public testimony was opened at 7:25 p.m. Gloria Hirashima reviewed the proposed amendment and discussed the staff recommendation. There were no questions from Council. There were no public comments. The hearing was closed at 7:26 p.m.

City Initiated Text Amendment #2 – Amend the language on pages 4-6 of the Comp Plan regarding rezones to narrow the use of this provision and limit size and scope of rezones along edges outside a comprehensive plan amendment process

The public hearing was opened at 7:26 p.m. Gloria Hirashima discussed the proposed text amendment and staff's recommendation. There were no council comments. There were no public comments. Councilmember Seibert summarized what he thought this was intended to

do. Gloria Hirashima concurred. The public testimony portion of the hearing for this item was closed at 7:30 p.m.

City Initiated Map & Text Amendment #3 – Amend the Lakewood and Smokey Point neighborhood maps depicting future road connection and amend the Transportation Element proposed road connector map and 20-year Transportation Improvements text amendment.

The hearing was opened at 7:30 p.m. Gloria Hirashima introduced the proposed amendment. Kevin Nielsen reviewed the study of this area and noted that the conclusion and recommendation was for an overpass in this area. There were no Council comments.

*Public Testimony:*

Gerald Osterman, 2605 169<sup>th</sup> Street NE, Marysville, stated that he was the president of and represented Lakewood Meadow Association, located at the southwest corner of 169<sup>th</sup> Place NE and 27<sup>th</sup> Avenue NE. He expressed opposition to a new south connector road from 27<sup>th</sup> Avenue NE to 156<sup>th</sup> Street NE. His group believes that a new interchange with I-5 would be good for Lakewood Crossing traffic, but the connector street should remain at Twin Lakes Avenue. He stated that a full traffic impact analysis should be prepared to consider the impacts onto the neighborhood and all future residential plats of all the thru traffic to 172<sup>nd</sup> Street NE (SR-531).

Councilmember Seibert asked if there might be a light installed on any of the intersections there if traffic reaches a certain level. Kevin Nielsen responded that there are plans to look at putting a light at 169<sup>th</sup> and 27<sup>th</sup>.

Councilmember Seibert then asked about screening requirements and landscaping buffers. Gloria Hirashima responded that there would not be any special landscaping requirements other than normal street right-of-way requirements. Councilmember Seibert asked if this could be addressed in the planning process. Gloria Hirashima said they could look at introducing additional screening on the road plans for 27<sup>th</sup> Avenue if staff was directed to do so. She pointed out that there were plans within the adopted Comprehensive Plan to extend 27<sup>th</sup> Avenue to the south. This revision of that plan is now part of a network that would include the 156<sup>th</sup> Street overcrossing so there are concerns that there could be higher volumes of traffic using the road. Councilmember Seibert said he would be interested in looking at special buffering or landscaping since traffic volumes would be high there. Director Hirashima indicated that they could do that if directed to do so.

Councilmember Rasmussen asked where they anticipate the east-west crossings to be. Gloria Hirashima said that the connections would be shown as on the grid pattern on page 4-91 in the packet. The only deviation would be that 27<sup>th</sup> Avenue would be the primary road coming straight down. 23<sup>rd</sup> Avenue (the road further west) would also be built as planned.

Councilmember Rasmussen asked what level of traffic they were expecting to dive off of 27<sup>th</sup> to head over to Twin Lakes Avenue. Kevin Nielsen discussed traffic flow in the area. Since most people would be headed to Costco/Target, they would go down 27<sup>th</sup>. Some would head west on 172<sup>nd</sup>, but the primary flow would be 27<sup>th</sup>. Ms. Rasmussen asked how many people they expected to leave 27<sup>th</sup> before 169<sup>th</sup> in order to get to the front of Costco, rather than the

back. Mr. Nielsen said that currently most go down 27<sup>th</sup> and take a left farther down. During the summer, however, most people go around the front to go to Twin Lakes Park. As some of the businesses in that area grow, he anticipated that more traffic would go around the front.

Councilmember Seibert asked what changes in traffic they anticipate with the overcrossing. Kevin Nielsen stated that the southern interchange would lower traffic more on the east side than it does the west side of 172<sup>nd</sup>.

Michael Stringam, Perteet, reviewed the anticipated traffic flow. A lot of the traffic flow from the commercial space and the existing residential that might prefer to go south would take the new access to the south either on Twin Lakes or the extension of 27<sup>th</sup>. As other development starts to occur around 156<sup>th</sup>, some of that traffic will head north and some south across the crossing. In total the amount of traffic to the north is expected to decrease from what it is today. The south access should provide a leveling effect. The goal is to have as direct access to both areas as possible.

Councilmember Soriano referred to Citizen Initiated Amendment #2. He wondered if any other property owners in that area had expressed an interest in Mixed Use. Gloria Hirashima said she had received some interest from someone else to the north, but they had not pursued it. Public Testimony was closed at 7:48 p.m.

City Initiated Map Amendment #4 – Amend the Downtown neighborhood maps depicting a future road (alley) extension of Delta Avenue between 10<sup>th</sup> Street and Grove Street.

Public Testimony was opened at 7:48 p.m. Gloria Hirashima reviewed the proposed amendment. There were no questions from Council. There was no public testimony. The public testimony was closed at 7:50 p.m.

City Initiated Map & Text Amendment #5 – Amend the future road connection maps and the 20-year Transportation Improvements text. Consideration of various road corridor alternatives including Corridor A (widening of both Sunnyside Blvd and 67<sup>th</sup> Avenue/71<sup>st</sup> Avenue collector to 3 lanes arterials), Corridor B (widening of Sunnyside Blvd to 5-lane principal arterial), or Corridor C (widening of 67<sup>th</sup> Avenue/71<sup>st</sup> Avenue collector to 5-lane principal arterial). Consideration of road connection options between 67<sup>th</sup> and 71<sup>st</sup> Avenue.

*Staff Comments:*

The public testimony was opened at 7:50 p.m. Gloria Hirashima reviewed the proposed amendment in detail. She noted that the City Council has received full copies of all pertinent correspondence received by the City and the Planning Commission as well as the full record that was before the Planning Commission. She reviewed the history of the annexation and discussed the background of this proposal and the high growth rate in the area. She explained that the City has recognized for years that Sunnyside would be a fast-growing area of the City and the Urban Growth Area. In recognition of that need to do some advanced transportation planning, the City entered into an Interlocal Agreement with Snohomish County in 1999. This agreement established some of the initial plans and conceptual linkages for the Sunnyside area. Continuation of 67<sup>th</sup> Avenue NE was depicted at that time as an arterial from 44<sup>th</sup> Street NE to Soper Hill Road. She discussed the

Transportation Element adopted in 2003 which also depicted the arterial connection/extension of 67<sup>th</sup> Avenue to Soper Hill Road as well as other linkages and corridors referenced in the Interlocal Agreement. The Comprehensive Plan Update of 2005 also reiterated those connections and the need for a grid pattern of connections in the Sunnyside area.

The Whiskey Ridge Subarea Plan was adopted in May 2007 following annexation. It was at this time that the issue became of greater concern to the property owners that were in the immediate area of 67<sup>th</sup> Avenue/71<sup>st</sup>. The corridor segment was remanded to the Planning Commission to enable the public to be more involved in this one area of the plan. The action taken at this time included an update to the Capital Facilities Plan that established 67<sup>th</sup> NE/71<sup>st</sup> Avenue NE as a recommended 20-year improvement. The project was included within the impact fee calculation, but remanded the exact location to the Planning Commission. She stated that anticipated growth in the Sunnyside and Whiskey Ridge area is estimated to include over 10,000 additional people by the year 2025.

Some of the testimony submitted from the neighbors in the area through their attorney's office (Bricklin Newman Dold LLP) included allegations that the recommended road alignment was not compliant with the requirements of the Growth Management Act (GMA) and with multiple City of Marysville Comprehensive Plan policies. Ms. Hirashima reviewed the Staff Report which went through all of those policies and explained why staff feels the plan is consistent with the policies.

She concluded that Perteet's report of the 67<sup>th</sup> Avenue to 71<sup>st</sup> Avenue Arterial Corridor Connection was contained in Council's meeting packet. She distributed a map showing how the developer extension process might work for the proposed 40<sup>th</sup> Street NE alignment.

Chief Administrative Officer Swenson discussed the background of the annexation of this area. She explained that part of their reason for annexing this area was that they were very frustrated with the development and road connectivity that had occurred in this area. During that process the City made commitments to the County and to Future Wise regarding master planning this area. The Council made a policy decision to not allow utility hookups until the master plan was in place and the area was annexed into the city. The Transportation Element and master plan were critical to the approval of this area.

After annexation, the City began to focus on the transportation issues in this area. The City is committed to getting this right the first time. Making sure that the road connectivity is where it needs to be is critical to the residents in that area and the residents who travel through this area. She explained that the transportation needs to be looked at as a regional network and they cannot focus on only one road as has been suggested by some residents. She stated that developer-driven projects are always the best way to fund projects. The alternative that the City is recommending provides the opportunity to have it a developer-driven project. Widening Sunnyside to five lanes would not provide this opportunity since it is already developed. She stated that she is very passionate about this area. They worked hard to get this in the City and they have worked hard to make sure that this meets the needs of the citizens in the future. Citizens daily communicate to city leaders how frustrated they are with transportation issues in the City. She believes that where the City finds itself now is a direct result of not making the tough decisions that should have been made in the past.

Ms. Swenson summarized that her recommendation is that they look at Corridor A with alignment options 2 and 7 (page 14 of the Perteet report and page 12 of the latest staff report) She emphasized that these are concepts. She concluded that there has been a lot of public process on this matter. Although Planning Commission recommended more community meetings on this matter, she believes that it is time to move forward and make a decision on this. She stated that transportation engineers who know how to prepare for roadways need to move forward, taking citizen comments into account.

Public Works Director Paul Roberts commented that the City has been working on this area for several years now. He does not believe that the differences of opinions are the results of a flawed process or that further process will resolve those differences of opinion. The city's focus is necessarily broad because it focuses on all of the city and the entire road network as a system.

Deputy Director of Public Works/City Engineer Kevin Nielsen noted that on the Notice of Hearing, No. 5, Corridor Alternatives A and B were reversed. He introduced Michael Stringam of Perteet who had been hired to look at this area. Michael Stringam reviewed his professional background and qualifications and gave a PowerPoint presentation, as contained in Council's packet. Perteet believes that the work that has been done so far exceeds the requirements of a Comprehensive Plan. He introduced the Corridor Alternatives A, B and C and property impacts for each alternative. He discussed how they have done a planning level evaluation of property impacts. He then reviewed the cost impacts for the corridor alternatives. He noted that the extra cost for Alternative A includes the cost of 5 lanes of Sunnyside north of 52<sup>nd</sup>. Funding sources for the various corridor alternatives were reviewed.

Perteet has recommended Corridor Alternative A, which is 67<sup>th</sup>/71<sup>st</sup> Avenue as a 3-lane Minor Arterial with through-connector between 40<sup>th</sup> Street and 44<sup>th</sup> Street and Sunnyside Boulevard as a 3-5 lane Minor Arterial. He reviewed the alignment options that had been proposed and the property impacts for each alignment options 2, 6 and 7. Perteet has also recommended alignment options 2 and 7. Either way, the corridor alternative can still be determined with the exact alignment to be determined later. He also discussed potential access configurations to existing or redeveloped properties. Kevin Nielsen asked Mr. Stringam to explain why option 6 was not being recommended. Mr. Stringam explained that it would work, but it would divert traffic to other locations because it would be a dog leg.

*Council Questions:*

Councilmember Rasmussen asked about the estimated acreage of the area at the intersection of the Soper Hill Road and Highway 9 which is designated as Business and Mixed Use. Gloria Hirashima responded that it was approximately 100 acres, compared to about 80 acres currently being used at the Lakewood Crossing area. The earlier referenced increase of several hundred jobs and 10,000 more population was included in this commercial area.

Councilmember Rasmussen asked her to discuss the Ingraham Boulevard. Director Hirashima explained that Ingraham Blvd. is the extension of 88<sup>th</sup> street. The City is currently in the design stages of completing the extension of this that will go out to Highway 9. This

has been primarily moved forward by developer activity. Kevin Nielsen added that most of it was funded by developer activity, but the part over the sensitive areas will be paid for by the city. Ms. Swenson explained why when developers do road extensions they are able to do it for less expense than the city.

*Public Testimony: (9:30 p.m.)*

Mark Hagen, 4421 67<sup>th</sup> Avenue NE, asked if 44<sup>th</sup> Street, as a proposed collector street, would include sidewalks. Ms. Hirashima replied that it would. Mr. Hagen asked if the City was aware that the school district has purchased property at 71<sup>st</sup> and 44<sup>th</sup>. Ms. Hirashima replied that they were aware of this, but because the school district has not moved forward with a school the property was simply run as "build-out" at its residential zoning.

Jennifer Dold, 1015 4<sup>th</sup> Avenue Suite 1015, Seattle, WA 98115, commented that staff was allowed over an hour to make their comments. She requested that the public be allowed longer than three minutes. She stated that adequate public participation has not been given. Last minute rolling out of new descriptions and new options makes it difficult for the public to participate. Her clients believe there is still insufficient information for the Council to make a decision at this point. She emphasized that the two roundabouts on 44<sup>th</sup> is the option that they would like considered since they believe this is a viable option. She clarified that it was not their opinion that Sunnyside should be a five-lane arterial. Sunnyside does not need to be changed to five lanes to accommodate the growth. She requested additional time to speak at the end of the meeting.

Greg Corn, Fire Chief, 1635 Grove Street, spoke on behalf of the Marysville Fire Department in support of Alternative A. He addressed the 67<sup>th</sup> to 71<sup>st</sup> connection. He stated that they are building a fire station at the intersection of 40<sup>th</sup> and 71<sup>st</sup> Avenue. From a response time and safety standpoint he spoke in support of alignment options 2, 3, and 7. The other options do not maximize the fire department's response time capabilities.

Chief Rick Smith, Marysville Police Dept, concurred with Fire Chief Corn's statements. He commented that it is very important to public safety, not only fire, and police, but emergency medical services, to consider safety issues. He pointed to the projected rapid growth and infill in this area that needs to be considered. A grid system of connectivity would allow a more direct and safer path to handle emergency situations and to allow maximum response times for the neighborhoods.

Ross Tilghman, 4618 44<sup>th</sup> Avenue S, Seattle, WA 98115, Transportation Planner, stated that he was hired by three residents (Nixon, Short, and McKinney) to review the alignment options. He has submitted two letters to the City (dated July 20 and October 19). He believes the issue is how to handle the dog leg. He stated that Sunnyside is the primary arterial in south Marysville. It has been historically since it links Highway 9 and downtown and I-5. 67<sup>th</sup>/71<sup>st</sup> is not as important in the scheme of overall circulation. Perreet's analysis shows that there is very little difference with the dog leg or curvilinear alignments that are suggested. Diversion is not really the issue here. The safety concerns are very good ones. The best solution would be one that avoids taking homes and minimizes property taking in general and one that on a quantifiable basis shows a difference in safety and emergency vehicle access.

Jeri Short, 6917 40<sup>th</sup> Street NE, Marysville, expressed frustration with this process. She stated that she does not believe that what Commissioner Voigt remanded back to Council is what Council has done. She commended the Council's respectful working relationships with each other. She stated that she wanted the same consideration. She wanted to be part of the solution, not part of the problem. She discussed the areas of her property that the City was proposing to take from her. She requested more respect and more time to speak on her behalf. She was very upset by the Mayor's comments in the Globe.

Tom King, 3113 Sunnyside Blvd, Marysville, said that he owns 300 feet of footage on Sunnyside. His sister owns 400 feet of footage on Sunnyside. He has envisioned Sunnyside as a true boulevard with sidewalks, landscaping, additional lighting and parks and trails. He hopes that three lanes would be adequate to handle the current and future traffic. Mr. King presented a letter with his comments to the Council.

Tim Nixon 4024, 71<sup>st</sup> Avenue NE, Marysville, said he lives across from where the fire station will be built. He did not believe that improving the dog leg will save much time in terms of emergency response. He expressed frustration that the Planning Commission's recommendations were not heeded. He believes that information is not getting back to the Council. He also expressed disapproval of the Mayor's comments in the Globe.

Becci Nixon, 4024 71<sup>st</sup> Avenue NE, Marysville, stated that the Environmental Review is inadequate; clear corridor and alignment impacts are significant; a Supplemental EIS should be required based on the known significant impacts; the non-project review does not excuse compliance with SEPA as staff states; we have a speed problem, not a traffic problem; several of the options for amendment 5 are a waste of time and money; several of the planning commissioners, neighbors and herself feel there are better ways to approach these issues. She urged them to really listen to what they have been saying. She discussed several frustrating experiences with the City. Several residents have come ready to speak and share their thoughts many times and have been basically shot down. She commented that since the audiotapes are not transcribed verbatim this has created some issues. She stated that Planning Commissioner Deirdre Kvangnes said she never liked the "sweeping" ideas and they needed more time to work on it through workshops. Planning Commissioner Voigt suggested amendment 5 be remanded back to staff to do necessary modeling, accurately forecast traffic counts, to work on costs and to pursue Sunnyside as a principal arterial to carry the traffic and to take these lines off the map for the 67<sup>th</sup>/71<sup>st</sup> connectors. She stated that the workshops have not been held, the community has not been included, and the lines have not been taken off the maps. She expressed frustration that the lines on the map would affect the value of her land and what she could do with it.

Kristin Kinnemon, 5708 91<sup>st</sup> Place NE, Marysville, stated that she travels through this area by bicycle frequently. Pedestrian and bicycle connections should be a priority as encouraged by the Healthy Communities goals. She believes the only way to accomplish this is through a grid system. She stated that the two options that are being proposed end in a cul-de-sac which defeats the purpose. She spoke against the option of five lanes on Sunnyside. She spoke in support of three or fewer lanes for the roads in this area.

Darlene Salo, 3620 87<sup>th</sup> Avenue NE, Marysville, WA, spoke in opposition to a vote tonight on amendments 5 and 6. She referred to Mayor Kendall's recent comments that with the recent downturn in development permit applications, the proposed road amendments would

likely not become a reality for a decade or more. Therefore it is unnecessary for the Council to act on those amendments until viable proposals can be presented from the Planning Commission. It is the desire of the Whiskey Ridge neighborhood and the Planning Commission to improve existing or construct new east-west arterials from Highway 9 to Sunnyside Blvd. and 67<sup>th</sup>, however to ratify the current rejected amendments would be misguided without further study. She strongly believes that this needs impartial traffic consultants and further workshops and public comment.

Don Miter, 1619 Sunnyside Boulevard, stated that there has been no coordination with the County on this. The maps show Sunnyside Boulevard south of Soper Hill as a part of the plan. That road was an 1893 wagon road and hasn't truly been improved since then. He discussed the history of Soper Hill Road and the inadequacy of it to handle any more traffic than is on it now. He suggested putting a moratorium in place for this project. 30 years ago the road was built to accommodate 100 cars in an 8-hour period. He suggested getting involved with Snohomish County Public Works so that you can treat connectivity and slow down on your development. He also discussed the topography of 44<sup>th</sup> Street, noting that it is a very steep road.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Rasmussen to continue the meeting until 11:00 p.m. **Motion** passed unanimously (7-0).

Beverly Martinka, 2927 Sunnyside Blvd., has lived in the area for over 30 years. She spoke against widening Sunnyside to five lanes. The last time the road was widened the center lane was moved one foot towards her house and the bike path came towards her home. She concurred that the topography needs to be considered. She feels that three lanes would work for Sunnyside. Five lanes would result in more traffic congestion, since there is no place for it to dump into.

**Motion** made by Councilmember Nehring, seconded by Councilmember Rasmussen, to extend Ms. Dold's time to up to ten minutes in light of the fact that she was representing multiple parties. **Motion** passed unanimously (7-0).

Ms. Dold comments included the following:

- She said that the residents had not suggested five lanes on Sunnyside. The numbers show that five lanes are not needed. It is a false comparison to claim that you need five lanes all the way through Sunnyside and compare that to 67<sup>th</sup> and 71<sup>st</sup> connector.
- She asked Council to look closely at the projected volume numbers. It is more realistic to look at an option of expanding Sunnyside to three lanes or four at the most to accomplish the future volume. She stated that Council does not have the correct comparative alternatives in the data it has right now.
- She said that Ms. Swenson's earlier remarks about the dangers of "citizens planning growth". She stated that those remarks were outdated and unlawful under the GMA, which has a significant component that says when you have these kinds of planning decisions you have to have meaningful citizen involvement.
- She highlighted that the City is doing a design study regarding Sunnyside right now. The City should get the information regarding traffic volumes, design aspects, to make a decision about what to do regarding Sunnyside versus 67<sup>th</sup> and 71<sup>st</sup>. The City should not make a planning decision based on inadequate information.

- There is inadequate funding information regarding the corridor alignments and the specific alternative alignments. They do not believe the GMA allows you to put together a funding plan that says you have inadequate mitigation fees on one hand and no plan for capital improvement on the other.
- The 67<sup>th</sup>/71<sup>st</sup> alignment does not allow you to plan with a blank slate. This is an existing, established residential neighborhood. The GMA policies state that you need to protect and enhance the character, quality and function of your existing residential neighborhoods.
- Given the information that you have regarding corridors and alignments, any decision you make is going to have significant impacts. It is not sufficient to not do an adequate environmental review and a supplemental EIS. They are asking for a supplemental EIS to help guide the process in this case.
- She summarized that they are asking the Council to follow the recommendation of the Planning Commission and remand this back to the Planning Commission to have meaningful public workshops. There is no rush to do this tonight.

#### Staff Comments and Questions:

Councilmember Nehring asked for a response from Perteet regarding Ms. Dold's contention that five lanes are not needed on Sunnyside. Mr Stringam replied that they have specifically responded to the request that Mr. Tilghman referred to in his letter of July 20. He read the letter which stated that, "Another alternative which should be given further consideration by City staff and the Planning Commission is the concept of designating Sunnyside as a principal arterial and then evaluating whether further north-south improvements are required." That is precisely what Perteet did in Alternative B. They assumed it to be a five-lane principal as requested and found that there would still be sufficient traffic on 67<sup>th</sup>/71<sup>st</sup> to require three lanes. They feel they have given this a fair analysis.

Ms. Swenson clarified that her comment earlier was not about "the dangers of citizens planning growth." Her comment was that citizens *engineering roads* was one of the most dangerous things that she has seen.

Councilmember Vaughan commented on the statement that there was a lack of citizen input. He asked Director Hirashima to comment on the opportunities for public comment. Ms. Hirashima reviewed the previous opportunities for public input and noted that they have taken correspondence and phone calls for over a year. She noted that the fact that three corridor alternatives and seven road alignment options have been presented are a direct result of public comments. There would not have been nearly as many options developed and considered if it were not for the City's response to public comments.

Councilmember Vaughan asked how this level of citizen input compares to other amendments she's been involved in. Ms. Hirashima stated that it has been as involved as some of the most complex plans they have dealt with and more involved than other road issues they have dealt with in the past. Public Works Director concurred. He emphasized that the level of detail you see here far exceeds what you normally see at a plan level. This is approaching project-level design.

Councilmember Seibert asked when 67<sup>th</sup> to Sunnyside Blvd. was identified as a connection. Ms. Hirashima said it was addressed in the Interlocal Agreement with the County in 1999.

She reviewed the history of this and noted that upon annexation, the City determined that a straight connection to Sunnyside was no longer appropriate because it would have involved some critical area constraints. Additionally, the county also missed the connection altogether when they approved several subdivisions that were south of 40<sup>th</sup> Street. At that point the City began looking at alternatives to road connections.

Councilmember Seibert asked if there was any proposed development in the 67<sup>th</sup> to 71<sup>st</sup> area. Ms. Hirashima explained that they have not had any formal applications. The City has received a pre-application and had a meeting with a developer who was looking at a property just south of 44<sup>th</sup> Street. Councilmember Seibert commented that if we remanded this back and waited, this person might either go away or try to put together a plan that might not leave any connectivity between 67<sup>th</sup> and 71<sup>st</sup> if he chooses to go ahead with the plat. Ms. Hirashima stated that they would have to work with the current plan in that case. Councilmember Seibert commented that it took several years to get the connection through on 88<sup>th</sup> Street. He asked for confirmation that this plan would be a layout where the road might be if someone buys it and develops the property. Gloria Hirashima affirmed that it would basically be a template for future development and that the City does not have a capital project that they are doing in this area.

Councilmember Seibert asked Director Hirashima to comment on the Planning Commission's function. Director Hirashima stated that they hold land use hearings and make recommendations to the City Council for planning land use decisions. In this case they held a hearing and workshops and made a recommendation to the Council. In this case the recommendation was to remand to staff for additional workshops.

Councilmember Seibert recalled his experience prior to being a councilmember and the lack of citizen participation allowed at that time. He believes that the City is much more open and responsive to citizen comment than in the past. In this case, it is his opinion that they have been extremely responsive and are doing the best they can to plan for the future.

Councilmember Phillips asked about possible repercussions in delaying this. Gloria Hirashima replied that Sunnyside/Whiskey Ridge is a fast growing area in the city. The growth has presented some urgency in terms of having some guidance for developers. Kevin Nielsen added that this would impact development along all the corridors, not just the missing links. Public Works Director Roberts said that the GMA was amended to clarify that it intends for the city to act on all the amendments at one time. Failure to do that will result in remaining with a lack of connectivity.

Councilmember Seibert asked if design details of this level are usually done for a Comprehensive Plan. Mr. Roberts stated that they are not. Councilmember Seibert asked what the normal SEPA requirement is for this type of matter. Ms. Hirashima explained that they had issued an Environmental Impact Statement for the 2005 update and did an addendum to that. Councilmember Seibert asked what would happen if there was still a missing connection in ten years or so. Director Hirashima stated that the City could initiate a capital project and acquire the property to complete the connection. Kevin Nielsen added that this was very difficult to answer since there are so many factors that go into it.

The public testimony on City Initiated Amendment #5 was closed at 10:43 p.m.

City Initiated Map & Text Amendment #6 – Amend the future road connection maps for 40<sup>th</sup> Street NE west of 87<sup>th</sup> Avenue NE and amend the 20-year Transportation Improvements text.

This hearing was opened at 10:44 p.m. Gloria Hirashima reviewed the proposed amendment and staff's recommendation. The options before the Council relate to just one segment of the 40<sup>th</sup> Street connection. She referred to a map she had distributed showing the 40<sup>th</sup> Street connection and how that road is being developed from 71<sup>st</sup> to 83<sup>rd</sup> Avenue NE. In that segment most of the right-of-way alignment has been identified. The segment being considered now is the segment between 83<sup>rd</sup> and 87<sup>th</sup> Avenue NE. She reviewed the alternatives for this segment, noting that either one would function. Staff recommended the use of 87<sup>th</sup> Avenue because of timing and ease of acquiring the connection.

Director Roberts remarked that when they go forward with projects, they do not have all of the funding secured, but they do have funding sources identified. Having the project approved by Council then puts staff in the position to go out and seek the commitment for funds that they anticipate receiving for the project.

Michael Stringam from Perteet showed the original recommended alignment. The alternative recommended by staff for amendment #6 was to go up the back sides of properties on 87<sup>th</sup>. Perteet would prefer to see something more direct although this would probably impact a few more properties. He discussed how the various alternatives would impact traffic dispersion.

Gloria Hirashima reiterated that staff had recommended 87<sup>th</sup> from the standpoint of timing. She agreed that the other road alternative would also work, but might take 10-15 years to coordinate. This would mean that the commercial development would occur in advance of the road being completed.

Ms. Swenson restated her comments regarding Amendment #5 that master planning of this area is essential and transportation is a major element of that also applies to this.

*Public Testimony:*

Ken White, 3300 Block 87<sup>th</sup> Avenue, was not able to attend so Shelly Thomas, submitted a copy of one of his emails that he also sent to the Council and the Planning Commission today.

Ted Trepanier, 1601 Broadway, Everett, WA, said he was an engineer for the potential developers on a project on 83<sup>rd</sup> Street. They concurred with the staff recommendation with respect to 87<sup>th</sup> Street. They think 87<sup>th</sup>, especially with cutting off the road in a couple spots might be a better solution.

Matt Bolin, 822 89<sup>th</sup> Street SE, Everett, WA 98208, said he owns the property at 36<sup>th</sup> and 83<sup>rd</sup>. He reviewed his experience with this type of matter. He spoke in support of the staff's recommendation.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert to extend the meeting for one hour, until 12:00. Donna Wright offered a friendly amendment to extend

the meeting for 30 minutes, until 11:30 p.m. The friendly amendment was accepted. **Motion** passed unanimously (7-0).

Shelly Thomas, 3626 87<sup>th</sup> Avenue NE, spoke in opposition to amendment #6, stating that this is a residential area with many families. Both figures shown have huge adverse impacts to the neighborhood. There is a lot of driveway access onto 87<sup>th</sup>. Since either drawing will serve the purposes of the city, the Council is tasked with deciding which will have the least impact to the fewest number of people. She distributed a map showing the number of people that would be impacted for each option. She urged the Council to listen to the planning commissioners since they are there for a reason. She encouraged the Council to have trust in them and remand this back to staff and hold more public workshops.

Nick Harper, Association of Realtors, 3201 Broadway, Everett, WA 98201, spoke generally in favor of this amendment and the previous amendment. Representing realtors in this region as well as countywide, he spoke how poor planning and poor connectivity have resulted in significant public safety concerns. County planning has created several hardships with regard to connectivity and significant public safety concerns. There is now opportunity for the public to take this into their own hands and to plan for the future. He commended the Council for being proactive in planning infrastructure before the transportation crisis really affects the region.

Don Balker, 3811 87<sup>th</sup> Avenue NE, stated that he supported all of Shelly Thomas's comments.

Randall Garka, 3725 87<sup>th</sup> Avenue, has lived in this neighborhood for a long time. He spoke against both of the proposed alternatives because widening 87<sup>th</sup> would take away too much of his property. He also does not like the idea of expanding 92 since 4<sup>th</sup> Street already goes to Highway 9. He recommended keeping 87<sup>th</sup> as it is.

*Council Questions:*

Councilmember Seibert asked Mr. Stringam to discuss his comments regarding connections utilizing the roundabouts. Mr. Stringam said that if they did the roundabouts, the east-west connector to 92 should absolutely be five lanes and 87<sup>th</sup> Avenue NE could be four lanes. In the original plan they recommended a five-lane road all the way to 87<sup>th</sup> based on road counts. In the roundabout version, 40<sup>th</sup> might not need to be four lanes if enough traffic could be dispersed. He noted that they would also recommend that 87<sup>th</sup> Avenue to the north and south of the roundabouts not be continued for through traffic.

Councilmember Seibert asked Gloria Hirashima if it was likely that this would be one large commercial development or a bunch of smaller ones. Ms. Hirashima responded that it would probably multiple parcels because there are so many ownerships there and the access patterns are oriented differently. She stated that they are currently working with Makers to develop more detailed design standards for this area including addressing streetscape and building orientation.

Councilmember Seibert summarized that by improving 87<sup>th</sup> the City would avoid having commercial-level traffic on a substandard road. Ms. Hirashima concurred. Public testimony on amendment #6 was closed at 11:15 p.m.

City Initiated Map Amendment #7 – Amend the Comp Plan Map designation and concurrently rezone residentially designated property located north of 156<sup>th</sup> Street NE and east of BNSF railway, within the Lakewood neighborhood, from Low Density Multi-family (R-12) to Community Business (CB).

The hearing was opened at 11:15 p.m. Gloria Hirashima reviewed the proposed amendment. She explained that staff's recommendation is to rezone from Multi-family Low Density to Community Business. There was no public comment or Council questions on this item. The public testimony was closed at 11:16 p.m.

City Initiated Map Amendment #8 - Amend the Comp Plan Map designation and concurrently rezone commercially designated property, as a map correction for properties that were short platted and developed with duplexes in 2001, from General Commercial (GC) to Medium Density Multi-family (R-18).

Public Testimony was opened at 11:16 p.m. Gloria Hirashima explained that this is simply a map correction. Staff is recommending that it be changed back to Single-Family High (R6.5). There was no public comment or Council questions. The public testimony for this item was closed at 11:18 p.m.

City Attorney Grant Weed discussed the next steps in this process. He noted that there would be a special City Council meeting next Monday at 6:00 p.m. prior to the meeting with the school district to approve any ordinances.

Citizen Initiated Amendment #1:

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to approve the Planning Commission recommendation and concurrently rezone the property from High Density R6 to Neighborhood Business subject to the conditions outlined in Section 3 of this report. **Motion** passed unanimously (7-0).

Citizen Initiated Amendment #2:

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano, to approve the staff recommendation on Citizen Initiated Amendment #2 to amend the Comprehensive Plan and concurrently rezone approximately 3.10 from General Commercial to Mixed Use subject to conditions outlined in Section 3. **Motion** passed unanimously (7-0).

City Initiated Text Amendment #1:

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve the City Initiated Text Amendment #1 repealing Ordinance #2487 in accordance with staff's recommendation. **Motion** passed unanimously (7-0).

City Initiated Text Amendment #2:

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert, to approve the City Initiated Text Amendment #2 to amend the language on pages 4-6 of the Comprehensive Plan regarding rezones to narrow the use of this provision and limit size and scope of rezones along edges outside a comprehensive plan amendment process as recommended by staff. **Motion** passed unanimously (7-0).

City Initiated Map & Text Amendment #3:

**Motion** made by Councilmember Seibert, seconded by Councilmember Nehring, to approve City Initiated Map and Text Amendment #3 to amend the Lakewood and Smokey Point neighborhood maps depicting future road connections and amend the Transportation Element proposed road connector map and 20-year Transportation Improvements text amendment as recommended by staff. **Motion** passed unanimously (7-0).

City Initiated Map Amendment #4:

**Motion** made by Nehring, seconded by Councilmember Seibert, to approve City Initiated Map Amendment #4 in concurrence with staff's recommendation to revise the plan maps and text to provide for a 22' paved section in a 30' right of way, north from the current end of Delta Avenue right of way, terminating in a right-in, right-out intersection at Delta and Grove Street with the optional treatment at Grove Street to be determined. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Seibert, seconded by Councilmember Nehring, to extend by 15 minutes until 11:45 p.m. **Motion** passed unanimously (7-0).

City Initiated Map & Text Amendment #5:

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, to approve City Initiated Map & Text Amendment #5 as depicted in Corridor A with options 2 and 7 identified as viable, but not exclusive options. **Motion** passed unanimously (7-0).

City Initiated Map & Text Amendment #6:

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano, to approve the staff recommendation for City Initiated Map & Text Amendment #6 to revise the alignment to utilize 87<sup>th</sup> Avenue NE and roundabouts at the two intersections shown in Figure 2. Revise the Comprehensive Plan maps and charts depicting the arterial connector. **Motion** passed unanimously (7-0).

City Initiated Map Amendment #7:

**Motion** made by Councilmember Seibert, seconded by Councilmember Nehring, to approve the revised plan maps as shown in City Initiated Map Amendment #7. **Motion** passed unanimously (7-0).

City Initiated Map Amendment #8:

**Motion** made by Councilmember Soriano, seconded by Councilmember Nehring, to approve City Initiated Map Amendment #8 in concurrence with staff's recommendation to amend the Comprehensive Plan map and rezone of 8106,8110,8114,8204, 8207 – 43<sup>rd</sup> Avenue NE from General Commercial (GC) to Single-Family High (R6.5). **Motion** passed unanimously (7-0).

City Attorney Grant Weed stated that staff would consider the actions taken by Council as direction and would prepare the ordinances for next Monday's special meeting.

9. Calvary Chapel Annexation and a **Resolution** for Annexation and Prezone, and Authorization to Transmit the Calvary Chapel Annexation to the Snohomish County Boundary Review Board for Review.

The hearing was opened at 11:35 p.m. There were no public comments. The hearing was closed at 11:35 p.m.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Wright, to approve Resolution 2225 regarding the Calvary Chapel Annexation. **Motion** passed unanimously (7-0).

### **Current Business**

### **New Business**

12. Compromise Agreement and Mutual Release with MWH Americas, Inc. Associated with HVAC System Retrofit and Repair Work.

**Motion** made by Councilmember Seibert, seconded by Rasmussen, to authorize the Mayor to sign said agreement after it has been shown that the upgrades worked.

Kevin Nielsen reported that they had the noise engineer out there last week and met the dBA level both at night and in the day. The HVAC system still needs to be balanced though and this will not be signed until the HVAC system is balanced and retested. Councilmember Seibert asked about an issue with moisture issues. Kevin Nielsen reported that all the compliance issues were taken care of with the installation. The main thing left was the HVAC system. The noise level was the number one issue that was asked and this was completed.

**Motion** passed unanimously (7-0).

13. An **Ordinance** of the City of Marysville, Washington, Adopting By Reference the International Building Code and International Residential Code and the International Building Code Standards 2006 Edition, Excluding the International Electrical, Plumbing, Property Maintenance and Energy Codes, Chapter 34, Existing Buildings and Amending Marysville Municipal Code Chapter 16.04, 16.08, and 16.28; and Adding a New Section Codified as Chapter 16.12, the National Electric Code; and Providing For Severability.

Building Official John Dorcas responded to Councilmember Seibert's questions:

1. Types of Prohibited cables – non-dwelling means non-residential
2. Home occupation – under existing building code, the existing building shall be permitted to remain the same provided there exists no conditional hazard to life or property. Anything new you would have to install to meet code. Existing can stay as is.
3. Existing Buildings (p. 13) – As long as there are no safety issues it can stay as it is. If there is a safety issue they would give the applicant a timely manner to resolve it.
4. Electrical Plans – A certified engineer would not need to put plans together for single-family, but they would recommend having a line plan drawn up for any commercial. Anything over 4,000 square feet they would require an electrical engineer to design the building.

**Motion** made by "Councilmember Seibert, seconded by Councilmember Vaughan, to approve Ordinance # 2708. **Motion** passed unanimously (7-0).

**Legal**

14. Recovery Contract for Sewer; KRG/WLM Marysville, LLC.

**Motion** made by Councilmember Wright, seconded by Councilmember Nehring, to approve Recovery Contract 279. **Motion** passed unanimously (7-0).

**Mayor's Business**

Mayor Kendall explained that they needed to make a decision tonight on Grove Street regarding moving all on-street parking on Grove Street. With the favorable weather the streets crew is wanting to stripe.

Councilmember Donna Wright commented that this is a safety issue and that's not going to change so she was in favor of moving ahead. Councilmember Seibert stated that Kevin Nielsen has a copy of the map if anyone was interested in the layout. As the Chairman of the Public Works Committee, Councilmember Seibert recommended moving forward with striping Grove Street. There was consensus to move forward with striping Grove Street.

It was noted that there would be a special Council Meeting at City Hall at 6:00 p.m. on Monday, October 29. The joint meeting with the school district will be held at the school district board room at 6:30 p.m.

Budget meeting will be held on Tuesday night at 5:00 p.m. at the court room.

**Staff Business**

**Call on Councilmembers**

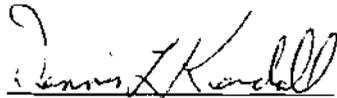
**Information Items**

15. Marysville Library Board Minutes; September 13, 2007.

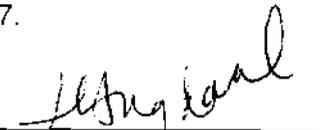
**Adjournment**

Seeing no further business, Mayor Kendall adjourned the meeting at 11:46 p.m.

Approved this 15<sup>th</sup> day of November, 2007.

  
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Mayor  
Dennis Kendall

  
\_\_\_\_\_  
Asst. Admin. Svcs. Director  
Tracy Jeffries

  
\_\_\_\_\_  
Recording Secretary  
Laurie Huggahl