

MARYSVILLE CITY COUNCIL MINUTES

February 28, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Ken Baxter
 John Myers
 Dave McGee
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 Dave Zabell, City Administrator
 Gloria Hirashima, City Planner
 Steve Wilson, Finance Director
 Grant Weed, City Attorney
 Ken Winckler, Public Works Director
 Greg Corn, Marysville Fire Chief
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 3/7/94
 MINUTES

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

On page 7 of the Council Minutes from 2/14/94, Councilor Myers asked that in the fourth full paragraph, "sign could be posted" be changed to "sign could be painted on the pavement."

Councilor Pedersen had several corrections: On page 2, in the 2nd paragraph, first word in the 6th line should be "first" not "firs". On the 4th page near the bottom, regarding fights in the parking lot, she asked that the following be inserted: "the police officers ask where they have been and most of them say they have been at the Saigon Gardens."

On page 6, in the third paragraph from the bottom, she corrected the fire board meeting time as 6:00 o'clock not 7:00 o'clock, rather than the "6th not the 7th." In the 8th paragraph from the bottom of page 9, "fi" should be "if" and "form" should be "from".

Councilor Herman noted on page 5 two-thirds of the way down, in the 5th paragraph from the bottom, he had given an example rather than made a suggestion and asked that "suggested bringing in fill to make the ground level and" be deleted, leaving the sentence: "Councilor Herman said maybe the City should just change the definition of "established grade."

There being no further corrections to the minutes of 2/14/94, Councilor McGee moved and Councilor Myers seconded to approve the minutes as corrected. Passed unanimously.

In the Comp Plan Workshop Minutes of 1/31/94, Councilor Herman asked that on page 2, in the middle of the page, the word "vs" be changed to landscaping as an emphasis "in conjunction with increased" density. He asked that the sentence be ended after the word "aesthetics." In the 6th paragraph on page 3, he said "Grove" should be "8th & Grove".
 sib Beach

There being no further corrections to these minutes, Councilor Pedersen moved and Councilor McGee seconded to approve them as corrected. Passed unanimously.

CORRECTED: SEE 3/7/94
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In the Comp Plan Workshop Minutes of 2/8/94, Councilor Herman noted on page 6 in the 3rd paragraph from the bottom, two words should be inserted: "Councilor Herman stated he understands that PUD requires that any service, including new rural areas are to be...."

There being no further corrections to these minutes, Councilor Wright moved and Councilor Pedersen seconded that they be approved as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

City Attorney Weed referred to the AWC Legislative Bulletin and noted there is legislation alive regarding reducing the level of alcohol from 1.0 to .08 for "intoxification" and if it passes, it would preempt a city ordinance so he recommended waiting until the bill passes before changing the City ordinance.

City Planner Hirashima reported a very good turn out (about 100 people) for the open house last week and thanked the Mayor, Planning Commission members, Councilmembers and staff that helped answer all the questions. She said there were lots of questions and phone calls and a good percentage of comment forms returned. She stated some had written comments and some wanted to be kept on the mailing list; there is going to be a final open house tomorrow (3/1) night and she said there has been a lot of good feedback which will be summarized and presented to Council.

With regard to the building height definition change, she reported there is an upcoming Planning Commission Workshop 3/8/94 and one of the things the Planning Commission was concerned about was that a view protection ordinance should be developed in conjunction with the change in building height definition. She pointed out that this may get into a more complicated process and asked for Councilor direction here.

Councilor McGee said he feels the two issues should be kept separate from one another.

City Planner Hirashima stated staff talked with 13 different cities and counties and they all had simple building height definitions but no view protection ordinance.

City Attorney Weed added there are generally 2 components to a View Protection Ordinance--what is built and what is allowed in terms of vegetation: citing elevations, when you cut, what kinds of vegetation are allowed and he said that's why it can get complex and gets into touchy issues such as property rights. He said some cities have opted to leave these issues between private property owners to work out and he added you need to consider public input in this regard, he believes. He said he recommends having the Planning Commission go ahead with the building height definition amendment.

Councilor Baxter said he thought Mukilteo was developing a View Protection Ordinance and City Attorney Weed said they were working on one but it was never finalized.

City Planner Hirashima confirmed this, noting staff contacted Mukilteo today. She said some cities said it would come under their SEPA review.

Councilor Baxter said he knew the process brought up a lot of controversial issues a couple years ago.

Councilor Herman said he would like to see the building height definition issue quickly resolved and kept separate from the View Protection Ordinance. This was the consensus.

Public Works Director Winckler reported on the tour last Saturday and thanked those of the Council who did attend despite inclement weather. At the TAC meeting on 2/17, he said Councilor Pedersen presented the 4th St. issue to a State representative and we should be hearing back from them soon.

CORRECTED: SEE 3/7/94
MINUTES s/b WAICHT

Public Works Director Winckler then talked about the change order being processed regarding the 64th St. TIB project, at 67th east of the intersection where it needs rechannelization in conjunction with the traffic signal at 64th & 67th. He said the City expects it to be somewhere in the \$25,000 range for widening, drainage ditching, restriping, moving of power poles, etc. and this is still within the limits of the contract and does not need Council action at this time. He noted the City has \$35,000 from Sound View Ridge to go towards this project.

MAYOR'S BUSINESS:

Mayor Weiser reminded Council of the 3/1/94 Planning & Building Dept. Open House and the DARE graduation at Kellogg Marsh. Also, next Tuesday, 3/8/94, will be the joint meeting of the Council & Marysville School Board at the MSD Service Center at 6:00 p.m.

CALL ON COUNCIL:

Councilor Pedersen reported there will be a Library Building Committee meeting at 3:00 p.m. on Thursday. She also reported she had received calls about people parking on the north side of 76th near the video store by the Safeway. Apparently some people park there all day and there is a sight distance problem exiting the Safeway, she said. She noted the parking along there is posted for a 2 hr. limit and she said she would like to see it looked into for these people who called her.

Councilor Baxter asked about the collection of automobiles on a private residential lot at Cedar and Grove and City Planner Hirashima said the Planning/Building Dept. has contacted them 3 times; it's a recurring problem and she can look into it further. She added that one residence may have converted a garage into living quarters.

Councilor Pedersen noted Mountlake Terrace has passed an ordinance with regard to how much garbage you can have around and how many vehicles you can have parked in your yard.

City Attorney Weed stated Marysville does have a junk vehicle ordinance on the books but it doesn't apply to vehicles that are operable. It sounds like Mountlake Terrace's ordinance is a little more broad and can be checked into further, he said.

Councilor Myers thanked Ken Winckler and staff for the tour of the WWTF Saturday.

Councilor McGee echoed Councilor Myers comments and also asked about Roger Kelley's position being advertised/filled.

City Administrator Zabell said the job description is being reviewed and hopefully by the end of the week or next week, they will be advertising the position.

Councilor Herman reported CT is reviewing a public involvement process with regard to selecting a site for a park and ride lot in the north Marysville area. He said this will probably be modeled after a process that was used in the Federal Way area. He said he regretted that he was unable to attend the open house last week and said he does have some growth management concerns, specifically with population projections and what's being done about those--where we are going with that. He said he would like more information and possibly this could be a future agenda item.

Mayor Weiser said one of the ways of working with the forecasts was to view them as "target" populations and employment projections in conjunction with land use. He said Snohomish County Tomorrow is going to be revisiting this issue before the end of March. He said one of the concerns was whether "targets" would be maximums or minimums and that is going to be considered further after City Council's meeting of 3/14/94.

Councilor Leighan referred to a letter/information he handed out with regard to the court redistricting issue giving different options for changing the system from 7 judges and 2 commissioners currently. He explained the weighting and ranking methodology and that it was discussed that Cascade & South County District Courts are perhaps overstaffed if you go by this methodology. He said they are looking for feedback from surrounding cities and one option is for a 3/4 FTE commissioner in each of the two courts (i.e. cutting back from 1.5 FTE now).

Councilor Baxter asked about monitoring a judge's court time and Councilor Leighan explained the judges are expected to keep diaries. He added it sounds like the courts are pretty well able to meet the demand for court time as well as police officers and sheriff deputies time.

It was the consensus to continue this under Legal Matters.

PRESENTATION:

1. Emergency Medical Services Presentation; Marysville Fire Dist.

Fire Chief Greg Corn gave an outline of what is happening:

1. Medic 12 is approaching an overload situation; last year they averaged missing 20 calls per month because their units were already on other calls.
2. Another ambulance had to respond within Dist. 12 515 times which causes an additional cost.
3. The current contract with the City expires 12/31/94.
4. The current EMS levy expires 12/31/94.
5. Monroe is opting out of the ambulance business.
6. Cascade Valley Hospital is considering discontinuing their EMS.

He said they oppose the proposal to support the whole rural area with Marysville EMS money but are proposing a fire community based EMS system and will be making this proposal at the Fire Board Meeting 3/16/94.

Mayor Weiser noted Cascade Valley Hospital charges 50% more for their ambulance services than Medic 12 and Chief Corn said yes, plus there is a difference depending on whether it is a Basic Life Support call or an Advanced Life Support call.

Mayor Weiser asked if there is an aid car fee and Chief Corn said no, just the transport fee and that's billed directly to the patient. He gave some specific figures from 1993: He said out of a total of 3300 calls, about half required an ambulance and out of those calls, it was about 50% ALS and 50% BLS. The basic ALS rate Medic 12 charges is \$308, \$185 for BLS plus procedures, he said which works out to about \$327 for BLS and \$490 ALS that Medic 12 charges vs \$438 for BLS and \$583 for ALS that Cascade Valley charges. He explained that BLS might require a cervical collar and back support, where ALS would include such things as IV drugs.

Councilor Leighan asked about levy money and Chief Corn said they get about \$175,000 a year which goes toward housing, first aid kits, fire fighter emergency medical training, vehicle and basic life support equipment; the hospital provides ALS drugs.

Mayor Weiser asked about additional equipment needs and Chief Corn stated they have manual defibrillators now and two automatic ones would run \$18,000 but they have four licensed ambulances and basically have a lot of the components in place--housing, dispatch, equipment, primarily what they are lacking is paramedics, he said. He said they would probably need about 7 people for the first year.

Mayor Weiser noted the fire district would be taking in approx. \$600,000 a year in transportation fees.

Chief Corn said their proposal is going to be a copay system which would actually reduce fees for services. During the past 3 yrs. Cascade Valley Hospital billed directly and gave 1/3 of their profit back to Fire Dist. 12 the first year, 2/3 of the profit back the second year and all of the profit back the third year, he said. Prior to that they received \$28,000 profit and under health care reform the ride to the hospital he said he thinks will be covered, however he thinks the amount that is going to be allowed is going to be less.

Councilor Baxter said one proposal was for the hospital to have full control and Chief Corn explained Fire District 12 does not operate under an EMS levy. He explained the dual role of fire-fighter/EMS personnel and the advantage of having the same personnel in the dual roles--morale boosting, having a team, funding advantages, advancement within the ranks, etc.

Councilor Baxter agreed there are a lot of pluses in the proposal.

PUBLIC HEARING:

1. Charles Okada Rezone; PA 9306020 (continued from 2/7/94);
Applicant has requested a continuance.

Mayor Weiser noted the applicant has asked for a continuance to 3/14/94 to continue to collect information/data and it was agreed to reopen the public hearing to take testimony at this time.

City Attorney Weed swore in those wishing to testify.

Martha Sherry, 6804 Bayview Dr. NW, Marysville, addressed Council. She read a letter into the record, copies of which had been handed out earlier to Council, expressing their concerns regarding when their new business, Beach St. Topsoils opens 4/1/94:

- noise, setbacks, lights for security being left on all night, business hours, commercial use, traffic and child safety.

She noted they did not want their commercial use to be forced to be diminished in any way if apartments go in nearby.

Councilor McGee asked what they expected their hours of operation to be and Mrs. Sherry said they haven't set them yet but it could be as early as 7 a.m.; she said she doubted if it would be after dark.

Janet Edmonds, 12031 11th Av. NE, Marysville, addressed Council. She stated they invested in a decibel reader and have taken several readings: Routers are one of the noisiest pieces of machinery and tested out to be about 75 decibels constant, 85-88 peak at Aero Machinery, she said. Over on Marine View Dr. she tested a machine shop and the result was 68 decibels constant, 72-78 peak over a 5 minute test. At another place on Marine View Dr., they had a noise level of 70-72 decibels constant with their doors closed, she said. At 3817 Smith in Everett, with the doors closed, it was 78 decibels constant from 15 to 20 feet away, she said. Three machine shops in Redmond tested out at 74-92 DB, 68-69 DB and 66-94 DB, she said.

She stated she got a reading of 76-80 DB at a shipping yard with high pitched forklifts (backing up noise) and readings of 64-89 DB in Seattle with specific readings of 80 and 88 DB for a pressure washer at Acro Machinery. She noted that the same pressure washer reading was only 68 DB from 120' away, vs. the 88 DB from 20'.

She talked about the distance and noted that the conditional use permit had no expiration date. She noted that the business is well established and would be more valuable as a machine shop as that is what it's set up for. She noted she submitted a letter (in the packets) with regard to the conditional use permit and referring to the MMC, WAC and State code. She noted Class A (residential) is generally not allowed in the same area as Class C (industrial) and she talked about the effective use of buffering.

Bill Roberts, 4129 76th St. NE, addressed Council. He stated they did do some noise testing today but the consultant would like to take some 24 hour readings and he would like to coordinate with Aero Machine, he said. He explained it also depends on whether it's raining or not what the noise levels come out to and he passed around a handout to the Council.

Councilor Pedersen asked about the stacked parking and City Planner Hirashima said one of the conditions would be that the applicant change the site plan as stacked parkign is not allowed.

Councilor Herman asked about sound readings taken from Mr. Okada's property and Mr. Roberts stated the readings were taken at various distances today and basically the 60 decibels is the noise level experienced from I-5. The applicant's building would be about 10' from Acro's building, he said and there would be insulation and landscaping. He said their intention is to see whether they need an acoustical engineer to come in, for example and they are hoping for some dry days for a 24 hour test.

City Planner Hirashima explained the information would need to be in by the 9th for the Council 3/14 meeting and Mr. Roberts said he believed that was feasible.

Councilor Herman moved and Councilor Myers seconded that the Public Hearing be continued to 3/14/94 with notification of property owners and newspaper advertisement at the applicant's expense. Passed unanimously.

CURRENT BUSINESS:

1. Fourth Street By-Pass.

After determining there were a fair number of people who wished to address Council regarding this matter, Mayor Weiser asked that people please limit their comments to 5 minutes each.

Jim Cameron, representing the Tulalip Tribes, addressed Council. He stated they had a discussion with Welco and John Klocell, consultant and they think they have worked out something that will work for the road. As far as a potential for the boat launch, he stated everything out there is a wetland until you get out to the reservation and in order to get the boat launch in place you have to go through a wetland which he said he believes the City of Marysville has an ordinance against construction in a wetland and he doesn't think there is any place suitable other than at the Tribal Headquarters Marina, he said.

Councilor Baxter left Council Chambers at 8:30 and returned at 8:33 p.m.

John Klocell, 8830 Rural Av. NW, Seattle, addressed Council. He stated they had a meeting with Jim Cameron, himself and Bob Crunkilton of Welco and two options were discussed--using on road vehicles or to acquire the air space under the south bound bridge.

He explained there is a 40' right of way dedicated to the Tulalip Tribes and presently Welco has an air space agreement under the north bound bridge and if they had the air space under the south bound structure, it would give them enough room for a road. They used to move the logs in on on road vehicles but then they changed to off road vehicles, he said and with only logging trucks in there, it was not necessary for them to have to use on road vehicles but now, in order for them to continue their operation there legally, they would need to get that air space agreement under the south bound bridge, he said.

Councilor Herman asked about landscaping and environmental issues and Mr. Klocell said that would have to be worked out between the Tulalip Tribes and Welco.

Mayor Weiser asked about running into an abutment and safety measures that could be taken and Mr. Klocell explained they have taken safety precautions under the north bound bridge by putting up timber shields around the abutments and could do the same under the south bound bridge.

Bob Crunkilton, Manager of Welco Lumber Co., Marysville, addressed Council. He said they lease their operations from members of the Tulalips and some members are wanting to put in a road to develop more of their property. Welco does not want to be a stumbling block here and has come up with some things that would work, but it does not solve the question of the boat ramp, he said. Two more concerns are getting permission from the State and that there be some sort of traffic divider to keep automobile traffic out of Welco's access or where they have log handling equipment, he said.

Councilor McGee asked about logging trucks entering and Mr. Crunkilton said it's hard to predict how much traffic is going to be produced.

Fred Messmer, 332 Gays Drive, addressed Council. He thanked Council for their careful analysis of this matter and gave some history of the boat ramp. He said it has been there for 38 years and is used extensively to this day by boaters, at no charge and was built strictly by volunteers who have maintained it over the last 38 years. He explained that before it was constructed, the Tulalips were approached and had no objection to its construction, the City and State also had no objection at that time. But now the Tribes seem to be asking for it to be abandoned now and he said he feels it's going to lower his quality of life if the boat ramp is eliminated. If boaters have to go out the Tulalip Bay way, for example, he noted first of all there is a charge and it takes you 10 miles out of your way by land and then another 10 mi. out of your way by water. If you have to use the Everett Marina, that's another poor alternative, he stated, especially if it is low tide because that dictates how you get back to Marysville. He quoted the Marysville logo: "Marysville--Where Quality of Life is our Way of Life" and stated the need is to be able to continue to use the ramp and he said he hoped a good peaceful solution for all can be found.

Art Dubarko, 6730 47th Av. NE, addressed Council. He stated he has lived her all his life and dedicated his life to this community. He said in 1956 the Sportsmen's Club got together and located a site where the boat ramp is at present which is an ideal site. As far as who has control of the land, he said Leroy Weiser was asked and had no objection except he said there should be no wharf put in. Scott Paper had control west of the landing and they had no objection, he said. The Tulalip Tribes had no objection and City of Marysville had no objection, he said. (He noted he was on City Council at the time.) They also contacted the State Highway Dept. in Everett who he said he believes had ultimate control of the land. He noted that the Tulalip land actually started 30' to the west. The Sportsmen's Club, after receiving the go ahead from all interested parties, in conjunction with Pete Oxwang from the City, went ahead and poured the concrete and built the ramp in a day, he said. He noted it's been recovered a couple times since.

CORRECTED: SEE 3/7/94
MINUTES slb here

Mr. Dubarko continued that in 1969 Marysville owned the southern part of Beach to the water and Weiser Lumber asked for vacation and received that land which was then given to Welco, so he said they feel there should be some cooperation to facilitate a new boat ramp. He noted the Strawberry Festival used to hold boat races there at one time and the boat ramp is a benefit to many people.

Councilor Leighan asked if there was any kind of formal written document giving proof of what Mr. Dubarko just related about the various entities having no objection to the location of the boat ramp and Mr. Dubarko said no, but you might be able to get ahold of the Sportsmen's Club minutes to corroborate what he has said.

Rod Reed, 7220 49th Dr. NE, addressed Council as a private citizen, not a member of the Planning Commission and stated there is the possibility the Tulalips may not have any interest as their land essentially ends to the west of the boat ramp. He said he feels quite strongly that this is part of his quality of life, being a regular user of the boat ramp and he suggested that the Comp Plan text should encompass the boat ramp and land use in that area as well as the suggestion that the Shoreline Management ordinance be reviewed with respect to this issue.

Jim Bouji, 3710 71st Av. NE, addressed Council in support of the ramp. He said he was born and raised here and is a long time boater. In fact, he said, he started a petition himself and has not run into anyone against the boat ramp--it's Marysville's only access to Ebey Slough and pretty important, he said. He added that he felt it would be acceptable to relocate it, in an appropriate location, but not eliminate it.

Joe Reed, 7514 51st Av. NE, addressed Council. He said he grew up on the slough, working for Weiser Lumber at a young age and notes vehicular traffic has been using 1st St. since 1956 or '57 and Welco has been very considerate about it. He added that the dumpsite was put in there and to put in a bypass he doesn't think is going to alleviate traffic to any great extent. We need a site on the slough for the boat ramp, he said and doesn't think the Tulalip Tribes should be able to dictate to Welco and boat ramp users for a questionable alleviation of traffic on the east side. He said he was not sure whether funding for a light at 1st and State from casino funds was appropriate and he said he thinks some things need to be straightened out about the boat ramp, funding and the Welco agreement.

Ronn Beams, store owner at 1515 3rd St. and President of the Downtown Merchants' Assn., addressed Council. He said it is his understanding that the offset was that the bypass would offset 20% of the traffic on 4th but then there was a document that stated a secondary road may alleviate 20% of the traffic. He said no one seems to know the number of cars we are talking about, their routes, destinations, where they are coming from, etc. and there is no actual data. Are people turning right or left on 4th or 1st?, for example. He said initially the boat ramp was going to be relocated to the opposite side of the slough, now there is going to be no boat ramp, it sounds like and also there is a question about Welco's operation. He said he doesn't see any resolution here at all--for example, where are the logging trucks coming from and how are they going to get into Welco through increased traffic? He said he thinks the consultants owe this information to the community and to the Tulalip Tribes.

Jim Jones, 6501 88th Pl. NE, addressed Council. He said he does not have any objection to the boat ramp being moved but he wanted to make the point of contending with the bridge opening and closing and the inconvenience that causes.

Dale Smith of Arlington addressed Council. He pointed out that all boat ramps are in wetlands and he is sure there is a way to make this happen and if the benefit is going to be for the Tribes, they should pay for it.

Fred Messmer addressed Council again. He stated another issue that has been brought up here is where the boat ramp might go. Where it is now is the best location it can be, you can launch any size there with no problem so an alternative location should be as close to the present one as possible, he said. He suggested a possible location might be east of the present site on the Welco property--it's already paved but you would have to drege some, he said. He added that Mr. Crunkilton said that property is still for sale and Mr. Messmer said he thinks that would be fantastic if the City bought that property and made it into a park and included the boat ramp in it. He said there is more and more need for that type of thing and he doesn't think the community should settle for anything but the best location possible. Another possible location is near the Public Works Building, he said; he said he doesn't favor the Regan property because of the aesthetics and being downwind from the sewer lagoon.

Mr. Cameron addressed Council again. He said he wished to recap the Tulalip Tribes situation: This process was started to alleviate gridlock at 4th and yes they want to capitalize on it but he said he believes people on the east side will profit and benefit also. He said when they looked at the situation under the bridge, the problems are going to be growing, the boat ramp and Welco, they did not want to disrupt. It's State road with the Tulalip Tribes having access, he said, and it's unfortunate having to take the boat ramp out of there. The Tulalips are basically asking for the City's support; the boat ramp can be relocated but it's going to be difficult to get access on wetlands, he said.

Ronn Beams addressed Council again. He stated the Downtown Merchants Assn. supports the whole concept--it's just that they want some information and assuming the Welco and boat ramp issues can be solved, they do not oppose or resent the alleviation of traffic, but just want to know where the traffic is going and where it is coming from and how it is impacting the downtown corridor and he said it is probably a good idea but they want to be convinced and want some research done. He said they want to see some figures for the east side.

Marilyn Williams, 8417 27th Av. NE, Tulalip Tribe Planner, addressed Council. She stated it is very difficult to go from the west side to the east side and vice versa and this gridlock happened before the casino went in. She noted there are more homes on both sides and we need to consider emergency vehicles and what is going to happen when the Navy comes in. Also, what happens if the ambulance can't get to an emergency? She said we have to think of safety of people and also people on the west side have to shop on the east side, buy groceries, prescriptions and take their kids to daycare, everyday normal activities.

Art Dubarko spoke again. He noted he was Mayor of Marysville in 1969 and he wrote a letter to the Dept. of Highways concerning traffic problems in Marysville. He stated he has given a copy of this letter to City Administrator Zabell and he quoted from the letter regarding the traffic congestion and the need for interchanges at 4th, 88th and one more inlet into Marysville. He noted 25 years ago we had a traffic problem and he suggested an offramp south of Marysville to relieve the 4th St./I-5 exit to a great extent. He said he still thinks this could be a viable possibility.

City Administrator Zabell said he did write to DOT and they want Marysville to address that in our transportation study.

Mayor Weiser asked if the 40' right of way meets City standards and Public Works Director Winckler said no, that's not wide enough for a standard double lane passage.

Councilor Baxter noted City Council generally feels it is a good project but personally he thinks until these issues of the boat ramp and traffic light at 1st & State are settled--all the issues

need to be settled before he can support this, he said. He added he doesn't want to see Marysville end up without access to the slough. There is a need to the boaters and there is a need for vehicular traffic, too but he said he doesn't like the atmosphere here tonight that the Council doesn't support the project and settlement of the issues.

Councilor McGee said he is disappointed regarding the traffic study figures (or lack of them) but does support the project.

Councilor Herman agreed we do need to find some solutions for the traffic congestion, but this particular proposal is not going to fix 4th St., it might help is all, he said. Desirability of the boat ramp, impacts on the businesses, these are valid concerns, he said and he asked about the City standards concerning the 40' right of way.

Public Works Director Winckler stated normally the City requires 12' lanes, curbs, gutters and sidewalks as well as some shoulder and drainage right of way.

Councilor Herman asked what the minimum would be without parking and how this ties in with our vision as far as the waterfront area and businesses in that area, traffic, etc.

Public Works Director Winckler said the minimum would be 24' for two travel lanes, 6' shoulders and/or 10' for a pedestrian walkway but 40' could not accommodate parking or any type of barrier, he said.

Councilor Baxter said he thinks we need to sit down with the Tulalip Tribes and determine who is going to get what answers and a time frame to bring that information back. We need to make this thing move, he said; we have been at it a year with a lot of meetings and talking but no one ever determined who was going to do what, he said.

Councilor Leighan agreed, stating that was how the 4th St. project was solved.

There was discussion about the letter in the packets from DOT regarding funding, several meetings in the past, Mobility Program, Hazard Elimination, \$50,000 is not a guaranteed amount for the grant, Tulalip responsibility up to the right of way, no participation from the Tribes on the east side of that, Marysville's vision of what we want to see happen as far as access to the waterfront, sitting down with the Tulalip Tribes.

Mr. Cameron said the Tribes have been in this for 3 years, have put a lot of money into it and don't see the City's monetary support. He said he doesn't know how long everyone wants to talk about it, that we have talked long enough.

Councilor McGee pointed out that there has been substantial support in general from the Council but there are some issues that need to be settled.

Councilor Pedersen said the tendency of the Council would be to support the project with resolution of the issues: boat ramp, traffic study, etc. and she said she would be in favor of a meeting with the Tulalip Tribes, City and DOT.

Councilor McGee said he would go along with a letter of support but not for money for the signal.

Councilor Leighan added that in principle Council does support the project but there are a number of issues that need to be resolved and he would like to see that in the form of a letter with the suggestion of the forming of a committee as Councilor Baxter suggested and then "lock ourselves in a room until this is resolved." He added that he thinks there are some common issues on both sides of the freeway, eg. traffic.

Councilor Baxter said he likes the possibilities for the downtown area and he can see a benefit there but he thinks we need to resolve the boat ramp issue.

Mayor Weiser noted several sites have been explored and none of them are a short term solution because of the permitting process.

Councilor Herman said there is another issue: With a significant amount of traffic on 1st, there are some sight distance problems at 1st & Cedar and he said he was wondering if there were any other considerations there.

Public Works Director Winckler said to date no study has been done but that does need to be considered.

Councilor McGee moved to form a committee to include Councilmembers from City of Marysville and the Tulalip Tribes, DOT, Downtown Merchants, staff, etc. as well as the drafting of a general letter of support but expressing at a minimum the 5 concerns:

- possible loss of the boat ramp;
- impact on Welco's operation;
- traffic impacts to 1st St. and at the intersection of 1st & State
- proposed alignment of the bypass route;
- funding of improvements to the City portion of the proposed connection.

Councilor Leighan seconded the motion. The motion passed unanimously.

NEW BUSINESS:

1. Organizational Changes - Planning Department.

City Administrator Zabell reviewed the agenda bill regarding Associate Planner to be changed to Sr. Planner (Grade X) and to change the Planning Aide to Associate Planner (Grade IX).

City Planner Hirashima explained the Associate Planner and Sr. Planner are similar but the Sr. Planner position requires more experience, takes the lead, is responsible for land capacity analysis, and has an expanded role from Associate Planner. The Planning Aide is more of a clerical position which was created about 3 years ago to do graphics, map making, etc. and the Planning Dept. basically needs another Associate Planner, she said, which Cheryl Dungan has been filling for at least a year and a half. She explained that the Planning and Building Dept. is comprised of herself and two more planners, 2 clerical full time positions, 2 part time clerical positions, a building inspector, building official and compliance officer.

City Administrator Zabell explained the original need for Planning Aide was when the Comp Plan was first being upgraded and there was a lot of map making involved.

Councilor Baxter moved to approve these changes as per staff recommendation, eliminated the Planning Aide, changing it to Associate Planner (Grade IX) and changing the current Associate Planner position to Sr. Planner (Grade X). Councilor Myers seconded and the motion passed unanimously.

2. Palmer Tracts Annexation; PA 9309029; 10% Petition.

City Planner Hirashima reviewed the agenda bill and referred to a letter from Vicki Chapter who contacted property owners in her neighborhood and they indicated they do not wish to annex at this time, however she does wish her own property annexed. The vicinity map in the packets was referenced and it was noted annexation would create an additional job, however the K-Mart property (within City limits) is contiguous to the Chapter property.

Councilor Pedersen asked what percentage those in favor of annexation would comprise and City Planner Hirashima said it would not be 60%.

Councilor Herman noted this is urban, logical to be within the City but the boundary is not squared off. He said the obvious question is why the others not within the City do not wish to annex and he said he thinks that's something the City will have to continue to address in an effort to square off boundaries.

Councilor Baxter said he feels this could be considered "infilling".

Vicki Chapter, 1815 4th St., addressed Council, stating she has lived at this address for 20 years and commended Council taking a stand regarding the 4th St. Bypass because people do need to know where the traffic is coming and going. On the other property, she said they would like to hook up to City utilities and would like that property to be in the City. She pointed out that there are some people in this town whose mind you just can't change, like the person who is on the north side of this property who have been there 25 years and just don't want to be in the City, she said.

There was discussion about things that would attract people to wanting to be in the City, change in the attitudes.

Councilor Wright moved to accept the 10% petition, establishing the annexation area for circulation of the 60% petition and assumption of the City's bonded indebtedness and adoption of the City's Comprehensive Plan for the area. Councilor Myers seconded the motion and it passed, with Councilors Herman and Pedersen against.

CONSENT AGENDA:

1. **Liquor License Renewal for 7-11 Food Store #29536, 10012A Shoultes Rd., Marysville**
2. **2/28/94 Claims in the Amount of \$191,074.34.**

Councilor Myers moved and Councilor McGee seconded to approve Consent Agenda Items 1 & 2.

Councilor Pedersen requested a copy of the bond regarding the library building and Finance Director Wilson said he would follow up on that.

The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Resolution Establishing 3/28/94 as the Hearing Date to Consider Vacation of a Portion of 56th St. NE & 73rd Av. NE, Marysville.**

Councilor Pedersen moved and Councilor Herman seconded to approve/adopt Resolution #1669. Passed unanimously.

2. **Resolution Granting a Utility Variance for Michael & Frances Ren Property located at 7224-35th Av. NE, Marysville.**

Councilor Pedersen moved and Councilor Myers seconded to approve/adopt Resolution #1670. Passed with Councilor Leighan against.

LEGAL MATTERS:

1. **Assignment of Lease Agreement; Charles Case (cont. from 2/14/94).**

City Attorney Weed explained Tondell has sold out to Case who wishes to have the lease changed. A new lease has been prepared

and included in the packets is the 1984 lease agreement and amendments as requested at last Council meeting, he said. He added that one of the changes is that Case provide the City with proof of insurance requirements.

Councilor Pedersen asked if we have a document that shows Tondell selling out to Case and City Attorney Weed said not that he knows of--it's all been verbal.

Councilor Herman said he would think it might be advantageous for the City to see some kind of documentation.

City Attorney Weed said he agreed that should be confirmed but he would assume that by getting Tondell's signature on the lease that would be proof of transfer of interest.

Councilor Pedersen asked about payment of late fee/interest and Finance Director Wilson stated none was paid but rent was brought up to 12/31/93.

Councilor Pedersen stated she would like to see the late payment enforced and Councilor McGee asked who monitors payment of the lease. City Administrator Zabell stated Jim Ballew does.

City Attorney Weed said he would think the City could add, in addition to proof of insurance, late payment, bringing rent payments completely up to date. He said he wasn't aware that the interest penalty may not have been paid and thinks it should be made a condition of the assignment of the lease.

Councilor Herman pointed out that Jim Ballew needs to be made aware of Clause 14 - Default.

City Attorney Weed said each City department should be in touch with City Hall on these matters.

Councilor McGee left Council Chambers at 10:36 p.m.

It was noted there was a previous lease extension and the principal lease would go through 1995. Councilor Leighan noted the rent is renegotiable on an annual basis.

Councilor Herman said he is satisfied that if Tondell's signature is received it would be appropriate to authorize the Mayor to sign the assignment of lease on the conditions of proof of insurance, unpaid rent being brought up to date, late payment and/or interest being paid and he so moved.

Councilor McGee returned at 10:38 p.m.

Councilor Myers seconded the motion and it passed unanimously.

2. Court Redistricting.

Councilor Herman clarified that the recommendation was for a .5 FTE cut of a court commissioner with this being reviewed at an upcoming meeting/public hearing.

City Administrator Zabell talked about police overtime and Councilor Leighan noted each one of the courts is run separately with a possible opportunity there of consolidating systems and/or standardization.

City Attorney Weed said that has been an ongoing discussion for many years--questions have been raised about personnel needed, etc. He added that if cuts are made the question is where the funds go and said another issue is how big of an impact the .5 FTE is going to make.

Councilor Leighan noted .5 FTE of a court commissioner equals \$34,000 a year plus benefits.

There was discussion about the process of the redistricting committee, state mandates, need to verbalize to the county Marysville's support, the advantage of having our own municipal court, concerns about overtime costs, Councilor Leighan to take consensus back.

3. Memorandum of Understanding Between the City of Marysville and Snohomish County.

Mayor Weiser stated the county feels ill at ease discussing this before a full council.

Councilor Herman said he is a little disappointed in this because they meet every week and he thinks that would be an ideal opportunity to have a dialogue with the county about mitigation fees, park development, recreational areas, etc. and that it would be advantageous to both jurisdictions. He added that he thinks we need to have a joint meeting with the county and also, that he doesn't have a problem with who was at the meeting but it might be an appropriate procedure for the policy making body to select those who attend committee meetings.

Councilor Leighan said he would agree and said he thinks some of the "junior" Marysville City Council should be placed on some of the committees.

Councilor Baxter said his feelings about having the meeting before the full county council have not changed.

Councilor Leighan noted county council met with the Everett City Council the day after they cancelled the joint meeting with Marysville.

Mayor Weiser noted they want to set up another meeting with us.

Councilor Baxter moved to authorize the Mayor to sign the MOU and Councilor Leighan seconded the motion.

Mayor Weiser noted the issue was brought up regarding parks mitigation fees and there was brief discussion about calculation of mitigation fees, GMA, jurisdictional consistency.

The motion passed with Councilors McGee and Herman against.

ADJOURNED INTO EXECUTIVE SESSION: 11:00 p.m.

1. Real Estate. (No Action)
2. Pending Litigation. (No Action)
3. Personnel. (No Action)

RECONVENED & ADJOURNED: 11:47 p.m.

Accepted this 7th day of March, 1994.

David Weiser
MAYOR

Mary Swenson
CITY CLERK

Wanda A. Swenson
RECORDING SECRETARY