

MINUTES RECAP

00102

MARYSVILLE CITY COUNCIL MEETING JULY 25, 1994
 CALL TO ORDER: 7:00 p.m.
 ROLL CALL: Councilmember Wright exc.
 MINUTES OF PREVIOUS MEETINGS: 7/11/94 Minutes Approved
 AUDIENCE PARTICIPATION: Bob Graef
 STAFF'S BUSINESS:

1. Public Safety Bldg. Lobby Remodel - Cont. to 8/1/94

MAYOR'S BUSINESS:

1. Appointment of Councilmember Myers to Community TV Advisory Committee.

CALL ON COUNCILMEMBERS:PRESENTATIONS:

1. Sno. Co. Blood Center Major Donor Plaque presented to City
2. Review of Interior & Exterior Colors for the New Marysville Library - Lewis Architects

PUBLIC HEARINGS:

1. Parkview Estates Div. III No public street or trail access - emergency vehicle only on 57th

REVIEW BIDS:

1. 1994 Sanitary Sewer Improvements; Shoreline Construction bid accepted
Schedule A & Schedule B

NEW BUSINESS:

1. Amendment to Probation Contract Mayor authorized to sign
2. Marysville Library Rezone & CUP Public Hearing 8/22/94
3. Major Supplemental Airport Consensus re opposition to Feasibility Study Marysville sites

CONSENT AGENDA: Approved except for chair & phone under Item 3:

1. Conditional Use Permit - Doris Pierce - Miniature Golf
2. 7/25/94 Claims in the amount of \$571,436.30
3. Tribal Gambling Revenue; Purchase of Equipment for Police Lt
4. Amendment to Janitorial Services Agreement; Authorize Mayor to Sign.

ORDINANCES & RESOLUTIONS:

1. Ord. amending MMC re Parks & Pub. Ord. 1998 Approved Works Petty Cash Funds
2. Ord. Annexing Palmer Tract Ord. 1999 Approved
3. Res. setting public hearing date Res. 1699 Approved of 8/22/94 for Vacation of public ROW at 52nd NE & 75th Av. NE

LEGAL MATTERS:

1. Hydrographic Survey & Biosolids Evaluation Contract approved with Hammond, Collier & Wade
2. Water Line Use Agreement Mayor authorized to sign

ADJOURNMENT INTO EXECUTIVE SESSION: 11:45 p.m.

1. Real Estate No Action

RECONVENED & ADJOURNED: Approx. Midnight

MARYSVILLE CITY COUNCIL MINUTES

JULY 25, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, MayorCouncilmembers:

Donna Pedersen, Mayor Pro Tem

John Myers

Ken Baxter

Donna Wright (excused)

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator

Steve Wilson, Finance Director

Gloria Hirashima, City Planner

Doug Buell, Community Information Officer

Ken Winckler, Director of Public Works

Grant Weed, City Attorney

Bob Dyer, Marysville Police Chief

Lt. Dennis Peterson, MPD

Asst. Fire Chief Tucker, MFD

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the 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 PREVIOUS MEETING:

On page 2 under Call on Council, Councilmember Leighan noted he had been receiving inquiries about the Parkview and Aldridge property creek fill projects.

There being no further corrections to the minutes, Councilmember Leighan moved and Councilmember Bartholomew seconded to approve the minutes of 7/11/94 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Bob Graef, 7311 69th Av. NE, addressed Council. He stated he just received in the mail some new entertainment choices from TCI-- they are removing the FM radio service in order to increase their cable TV channels. He then produced copies of their contract with the City wherein they agreed to provide the FM service. He pointed out that there are a lot of people in Marysville who like to listen to FM, for example visually impaired people and those in a fringe cable area. He noted there is apparently an annual review of the TCI service and he asked if this was covered in the minutes of the last annual meeting. He said he also noted in the contract they are obliged to expand if the need exists and he said he would like the City to investigate this because they are going to cut off service as of 9/1/94.

Mayor Weiser said there would be a representative from TCI at the next Council meeting.

Councilmember Bartholomew noted this same issue has come up in King County and it might be well for Marysville to find out what is going to happen in King County with TCI.

JULY 25, 1994

Page 1

MARYSVILLE CITY COUNCIL MINUTES
JULY 25, 1994
Page 2

STAFF BUSINESS:

Finance Director Wilson reported budget material has been delivered to dept. heads and it is anticipated there will be October budget workshops to give the full Council an opportunity to see the details of the budget.

Councilmember Bartholomew asked about the time limit and Finance Director Wilson explained the budget has to be adopted by 12/31, reviewed by the public by 11/1 and usually adopted by the first or second Council meeting in December. City Administrator Zabell noted there are only the two Council meetings in December each year.

City Administrator Zabell added that staff will be working with TCI on the issue brought up by Mr. Graef.

Public Works Director Winckler reported the latest six year Street Improvement Plan has been passed out to Councilmembers; this is a condensed version showing projects staff would like included on the Six Year Plan, he said and noted projects scheduled for 1994 have revenues attached to them. Anything after that has a revenue estimate only, he said and he referenced the legend and other information in the handout. He reminded Council of the following 2 upcoming meetings:

- Aug. 4 - 7 AM - RUSA Meeting
- Aug. 11 - 10:30 AM - Traffic Advisory Committee Meeting

He reported that the City has been experiencing some high water usage and patrols have been sent out to enforce the watering schedule already mailed out. He noted there are some low water pressure areas in the City and further action may have to be taken however as of this time, staff is not asking for any more watering restrictions other than those in force already.

City Administrator Zabell commented on our being fortunate having tied into Everett water. Councilmember Bartholomew asked about the Everett water supply situation and Public Works Director Winckler said they have not asked us to curtail our use. He added he understands King County is asking people not to water until their water supply is replenished.

City Administrator Zabell said he knows the PUD system has been having problems with water supply and pressure.

Councilmember Bartholomew asked about public response to the patrols and Public Works Director Winckler said the response has been very positive.

Police Chief Dyer introduced the newly promoted lieutenant: Lt. Dennis Peterson and gave a bit of his history, noting Lt. Peterson is in charge of Dispatch and Officer Patrol. Lt. Peterson accepted the congratulations of the Council and audience and introduced his family in attendance. He said he is looking forward to working with everybody.

Public Safety Building Remodel of Lobby.

Police Chief Dyer handed out a rough sketch of a lobby remodel to provide more storage and to better serve the public, utilizing space more efficiently, he said. He said it would be about a 1500 to 2000 sq. ft. modification at a cost estimate of about \$16 per sq. ft.

After discussion, it was the consensus to obtain more definitive cost estimates to remodel the lobby area, including a "no action" option, bringing it back before Council at next meeting.

MARYSVILLE CITY COUNCIL MINUTES
JULY 25, 1994
Page 3

MAYOR'S BUSINESS:

Mayor Weiser appointed Councilmember Myers to the Community TV Advisory Committee to replace Councilmember McGee.

CALL ON COUNCILMEMBERS:

Councilmember Baxter announced that there is finally going to be a Joint Water Coordinating Committee Meeting 8/10/94 at 9 AM in the Fire Training Room. He commented on the fact that what he heard at the Convention is that in all the small cities, it was often City Hall that was one of the worst buildings in town, so Marysville is not alone.

Councilmember Myers commented on the certification of highway routes and it was decided that if the Public Works Director gets the list, Councilmembers need not get it also.

Councilmember Herman said he recently had contact with some younger people about skateboarding in Marysville (lack of facilities) and so he talked with Jim Ballew about this and it was suggested this could be a future agenda item. Mayor Weiser agreed.

Councilmember Leighan asked about the Police Explorer Scout Troop--whether it could be reinstated but Police Chief Dyer explained that was cut out of the budget for more reasons than just money--there was information leaking out, so the troop was discontinued.

Councilmember Leighan commented on the Snohomish County Blood Drive luncheon he attended recently.

Councilmember Pedersen commented on the Budget Committee change and said she was very impressed with the Music in the Park Program.

PRESENTATION:

Community Information Officer Buell presented the Mayor a plaque from the Snohomish County Blood Center honoring the City as one of 5 major supporters in Snohomish County.

2. Review of Interior and Exterior Colors for the New Marysville Library - Lewis Architects.

Amy Pearson and Al Turlone of Lewis Architects presented a color board for entryway, wood, seating, tables, walls, kitchen, etc. and Mr. Turlone explained that "contract" furniture is manufactured differently because of the high amount of abuse that this furniture gets vs residential furniture. Ms. Pearson reviewed brick, concrete and other exterior materials. Mr. Graef (Chairman of the Furniture Sub Committee) stated these samples will be available for the public to see in the Log Cabin Room at the Library in a couple weeks' time and he invited public input on color choices, etc.

It was noted the next Library Building Committee meeting will be 8/3 at 1 p.m. and the state furniture contract will be reviewed at that time.

There was discussion about the brick/materials being earthquake proof, need to consider exterior maintenance, brick being easy to clean, finances that can be better spent on library materials. Cindy Lyons, Librarian, pointed out that the books and staffing are paid for by Sno-Isle and the building and maintenance is out of the City budget.

PUBLIC HEARINGS:

1. Parkview Estates Division III; PA 8901001.

Mayor Weiser reviewed the process and Councilmember Bartholomew asked the City Attorney for his opinion about her remaining on Council for this hearing. He stated that this hearing basically is to decide two issues: the greenbelt walkway issue and the open or closed status of 57th; this is not a quasi judicial hearing. He said it is not necessary for Councilmember Bartholomew to be excused and so she chose to remain on the Council for this hearing.

Councilmember Pedersen disclosed that she lives in Parkside Manor 2 blocks away from 57th and she is also the Fire Board Chairman but feels she can be impartial.

Councilmember Myers stated he lives 4 blocks away from 57th but also feels he can remain impartial.

Councilmember Leighan disclosed he has had contact from people who have also sent letters and feels he can also remain impartial.

There were no challenges from the audience as to Councilmembers possible conflict of interest or appearance of fairness and Mayor Weiser asked that people please limit themselves to three minutes each when speaking.

City Planner Hirashima reviewed the agenda bill and overheads showing the road and trails in question. She talked about a proposed trailhead, proximity to Jennings Park, road design standards (grasscrete), a 4' high 3 rail fence which was decided upon by the committee which met in May, 1994. She referred to the 6/27 Council minutes when it was determined to have a public hearing and Council discussed the potential of opening 57th and a mailing was done to Parkside Estates and Parkview Manor. She referenced minutes in the packets dating back to 1978.

Asst. Fire Chief Tucker explained that it is the fire department and police department's position that in the interest of public safety they strongly recommend that plats be connected with the shortest routes so they have a low response time. He noted they did do a test run and with the 1.1 mile route, it took 2 mins. 30 secs. and with the 2.1 mile route, it took about 4 mins. He noted that if a barrier were put up, it could take up to a minute longer for bolt cutters to be used. He pointed out that the test run was done with just average driving; their response time goal is 5 mins. or less and they have an average of 5.5 mins. over the last year.

Councilmember Pedersen asked what he would consider the curve at 55th & 70th and Asst. Fire Chief Tucker stated it is considered a 90 degree turn.

Mayor Weiser asked about the response time from the proposed fire station on the east side and Asst. Fire Chief Tucker said probably less than 5 mins.

Councilmember Bartholomew asked about police response time if officers are already on the other side of the barrier, for eg. and Police Chief Dyer said it would not be conducive to public safety to have a barrier. He also pointed out that most patrol cars aren't equipped with bolt cutters. Response time would depend on whether it's a life and death situation that they are responding to, he said.

Councilmember Baxter asked about liability as it relates to knowingly extended response time and City Attorney Weed said he could not say there is absolutely no liability.

MARYSVILLE CITY COUNCIL MINUTES
JULY 25, 1994
Page 5

After more discussion, the public hearing was opened to public testimony.

Frederick Long, 5712 Parkside Dr., addressed the Council, stating he has lived there for over 8 years and represents 29 families altogether. He noted notification was received but no one was asked how they felt about the issue and out of all the homes he contacted, no one was in favor of the trail or path proposed. He noted a couple of the families contacted were actually on vacation. As a possible solution to the gate problem, he suggested a 4 second gate, 10' wide, which could be opened with a code or card. He said he would beg Council to postpone their decision until they have spoken to the people in the neighborhood and he said he would gladly volunteer his time. He noted he had many years of administrative and public service experience. He noted he does care what happens in this community; a situation needs to be retained where "We the People" can be heard.

Councilmember Bartholomew asked about the capability of emergency vehicles having "Opticon" and Police Chief Dyer stated the police cars do not have that capability but the fire trucks and aid vehicles do.

Tom Cave, 7022 55th Av. NE, addressed Council, noting he has been a resident here 10 years and lives on the corner of 55th & 70th. He agreed it is a blind 90 degree turn and said he is opposed to 57th Dr. NE being opened between the two subdivisions. He said he thought all parties had agreed to leave the street closed except for emergency access--the developer wants it left closed, all the neighbors want it left closed and now City Council is asking for it to be opened. He gave traffic, too many children, people not wanting sidewalks, school children, the blind corner, using it as Jennings Park access, as reasons to keep it closed, as well as the fact that it has been previously approved and for public safety. He said he had no opinion on the trail.

Nikki Pitman, resident of Parkview Estates, addressed Council. She said regarding taking away the trail she doesn't think there should be a road behind the houses. She said she doesn't think a chain link fence is going to stop a fire truck and with all the children and their own residential traffic, she doesn't think they need any more. She said Council needs to take a look at the fact that this is an established neighborhood and they don't want this to be an access for people other than their own neighborhood. She said she is in favor of a trail.

Brian Reece, 7017 57th Dr. NE, addressed Council and said basically he agrees with Mr. Cave.

Bill White, 7302 57th Dr. NE, addressed Council, stating he has lived here 15 years and agrees with Brian Reece. He said he thought this issue was settled and put to bed and he asked Council to please leave it like it is--keep 57th closed.

Randy Davis, 5504 70th St. NE, addressed Council. He stated he lives on the turn and would like to see 57th left closed. Opening that he believes is very unsafe; Parkside Manor has already been impacted greatly from the neighborhood and getting onto Grove is already unsafe, he pointed out. The trail is already done and he said he thinks it's OK but he is opposed to the "blue" trail (as depicted on the overhead).

Monte Parrott, 5824 70th St. NE, addressed Council. He said he has lived there 22 years and he passed out letters from Pat McGee opposing opening of 57th. He stated Dave McGee is also opposed. He said they all thought this was a closed issue -- citizens, staff, Council all agreed to keep 57th as an emergency access only as well as being opposed to the trail and Dave McGee said he was surprised to see this come up as a public hearing again.

MARYSVILLE CITY COUNCIL MINUTES
 JULY 25, 1994
 Page 6

Mr. Parrott said he knows the impact of an airport would be great and this would be similar. He pointed out that the City has already made the decision not to open 57th and it's difficult for him to hold back anger on this issue because he had his daughter hit by a car at 57th & 70th and she was almost killed, was critically injured. He said he likes where the trail is now --everyone is very happy with the way it is right now and they have a lot of pride in their neighborhood with how it is now.

Al Vance, 5816 70th St. NE, addressed Council, stating he echoes sentiments of previous speakers. He said he has 2 children and with 57th open, there will be too much traffic.

Pete Pius, 5817 70th St. NE, addressed Council, asking why this has come up again. He said he is concerned about it being a safety matter because in 1989 a person from the state advised against the intersection and Mr. Pius asked if new information has come before Council on this. He pointed out that traffic studies in 1989 indicated traffic had doubled in Parkview Manor and there was a safety hazard.

City Planner Hirashima stated staff has not received any new traffic studies/information since 1989.

Marty Larson, 5712 70th St. NE, addressed Council and said with regard to outside agencies, during the 1989 public hearing, Jim Scharf did not wish 57th to be opened--he referred to the minutes. He noted the fire dept. said it took 2 minutes, going around would take 4 minutes and that's still within an acceptable range of a 5 minute response time. He said he has a great deal of respect for the Council but is wondering if they have any respect for his family: On 3 occasions the Council adopted ordinances to keep the road closed--what has changed, he asked. He stated he has been told that because Dave McGee, Ward Sayles and Jim Scharf have moved, the City Council can now change 57th but he said he feels they need to respect the neighbors' wishes and a petition from the majority of Parkside Manor residents/homeowners is required in order to make this change. He asked that Council please keep 57th closed except for emergency access. With regard to the path at the far end, it is acceptable but he said he does not wish it to be behind the homes.

Carol Ingraham, 5704 70th St. NE, addressed Council, stating she has lived there 20 years. She said she thought the issue was settled and it seems very strange to her that this issue keeps coming back. She said with regard to the trail, they can see it from their home already and if the one proposed is put in, people using the trail will be able to see into everyone's home because the trail has a higher elevation, so she is opposed to the trail in the back of homes and strongly opposed to the opening of 57th, she said.

Lonnie Weir, 5536 70th NE, addressed Council, stating he is directly affected by the trail. He said it is a privacy and security issue and it's impossible to build a fence to screen it off. The road on 57th should be left as an emergency access, he said--you don't have to have a chain link fence. He said he is basically just echoing what everyone else is saying.

Councilmember Bartholomew asked what other access people would have to Jennings Park and City Planner Hirashima stated there would be access between Lots 32 & 33; a trailhead which would be accessed by way of sidewalks.

CORRECTED:
 MINUTES
 SEE 8/1/94
 S/B Pius

MARYSVILLE CITY COUNCIL MINUTES
JULY 25, 1994
Page 7

Mark Larson, 6624 55th Dr. NE, addressed Council, stating he is vehemently opposed to the through road because of the number of kids, the school close by, traffic, speed, no speed bumps. He said he is a firefighter himself and having been through a number of courses, they try to avoid children and increased traffic in an emergency. He said it seems to him you don't want emergency vehicles in that neighborhood--528 would be a safer situation and can accommodate a higher speed. He added they were told 57th would not be opened and he wanted the safer situation with limited access, that's why he moved there. He noted kids always lose when they are put up against cars in the street.

Nick Menzer, 6627 55th Dr. NE, addressed Council, noting he is a police officer for a large jurisdiction. He pointed out that a security emergency gate does not affect response time that much and he said he has no opinion on the trail. With regard to types of gates that could be put in, there are many kinds--ones with a combination, code, keys and it just takes a few seconds to open them, he said.

Doug Wiley, 6703 55th Dr. NE, addressed Council, noting they have traffic problems, people speeding without the through road. He said he has a stop sign in his front yard and people all ignore it and if 57th is opened they are going to have more traffic problems. He noted kids play on the street and he doesn't want anything to happen to the kids. He said he definitely doesn't want the "blue" trail put in.

Jim Mitchell, 6706 55th Dr. NE, addressed Council. He said he likes to find the shortest way to get places, for example, it takes 7.6 minutes to get to Fred Meyers from his home. If you open 57th he said he is not sure he would get to Fred Meyers any faster, in fact, it would be well worth taking a couple more minutes to get to Fred Meyers to keep the road closed and protect the quality of life in the neighborhoods. He pointed out that even at normal speeds the emergency vehicles can get to these neighborhoods within their criteria, without it being open.

Mary Ellen Berkbigler, 7024 57th Dr. NE, addressed Council. She stated she is a widow and feels very secure. She has 10 grandchildren she is worried about, however; she is concerned especially about the corner at 55th & 70th--there is too much danger when there is a ball game going on, she said, with people parked all over, etc. She said Granada Estates in Everett is a good example of an "open" neighborhood and a friend of hers said the crime rate goes up when you open up an area like that, but she said she couldn't give exact statistics.

Janet Bye (??), 7012 61st Dr. NE, addressed Council. She said she wanted the Council to be aware they have children, school buses, etc. already on a busy road just with the local traffic and they don't need any more problems.

Rose Kaufman, 5614 70th NE, addressed Council and said she likes the privacy and wants it to stay that way.

Anthony Velardo, 5403 58th Dr. NE, addressed Council, noting he has lived there 5 years. He stated he is in favor of opening the street. He pointed out that they are all members of the same City and he would like to feel comfortable about emergency vehicles arriving in a timely fashion.

Pete Verge, 5715 70th St. NE, addressed Council, stating he is against the street being opened. He said they bought on a cul de sac and specifically asked about 57th staying closed and were told it would. He noted there are 27 or 28 kids in that immediate neighborhood and it's safer for the children now. He said that as evidenced by the audience, this is very important to them.

MARYSVILLE CITY COUNCIL MINUTES
 JULY 25, 1994
 Page 8

One of the previous speakers asked what is going to happen to the 10' trail and City Planner Hirashima stated it will be 30' of berm and plantings.

There being no one further from the audience wishing to give testimony, this portion of the public hearing was closed at 9:30 p.m.

Councilmember Pedersen asked about the number of votes needed to open 57th and City Attorney Weed referred to a "majority of property owners in Parkview Estates" and an ordinance in 1989 leaving the option open to have a future public hearing.

There was a lengthy discussion of this issue by Council with councilmember Pedersen in favor of keeping the road closed. Councilmember Baxter was in favor of opening 57th, stating fire, police and staff have consistently supported the opening of 57th back to 1978.

Councilmember Herman stated he would support a limitation of emergency vehicle access only on 57th and access between Lots 31 & 32 only, no "blue" trail as depicted on the overhead. He said he would like a review of the style of gate to be used for emergency vehicle access and would like to look at some alternatives.

Councilmember Leighan said he is against opening the street and the trail between the two subdivisions.

Councilmember Myers said he is in favor of opening 57th but against the trail as proposed.

City Planner Hirashima pointed out the 30' easement was put in as a buffer between the 2 subdivisions--Centex worked closely with the Parkside Manor residents and the berm varied depending on whether the Parkside Manor residents wanted it or not. She said the 30' buffer would be maintained by the Parkview Estates residents.

Councilmember Bartholomew noted open space does create a trail and everyone is going to go through everyone's back yards but City Planner Hirashima stated there is a fence on the one side by Jennings Park, at least and there is to be no cutting in the open space, but no prohibition about fences.

There was more discussion about the gate, the City having to maintain it, Centex would build it, Opticon, for example, would be paid for by the City, the road/gate would be dedicated to the City, full street width improvements, grasscrete, curbs/gutters/sidewalks, 16'x 4' chain link fence, 3 rail wood fence, pedestrian access for school children.

Mayor Weiser submitted a letter from Art & Ruth Swanson into the record, just received tonight. They are also opposed to opening 57th.

Councilmember Pedersen then moved that the trail system as proposed on the overhead by deleted with just the access between the two lots, retaining the 30' easement. Findings: Fear of travel in the back yards and that the intent is that there be no continuous trail between the two subdivisions. Councilmember Bartholomew seconded. After discussed about the easement and that the property owners are not allowed to build on it and are restricted in use of it, the motion passed unanimously.

JULY 25, 1994
 Page 8

CORRECTED: SEE 8/1/94
 MINUTES 5/6 discussion

CORRECTED: SEE 7/29/94
 MINUTES 5/6

Councilmember Pedersen then moved that 57th be accessed by emergency vehicles only with some design standards to be developed for the gate by committee. Findings:

- pedestrian safety
- no sidewalks in Parkside Manor
- traffic impacts when there are ball games
- pedestrian traffic to park
- blind 90 degree turn at 55th & 70th
- intent that this not be an open street, with design standards to be subject to Council approval.

Councilmember Pedersen said she doesn't want people to have to come back in 5 years on this again but City Attorney Weed pointed out that as long as the City owns the right of way there is potential for it to be a street and can always be repealed by a subsequent City Council.

Councilmember Herman seconded the motion.

Councilmember Bartholomew offered a friendly amendment to the motion: That the staff be instructed to look at some of the technological alternatives for the "gate" in a timely fashion and this may be a 1995 budget item.

Councilmembers Pedersen and Herman agreed to include this in the motion.

The motion then passed 4-2 with Councilmembers Myers and Baxter against.

REVIEW BIDS:

1. **1994 Sanitary Sewer Improvements; Schedule "A" State Avenue (9th to Grove); Schedule "B" Beach (5th to 9th St.)**

Public Works Director Winckler reviewed the agenda bill. After discussion about the pipe bursting process having been recommended as more advantageous than digging up pipe, Councilmember Baxter moved and Councilmember Bartholomew seconded to accept the bid from Shoreline Construction Co. in the amount of \$123,678 plus tax.

It was also noted there is a general slow down in the construction industry right now and so this is a good time for putting out bids. The motion passed unanimously.

NEW BUSINESS:

1. **Approve Amendment to the Existing Probation Contract and Authorize Mayor to Sign.**

Sue Jensen, Court Administrator introduced Lynn McCormick who gave a very positive report on the Deferred Prosecution Program. She highly recommended Nancy Hurry as replacement for Evelyn Barth.

Judge Trivett stated it has been a special privilege working with the probation officers who have relieved the system of a lot of extra work and he said he would recommend the amendment of the contract as proposed. As far as the new DWI law, he said he sees an increase in jury trials, more penalties, more complicated cases with the new laws, as well as more people in the Deferred Prosecution Program. He said they are also asking that Nancy Hurry be allowed to do PSI investigations. He noted the income has been about \$16,000 for this program with costs about \$8700 so it's not been a cost burden although there is always the potential of higher cost, more need for jail space, etc. He pointed out that Marysville has a 30 day jail facility and there is going to be a 90 day requirement with the new law.

Councilmember Bartholomew asked about a community work program for offenders and Judge Trivett said they are working with the Parks Dept. on this program and the offenders receive \$6.00/hr. against their fine.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to approve the amendment to the contract and authorize the Mayor to sign. Passed unanimously.

**2. Marysville Library Rezone and Conditional Use Permit;
PA 9403016.**

City Planner Hirashima reviewed the agenda bill, noting there has been an appeal to the hearing examiner's decision, with the neighbors (Johnsons) citing issues of screening, pedestrian path on the south, privacy, lighting and fencing.

There was discussion about the fencing material, compatibility with adjacent use, the path would be eliminated with the fence, difference in elevation once parking lot is put in which would require a lower fence, headlight glare, remanding it back to the hearing examiner being an option.

Councilmember Herman moved to set a Council Public Hearing 8/22/94 without comment from the applicant's representative (Mr. Aldridge was present). Councilmember Leighan seconded and there was brief discussion about these issues not changing building plans for the new library. The motion passed unanimously.

3. Major Supplemental Airport Feasibility Study.

Mayor Weiser reviewed the information in the packets, noting there are 12 sites currently being reviewed, with the Working Group to meet this Friday. He explained the Working Group is made up of pilots, FAA people, non-elected officials, some staff and they will be making recommendations to Puget Sound Regional Council as far as which sites they feel are most appropriate.

Councilmember Myers said he thinks it has to go on record that Marysville does not want an international airport in this area.

Councilmember Bartholomew asked about a Council work session because she noted there are a lot of questions that have come up since she reviewed this; a lot of things she sees as not feasible.

Mayor Weiser pointed out it would cost \$225,000 to \$300,000 for a feasibility study per site and he said he agrees the Council might need a work session because there are a lot of pros and cons to the different sites.

Councilmember Bartholomew suggested getting the four jurisdictions together: Stanwood, Arlington, Marysville and Lake Stevens--the ones that will be the most affected in this area, so they can present a unified front. Mayor Weiser noted Arlington is against their airport becoming commercial.

There was further discussion about possibly having Bill Brubaker make a presentation to Council on this matter, the fact there is a resolution on file in support of the Arlington Airport remaining a general aviation facility--staff to check on this. There was discussion about need, interference with other airports and cities, FAA regulations about separation between runways, new technology.

Alyssa King, 5714 67th NE, addressed Council. She said she is opposed to an airport in either of the two locations proposed in Marysville and all 5 sites she feels would drastically change the nature of life that she and her family hold dear. She pointed out that their residential area would change tremendously;

she chose this are because of the quality of life not because of the closeness to her work, she said. She noted she works in Seattle and ~~can make it every day in 40 minutes.~~ She said she would encourage the City Council to have a resolution against both sites in Marysville. *so it takes at least 40 minutes every day to get to Seattle*

Laurie McClanahan, 6906 87th NE, addressed Council. She said her family chose Marysville because it has great neighbors, great schools and they have plans to move into a larger house here in Marysville but won't if there is an airport here--500' above a school is too much! It was noted she and Alyssa both work together in Seattle.

Mayor Weiser explained about the runway's proximity with Shoultes School.

Mrs. McClanahan said if she had wanted to live near an airport, she would have moved to Seatac.

Mrs. King said her fear is that people down south won't hear Marysville's opposition.

Councilmember Bartholomew asked if Mrs. McClanahan can hear airplanes from the Arlington Airport and Mrs. McClanahan said yes.

After brief discussion, it was the consensus that Mayor Weiser should attend the meeting on Friday, expressing Marysville's opposition to the sites that will affect Marysville, with an update of our resolution regarding keeping the Arlington Airport a general aviation facility and a copy of this resolution to the Puget Sound Regional Council.

There was further discussion about poor feasibility and poor economics of a lot of the sites and maybe sites should be considered that are not feasible now but may be in the future. It was noted the County Council is against the North County alternative.

CONSENT AGENDA:

1. **Conditional Use Permit; Doris Pierce; Miniature Golf; PA 9204017.**
2. **7/25/94 Claims in the amount of \$571,436.30.**
3. **Tribal Gambling Revenue; Purchase of Equip. for Police Lt.**
4. **Amendment to the Janitorial Services Agreement and Authorize the Mayor to sign.**

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda items 1, 2, 3 & 4.

Discussion then ensued regarding approval of the mini golf operation, cost of the chair and phone under Item 3. It was the consensus to remove the chair and phone from the Consent Agenda until checked into further however Councilmember Bartholomew had just left Council Chambers (11:26 p.m.) and so the motion could not be amended until she returned.

It was noted Councilmember Baxter would be abstaining from voting on Vouchers 20570 & 20636 and Councilmember Leighan would be abstaining from voting on Voucher 22022.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Amending Section 3.51.020(2) and 3.51.020(7) of the MMC pertaining to the distribution of the Petty Cash Fund for the Parks and Public Works Departments.**

Councilmember Baxter moved and Councilmember Myers seconded to approve/adopt Ordinance 1998. Passed 5-0.

2. Ordinance Annexing Certain Unincorporated Area Known as Palmer Tract Annexation Area into the City of Marysville.

Councilmember Myers moved and Councilmember Baxter seconded to approve/adopt Ordinance 1999. Passed 5-0.

3. Resolution establishing Aug. 22, 1994 as a Public Hearing date before City Council to consider Vacation of Public Right of Way at 52nd NE & 75th Av. NE.

Councilmember Pedersen moved and Councilmember Baxter seconded to approve/adopt Resolution 1699. Passed 5-0.

LEGAL MATTERS:

1. Hydrographic Survey and Biosolids Evaluation.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of the contract with Hammond, Collier & Wade. City Attorney Weed stated he had no recommended changes to the contract.

There was discussion and explanation about the requirements of sophisticated surveying, setting up baselines, developing elevations, core testing, special knowledge required, credibility of the engineering firm, three proposals having been given.

Councilmember Pedersen moved and Councilmember Myers seconded to approve the contract with Hammond, Collier & Wade in the amount of \$26,300. Passed 5-0.

Councilmember Bartholomew returned to Council Chambers at 11:40 p.m.

CONSENT AGENDA, Continued:

It was explained that under Item 3 Council would like additional information on the chair and phone and would like these items deleted from approval.

The maker and second to the motion agreed and Consent Agenda Items 1, 2, 3 & 4 were approved with the exception of the chair and phone under Item 3. Passed unanimously.

LEGAL MATTERS:

2. Water Line Use Agreement.

City Administrator Zabell explained this is a standard agreement, for a 24" water pipe and there would be no cost to the City.

Councilmember Baxter moved and Councilmember Pedersen seconded to authorize the Mayor to sign the Agreement. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:45 p.m.

1. Real Estate. (No Action)

RECONVENED & ADJOURNED: Approx. Midnight.

Accepted this 1st day of August, 1994.

David Weiser
MAYOR

Debra Little
DEPUTY CITY CLERK

Wanda A. Sverson
RECORDING SECRETARY