

MARYSVILLE CITY COUNCIL MINUTES

00012

JANUARY 9, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman
 Shirley Bartholomew
Administrative Staff:
 Dave Zabell, City Administrator
 Janet Berg, Asst. Finance Director
 Gloria Hirashima, City Planner
 Ken Winckler, Public Works Director
 Grant Weed, City Attorney
 Lt. Dennis Peterson, MPD
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 1/23/95
 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 MEETING:

Councilmember Wright moved and Councilmember Herman seconded to approve the Animal Code Workshop Minutes of 1/3/95 as written. Passed unanimously.

In the 1/3/95 Council Regular Meeting Minutes, it was noted that Mr. Dewell's name was misspelled throughout, i.e. from page 4 through page 7. Councilmember Pedersen then moved and Councilmember Bartholomew seconded to approve the 1/3/95 Council Minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of 12/28/94 Claims in the amount of \$326,773.94.
2. Approval of 12/94 Payroll in the amount of \$569,610.47.
3. Approval of Request for Extension for Final Plat of Strawberry Hills; PA8909052.
4. Affirm Hearing Examiner Recommendation to Approve Todd Elledge Rezone; PA 9408030.
5. Approval of Model Home Request; Kellogg East; PA 9312039.
6. Approval of 1/9/95 Claims in the amount of \$594,384.20.

Councilmember Herman moved and Councilmember Pedersen seconded to approve Consent Agenda Items 1-6. Passed unanimously. (Councilmember Baxter abstained from voting on Vouchers #22437 and 22526 under Claims.)

STAFF'S BUSINESS:

Finance Director Wilson noted the vouchers show 25 centers per mile and it has increased to 29 cents a mile.

City Administrator Zabell announced several upcoming meetings and/or events: AWC Legislative Conference Feb. 22 & 23, no City Council meeting next week but on 1/19 & 1/20 there will be WUTC public hearings starting at 9 a.m. concerning train traffic/high speed rail, etc. through Marysville; Cities & Towns meeting will be held in Everett 1/19 in the evening; and there will be a Neighborhood Forum 1/10/95 at Allen Creek Elementary concerning a sexual offender recently moved to the community.

He reminded Council of the Special Council Meeting 1/10/95 at 6 p.m.

City Attorney Weed reported on a recent State Supreme Court decision regarding Whatcom County Critical Areas not being an appropriate subject for the referendum process.

Public Works Director Winckler noted there will be a joint RUSA meeting 1/12 at 7:30 a.m. at AJs Restaurant (Msvl. & Arlington RUSA Committees); 1/13 there will be an Infrastructure Workshop; 1/15 there will be an 88th St. right of way public hearing; 1/18 at 1:30 there will be a Wheeling Agreement public hearing and in Feb. or Mar. a 5th St. Railroad Crossing meeting.

He reported a number of incidents recently with the "silver thaw" and noted the City roads have some frost heaves and deterioration. He said the tree chipping program went well this year and also noted this weekend there was a 12" water line break on the reservation. He said the City is in the process of coordinating with Everett for a 1/11 to 1/15 planned water shut down; also, he handed out a First St. Bypass report for Council's review as well as a 51st & Grove traffic count which was reviewed.

Councilmember Pedersen asked about potential accidents and Lt. Peterson said accidents would probably decrease with a 4 way stop at 51st & Grove however, there is not much storage between 51st & 47th on Grove going east and west and there already is, of course, a 4 way stop at 47th & Grove.

Public Works Director Winckler pointed out that there is a closer ratio (2:1) between the east and west traffic flow and the north and south as opposed to 51st & Grove with a ratio of 4:1.

There was discussion about trigger points for 4 way stops, future traffic light possibility, TIP, timing, level of service at 47th being a B, poor storage between 47th & 51st with such a high volume of traffic on Grove, safety issues, future need for traffic lights, a 4 way stop at 51st would be consistent with 47th & 67th 4 way stops.

Councilmember Pedersen moved to send this matter to the Traffic Safety Committee and to have them bring their recommendation back to Council. Councilmember Baxter seconded and after more discussion about warrants, safety, other 4 way stops that work well in the City, the motion passed unanimously.

MAYOR'S BUSINESS:

Mayor Weiser reported the City Administrator sent out requests for proposals for remodelling the old library building and two interested parties responded; they will be interviewed tomorrow.

CALL ON COUNCILMEMBERS:

Councilmember Herman asked that the Washington Utilities & Transportation Commission public hearings 1/19 and 1/20 be discussed further this evening (later on the agenda) as far as Marysville's input for the public hearings.

Councilmember Leighan asked about topsoil at the library and prisoner medical services.

Lt. Peterson stated most of the medical goes to Everett General.

City Administrator Zabell said he could check into these items further.

Councilmember Leighan asked about temporary conditional use permits granted and City Administrator Zabell said he would check into that also. (City Planner Hirashima gave explanation.)

Councilmember Wright stated she will be attending the AWC Legislative meetings in February.

Councilmember Pedersen reported the Health Board meeting is tomorrow, with their annual meeting and election of officers 1/20/95. She said she will be out of town 1/11 to 1/20. She noted she would also like to go to the AWC legislative meeting in February.

Councilmember Baxter reported he attended 200 City related meetings in 1994!

Councilmember Bartholomew stated she doesn't plan to attend the AWC legislative meeting.

City Attorney Weed reported he wrote a letter to the homeowners at Grove & Cedar regarding the nuisance problem there.

NEW BUSINESS:

1. Street Lighting within the Plat of Parkside Manor; 55th Av. & Grove St.

Councilmembers Pedersen and Wright disclosed that they both live in Parkside Manor.

Public Works Director Winckler reviewed the agenda bill and passed around letters from Mrs. Berkbigler and the Loerches. He reviewed the letter from PUD and maps in the packets for proposed luminaire placement. He stated Mr. Buckridge (Lot 4) contested placement of a luminaire in his front yard (right of way) as there is also a transformer vault there and there would be a conflict quite possibly with a new light pole. It was noted that typically the City would pay for any lights where there is a traffic safety hazard.

Councilmember Herman asked about the original driving force behind this request and Lt. Peterson responded that it was because of increased criminal activity in the "gulley" of Parkside Manor, Jennings Park parking lot is very poorly lit and there have been neighborhood requests and concerns.

Public Works Director Winckler said there is a possibility that some changes could be made in Jennings Park with regard to improving the light in the parking lot. Brief discussion followed concerning the grant for Jennings Park and the consensus was to await Jim Ballew's return for more information concerning this.

Ruth Swanson, 7003 57th Dr. NE, addressed Council. She said the only concern she has is where you come into Jennings, there are no lights and there was no need for lights until about 2 years ago. That's when there was an increase in vandalism, etc. and they had their motorhome broken into last summer and about \$1500 worth of things taken out. It's very dark in the whole neighborhood, she pointed out, and they would appreciate a little more light, she said.

Mrs. Candace Smith, 5714 Parkside Dr., addressed Council, stated they are concerned about the second dip which is extremely dark and hazardous. It's an animal crossing, there are kids in there, cars park there, people drive across her lawn. She said they really need another light at the deadend where Mrs. Wright lives as it's very hazardous.

Freda Loerch, 7019 58th Dr. NE, addressed Council. She stated they have lived there since 1972 and she has seen a lot of changes in the neighborhood, but no lights. She said they don't walk in there at night, the road is narrow, occasionally cars go off the road, it's a bad curve and is not safe for walking or driving. They would urge Council to approve lighting, she said. As far as sidewalks being installed, with no lights, that would not solve

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the problem and she said she would rather have the lights and forego sidewalks.

Mary Ellen Berkbigler, 7024 57th Dr. NE, addressed Council. She said she appreciated the letters from the City keeping her informed of the status of this situation since she wrote the City sometime ago. She said she is in agreement with all the neighbors and where she lives, there is a loop and 3 empty lots. All the neighbors try to light up the area as much as possible but they definitely need a street light, she said. She added they have had a couple incidents, such as a large ball vandalized from the swing set, 4 bolts in tires within a 2 week period, and they have a little concern about the clusters of unsupervised kids and they seem to have the attitude that you should drive around them and they don't need to walk out of the way. She said the neighborhood would really benefit from more lighting. Another incident was some kids driving around in a pickup and it's not clear what they are doing; she said she is sure they would not be doing this if it were better lighted.

Bill White, 7032 57th Dr. NE, addressed Council and read a letter he had meant to mail in. He said he has lived there over 16 years and remembers when there were many carefree days and nights and hardly ever did you have to lock your doors. Now they have been interrupted by intruders, police, speeders, more and more dangerous situations and he said he would like to see lights put in on 57th & Parkside.

Stacey Turner, 7025 58th Dr. NE, addressed Council. He stated he lives across from Bill White and they definite need more light around the curve, in the dip. He said sidewalks might help but people just need to get out of the way when there is a car coming; it's very dangerous, he said.

Councilmember Wright noted another letter had been received. She asked about easements for the PUD luminaires.

Public Works Director Winckler reported there is sufficient right of way with street width of 22-24' and total right of way 60'. He noted 50' is minimum right of way, with 36' of pavement.

City Administrator Zabell explained about giving PUD the maximum right of way in case curbs, gutters and sidewalks are added in the future.

Councilmember Leighan said sidewalks might make it safer than lighting. He noted that in his neighborhood, they still have kids causing problems right under the street lights.

Councilmember Herman said he thinks both sidewalks and lighting would improve the area and that the City needs to improve the park lighting and gate situation, too. He added that he wants to also make sure the City is providing the same response to any other neighborhood that might request lights and/or sidewalks.

Councilmember Bartholomew asked about other financial options, whether PUD might provide the lights.

Public Works Director Winckler explained PUD will install the lights in a new neighborhood but will not pay for them; in the case of an existing neighborhood, it's up to the City to submit a design (although PUD has been doing this) and it's the City's responsibility to pay for the lighting.

It was noted that another option is a ULID. City Administrator Zabell noted that area lights are for security and are the responsibility of the property owner, but street lights are for public safety and therefore the responsibility of the City.

Councilmember Pedersen noted that in the newer areas and others, street lights are much closer together than in Parkside; she

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explained the existing placement of the lights and noted one of the concerns she has is for public safety.

It was noted Parkside Manor was annexed into the City in 1979.

Councilmember Myers said he would like to see an LID put together for sidewalks, curbs, gutters and lights.

Public Works Director Winckler noted PUD has already flagged for the proposed poles; they also discussed the vault location with Mr. Buckridge.

There was discussion about trees obscuring street lights and whose responsibility it is to take care of tree trimming, legal obligation for providing light. It was noted street lighting is usually discussed at the time of platting the property which, in this case, was before there was any City ordinance pertaining to this and there still is no City ordinance. City Attorney Weed commented on the street lighting being justified, depending on how compelling the neighbors' arguments are.

Councilmember Myers said he would only support the City paying for a street light at 55th & 70th and there was more discussion about the City paying for street lights, policy for installation, security issues being paid for by individual property owners vs safety issues being paid for by the City, Findings of Fact:

- narrow streets, park nearby, dangerous walking and driving
- safety issues
- 55th & 70th being a very dangerous corner even in the daytime.

Councilmember Baxter moved for installation of 9 PUD luminaires, in locations generally as per the maps in the packets, with the City to be responsible for installation and electricity, out of the Street Fund. Councilmember Pedersen seconded and the motion passed with Councilmembers Leighan, Herman and Myers against.

Councilmember Bartholomew noted she wished to see a written policy established concerning this and there was more discussion about policy setting for public safety, recent approval of street lights for other neighborhoods, brush/tree obscured lights to be taken care of.

2. General Policy Plan Discussion - Snohomish County.

Mayor Weiser gave some background and talked about vacant land analysis and an upcoming public hearing at the county level. He noted they are looking for Council's direction and there will also be a City Council special meeting tomorrow night regarding information to be presented by the county tomorrow afternoon.

City Planner Hirashima passed around information and noted the County General Policy Plan will have a significant impact on Marysville's IUGB. She stated the map is consistent with our IUGB as of last August which is slightly smaller than that agreed upon in years past. The County position will be clarified tomorrow, she noted and she added there are 5 areas that the county has identified as in contention, indicated on the map. She outlined some of the issues the county will be discussing:

- regional centers vs diversified centers
- land use and density issues
- population and employment projections
- diversified and regional centers both centered around SW county however "diversified centers" approach gives more benefit to smaller cities and most cities in Snohomish Co.
- financing and infrastructure improvements
- City Planning Commission recommendation vs. County Planning Commission recommendation
- growth rate projection factors of 2.4% vs 1.8% used

She outlined the five areas of contention on the map, noting the Planning Commission recommended the darker hatch line.

There was discussion about the original interim UGA, discussions at GMCC, ag areas, noting it's hard to predict what the county is going to present but that will help determine Marysville RUSA boundaries.

ORDINANCES & RESOLUTIONS:

1. An Ordinance Establishing a Rural Use Zone.

Councilmember Myers moved to adopt an ordinance establishing a rural use zone, Councilmember Bartholomew seconded the motion.

There was discussion about the need for this ordinance, questioning of some of the definitions, etc., this pertaining to larger rural lots, modeled after the county ordinance and also pertaining to existing livestock. It was decided this should be postponed.

Councilmember Myers then withdrew his motion and Councilmember Bartholomew withdrew the second.

Councilmember Herman moved and Councilmember Pedersen seconded to postpone this matter until 1/23/95. Passed unanimously.

2. Ordinance Adopting Regulations Related to Animals.

Councilmember Bartholomew moved and Councilmember Myers seconded to adopt/accept Ordinance 2013 with the only change being to be consistent throughout in the references to "livestock", not "large animals." Passed unanimously.

3. Resolution Granting a Conditional Use Permit and Variance for Property Owned by Marysville First Assembly of God Subject to Conditions.

Councilmember Wright moved and Councilmember Bartholomew seconded to adopt/accept Resolution 1715. Passed with Councilmember Baxter against.

4. Resolution Granting a Utility Variance for the Maxine Penix Property Located at 5623 83rd Av. NE, Everett and Agreement for Water Service.

Councilmember Bartholomew moved and Councilmember Leighan seconded to adopt/accept Resolution 1716, granting the utility variance. Passed unanimously.

Councilmember Bartholomew moved and Councilmember Myers seconded to authorize the Mayor to sign the agreement for water services. Passed unanimously.

LEGAL MATTERS:

1. Agreement for Personal Services; Pacific Rim Code Services.

Councilmember Bartholomew moved and Councilmember Leighan seconded to authorize the Mayor to sign the agreement as per staff recommendation. Passed unanimously.

2. Hearing Examiner Employment Agreement.

Councilmember Bartholomew moved and Councilmember Herman seconded to authorize the Mayor to sign the employment agreement as per staff recommendation. Passed unanimously.

3. Letter Agreement; McConnell/Burke, Inc.

Councilmember Myers moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the letter agreement. Passed unanimously.

4. Agreement for Personal Services; William Bailey.

Councilmember Leighan moved and Councilmember Wright seconded to authorize the Mayor to sign the agreement. Passed unanimously.

5. WUTC Hearings 1/19 & 1/20 - Discussion.

Councilmember Herman said he felt Marysville should continue to express our concern about the higher speeds in Marysville, noting that this is only the first stage towards higher speeds yet. Also, there is a need to separate vehicular, pedestrian and train traffic so the high speed trains can safely run through Marysville, he said.

Mayor Weiser agreed, adding the one thing that is lost in this process is that BN is contributing nothing and with the increase in speed of freight trains they end up the winners without having to contribute anything. He said Marysville needs upgrading of crossings and BN should have to contribute something; they are going to benefit from the increased speed of the freight trains. He also noted that living next to the railroad tracks, it's a concern of his how far the cars would scatter if there were a high speed accident. There are no proposals before the utilities commission to raise speeds across the flats, i.e. in excess of 20 mph because the bridge will not withstand the speeds so he said he doesn't know how fast they will be going by the time they get up north of town.

There was discussion about condition of the system, speed, land use abutting railroad tracks in the future.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:32 p.m.

1. **Litigation (No Action).**
2. **Personnel (No Action).**

RECONVENE & ADJOURNED: 10:18 & 10:19 p.m.

Accepted this 23^d day of January, 1995.

David Weiser
MAYOR

Mary S. Swenson
CITY CLERK

Manda A. Swenson
RECORDING SECRETARY