

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

MAY 6, 1996

174

EXECUTIVE SESSION:

1. Potential Litigation

6:30 to 6:55 p.m.

No Action

CALL TO ORDER:

7:05 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

4/22/96 Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Authorize City Staff to Hang Multi-Cultural/Diversity Expo Banner/Marysville School District.
2. Authorize Mayor to Sign Professional Services Logging Contract for Cedarcrest Golf Course with Samish Timber Company.
3. Affirm the Hearing Examiner's Recommendation to Approve Prel. Plat of Westview at Sunnyside, subject to conditions. To be brought back next week - 5/13/96

STAFF'S BUSINESS:MAYOR'S BUSINESS:

Proclamation: Soroptimist Intl. Day in Marysville 5/7/96

CALL ON COUNCILMEMBERS:REVIEW BIDS:

1. Cedarcrest Golf Course Project Awarded to Evans Hall Inc.

CURRENT BUSINESS:

1. Barr Annexation; 60% Petition; PA 9509046 Public Hrg.set for 6/3/96
2. Vinish Annexation; 60% Petition; PA 9506039 Public Hrg.set for 6/3/96
3. Interlocal Agreement Documents between Sno. Co., Arl. & Msvl. for Joint Regional Planning Issues Tabled indefinitely

NEW BUSINESS:

1. Request for State Av. St.Closure; March for Jesus Approved for 1 hr. 5/18/96
2. Request for Parking Limit in 1200 Block of 2nd St. 2 Hr.Parking Limit Apprvd.
3. Planning Commission Recommendation for Mixed Use Zone; PA 9512062. To be continued on lighter agenda night (ASAP)
4. Parks & Rec. Advisory Bd.Recommendation for Development of Athletic Field Complex. Continued to 5/13/96
5. Waste Management NW Contract Agreement w/City of Marysville 3 Year Extension Approved

ORDINANCES & RESOLUTIONS:

1. Ordinance 2074 approved, increasing penalties for violations of the parking code MMC Chap. 11.08, amending 11.08.080, 11.08.250 & 11.08.160, repealing MMC 11.08.160 & adding new Sec. 6.57.050 to the Penal Code.
2. Ordinance 2075 approved, affirming Hearing Examiner Decision & Rezoning Bud Darling Property, amending official zoning map previously adopted in Ord. 772 & approving Prel. Plat & Prel. Site Plan for Subdivision of Sunnyside West.
3. Ord. 2076 approved, granting CUP & Rezone for Harwood/Willett property & Amending Official Zoning Map previously adopted in Ord. 772, subject to conditions.
4. Resolution 1795 approved, stating City's intention to apply for funding assistance for 1 Outdoor Recreation/Boating Facility & 2 Washington Wildlife Recreation Program Projects.
5. Res. 1796 approved granting Util. Var. for G. Robertson for property at 2722 169th Pl. NE, Arlington, Washington.
6. Res. 1797 approved establishing 5/28/96 as public hearing date before City Council to consider vacation of Public Right of Way of Unimproved/Unopened Section of 76th Av. NE, Msvl.
7. Res. 1798 approved granting Util. Var. for C. Valiquette, 5108 133rd Pl. NE, Msvl.
8. Res. 1799 approved affirming Hearing Examiner Decision & Approving Variance from Sec. 19.20.070(c) of MMC relating to Residential Use of Substandard Lots.

ADJOURNMENT:

10:55 p.m.

EXECUTIVE SESSION:

11:10 to 11:50 p.m.

1. Litigation.

No Action

2. Real Estate.

No Action

ADJOURNED:

11:51 p.m.

MARYSVILLE CITY COUNCIL MEETING

00175

MAY 6, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen

John Myers

Ken Baxter

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Steve Wilson, Finance Director

Grant Weed, City Attorney

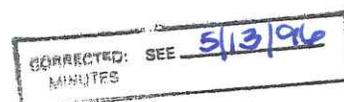
Gloria Hirashima, City Planner

Mary Swenson, City Clerk/Asst. to City Administrator

Jim Ballew, Parks & Recreations Director

Ken Winckler, Public Works Director

Wanda Iverson, Recording Secretary



EXECUTIVE SESSION: 6:30 to 6:55 p.m. - Potential Litigation -
No Action.

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order and led us in the pledge of allegiance at approximately 7:05 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Bartholomew noted on page 5 of the 4/22/96 Council minutes, in the 3rd paragraph, the words "including Adult Entertainment" should be inserted after "all licensing appeals" and before "go to the Hearing Examiner."

Councilmember Pedersen noted on page 9, in the 5th paragraph from the bottom of the page, the word "he" should be replaced with "the Mayor." On page 10 in the first paragraph, "i" should be "is."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Myers seconded to approve the 4/22/96 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA:

1. **Authorize City Staff to Hang Multi-Cultural/Diversity Expo Banner/Marysville School District.**
2. **Authorize Mayor to Sign Professional Services Logging Contract for Cedarcrest Golf Course with Samish Timber Company.**

After several clarifying questions and answers, Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

3. **Affirm the Hearing Examiner's Recommendation to Approve Preliminary Plat of Westview at Sunnyside, subject to conditions.**

City Planner Hirashima noted this item actually needed further research and so she said she would be bringing it back for next week's agenda (5/13/96).

STAFF BUSINESS:

City Clerk/Asst. to City Administrator Swenson noted a flyer will be forthcoming regarding the upcoming Association of Cities and Towns meeting to be held in Mukilteo.

MAYOR'S BUSINESS:

Proclamation: Councilmember Wright read and Mayor Weiser signed a Proclamation declaring May 7, 1996 Soroptimist International Day in Marysville. Councilmember Bartholomew moved and Councilmember Herman seconded approval of the Proclamation as written. Passed unanimously.

NEW BUSINESS:

1. Request for State Avenue Street Closure; March for Jesus.

City Clerk/Asst. to City Administrator Swenson reviewed the agenda bill and noted staff has concerns about closure of a major street and has discussed a rally instead with the proponents. Also, she said the police dept. would require police officers at major intersections (5) plus a car at the beginning and end of the parade as well as crowd control. Two Public Works employees will be needed to put up barricades. She said this is the first time the City has had a request for closure of State other than for Maryfest but all requests needed to be treated consistently. She noted some volunteer help can be used however major intersections need to be covered by on duty police officers. (Marysville Seniors Against Crime can be utilized for lesser intersections.) She itemized necessary staff time/costs as \$735 for police officers and \$120 for Public Works staff, totalling \$855.

Another requirement of anyone requesting a parade permit is to have a detour plan as well as liability insurance naming the City as an additional insured.

Councilmember Bartholomew asked about DOT approval for the impact on 4th & State, insurance coverage, whether Maryfest pays anything.

Ms. Swenson stated the Strawberry Festival is covered under ordinance and Maryfest handles vendor licensing, coordinates all activities, it's the City's only festival. There is very little City staff time involved, she said.

Councilmember Pedersen raised the question about lead time on this and Ms. Swenson said the organizers of this event did not realize there was this much involved and said they would have started sooner had they known.

Councilmember Pedersen asked about an alternate parade route, eg. down 47th and Ms. Swenson said that was not discussed; a rally was discussed as well as impacts on traffic and local businesses.

City Attorney Weed stated the City does have the authority to regulate time, place and manner of events to insure public safety, proper crowd control, etc.

Public Works Director Winckler said the City could get a response from DOT very quickly with regard to impact on 528/4th St.

Ms. Swenson noted that CT would also have to be notified so they could change their bus routes during the parade time.

Pastor Stephen Thompson, 11911 Smokey Pt. Blvd., addressed Council, representing 230 families from the New Hope Fellowship Church. He pointed out that every year there is a joint march in Seattle but they would like to have this event in Marysville this year. He noted 1000 people recently gathered in Lake Stevens--it's a very well received type of event and he said he believed the church would be happy to come up with the extra funds it would take for staff time mentioned (\$855).

Councilmember Pedersen asked about other cities that will be participating on this day and Pastor Thompson said this is a world-wide event and besides Seattle, he knows there is going to be a March for Jesus in Tacoma and Spokane.

Councilmember Bartholomew asked how long he anticipated the street closure to be and Pastor Thompson said it would be less than 3 hrs.

There was some discussion about traffic flow, traffic signals, getting traffic out to the freeway.

Lorrie Boyce, 11901 55th Av. NE #11 and Gwen Zinkle, 6004 98th St. NE, addressed Council. Ms. Boyce stated they are the march organizers and over 10 million people marched last year worldwide. There are 8 churches in the immediate area wanting to participate in the march this year in Marysville, they only want to take one hour, they will have insurance, crowd control and do not plan on closing the street for more than an hour. She added Marysville is changing and they believe it needs prayer. There will be no protest signs, only signs glorifying Jesus and she volunteered to show anyone interested, a diagram of the van they will be using for their music. She said they will need the power turned on in Comford Park and it is not their intention to close off the park to the public.

Ms. Swenson noted there is a facilities use permit required and she also suggested the group look into having sanicans available along the parade route if the parade is approved tonight.

Councilmember Pedersen said she would love to see this parade happen but asked if they would consider another parade route so State would not be tied up.

Ms. Boyce said they really believe this is the route to take and that this is what God wants them to do. She added that Billy Bob's has said they can start the march from there.

Pastor Darrell Taylor, City Refuge Church, 7627 44th Av. NE, addressed Council. He said he is amazed at what's happening here. He said he has been here just a year from Hawaii and has seen meetings and other things being put together in a hurry and is also sure the Strawberry Festival did not have it all together the first time. He said all they want is for the pastors and congregations to unite in one mind, one cause. He said some of the concerns that have come up, he feels, are easily rectified, such as cost. The congregations will gladly take up a donation, he said. Traffic is a legitimate concern but to shut the main street in Marysville is not the same as a street in Seattle--in Marysville they are making a statement that they are united in this cause and they hope this year will set the scene for the future. You are going to have businesses affected but you are also going to have a lot of additional people in the City that are going to want to use the restaurants and maybe go to the stores, he said. He noted they are supporting the City Council and Mayor in prayer and ask for their support in this event.

Rick Graham, 5415 120th Pl. NE, addressed Council. He said if the City can be shut down for Strawberry Festival, he doesn't see why they can't have a parade such as this which is going to have a great positive impact on the City and it's actually going to need less policemen. He pointed out that he has kids who go to church and he thinks they have a very well organized group, they can provide lots of crowd control, they want to be part of the City so it can be the very best city it can be.

No one wished to speak against having the event.

(There were approximately 150 people in the audience.)

Councilmember Herman said it was pretty impressive to see this much enthusiasm all in one place and asked for some guidelines as far as topic of an event.

City Attorney Weed stressed the City can only set a time, place and is allowed to permit special events. He noted Marysville has no special events scheme except for Maryfest but can request certain controls.

There was more discussion regarding using an alternate parade route, especially for future parades/groups, disruption of traffic in Marysville (a very sensitive issue), a special events draft ordinance to come before Council in the near future, minimum and maximum staff support with regard to control, policy that addresses sanitation, protection of the citizens of Marysville.

Councilmember Pedersen said she would like to see this approved with four conditions: 1) DOT approval; 2) insurance coverage; 3) that an alternate parade route be drawn up/discussed, eg. along 47th; 4) that a special events ordinance be put together for future requests with criteria.

It was noted that the liability coverage is \$2 million.

Councilmember Baxter said he would like to see the permit issued (if it is approved) on a one time only basis until the special events ordinance is in place.

Councilmember Wright said she felt along State would be less disruptive for the parade than for them to go through the residential areas.

There was more discussion about limiting time to one hour, moratorium on future parades until the ordinance is developed, organizers to advise all businesses along the parade route, need to anticipate conditions to be placed on any group that wishes to parade, sanitary requirements, special events permit, Snohomish having a new ordinance in place that could serve as a model for Marysville, staff report on 5/28/96 with regard to how event went as well as a draft ordinance for review, input from Parks Dept., users, police dept., debriefing after event with the organizers.

Councilmember Pedersen then moved to approve the closure of State as requested for one hour from 10-11, closure to be from 80th to 5th, insurance certificate in the amount of \$2 million to be provided naming the City, its employees and elected officials, on condition of approval from the DOT (consider stopping street closure at 6th if down to 5th not approved), approval of Parks Dept. regarding sanicans, organizers to provide staff time funding of \$855 plus a detour route/plan, this to be a one time only permit and cost of sanicans and personnel to be borne by proponents. The date of the event to be 5/18/96.

Councilmember Wright seconded the motion and it passed unanimously.

CALL ON COUNCILMEMBERS:

Councilmember Herman said there are a few things he would like to see discussed with regard to annexation issues, eg. the differences between being in the City and the county. He said he would be attending the upcoming Cities & Towns meeting. He said he had a concern about sight distance in some areas of town where the speed is posted at 30 mph and there seems to be less sight distance than some areas where the posted speed is 25. He said he would like this issue discussed at the Traffic Safety Committee level. Also, he mentioned a lack of demarcation of a lot of the crosswalks in town and Public Works Director Winckler explained they are getting ready to start painting right now.

Councilmember Herman said he would like City Planner Hirashima to review ESHB 1724 that deals with growth management issues. He noted Bellingham has come up with a public information process that reduces appeals on land use issues and Marysville might be able to adopt some of these same components of the process.

Councilmember Leighan reported the Work Release Siting Committee has changed the open house that was to be held 5/1/96 to 5/8/96, at 7:00 p.m. in the Evergreen Branch of the Everett Public Library.

Councilmember Wright announced that Ron Kane will be the speaker

at the upcoming Cities & Towns meeting. She asked about the utility bills having just been sent out now for Feb. & March. Finance Director Wilson said they should be for March and April; that he would follow up on this.

Councilmember Pedersen asked about the Council agenda not being on Channel 2 and City Clerk/Assistant to the City Administrator Swenson said she would follow up on this.

Councilmember Pedersen asked about a policy being in place regarding appeals and if the form developed could ask for new information not included previously as well as revising wording of the Hearing Examiner recommendation with regard to accepting new material only.

City Planner Hirashima said she would follow up on this.

Councilmember Herman said he recently attended a workshop on ESHB 1724 where appeals were discussed with regard to land use issues and how to implement a process where there is only one public hearing necessary and only one open record hearing. He noted Bellingham does not have a public hearing before City Council.

City Attorney Weed agreed, stating the only time the Council would hear the case is to remand it to the Hearing Examiner or disapprove; appeals would be to Superior Court.

Councilmember Pedersen brought up AWC Convention this year, noting it is from Tuesday to Friday in Pasco and suggested moving the 2nd Council meeting in June to the 3rd Monday in June if there is not going to be a quorum the 2nd Monday because of attendance at the convention. This to be brought up again at the next Council meeting 5/13/96.

Councilmember Baxter talked about the 1977 Friends of the Library box that was buried at the old library and time capsule that is still buried at the present City Hall. He suggested they be put together in a concrete slab and under a marker so people will know what they are.

Councilmember Myers asked about the new Welcome to Marysville sign and Parks & Recreation Director Ballew gave an update for PUD connection, mowing, placement of the sign, estimated completion in 2 weeks.

Councilmember Myers asked about the hanging plant poles along State and Parks & Recreation Director Ballew said they are planned for First to 88th on both sides of State.

Councilmember Myers asked about widening State and whether the signal at 92nd & State could be put in before the widening because there was another accident there today. This to be considered by the Traffic Safety Committee.

Councilmember Bartholomew referred to complaints from the residents near the postal drop boxes on Columbia and there was brief discussion about the unsafe installation, poor traffic flow, this also to go before the Traffic Safety Committee.

REVIEW BIDS:

1. Cedarcrest Golf Course Project.

Parks & Recreation Director Ballew reviewed the agenda bill, noting the bid that seemed lowest (from Fuji Industries), was actually not one that met all the specifications. He went into detail as to why Evans Hall, Inc. actually is the lowest bid that met all requirements and staff recommendation is for Council to approve their bid for \$2,948,462 plus applicable taxes and four alternates for a weather station, (3) aerifiers, and removal of planting of deciduous and evergreen trees (staff will do this).

Parks & Recreation Director Ballew explained the emphasis that was placed on the need for a responsible, qualified bidder because of the specific project and the need to get the job done on time. He explained the specifics of knowledge and experience that are required for this project in order for it to be done in a timely manner.

Councilmember Bartholomew talked about the importance of a shaper.

Don Shaw, Golf Pro, addressed Council and agreed that aesthetics are important for the golfers as well as for the practical end of it, so the course plays right and that is why there was so much emphasis placed on getting the right people for the job, people who are very qualified.

Councilmember Baxter noted there is a local golf course that was not done by professional golf course architects, etc. and it's come back to haunt them now.

City Attorney Weed asked about the importance of the timeliness of completion of the contract and Parks & Recreation Director Ballew gave as an example Renton who chose a general contractor and it took them 2 plus years to complete their golf course renovations versus a brand new course in Kent that was started at the same time and only took one year because Kent had a golf course contractor doing the work, Renton did not. He pointed out that the project could have been open to any general landscaper but they had to consider the short window of time they had to work with and they wanted to make sure it got done right in three months and did not want to take any chances on having to re-do the job or put up with a job that was not quality. If the job is not done right, Marysville can lose a substantial amount of money in loss of revenue as well as there being two lessees that could be affected. He said the golf course contractor did provide a letter of qualifications as required by the City and another element was that the City allowed the contractor to have subcontractors do some of the work and the architect did not feel Fuji was qualified for this project.

Councilmember Bartholomew clarified the golf course closure dates and Parks & Recreation Director Ballew confirmed it will be reopened next August.

Councilmember Baxter moved and Councilmember Bartholomew seconded to award the bid to Evans Hall Inc. in the amount of \$2,912,742 with Additive Alternates 1 & 2 and Deductive Alternates 4 & 5. This award based on findings that the apparent low bidder (Fuji Industries Inc.) lacks qualifications and experience required by bid specs, eg. a minimum of three 18 hole golf courses in the last three years, has not specified experienced subcontractors for irrigation and fine grading work, does not meet requirement of Mr. Steidel. This is compared to Evans Hall, Inc. bid which included a lengthy list of experience and they cited and made reference to subcontractors experienced in grading and irrigation and meets golf course architect's requirements and criteria.

The motion passed unanimously.

CURRENT BUSINESS:

1. Barr Annexation; 60% Petition; PA 9509046.

City Planner Hirashima reviewed the agenda bill and overhead. She stated the Planning Staff recommends a public hearing be set for 6/3/96. It was noted the signed petition represents 60.14% of the assessed valuation.

No one wished to speak for or against this issue from the audience.

Councilmember Myers moved and Councilmember Bartholomew seconded to set a public hearing fro 6/3/96 and that the annexation, if approved, be subject to the City's bonded indebtedness, RS-9600 zoning and City Comprehensive Plan. Passed unanimously.

2. Vinish Annexation; 60% Petition; PA 9506039.

City Planner Hirashima reviewed the agenda bill, noting this property is immediately east of the new Albertson's site and is basically the same situation as the previous annexation. One option, however, for the proponent here is to prezone, she said, and have zoning in place prior to annexation.

Kirk Vinish, 8319 53rd Dr. NE, addressed the Council, representing Frank Shockman. Mr. Shockman's property is immediately east of Albertson's and Mr. Shockman has no more view, it was pointed out. Mr. Vinish said Mr. Shockman knew he was going to lose a lot of property value and wanted to follow the simplest process to get this annexation through as quickly as possible. He stated he is a planner and as such believed the route was to have the property designation in line with the Comp Plan but they had to wait quite a while before the Comp Plan was finally adopted. They now have decided to see if the City can in addition to advertising for the annexation, rezone the property in accordance with the Comp Plan (multifamily) rather than annexing in at single family. He pointed out that they have followed the process as given to them and it seems unfair that Mr. Shockman should have to wait through another process to get a building permit, so they would like in addition to the annexation public hearing, to get started on the rezoning process at this time. He said they did not feel there should be too much problem with this as they are simply wanting to be zoned in accordance with what is talked about in the Comp Plan for this area.

City Planner Hirashima noted that normally county zoning is applied (single family) when the property is annexed, for example, Albertson's was annexed in at commercial zoning; they pursued a rezone after annexation. In the Vinish/Shockman situation, they wish multifamily however, it is all single family within the county at this time. She said unless the City updates the development regs the Comp Plan will not be in line with the zoning code. Considerations are for SEPA Exempt proposals that may come in if the City automatically rezones, she said and she explained the time factor: Approx. 12 weeks for a review of the binding site plan, review of consistency with Comp Plan, etc.

Councilmember Bartholomew left Council Chambers at 9:27 p.m.

City Planner Hirashima said because the City doesn't have the zoning codes updated, there is no assurance of anything that is going to happen.

Mr. Vinish pointed out that the property is surrounded by duplexes and Albertson's and they would like to also note that Council has the right to approve or disapprove the binding site plans. He reiterated that they have tried to follow the process.

Councilmember Bartholomew returned at 9:30 p.m.

Mr. Vinish said they did not see any greater value to waiting until the zoning code is updated and do not see that Mr. Shockman's proposal is going to be changed once the zoning code is updated.

Councilmember Wright asked about pre zoning to multifamily and City Planner Hirashima talked about a previous case and how this needs to go through the Hearing Examiner. She added that Mr. Vinish did take a number of steps, starting in early 1995, the Comp Plan did take longer than anticipated; he was advised that if he wanted multifamily he would have to take certain steps because the City

always enacts county zoning at the time of annexation. She added that this annexation also involves other properties that wish to remain single family.

Mr. Vinish said they may be in dispute over what was said but he thinks the understanding has remained consistent throughout the process--that they want to get this property rezoned multifamily and were told multifamily would be consistent with the Comp Plan and they felt there would be no problem with multifamily.

Councilmember Herman said he was impressed with the applicant's patience waiting for the Comp Plan to be adopted and asked City Planner Hirashima about how long it would take to have this property rezoned with a binding site plan vs annexation and then rezoning.

City Planner Hirashima said probably it would be about the same; it depends on the importance of rezoning to the applicant. It will be at least 4 months for the zoning code to be updated, from June 1st, she said and she added Mr. Vinish has the option of going for a rezone.

There was further discussion about the lengthy process, Strawberry Vista possibly wanting multifamily zoning also, an area wide rezone needs to be consistent with the Comp Plan policies, no way of knowing at this time what ultimate zoning will be, more discussion about a rezone with binding site plan, timeline of a rezone vs rezoning, a rezoning would take at least 6 weeks.

Councilmember Myers moved to set a public hearing for 6/3/96 with the annexation to be subject to the City's bonded indebtedness, RS-9600 zoning and City Comp Plan designation with the option given to rezone with a binding site plan. Councilmember Baxter seconded the motion and it passed unanimously.

3. Interlocal Agreement Documents Between Snohomish County, Arlington and Marysville for Joint Regional Planning Issues (continued from April 22, 1996).

City Planner Hirashima reviewed the agenda bill and noted Arlington has signed the interlocal agreement and if Marysville wishes to sign, there may need to be some changes made between the agreement between Marysville and Arlington.

After considerable discussion about unacceptable language in the draft, pending litigation, with two parties having signed the document it makes it more difficult to effectuate change, discussion about why Arlington and Snohomish County may have already signed the document, how 152nd was identified as an annexation boundary, discussion about the process perhaps being non-productive, possibility of a joint plan to review planning areas on a case by case basis, joint planning teams, eg. Snohomish County and Lake Stevens, Councilmember Herman moved and Councilmember Bartholomew seconded to table this issue indefinitely. Staff was directed to try and come up with some ideas for problem resolution and also reasons for Arlington and Snohomish County already having signed the document. The motion passed unanimously.

NEW BUSINESS:

2. Request for Parking Limit in the 1200 Block of Second Street.

Public Works Director Winckler reviewed the agenda bill and noted 7 out of 9 property owners have sent letters requesting 3 to 4 hour parking restrictions.

There was discussion about the general downtown parking problem with commuters, CT route/park & ride lots, CT contact person Tim Brakke at CT Planning Dept., lack of federal funding, lack of cooperation from CT in some instances, park and ride lots being full all the time, CT having constraints also, utilization and

capacity of park & ride lots, Village parking lot not being used for overflow because it's always filled to capacity, too; semis parking on Cedar.

Councilmember Baxter then moved for 2 hour parking limit signs to be placed on both the north and south sides of the 1200 block of 2nd St. Councilmember Bartholomew seconded and the motion passed unanimously.

**3. Planning Commission Recommendation for Mixed Use Zone;
PA 9512062.**

City Planner Hirashima briefly summarized the agenda bill, noting there were quite a few examples of mixed use in other cities given and quite a bit of interest at the Planning Commission public hearing level.

Denise Baker, 8305 83rd Av. NE, addressed Council. She noted there have been a lot of changes made to the original draft; at first it was not liveable but now she is happy with the way the code is written and would like to see it approved as soon as possible.

Councilmember Herman noted he would like further time to review the Mixed Use Code (as did others) and moved to continue this to a night when there is a lighter agenda, but as soon as possible. Councilmember Leighan seconded and the motion passed unanimously.

4. Parks & Recreation Advisory Board Recommendation for Development of Athletic Field Complex.

Parks & Recreation Director Ballew reviewed the agenda bill, noting at the 4/10/96 Parks & Recreation Advisory Board meeting they approved the 152nd St. site plan for the athletic complex and staff recommends approval for this to be placed on the November ballot. He explained county funding of \$150,000, the Youth Soccer Assoc. pledging support of 50% of all fund raising proceeds and also talked about the priority of this project, the request being for the community to be asked to help fund a \$6 million project. He also noted there is a possibility of a GO bond which would result in \$41.70 in additional taxes per homeowner per year based on a \$150,000 valued home; this could only be taxed within City limits. Snohomish County can designate certain areas be taxed for certain things because they can set up parks "districts", for example, however Marysville cannot do this. The athletic complex project could be phased, however he said this would probably end up being more than \$6 million in the long run.

Councilmember Pedersen mentioned specific health regulations with regard to concession stands and their proximity to restrooms and storage facilities and noted these criteria need to be reviewed with the health dept.

Parks & Recreation Director Ballew added there is also the potential of leaseholders making improvements as opposed to the taxpayers coming up with the capital improvements.

Councilmember Bartholomew brought up the topic of passive recreation funding, noting she had heard (\$20 million is coming Marysville's way,) but Parks & Recreation Director Ballew said unfortunately the athletic complex could not be considered "passive recreation" and so does not qualify for these funds. He said the City will be meeting with the county soon but in the meantime, would like Council direction. *the 20 million is coming from the Snohomish County Conservation Futures fund and will be distributed County wide*

There was more discussion about what the county is going to do, how much they are going to contribute, grants vs bond issue, councilmatic bonds, Conservation Futures Funding, putting the project out to bid, putting leasehold improvements out to bid and it was the consensus that a decision would be made as to what Council wanted to do after Parks & Recreation Director Ballew reports back on the county and City meeting to be held 5/9/96.

CORRECTED: SEE 5/13/96
MINUTES

Councilmember Wright left Council Chambers at 10:42 p.m.

5. Waste Management Northwest Contract Agreement with the City of Marysville.

Public Works Director Winckler reviewed the agenda bill.

Councilmember Wright returned at 10:44 p.m.

Jamie deSoer, 1821 180th St. SW, Bothell, WA 98041, Operations Manager for Waste Management Northwest, addressed Council. He said he is excited about adding new recyclable materials: They might even be able to add aerosol cans within the next 3 or 4 months as a recyclable. He said they will be providing a brochure to homeowners announcing this. Another thing they have developed is a burgundy colored bin with three different stickers to replace the currently used bins which are three different colors. He said they have experienced a lot of bin breakage and going to one color will eliminate some logistical problems.

City Attorney Weed noted a contract amendment would be made and presented to Council at next meeting.

Councilmember Bartholmew moved and Councilmember Myers seconded to approve a three year extension and to instruct staff to prepare an amended contract excluding the market price risk sharing proposal. Passed unanimously.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance increasing penalties for violations of the parking code MMC Chap. 11.08, amending 11.08.080, 11.08.250 & 11.08.160, repealing MMC 11.08.160 & adding new Sec. 6.57.050 to the Penal Code.**

Councilmember Myers moved and Councilmember Wright seconded to approve/adopt Ordinance 2074. Passed unanimously.

- 2. Ordinance affirming Hearing Examiner Decision & Rezoning Bud Darling Property, amending official zoning map previously adopted in Ord. 772 & approving Prel. Plat & Preliminary Site Plan for Subdivision of Sunnyside West.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2075. Passed unanimously.

- 3. Ordinance granting Conditional Use Permit & Rezone for Harwood/Willett property & Amending Official Zoning Map previously adopted in Ord. 772, subject to conditions.**

Councilmember Pedersen moved and Councilmember Myers seconded to approve/adopt Ordinance 2076. Passed unanimously.

- 4. Resolution stating City's intention to apply for funding assistance for 1 Outdoor Recreation/Boating Facility & 2 Washington Wildlife Recreation Program Projects.**

Councilmember Leighan moved and Councilmember Myers seconded to approve/adopt Resolution 1795. Passed unanimously.

- 5. Resolution granting Utility Variance for G. Robertson for property at 2722 169th Pl. NE, Arlington, Washington.**

Councilmember Bartholomew moved and Councilmember Wright seconded to approve/adopt Resolution 1796. Passed 6-1 with Councilmember Leighan against.

6. Resolution establishing 5/28/96 as public hearing date before City Council to consider vacation of Public Right of Way of Unimproved/Unopened Section of 76th Av. NE, Msvl.

Councilmember Pedersen moved and Councilmember Wright seconded to approve/adopt Resolution 1797. Passed unanimously.

7. Resolution granting Utility Variance for C. Valiquette, 5108 133rd Pl. NE, Msvl.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve/adopt Resolution 1798. Passed unanimously.

8. Resolution affirming Hearing Examiner Decision & Approving Variance from Sec. 19.20.070(c) of MMC relating to Residential Use of Substandard Lots.

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Resolution 1799. Passed unanimously.

City Planner Hirashima noted that Consent Agenda Item #3 regarding Preliminary Plat of Westview at Sunnyside has to have some additional research and will be brought back next week.

ADJOURNMENT: 10:55 p.m.

EXECUTIVE SESSION: 11:10 to 11:50 p.m.

1. Real Estate. (No Action)
2. Potential Litigation. (No Action)

RECONVENED & ADJOURNED: 11:51 p.m.

Accepted this 13th day of May, 1996.

David Weiser
MAYOR

Mary D. Swenson
CITY CLERK

Standa A. Averson
RECORDING SECRETARY

HELSELL
FETTERMAN

A Limited Liability Partnership

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May 6, 1996

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Re: City of Marysville - Cedar Crest Golf Course Renovation Project

Dear City Officials:

We are the attorneys for Evans-Hall, Inc., which is the second lowest bidder on the City of Marysville Cedar Crest Golf Course Renovation Project (the "Project"). In that capacity, we have reviewed certain of the documents submitted by the low bidder, Fuji Industries, Inc. ("Fuji"), as well as investigated its experience, and are of the firm opinion that the bid it submitted was neither responsive to the bid solicitation on the Project, nor is Fuji a "responsible" bidder under the terms of this bid solicitation with the experience necessary to perform the Project.

The law in the State of Washington requires that a municipality award the Project to the bidder who has submitted the lowest bid, has submitted a bid that is responsive to the bid solicitation, and is a "responsible bidder" for the purposes of performing the contract. Obviously, Fuji has met the first requirement, but it is our contention that it has not met the second and third requirements. Our main focus will be on the issue of "responsibility." By contending that Fuji is not a responsible bidder on this Project, we are not making any allegation that it is not a fine company, does not have a good reputation for its own type of work or that it does not have the

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financial resources to perform this Project. Our sole focus is on Fuji's minimal experience in golf course work and its failure to provide responses to the Bidder's Statement of Qualification and Statement of Bidder's Qualifications which would indicate they are either qualified to perform this Project, or that it does possess the minimum qualifications specified by the City.

First, in reviewing the Statement of Bidder's Qualifications, it is illuminating to note that under "General Description of Work for Which Bidder is Qualified" Fuji makes no reference at all to golf course construction or renovation and describes its "significant projects" as a highway job and a street landscaping project.

Fuji's lack of golf course construction experience becomes more evident when the Statement of Qualifications is reviewed.

Under Section "General Contractor A-1," Fuji makes a reference to a driving range and a golf course as support for its meeting the standard "three 18-hole golf course minimum or equivalent" but gives no further description of the work. It also references the "College street to Yelm" highway project which obviously does not address the required experience. Our investigation has shown that the work at the Pacific Golf Range consisted of only the rough-shaping of a 9-hole executive course and the work for Olympia Country & Golf Club was limited to a 2-hole drainage project.

Again, in Section A-2, the minimum experience required of the foreman responsible for the construction of the Project, is a "three 18-hole course minimum or equivalent." In response to that minimum standard, Marv Gall, the designated foreman, refers to no golf course project.

The same deficiencies are noted under Section B of the Statement of Qualifications, which addresses the experience of subcontractors. It should be noted that in paragraphs B-1 and B-1, Fuji designates itself as the "subcontractor." Under irrigation contractor, which again requires a three 18-hole course minimum or equivalent, Fuji references no golf course projects. Under Section B-2, which requires "60 greens minimum or equivalent (described general nature of work)," Fuji references the Olympia Country Club where its work consisted of drainage work and to eight playfields.

The lack of experience and qualifications for golf course renovation reflected in the Fuji bid is in stark contrast to the voluminous qualifications of the Evans-Hall, Inc. organization and its subcontractors. Evans-Hall and its foreman, Ron Hall, have

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built many golf courses from scratch, done many renovation projects and specialize in golf course construction, particularly in the Pacific Northwest area. Their irrigation contractor, Burk-Darrow, Inc., has likewise worked on many golf course irrigation projects and specializes in golf course construction.

A critical element of the Cedar Crest Golf Course renovation will be the 15 greens being rebuilt to USGA specifications. Fuji apparently has never done the fine grading necessary to construct a golf course green. The resume of J. Russell Page, who will do the work for Evans-Hall, Inc. shows experience fine grading the greens of many of the finest golf courses on the West Coast.

As the City well knows, this is a high visibility project under a tight time schedule. In drafting its bid documents, the City evidenced its awareness that a contractor with golf course construction and renovation experience was required. Unfortunately, Fuji has presented no information to date which would indicate that it does possess this experience. Its failure to present that information makes their bid non-responsive and for purposes of this Project, mandates that the City declare there is not a "responsible bidder" and award the Project to the lowest responsive, responsible and qualified bidder, Evans-Hall, Inc.

We appreciate your consideration of this letter and are hopeful that at the City Council meeting on May 6, 1996, that the contract for the Cedar Crest Golf Course Renovation Project will be awarded to Evans-Hall, Inc. It is my present intention to attend that meeting, along with Mr. Hall. Should you need any additional information regarding our position or the experience and qualifications of Evans-Hall, Inc., please call me immediately.

Very truly yours,



Craig R. Dodel

CRD/lc

cc: Evans-Hall, Inc. (via facsimile (509) 448-4110

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