

February 1, 2010

Marysville City Council Work Session
7:00 p.m.

City Hall

Call to Order

Pledge of Allegiance

Roll Call

Committee Reports

Presentations

- A. Marysville Kids Matter—Developmental Assets

Discussion Items

Approval of Minutes (*Written Comment Only Accepted from Audience.*)

1. Approval of January 11, 2010 City Council Meeting Minutes.
2. Approval of January 19, 2010 City Council Work Session Minutes.

Consent

3. Approval of January 27, 2010 Claims.
4. Approval of February 3, 2010 Claims.

Review Bids

Public Hearings

New Business

5. Acceptance of the Sunnyside Well 1R Drilling and Development Project, Starting the 45-Day Lien Filing Period for Project Closeout.
6. Declaration of Covenant, Sunnyside Well 1R Sanitary Protection Zone.
7. Purchase of a Tractor and Boom / Hitch Mounted Flail Mower from BRIM Tractor Company in the Amount of \$123,160.61, per Washington State Bid Contract.
8. A **Resolution** of the Marysville City Council Supporting the Marysville Kids Matter (MKM) Initiative and 40 Developmental Assets.

Work Sessions are for City Council study and orientation – Public Input will be received at the February 8, 2010 City Council meeting.

Marysville City Council Work Session

February 1, 2010

7:00 p.m.

City Hall

9. A **Resolution** of the City of Marysville Affirming the Recommendation of the Hearing Examiner and Granting a Conditional Shoreline Substantial Development Permit to Allow the Replacement of the SR 529 Bridge with a 4-Lane Fixed Span Bridge that Includes Sidewalks, Separate Bicycle Lanes, Signing, Illumination, Stormwater Treatment, Retaining Walls, Wetland and Buffer Mitigation.

Legal

Mayor's Business

Staff Business

Call on Councilmembers

Executive Session

- A. Litigation
- B. Personnel
- C. Real Estate

Adjourn

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact Tracy Jeffries, Assistant Administrative Services Director, at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two days prior to the meeting date if any special accommodations are needed for this meeting.

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Dr. Nyland – Marysville School District Superintendant	Held
Approval of Minutes	
Approval of December 7, 2009 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of December 2, 2009 Claims in the Amount of \$87,939.54; Paid by Check No.'s 59586 through 59692 with No Check No.'s Voided.	Approved
Approval of December 16, 2009 Claims in the Amount of \$967,418.67; Paid by Check No.'s 59841 through 60014 with Check No. 58484 Voided.	Approved
Approval of December 23, 2009 Claims in the Amount of \$1,314,054.84; Paid by Check No.'s 60015 through 60182 with No. Check No.'s Voided.	Approved
Approval of December 18, 2009 Payroll in the Amount of \$951,265.29; Paid by Check No.'s 22157 through 22207.	Approved
Authorize the Mayor to Sign the Final Plat PRD of Shasta Ridge Phase I.	Approved
Affirm the Planning Commission's Recommendation to Deny the "Brutus" Citizen Initiated Comprehensive Plan Amendment (PA 09001).	Approved
Authorize the Mayor to Sign the Local Agency Haul Road/Detour Agreement with WSDOT for the SR 529 Bridge Replacement Project.	Approved
Authorize the Mayor to Sign the Jones Creek Flood Damage Repairs Project, Starting the 45-Day Lien Filing Period for Project Closeout and Authorize Change Order No. 1.	Approved
Authorize the Mayor to Sign the Contract for Use of Park Property – Marysville Historical Society.	Approved
Authorize the Mayor to Sign the State of Washington Intergovernmental Agreement for State Purchasing Cooperative.	Approved
Review Bids	
New Business	
Adopt a Resolution of the City of Marysville Revising Resolution Number 2260, and Adopting Revisions to the Personnel Rules of the City of Marysville, Health and Welfare Benefits – Employee Wellness.	Approved Res. No. 2277
Adopt an Ordinance of the City of Marysville, Washington Making Technical Correction to Specify the Form of Security for Performance Under Chapter 19.24 MMC, Critical Areas Management, by Amending Section(s) 19.24.150 and 19.24.270MMC.	Approved Ord. No. 2812
Adopt an Ordinance of the City of Marysville, Washington Repealing the Existing Chapter 19.51 MMC, Security for Performance and Maintenance, and Adopting a New Chapter 19.51 MMC Making Changes in Enforcement of the Security Provided.	Approved Ord. No. 2813
Adopt a Resolution of the City of Marysville, Washington Supporting the Letter of Understanding with the Washington State Department of Transportation regarding the Break in Access at SR9/SR92.	Approved Res. No. 2278
Adopt an Ordinance of the City of Marysville, Washington Amending the 2010 Budget and providing for the adjustment of certain expenditure items as budgeted for in 2010 and Amending Ordinance No. 2798.	Approved Ord. No.2814

Authorize the Mayor to approve the Seventh Amendment to Chief Administrative Officer Employment Contract	Approved
Approve the Memo regarding Early Retirement dated January 12, 2010.	Approved
Legal	
Mayor's Business	
Authorize the Mayor to re-appoint Dr. Thomas Albright to the Library Board.	Approved
Authorize the Mayor to appoint Ron Foss to the Salary Commission.	Continued
Staff Business	
Call on Councilmembers	
Adjournment	8:03 p.m.

COUNCIL



MINUTES

Regular Meeting *January 11, 2010*

Call to Order / Pledge of Allegiance

Mayor Kendall called the January 11, 2010 meeting of the Marysville City Council to order at 7:00 p.m. at Marysville City Hall. The invocation was given by Pastor Kurt Onken from Messiah Lutheran Church. Mayor Kendall led those present in the Pledge of Allegiance.

Roll Call

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

Mayor: Dennis Kendall

Council: Councilmember Jon Nehring, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright

Absent: Councilmember Lee Phillips

Also Present: Chief Administrator Mary Swenson, Community Development Director Gloria Hirashima, Finance Director Sandy Langdon, Public Works Director Kevin Nielsen, City Attorney Grant Weed, Parks and Recreation Director Jim Ballew, Police Chief Rick Smith and City Clerk Tracy Jeffries

Mary Swenson informed council that it was her understanding that Councilmember Phillips called Councilmember Soriano. Councilmember Soriano informed council he did receive a call stating that Councilmember Phillips was ill.

Motion made by Councilmember Soriano to excuse the absence of Councilmember Phillips. The motion died for lack of a second.

Committee Reports

Councilmember Seibert reported on the January 8 Public Works meeting where the main topic of discussion was the utility rate study which should be coming to Council in the next cycle.

Councilmember Vaughan reported that the Graffiti Task Force met last Thursday and discussed various things that are being done with graffiti eradication in our community. It was noted that there has been an increase in instances of graffiti in the community. Some of this is coming from the newly annexed areas. Commander Lamoureux also remarked that the police have stepped up their efforts again to try to get the individuals who are doing the graffiti. The importance of getting together with the Tribes soon regarding the 116th Street railroad bridge was also mentioned. A representative from the school district was in attendance and discussed some of the things the school district is going. The next meeting Graffiti Task Force meeting will be in February.

Presentations

A. Dr. Nyland – Marysville School District Superintendent.

Dr. Nyland gave a PowerPoint presentation regarding the upcoming levy and bond issue in the school election on February 9 and plans for replacing their three most obsolete schools.

Councilmember Nehring congratulated Dr. Nyland and noted that the new high school is looking sharp. Councilmember Nehring asked if they will be ready to take advantage of the low construction costs. Dr. Nyland stated that they were shovel-ready earlier when they were hoping to get the stimulus package. Councilmember Nehring asked about Totem. Dr. Nyland explained that parts of it are old, but some of it was modernized at some point in the past so it has a better score than some of the other schools.

Councilmember Rasmussen commended Dr. Nyland and his staff for the outstanding work that they are doing with the improvements in the district.

Councilmember Vaughan also thanked Dr. Nyland for all the good work the district has done especially at Totem. Dr Nyland thanked him and gave credit to the staff at that school.

Councilmember Wright thanked him for the presentation and the good work that he has done. She asked what else the Council could do to support the district. Grant Weed noted that the Council could take a position on the ballot measure but it would need to appear on the Council's agenda in exactly the same format as it is going to the voters and they need to provide equal time for differing views.

Councilmember Seibert stated he would like to encourage people to vote.

Audience Participation - None

Approval of Minutes

1. Approval of December 7, 2009 City Council Work Session Minutes.

Councilmember Rasmussen referred to page 10 of 11 and noted that *Mayor Nehring* should be corrected to **Councilmember Nehring**.

Motion made by Councilmember Nehring, seconded by Councilmember Wright, to approve the December 7, 2009 minutes with the correction as noted above. **Motion** passed unanimously (6-0).

Consent

2. Approval of December 2, 2009 Claims in the Amount of \$87,939.54; Paid by Check No.'s 59586 through 59692 with No Check No.'s Voided.
3. Approval of December 16, 2009 Claims in the Amount of \$967,418.67; Paid by Check No.'s 59841 through 60014 with Check No. 58484 Voided.
4. Approval of December 23, 2009 Claims in the Amount of \$1,314,054.84; Paid by Check No.'s 60015 through 60182 with No. Check No.'s Voided.
5. Approval of December 18, 2009 Payroll in the Amount of \$951,265.29; Paid by Check No.'s 22157 through 22207.
6. Authorize the Mayor to Sign the Final Plat PRD of Shasta Ridge Phase I.
7. Affirm the Planning Commission's Recommendation to Deny the "Brutus" Citizen Initiated Comprehensive Plan Amendment (PA 09001).
8. Authorize the Mayor to Sign the Local Agency Haul Road/Detour Agreement with WSDOT for the SR 529 Bridge Replacement Project.
9. Authorize the Mayor to Sign the Jones Creek Flood Damage Repairs Project, Starting the 45-Day Lien Filing Period for Project Closeout and Authorize Change Order No. 1.
10. Authorize the Mayor to Sign the Contract for Use of Park Property – Marysville Historical Society.
11. Authorize the Mayor to Sign the State of Washington Intergovernmental Agreement for State Purchasing Cooperative.

Motion made by Councilmember Wright, seconded by Councilmember Soriano, to approve Consent Agenda items 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. **Motion** passed unanimously (6-0).

New Business

12. A **Resolution** of the City of Marysville Revising Resolution Number 2260, and Adopting Revisions to the Personnel Rules of the City of Marysville, Health and Welfare Benefits – Employee Wellness.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve Resolution No. 2277. **Motion** passed unanimously (6-0).

13. An **Ordinance** of the City of Marysville, Washington Making Technical Correction to Specify the Form of Security for Performance Under Chapter 19.24 MMC, Critical Areas Management, by Amending Section(s) 19.24.150 and 19.24.270MMC.

Motion made by Councilmember Wright, seconded by Councilmember Nehring, to approve Ordinance No. 2812. **Motion** passed unanimously (6-0).

14. An **Ordinance** of the City of Marysville, Washington Repealing the Existing Chapter 19.51 MMC, Security for Performance and Maintenance, and Adopting a New Chapter 19.51 MMC Making Changes in Enforcement of the Security Provided.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve Ordinance No. 2813. **Motion** passed unanimously (6-0).

15. A **Resolution** of the City of Marysville, Washington Supporting the Letter of Understanding with the Washington State Department of Transportation regarding the Break in Access at SR9/SR92.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve Resolution No. 2278. **Motion** passed unanimously (6-0).

18. An **Ordinance** of the City of Marysville, Washington Amending the 2010 Budget and providing for the adjustment of certain expenditure items as budgeted for in 2010 and Amending Ordinance No. 2798.

Mary Swenson pointed out changes that had been made. In the management grid she discussed three positions that have been moved.

Motion made by Councilmember Wright, seconded by Councilmember Nehring, to approve Ordinance No.2814. **Motion** passed unanimously (6-0).

19. Seventh Amendment to Chief Administrative Officer Employment Contract.

City Attorney Grant Weed discussed new language regarding retirement that has been added to the contract.

Motion made by Councilmember Nehring, seconded by Councilmember Seibert, to authorize the Mayor to approve the Seventh Amendment to Chief Administrative Officer Employment Contract. **Motion** passed unanimously (6-0).

Mary Swenson stated that they would like to send out a final call for anyone interested in taking early retirement. This would be a memo dated January 12, 2010 from Mary Swenson to the employees regarding early retirement by May 31, 2010.

Motion made by Councilmember Seibert, seconded by Councilmember Nehring, to approve the memo dated January 12, 2010. **Motion** passed unanimously (6-0).

Mayor's Business

16. Library Board Re-appointment; Dr. Thomas Albright.

Motion made by Councilmember Rasmussen, seconded by Councilmember Seibert, to authorize the Mayor to re-appoint Dr. Thomas Albright to the Marysville Library Board for a five-year term. **Motion** passed unanimously (6-0).

17. Salary Commission Appointment; Ron Foss.

There was consensus to continue this item to the next meeting cycle to get bullet points of Mr. Foss's résumé to Council

Other Mayor's Business

- The groundbreaking for Ingraham Blvd. has been scheduled for January 22 at 10 a.m.
- The State of the City address is Wednesday morning at the Tulalip Casino.

Staff Business

Jim Ballew:

- The tree-cycling event over the weekend was very busy. The Boy Scouts did an outstanding job.
- Father-Daughter Valentines Dance tickets are now on sale and going quickly.
- Parks staff is responding aggressively to graffiti.
- He discussed a large Martin Luther King event in Everett on Tuesday.

Rick Smith:

- He had an interesting discussion with a gentleman who wants to get involved in gang issues with and will be putting together some materials.
- The annexation area is continually busy. They are making a dent in specific targeted neighborhoods.
- Remodel is almost complete.
- Preparing to promote a lieutenant and a sergeant soon. He discussed other possible candidates for positions.

Kevin Nielsen:

- Groundbreaking for Ingraham Blvd. is earlier than planned due to the fact that there is a salmon window in the summer when they will not be able to work.
- He discussed the heavy rains we have had and that are forecasted for the next week.
- Thanks to Council, the Mayor, Mary Swenson and John Tatum, for support on the Resolution regarding the break in access.
- Councilmember Vaughan asked if closing 84th eventually is still part of the plan. Director Nielsen explained that 84th will have a minor connection to it, but it will have a cul-de-sac at the top,

Gloria Hirashima informed Council that the sign code is working its way through the Planning Commission. A hearing is expected next month.

Sandy Langdon had no comments.

Grant Weed gave an update on the status of the grant from the Department of Commerce relating to the funding for the Boys and Girls Club property.

Mary Swenson briefly discussed legislative efforts. She thanked Council for the support on her contract.

Call on Councilmembers

Carmen Rasmussen said she was very happy to see a Marysville police officer at the high school this morning.

John Soriano asked about deferring the Public Works meeting until February. Chief Smith thought this would be fine.

Jon Nehring stated that Becky Foster contacted him about freeway exit signs. WSDOT took *Smokey Point* off the signs and this is a sore spot with those residents. Mayor Kendall indicated he would look into this.

Jeff Vaughan had no comments.

Donna Wright stated that she will be out of town next Tuesday so she will miss the workshop and the joint meeting. She requested an excused absence.

Jeff Seibert noted that he might not be able to attend the joint meeting on Tuesday because of work, but he will be at the regular meeting.

Executive Session - None

Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 8:03 p.m.

Approved this _____ day of _____, 2010.

Mayor
Dennis Kendall

Asst. Admin. Svcs. Director
Tracy Jeffries

COUNCIL



MINUTES

Work Session *January 19, 2010*

Call to Order / Pledge of Allegiance

Mayor Kendall called the meeting to order at 7:00 and led those present in the Pledge of Allegiance.

Roll Call

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

Mayor: Dennis Kendall

Council: Councilmember Jon Nehring, Councilmember Lee Phillips, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan

Absent: Councilmember Donna Wright

Also Present: Chief Administrative Officer Mary Swenson, City Attorney Cheryl Beyer, Chief Rick Smith, Community Development Director Gloria Hirashima, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Assistant Administrative Services Director Tracy Jeffries, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Rasmussen, seconded by Councilmember Seibert to excuse Councilmember Wright. **Motion** passed unanimously (6-0)

Mayor Kendall welcomed Teamster Shop Steward Sam Day.

Committee Reports - None

Presentations - None

Discussion Items - None

Approval of Minutes

1. Approval of December 14, 2009 City Council Meeting Minutes.
2. Approval of January 4, 2010 City Council Work Session Minutes.

Consent

3. Approval of December 30, 2009 Claims in the Amount of \$179,792.83; Paid by Check No.'s 60183 through 60279 with no Check No.'s Voided.
4. Approval of December 31, 2009 Claims in the Amount of \$180,568.27; Paid by Check No.'s 60288 through 60381 with No Check No.'s Voided.
5. Approval of January 6, 2010 Claims in the Amount of \$660,796.98; Paid by Check No.'s 60280 through 60287 with No Check No.'s Voided.
6. Approval of January 5, 2010 Payroll in the Amount of \$1,318,102.45; Paid by Check No.'s 22208 through 22257.
14. Approval of December 31, 2009 Claims in the Amount of \$534,239.86; Paid by Check No.'s 60382 through 60522 with No Check No.'s Voided.
15. Approval of January 13, 2010 Claims in the Amount of \$637,611.94; Paid by Check No.'s 60523 through 60572 with Check No. 60286 Voided.

Review Bids

Public Hearings

7. Proposed Utility Rate Cost of Service Adjustment (*will be held on 1/25/10*).

This is notification that a public hearing will be held next Monday. Public Works Director Kevin Nielsen noted that there is an ordinance that goes along with this. The new restructuring will be distributed to Council prior to the meeting. CAO Mary Swenson added that they are in the process of setting up a meeting with Cauldie Rogers from the Chamber so that she has a preview of this.

New Business

8. Agreement for Services with Allied Employers commencing January 1, 2010 and ending on December 31, 2010.

Mary Swenson explained that this is an update of the current contract.

9. Retainage Escrow Agreement with SRV Construction, Inc. for the Ingraham Boulevard Extension Project #R0502.

Public Works Director Nielsen stated that this is the standard escrow agreement that is in the contract that they are allowed to use for retainage.

10. An **Ordinance** of the City of Marysville, Washington, Adopting and Revising Stormwater Management Regulations Pursuant to the Western Washington Phase II Municipal Stormwater Permit Issued to the City by the Washington State Department of Ecology and Amending Chapters 4.02, 14.03, 14.05, 14.09, 14.15, 14.16, 14.17, 14.18, and 19.22, of the Marysville Municipal Code.

Director Nielsen explained that this is in order to fulfill the requirements of the NPDES Stormwater Permit Phase II. Mary commended Kari Chenault and their crew for the excellent work that they do.

Councilmember Seibert referred to item 10-12, (14.03.200) asked about taking the easement to the main as had been discussed previously and not just the boundary of the public right-of-way. He recalled that there had been an issue with maintenance with utilities underneath the road service. Kevin Nielsen stated that they actually own to the main; he indicated that he would look into this.

Councilmember Seibert then referred to item 10-16. He noted that *Discharge restrictions into sanitary sewers* was deleted. He wondered if this covered in a different area. Director Nielsen indicated that it is included in Pretreatment.

Councilmember Seibert then referred to item 10-42 and other areas in this document which show large chunks of information that has been deleted. He asked for more information about why this was deleted or if it was just moved. Director Nielsen stated that a lot of it is covered by the Stormwater Manual which is referenced here. The manual is adopted in here so many things were removed to avoid conflicts. Councilmember Seibert requested some clarifications regarding the deletions for the meeting next week.

Councilmember Seibert asked about the fact that one of the *Whereas* statements references that we adopted the 2001 manual. He asked why it doesn't reference the 2005 manual. Director Nielsen replied that staff will be bringing the 2005 manual forward, but they are working on some amendments and exemptions to it. The latest adopted manual is the 2001 manual.

Councilmember Soriano referred to page 10-15. He noted that the liability coverage is significantly higher. City Attorney Beyer stated that these are standard insurance requirements on all the contracts now. Director Nielsen pointed out that it did go up a year and a half ago, but it was cleaned up here.

Councilmember Soriano referred to page 10-35 about not allowing washing of sidewalks, pathways and non-commercial washing of cars. He asked if this has always been in there.

Director Nielsen indicated that this has not changed. He explained that by the NPDES Permit Phase II these are not allowed. There was discussion about these restrictions.

- 11. An **Ordinance** of the City of Marysville, Washington Restructuring Water, Sewer, and Surface Water Utility Rates, Amending Sections 14.07.010, 14.07.060, 14.07.070, and 14.19.050 of the Marysville Municipal Code as Allowed Under Section 14.07.075.

The ordinance will be coming to Council prior to the meeting. CAO Mary Swenson briefly discussed the rate structure. She stated that she is more comfortable with this structure than she has been with any other. She believes it is very fair and justifiable. The consultant from Gray and Osborne did a very good job on this study. She discussed communication with the annexation area residents regarding rate changes.

- 12. A **Resolution** supporting the Marysville Kids Matter Initiative.

Councilmember Rasmussen brought this up to council. Mayor Kendall noted that there will be two versions – one could be signed by the Mayor and the other could be signed by all the councilmembers.

- 13. A **Resolution** of the City of Marysville Regarding Marysville School District Propositions No. 1 & 2 on the Election Ballot on February 9, 2010.

The Ballot Title Reads Substantially as Follows:

**MARYSVILLE SCHOOL DISTRICT No. 25
PROPOSITION NO. 1**

GENERAL OBLIGATION BONDS - \$78,000,000

The Board of Directors of Marysville School District No. 25 adopted Resolution No. 2010-3 concerning this proposition for bonds. The proposition would authorize the District to replace and equip two elementary schools and a middle school; acquire new and renovate existing technology facilities; and other capital improvements; to issue \$78,000,000 of general obligation bonds maturing within a maximum of 20 years; and collect excess property taxes annually to repay the bonds, as provided in this Resolution.

Should this proposition be:

APPROVED?.....

REJECTED?.....

MARYSVILLE SCHOOL DISTRICT No. 25
PROPOSITION NO. 2

REPLACEMENT SCHOOL SUPPORT LEVY

The Board of Directors of Marysville School District No. 25 adopted Resolution No. 2010-4 concerning educational funding. This proposition would authorize the District to levy the following excess taxes on all taxable properties within the District. This proposition replaces an expiring levy and will be used for education support and operations:

Collection Years	Estimated Levy Rates/\$1,000 Assessed Value	Levy Amount
2011	\$3.15	\$21,225,000
2012	\$3.15	\$22,286,000
2013	\$3.15	\$23,400,000
2014	\$3.15	\$24,574,000

Should this proposition be approved?

YES.....
NO.....

Mayor Kendall explained the options that would be available to Council next week. The ballots should be coming out this week.

Councilmember Rasmussen asked if the Council needed to approve support of a ballot measure unanimously if they wished to express support. CAO Swenson stated that it just needs to be a majority, but the Council’s policy in the past has chosen to make it unanimous.

16. Amended Final Plat of Meadows at Two Cedars Phase 2.

Community Development Director Hirashima explained that this was approved by the County Council on January 6. This will be corrected since the City has already annexed this area.

Councilmember Seibert asked for more information about the location. Director Hirashima described where it is on the east side of 51st near the high school.

Legal - None

Mayor's Business

- Friday the 22nd is the school district groundbreaking at 10:00 for Ingraham Blvd.
- Thursday at 7:30 is the Governmental Affairs meeting with the tribes.

Staff Business

Chief Smith:

- Jim Ballew has done a great job working with Lisa Brenton regarding the naming of the park after her husband. She is very happy with the recognition of her husband.
- The police department has made a conditional offer with an individual from WWU.
- Several other individuals from police organizations within Snohomish County are also applying.
- Formal promotions happen next Monday and everyone is very excited. Jobie Johnson and Brian Lutschg will be promoted to sergeant and Wendy Wade is getting promoted to lieutenant.

Kevin Nielsen:

- He discussed the windstorm over the weekend.
- Crews are working on potholes, sweeping, maintenance, and valve exercises. Vactors are doing sewer and storm cleaning.
- Construction is still occurring on 47th Street.
- They are considering improvements to the 88th Street Corridor with some money from Snohomish County. They are looking at making the connection on 51st from 88th to 84th.

Councilmember Seibert pointed out that there are areas on 51st between Grove Street and 80th Street that are narrow and have gaps with no sidewalks. He expressed concerns about walkability if this is opened up for more traffic. Director Nielsen commented that there are plans for 51st to be a major corridor for biking and pedestrian transportation from 172nd to 528. They are also looking at roundabouts for certain spots, but this will require more study especially considering its proximity to schools.

Gloria Hirashima noted that the Healthy Communities ACES committee is looking at marking out another trail similar to Jennings loop for the Pinewood and the Kellogg Marsh neighborhoods. They have identified a couple loops which are possibilities.

Sandy Langdon remarked that notices were sent out to businesses that were potentially affected by the admissions tax and the 1%. They have had minimal response.

Cheryl Beyer had no comments.

Mary Swenson stated that it was a pleasure to do the interviews and promotions for the police department. She is extremely pleased with the promotions. This has created a lot of positive energy in the department

Call on Councilmembers

Jeff Vaughan asked Kevin Nielsen if 88th Street might be used as part of the truck route. Director Nielsen said they would revisit this. He recommended leaving as much traffic on 528 as possible. He briefly revisited construction routes. Council's consensus was to not have trucks on Ingraham Blvd. Vaughan stated that Pinewood Elementary has been concerned for years about truck traffic. There was discussion about future truck routes as growth happens.

Carmen Rasmussen said she received her first complaint about census takers which she forwarded it to staff.

Jon Nehring commented that Doug Carlton in the annexation area contacted him regarding a truck problem in his neighborhood. Chief Smith indicated they would look into it and contact him.

Lee Phillips apologized for not making it last week due to illness.

John Soriano:

- The Snohomish County Cities and Towns dinner is in Mukilteo tomorrow. They will be doing their annual elections for the PSRC boards and committees. He discussed his and Councilmember Donna Wright's possible involvement in this.
- Congratulations to all the folks in the police department who are being promoted. Congratulations to Wendy Wade who is the first female lieutenant.

Jeff Seibert had no comments.

Adjournment

Seeing no further business Mayor Kendall adjourned the meeting at 8:04 p.m.

Approved this _____ day of _____, 2010.

Mayor
Dennis Kendall

Asst. Admin. Svcs. Director
Tracy Jeffries

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 8, 2010

AGENDA ITEM: Project Acceptance: W0705 Sunnyside Well 1R Drilling and Development	AGENDA SECTION:	
PREPARED BY: Paul Federspiel, Project Engineer	APPROVED BY: <i>HL</i> 	
ATTACHMENTS: <ul style="list-style-type: none"> • Notice of Physical Completion • Vicinity Map 		
	MAYOR	CAO
BUDGET CODE: NA 40200034.560000 W0705	AMOUNT: N/A	

DESCRIPTION:

The City Council awarded the "Sunnyside Well 1R Drilling and Development" contract to Boart Longyear on July 13, 2009 in the amount of \$139,307.

Boart Longyear completed the work for this project on December 9th, 2009. The project contract was completed at a total cost of \$129,543.51, which is \$9,763.49 less, or 7% below the original bid amount.

The work performed under this Contract was inspected by City Engineering staff and found to be physically complete in accordance with the approved plans and specifications. Staff recommends Council's acceptance of the project for closeout.

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to accept the Sunnyside Well 1R Drilling and Development project, starting the 45-day lien filing period for project closeout.
COUNCIL ACTION:



PUBLIC WORKS

Kevin Nielsen, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284

December 28, 2009

Mike Ramlo
Boart Longyear Company
3820 Freeman Rd. East
Fife, WA 98424

Re: Sunnyside Well 1R Drilling and Development / **Notice of Physical Completion**

Dear Mr. Ramlo:

This is to inform you that work on the referenced project was considered Physically Complete by the City of Marysville on October 13, 2009. The following documents or procedures are still required to establish the Project Completion Date:

1. Signed Affidavit of Wages Paid.
2. Certificate of Release from Department of Labor and Industries.
3. Certificate of Release from the Department of Revenue.
4. Certificate of Release from the Employment Security Department
5. A 45-day lien period must pass without liens being filed.

Your retainage account in the amount of 5% of the final Contract price will be released pending receipt of the required release forms and upon passage of the 45-day lien period without any liens being filed. The 45-day lien period will begin following City Council Acceptance of the project (scheduled for February 8th). If you have any questions or comments, please contact me.

Sincerely,

Paul Federspiel, PE
Project Engineer



W0705 Sunnyside Well 1R Drilling and Development

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 8, 2010

AGENDA ITEM: Declaration of Covenant: Sunnyside Well 1R Sanitary Protection Zone	AGENDA SECTION: New Business	
PREPARED BY: Paul Federspiel, Project Engineer	APPROVED BY: <i>je</i> 	
ATTACHMENTS: <ul style="list-style-type: none"> • Declaration of Covenant, Sunnyside Well • Exhibit A: Well Easement Sketch and Description • Vicinity Map 		
	MAYOR	CAO
BUDGET CODE: NA	AMOUNT: NA	

DESCRIPTION:

In the second half of 2009, the City of Marysville contracted Boart Longyear to drill a new well to replacement a well that had been abandoned as part of the construction of Fire Station 66 on the city property where the Sunnyside reservoir and wells are located. The new well has been designated Sunnyside Well 1R.

Part of the Washington State Department of Health source approval process requires that the City provide a sanitary protection zone that consists of the area inside a one hundred foot radius around the new well. The sanitary protection zone will be established through this covenant.

The Declaration of Covenant was prepared and approved by the attorney's office.

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign the Declaration of Covenant.
COUNCIL ACTION:

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

DECLARATION OF COVENANT

GRANTOR: CITY OF MARYSVILLE, a Washington municipal corporation

LEGAL: Ptn Gov't 3, 2-29-5, Snohomish County, WA Add'l on page 1

Tax Parcel No. 290502-002-001-00

REFERENCE:200803205001

The Grantor, CITY OF MARYSVILLE, a Washington municipal corporation, herein is the owner in fee simple of the following described real estate situated in Snohomish County, to wit:

Lot 1 of City of Marysville Short Plat, PFN #SP 07004, recorded under recording number 200803205001, being a portion of Government Lot 3, Section 2, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington.

on which the Grantor owns and operates a well and waterworks supplying water for public use located on said real estate, within:

A 100 (One Hundred) foot radius circle located in Lot 1 of Marysville Short Plat, PFN Number SP 07004, recorded under Auditor's file number 200803205001, records of Snohomish County, Washington, the radius point being described as follows:

Commencing at the Northeast corner of Lot 2 of said Short Plat; THENCE North 89° 16' 30" West along the North line of said Lot 2, a distance of 268.75 feet; THENCE North 0° 43' 30" East, perpendicular to said line, a distance of 162.10 feet to said radius point.

and Grantor is required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of said Grantor water supply.

NOW, THEREFORE, the Grantor agrees and covenants that said Grantor, successors and assigns will not construct, maintain or suffer to be constructed or maintained upon the said land of the Grantor and within 100 (One Hundred) feet of the radius point described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drainfields, sewerlines, underground storage tanks, roads, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

These covenants shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

DATED this ____ day of _____, 2010.

CITY OF MARYSVILLE, Owner/Grantor

By _____
DENNIS L. KENDALL, Mayor

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that DENNIS L. KENDALL is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the CITY OF MARYSVILLE to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

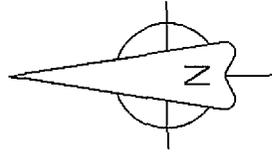
DATED this ____ day of _____, 2010.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

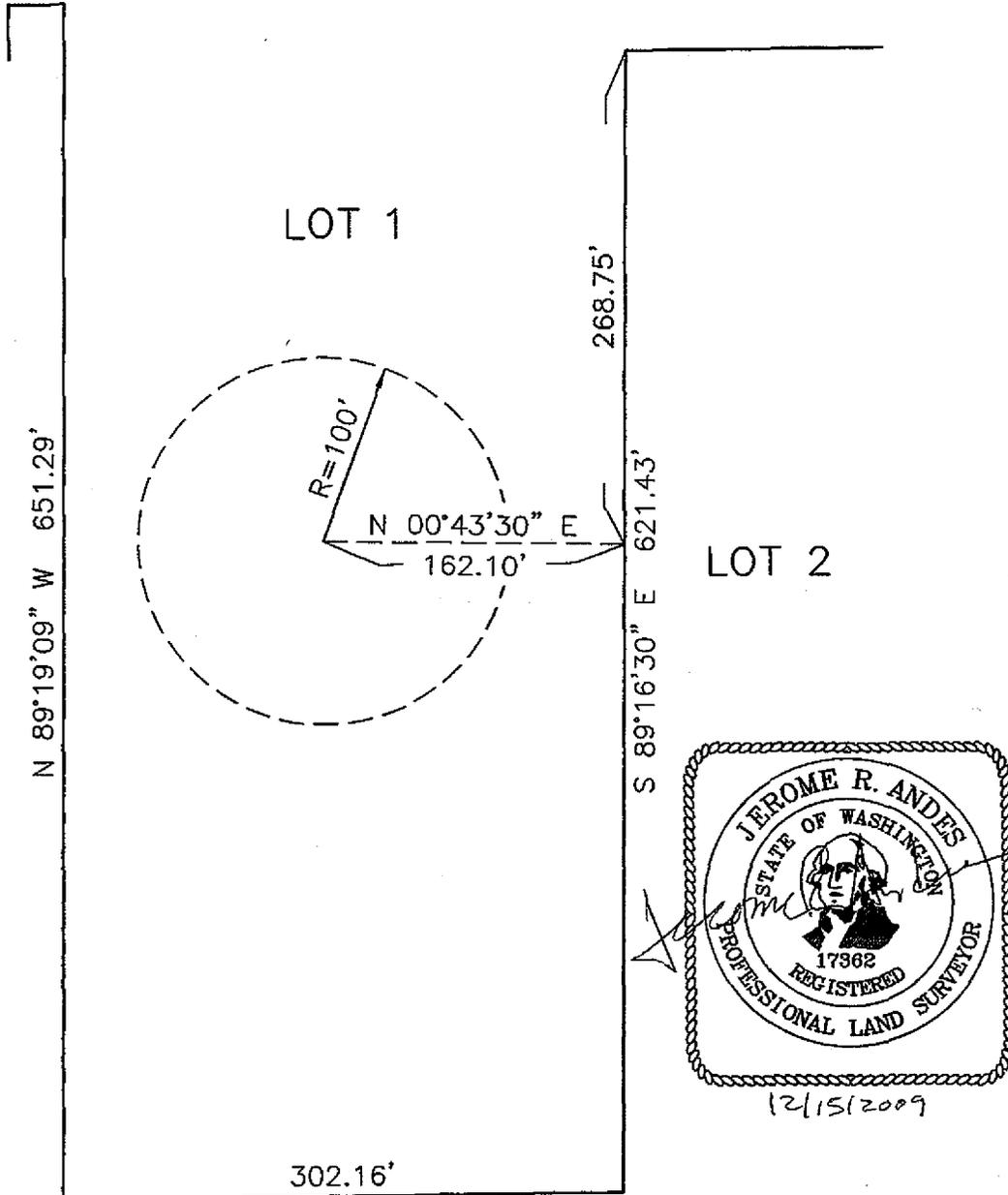
WELL EASEMENT SKETCH AND DESCRIPTION

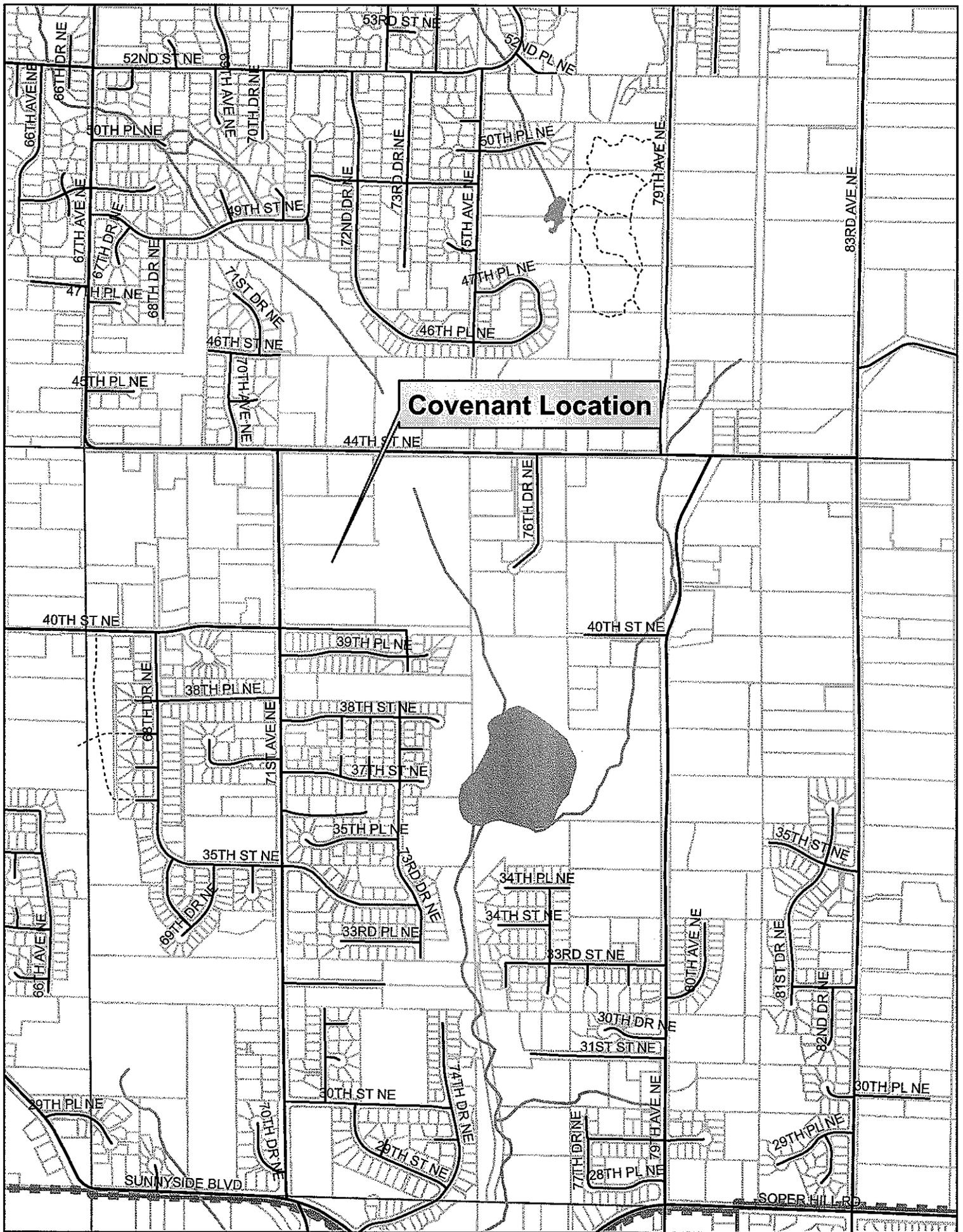
A 100 FOOT RADIUS CIRCLE LOCATED IN LOT 1 OF MARYSVILLE SHORT PLAT, PFN NUMBER SP 07004, RECORDED UNDER AUDITOR'S FILE NUMBER 200803205001, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, THE RADIUS POINT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 OF SAID SHORT PLAT; THENCE NORTH 89 DEGREES 16 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 268.75 FEET; THENCE NORTH 0 DEGREES 43 MINUTES 30 SECONDS EAST, PERPENDICULAR TO SAID LINE, A DISTANCE OF 162.10 FEET TO SAID RADIUS POINT.



1 INCH = 100 FEET





CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 8, 2010

AGENDA ITEM: Purchase Tractor and Boom/Hitch Mounted Flail Mower	AGENDA SECTION:	
PREPARED BY: Larry Larson, Public Works Superintendent 	APPROVED BY: 	
ATTACHMENTS: Purchase Order No. F6417, State Contract #08506, City of Marysville Purchase Order Addendum and quote from BRIM Tractor Company		
	MAYOR	CAO
BUDGET CODE: 50100048.564000	AMOUNT: \$123,160.61	

DESCRIPTION:

The Fleet Services 2010 Annexation budget includes funding for a Tractor and Boom/Hitch Mounted Flail Mower. This tractor and mower will be purchased using State Contract #08506 from BRIM Tractor Company located in Mt. Vernon, Washington for the total amount of \$123,160.61.

BRIM Tractor Company has signed the Purchase Order Addendum prepared by the City Attorney's Office.

The total authorized budget amount for this tractor/mower is \$155,000.

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign Purchase Order #F6417 in the amount of \$123,160.61 and sign the attached Purchase Order Addendum for the purchase of a Tractor and Boom/Hitch Mounted Flail Mower.
COUNCIL ACTION:

PURCHASE ORDER ADDENDUM

This Purchase Order Addendum is agreed to by and between the CITY OF MARYSVILLE("City") and BRIM Tractor Company ("Contractor") and shall apply and be attached to the City's Purchase Order #F6417. The City and the Contractor hereby agree as follows:

1. All terms of the State of Washington ("State") Contract #08506 shall apply to this purchase.
2. The City shall be the beneficiary of all of the State's rights under said contract, and the Contractor shall perform for the City all of its obligations to the State under said contract.
3. The City shall be named as a beneficiary on the Contractor's Certificate of Insurance that is required under said contract.
4. The Contractor shall supply the City a copy of the warranty required under said contract, and the City shall be the beneficiary of said warranty.

In consideration of the terms and conditions contained herein and attached and made a part of this Purchase Order, the parties hereto covenant and agree as set forth herein.

IN WITNESS WHEREOF, the parties have executed this contract by their duly authorized representatives to be effective the day and year first above written.

Attest:

CITY OF MARYSVILLE

City Clerk

Mayor

Approved as to form:

BRIM Tractor Company

City Attorney

By _____
Its _____



FLEET MAINTENANCE DIVISION
 80 Columbia Ave.
 Marysville, WA 98270
 (360) 363-8250
 (360) 651-5524 Fax

#H001
 FLEET ADD.

Purchase Order

Show this Purchase Order Number on all correspondence, invoices, shipping papers and packages. **F 6417**

TO: Brim Tractor Company
2500 Cedardale Road
Mount Vernon, WA 98274
 ATTENTION: SKINNER Wood 425-750-3618

DATE <u>1-4-2010</u>	ACCT CODE <u>50100048.564000</u>	ORDER NO.
SHIP TO <u>City of Marysville / Fleet Services</u>		
<u>80 Columbia Ave</u>		
<u>Marysville, WA 98270</u>		

REQUESTED BY	DATE EXPECTED	F.O.B. POINT	SHIP VIA	SUBLET QUOTE	EQUIP. / VEH. NO.
<u>BOB SCOT / KEVIN N.</u>	<u>6-1-2010</u>	<u>Marysville, WA</u>	<u>DRIVER</u>		<u>H011</u>

QTY	REC	B/O	ITEM NO. / DESCRIPTION	UNIT PRICE	EXTENSION	TAX / SHIP	TOTAL	RTY	W/O NO.
<u>1</u>			<u>2010 NEW HOLLAND T6030 TRACTOR W/US MOWER F5W23/50" FLAIL BOOM MOWER & VISIMO \$4100 3-POINT HITCH MOUNTED FLAIL MOWER AS PER QUOTE #121809 DATED 1-4-2010 AND AS PER STATE OF WASH CONTRACT #08506</u>	<u>114037.60</u>	<u>114037.60</u>				
<u>1</u>			<u>STATE OF WASH. SALES TAX @ 8%</u>			<u>9,123.01</u>			
			<u>TOTAL INVOICE AMOUNT</u>				<u>\$123,160.61</u>		

NOTES: FLEET ADDITION AS PER 2010 ANNEXATION BUDGET

X [Signature] 1/6/10
 AUTHORIZED BY:

RECEIVED BY:



Lynden, Mt. Vernon, Everett, Issaquah, Sumner & Salem

BRIM Tractor Company 2500 Cedardale Road Mt. Vernon, WA 98274 360.424.1600



City of Marysville
 Attn: Bob Scott
 Phone: 360 363 8100 , Cell 425 754 2172

Quote# 121809 January 4, 2010
 Fax: Salesman: Skinner

MAKE	MODEL	DESCRIPTION	UNIT #	SERIAL #	HRS	AMOUNT
Quote# 121809						
New Holland	T6030	95 PTO HP Tractor ,6 cyl. Engine, Cab A/C , 16x16 Shuttle trans. and 4x4 Tire Package 16.9 x 30 Air Seat				\$ 67,150.00
						\$ 4,764.00
						\$ 1,049.00
						\$ (19,700.00)
		Less 27 % State contract # 08506				\$ (19,700.00)
US Mower	FSW23	Heavy Duty boom Mower(With front swing)				\$ 39,170.00
US Mower	50	Flail mower /with roller				\$ 9,773.00
		Less 10 % State contract				\$ (4,894.30)
						\$ 3,300.00
		New Optional knuckle Pivot with 2 heliac rotators				\$ 3,300.00
Vrisimo	SC1100	100 Inch mower with Hyd. Side shift and Ind.				\$ 9,922.00
		Less 5% State contract #08506				\$ (496.10)
		Mounting of US Mower				\$ 3,000.00
		Radio, Lexan Window , Ballast				\$ 1,000.00

TRADE-IN						

Warranty						
						SUBTOTAL \$ 114,037.60
						8% SALES TAX \$ 9,123.01
						TOTAL \$ 123,160.61

Warranty coverage does not include travel time or hauling charges

- Cash
- Check
- Bank Card
- NH Plan

- Sale
- Transfer
- Demo
- Rental
- Consignment

- Brim to Haul
- Customer to Haul

DOWN PAYMENT	
CONTRACT FEE	
BALANCE DUE	
MONTHS	
INTEREST	
PAYMENT	

Purchaser's Signature: _____

Date: _____

State of Washington
Current Contract Information
Contract Change No. 11
Effective: December 21, 2009

Contract number:	08506 (Replaces 04402)	Commodity code:	2410, 3720, 3750
Contract title:	LAWN AND GROUNDS EQUIPMENT		
Purpose of CCI:	CONTRACTOR UPDATES		
Award date:	February 1, 2007		
Current period:	2/1/2009	through:	1/31/2011
Contract term:	Not to exceed six (6) years		
Contract type:	This contract is designated as convenience use.		
<u>SCOPE OF CONTRACT</u>	This contract is awarded to multiple contractor(s).		
For use by:	General use: All State Agencies, Political Subdivisions of Washington and Oregon State, Qualified Non-profit Corporations, Materials Management Center, Participating Institutions of Higher Education (College and Universities, Community and Technical Colleges).		
Contractors:	See attached		

This page contains key contract features. Find detailed information on succeeding pages. For more information on this contract, or if you have any questions, please contact your local agency Purchasing Office, or you may contact our office at the numbers listed below.

Contract Specialist:	Corinna Cooper	Customer Service	
Phone Number:	(360) 902-7440	Phone Number:	(360) 902-7400
Fax Number:	(360) 586-2426	Fax Number:	(360) 586-2426
Email:	clcoope@ga.wa.gov	Email:	csmail@ga.wa.gov

Visit our Internet site: <http://www.ga.wa.gov/Purchase/index.html>

Products/Services available:	Lawn and ground equipment		
Ordering information:	Reference the attached		
Ordering procedures:	Reference the attached		
Related product contracts:	Not applicable		
Payment address:	See attached		
Order placement address:	See attached		
Minimum orders:	Not applicable		
Delivery time:	See attached		
Payment terms:	See attached		
Shipping destination:	Free On Board (FOB) supplier location, and where possible FOB, destination. See Special Terms and Condition, Page 6, Note-3, below.		
Freight:	Freight prepaid and added as a separate line.		
Contract Pricing:	Refer to Attachment "B" below		
Term worth:	\$17,000,000.00/2 year term estimated		
Current participation:	\$0.00 MBE MBE 0%	\$0.00 WBE WBE 0%	\$17,000,000.00 OTHER OTHER 100%
			\$0.00 EXEMPT EXEMPT 0%

NOTES:

- I. Only authorized purchasers included in the State of Washington Purchasing Cooperative (WSPC) and State of Oregon Cooperative Purchasing Program (DASCPP/ORCPP) listings published and updated periodically by OSP and DAS may purchase from this contract. It is the contractor's responsibility to verify membership of these organizations prior to processing orders received under this contract. A list of Washington members is available on the Internet <https://fortress.wa.gov/ga/apps/coop/Default.aspx>, Contractors shall not process state contract orders from unauthorized users.
- II. Contract Terms: This Document includes by reference all terms and conditions published in the original IFB, including Standard Terms and Conditions, and Definitions, included in the Competitive Procurement Standards published by OSP (as Amended).
- III. Recognizing that a single brand or manufacture would not satisfy the needs of the state, this contract was competitively awarded for a variety of products in this contract every brand or model appearing on this contract was only awarded by manufacture to a single vendor, following the competitive process.

Prior to using this contract for a purchase, the end user should evaluate the products, pricing, and services on the contract and make a decision on the ones (s) that best fits their requirements. In each case a note to their files should be included communicating how their final choice selection was determined.

SPECIAL CONDITIONS:

1. This is a "catalog discount" contract, meaning that suppliers have offered a full line of various manufacturers' products, available on a statewide basis, with percentage discounts off current dated price lists in accordance with the attached spreadsheet.
2. The following categories of manufacturer's products are available:

Category	Title	Manufacturers
<u>One</u>	Hand Held Equipment	Cub Cadet, Echo, Honda, Redmax, Schindaiwa, Stihl
<u>Two</u>	Walk Behind Equipment	Ariens, Bandit, Billygoat, Classen, Cub Cadet, Honda, John Deere, Little Wonder/Mantis, Power Trim, Rayco, Toro, Troy Built
<u>Three</u>	Riding Mowers-Up to 30 PTO Horsepower	Cub Cadet, Excel, Exmark, Grasshopper, John Deere, Kubota, Toro
<u>Four</u>	Lawn and Garden Tractors - Up to 30 PTO Horsepower	Cub Cadet, Excel, John Deere, Kubota, New Holland
<u>Five</u>	Equipment for Riding Mower, Lawn and Garden Tractors	Cub Cadet, Excel, Grasshopper, John Deere, Toro and White
<u>Six</u>	Residential Front Mower and Equipment	Excel, Exmark, Grasshopper, Hustler, Kubota, Toro
<u>Seven</u>	Commercial Walk-Behind Mowers and Equipment	Cub Cadet, Excel, Exmark, Honda, Hustler, John Deere, Toro
<u>Eight</u>	Commercial Ztrack Mowers and Equipment	Cub Cadet, Excel, Exmark, Grasshopper, Hustler, John Deere, Kubota, Toro
<u>Nine</u>	Commercial Front Mowers and Equipment	Excel, Exmark, Grasshopper, Hustler, Jacobsen, Jodale Perry, John Deere, Kubota, Lastec, New Holland, Toro
<u>Ten</u>	Commercial Wide Area Mowers	Excel, Hustler, Jacobsen, Jodale Perry, John Deere, Kubota, Lastec, Toro, Woods
<u>Eleven</u>	Industrial Mowers	DewEze, Excel, Hydro Select, Tiger, Universal, US Ditcher, US Mower, Vrisimo, Woods
<u>Twelve</u>	Compact utility tractors-Up to 65 PTO Horsepower	Cub Cadet, John Deere, Kubota, New Holland, Toro
<u>Thirteen</u>	Equipment for Compact Utility Tractors	Cub Cadet, First Products, John Deere, Kubota, Land Pride, Lely, New Holland, Toro, Woods

Current Contract Information

Contract No. 08506

Change No. 11

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<u>Fourteen</u>	Utility Tractors-Up to 65 PTO Horsepower	John Deere, Kubota, New Holland
<u>Fifteen</u>	Equipment for Utility Tractor	John Deere, Kubota, Land Pride, New Holland, Woods
<u>Sixteen</u>	Utility Vehicles-Up to 65 PTO Horsepower	Cub Cadet, Cushman, Jacobsen, John Deere, Kubota, Land Pride, Toro, Woods
<u>Seventeen</u>	Equipment for Utility Vehicles	Cub Cadet, Jacobsen, John Deere, Kubota, Land Pride,
<u>Eighteen</u>	Agricultural Tractors, 2x4 and 4x4 70 to 120 PTO Horsepower	John Deere, Kubota, New Holland,
<u>Nineteen</u>	Agricultural equipment (Less Tractor)	John Deere, Kubota, Land Pride, New Holland, Tiger
<u>Twenty</u>	Golf & Turf	Bernhard, Buffalo Turbine, Cub Cadet, Dakota, First Products, Harper Industries, Jacobsen, John Deere, Lastec, Lely, Toro,
<u>Twenty-One</u>	Commercial Lawn Shredders And Chippers	Bandit, Bear Cat, Cub Cadet, Little Wonder, Rayco

2. Listed with links to Attachment "A" are the contractors awarded under this contract:

- [Alamo Sales Corp](#)
- [Brim Tractor Company](#)
- [Club Cadet](#)
- [Country Homes](#)
- [Horizon](#)
- [Hustler Turf Equipment](#)
- [J & I Power Equipment](#)
- [John Deere Company- A Division of Deere & Company](#)
- [Moridge Manufacturing, Inc.](#)
- [New Holland Agriculture a division of CNH America LLC](#)
- [RMT Equipment](#)
- [Tiger Corporation](#)
- [WesSpur](#)
- [Western Equipment Dist., Inc.](#)

SPECIAL TERMS AND CONDITIONS

1. **This Current Contract Information (Change Notice No. 11)** is issued to update Contractor information for RMT, Morige Manufactures Company and WesSpur. All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 10.
2. **This Current Contract Information (Change Notice No. 10)** is issued to update and catalog updates for John Deere Company. All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 9.
3. **This Current Contract Information (Change Notice No. 9)** is issued to update model information and add additional products for New Holland (CNH America). All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 8.
4. **Current Contract Information (CCI)**
This Current Contract Information (Change Notice No. 8) is issued to update contact and dealer information for John Deere Company. All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 7.
5. **Current Contract Information (CCI)**
This Current Contract Information (Change Notice No. 7) is issued to complete administrative changes for Alamo Sales, John Deere, WesSpur, and Tiger Corporation. All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 6.
6. **Current Contract Information (CCI)**
This Current Contract Information (Change Notice No. 6) extends the Contract with all 14 vendors from 2/1/2009 to 1/31/2011 and updates their current catalog dates for most of the vendors. Some of the vendors have increased/decreased their discount in accordance with terms and conditions of the Contract (Changes in Blue). All other terms conditions remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 5.
7. **Current Contract Information (CCI)**
This Current Contract Information (Change Notice No. 5) provides catalog updates for the Morige Manufactures Company. Revised catalog date is June 1, 2008. All other terms conditions and pricing remain unchanged. This CCI works in conjunction with the contract award and Change Notices 1 through 4.
8. **Current Contract Information (CCI)**
Current Contract Information (Change Notice No. 4) provided catalog updates for the following Manufactures Catalogs:
 - DewEze All Terrain Mower Category 11, Catalog date January 1, 2008; Effective date for Contract is April 15, 2008.
 - Lely Category 13- Catalog date 2008; Effective date for Contract is April 15, 2008.
 - Bernhard Category 20, Catalog date March 2008; Effective date for Contract is April 15, 2008.

Current Contract Information

Contract No. 08506

Change No. 11

Page 6

- Dakota Category 20 Catalog date November 11, 2007 Effective date for Contract is April 15, 2008.
- Harper Industries, Category 20-Catalog date January 1, 2008; Effective date for Contract is April 15, 2008.
- Bandit Industries, Category 21-Catalog date January 1, 2008; Effective date for Contract is April 15, 2008.

9. CHANGES UNDER CHANGE NOTICE 3:

A. Catalogs changes for the following manufactures:

- Toro Equipment, US Mower Equipment, Classen, Little Wonder, Shindaiwa, Echo, Power Trim, Exmark, RedMax and the John Deere Company. Refer to Price Catalogs Attachment "B."

B. Order Processing has changed for Tiger Mowers. New procedures are located at the following link:

- Ordering Procedures Tiger

10. REPORTS

The contractor(s) must provide the following report(s) to the Office of State Procurement:

Sales and Subcontractor Report

A quarterly Sales and Subcontract Report shall be submitted in the format provided by the Office of State Procurement, which may be obtained electronically via

<https://fortress.wa.gov/ga/apps/CSR/login.aspx>. Total purchases for each State Agency, University, Community and Technical Colleges must be shown separately. Total purchases for all political subdivisions and nonprofit organizations may be summarized as one customer. Additionally, all purchases by the State of Oregon or other purchasers must be reported as an aggregate total.

The report shall include sales information (Section A) and amounts paid to each subcontractor (if applicable) during the reporting period (Section B).

Reports should be rounded to nearest dollar. Contractors will be provided with all necessary sample forms, instructions, and lists. Reports are due thirty (30) days after the end of the calendar quarter, ie, April 30, July 31, October 31 and January 31. The one percent "administrative fee" shall be submitted to the Office of State Procurement with the quarterly usage report.

Other reports may be designed by the State Procurement Officer to obtain information needed for IFB design, contract negotiation and or other determined need.

11. CATALOGS AND PRICE SHEETS

Contractors shall provide catalogs and current price lists at no charge upon customer request.

12. EQUIPMENT OPERATION AND REPAIR MANUALS

All equipment shall be delivered with at least one copy of the equipment manual, to include a parts catalog or list. If other manuals are required by the customer, they shall be offered at the discount offered in the Price Sheets, Attachment "B"

13. EQUIPMENT DELIVERY

All equipment is to be delivered fob supplier, freight (to customer location) prepaid and added as a separate line from the specified suppliers delivery point from which the customer will receive delivery

or pick-up the equipment, and where possible FOB, destination, freight prepaid and added as a separate line.

All equipment, to the extent possible and that which is considered standard to the industry, shall be delivered assembled, serviced, oiled and ready for immediate use, unless otherwise requested by the purchaser. Liability for product delivery remains with the contractor until properly delivered and accepted.

Some Purchasers may require equipment to be set-up, tested, and ready for operation prior to acceptances. Bidders are to provide cost for such in Section 3.4, Price Sheets.

14. REPAIR FACILITIES

Contractors have identified, where applicable, authorized factory repair facilities which will honor the warranty of items on contract.

15. TRADE-IN PROGRAMS

Contractors have identified, if available, their trade-in program criteria.

16. ORDERING AND INVOICING PROCEDURES

Contractors have identified specific instructions for ordering and invoicing procedures.

17. MANUFACTURER WEBSITE INFORMATION

Contractors have identified, if available, the websites for the manufacturers they are representing in this contract.

18. WARRANTY(IES)

All equipment provided under this contract shall be new and unused, of the latest model or design and of recent manufacture. Factory seconds or remanufactured equipment is not acceptable. Statement of warranty to be provided by supplier with items delivered under this contract.

19. Insurance Certificate

Insurance Certificate per requirements of Section II, Paragraph 4, General Requirements, Contractors will forward to the State Procurement Officer within fifteen (15) calendar days after receiving Notice of Award, evidence in the form of a Certificate of Insurance (attached) satisfactory to the State that insurance has been secured. Failure to provide proof of insurance as required will result in contract cancellation. Contractor shall include this contract number on returned certificate.

20. PROGRAM MANAGEMENT REIMBURSEMENT

This contract is subject to an administrative fee of one and a half percent (1.5%) of contract sales (less freight cost and trade-in value). Awarded supplier(s) will remit payment of the administrative fee on a quarterly basis when submitting the quarterly sales and subcontractor report as defined herein. Payment is to be made to Department of General Administration, Office of State Procurement, and Contract 08506 and is not to be invoiced to any contract users, either as an item on a sales invoice, or by any other means. Any invoice issued to a user of this contract with the administrative fee included will be in dispute, and not paid until the supplier corrects it. Payment of the administrative fee will be due in conjunction with

Current Contract Information

Contract No. 08506

Change No. 11

Page 8

the quarterly sales and subcontractor report, delinquency in payment may be considered cause for contract termination.

Current Contract Information

Contract No. 08506

Change No. 11

Attachment "A"

Page 10

Contractor: **Brim Tractor Company Inc.**
 Attn: Brent Vander Pol
 Mount Vernon, WA 98274

Manufacturers Awarded: US Ditcher, US Mower, Valley Tool, Jacobsen, and Woods.

Contact: Brent Vander Pol **Phone:** (360) 424-1600 **Fax:** (360) 424-6399

Email: brent@brimtractor.com

Federal ID: 91-1442004 **Supplier #:** 2463

Contract Worth: \$10,000,000/2 year term - estimated aggregate

Ordering Procedures: See Letter Below:

Payment Address: See Letter Below:

Credit Card Acceptance: NONE

Delivery Time: Refer to Price Sheets Attachment "B" **Payment Terms:** Net 30 days

Trade-ins: Brim Tractor Company will provide upon request of agency a firm Trade In value for older used equipment whether it does or does not meet current EPA emission standards. Brim Tractor Company will deduct "Trade Value" from Sales price and apply all applicable taxes on "Trade Difference" as per Washington State law in effect at time of this proposal.

Current Contract Information
Contract No. 08506
Change No. 11
Attachment "A"
Page 11

**Brim Tractor Company Inc.
Ordering and Invoicing Procedures**

1. Brim Tractor Company anticipates all orders for Contract should be sent to the following address with Brent Vander Pol, Corporate sales manager to take charge of the order.
2. Order will be placed immediately and shipped as soon as possible to end user from its closest facility. Billing will be made from our corporate office in Lynden, WA which will also be the remit to address for payment.
3. Brim Tractor has on file the exact dated price pages as the state of Washington has on file and will bill according to price pages submitted and accepted by the state.
4. Invoicing to include clear line by line items directly out of price book and reflect the contract pricing. Any discrepancy in pricing will be resolved as soon as possible.
5. All demos should be coordinated directly with Brent Vander Pol, Corporate sales manager for Brim Tractor Company and he will assign duties to nearest facility or Salesperson to conduct the Demo as soon as possible.
6. All agencies are to make Brent Vander Pol their first contact regarding, Demo's, Orders, Discrepancy in Invoicing and all questions. Service can be directed to nearest Geographic Brim Tractor facility for their convenience as outlined in attachment "Service and Repair facilities".

Orders sent to:
Brim Tractor Company Inc.
Attn: Brent Vander Pol
2500 Cedardale Rd.
Mount Vernon, WA 98274
Office Phone (360) 424-1600
Fax (360) 424-6399
Cell (360) 661-5557
Email: brent@brimtractor.com

Billing will come from and remit payment to:
Brim Tractor Company
350 Duffner Dr.
Lynden, WA 98264
(360) 354-4411

-----END-----

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

Field Co

A RESOLUTION OF THE MARYSVILLE CITY COUNCIL
SUPPORTING THE MARYSVILLE KIDS MATTER (MKM) INITIATIVE
AND 40 DEVELOPMENTAL ASSETS

WHEREAS, the City of Marysville is committed to creating an asset-rich environment for young people in our community; and

WHEREAS, the more assets young people have, the more likely they will grow up to be caring, competent, responsible adults with a better likelihood ~~offer~~ contributing to our community and society as a whole; and

WHEREAS, the Marysville Kids Matter Initiative, ~~through~~ facilitated by the United Way of Snohomish County in partnership with the Marysville Community Coalition, promotes a vision of community that changes the behavior of adults throughout the community to positively impact youth in Marysville; and

WHEREAS, the 40 Developmental Assets of said initiative provide the building blocks for positive youth development and raising healthy children and youth; and

WHEREAS, the City of Marysville supports efforts to educate parents, other adults and youth about the 40 Developmental Assets and to encourage all adults to promote assets in the youth they interact with; and

WHEREAS, ~~T~~the City of Marysville is a partner with several other groups and agencies that are making the Marysville Kids Matter Initiative and Developmental Assets a central focus of efforts to reach out to our youth in positive ways; and

WHEREAS, the Developmental Assets framework has been integrated into the Marysville Healthy Communities Project, a community-based healthy lifestyles initiative focused not only on promoting more physical activity and healthier nutritional choices, but also building more self-esteem and emotional well-being among our youth; and

WHEREAS, Marysville is a vibrant, livable and growing community where our younger generations need to ~~be able to~~ feel secure, valued, and appreciated for their contributions to the character and social fiber that make our community the family-friendly place that it is;

NOW, THEREFORE, BE IT RESOLVED, that the Marysville City Council supports the Marysville Kids Matter Initiative and the 40 Development Assets as the cornerstones in the community efforts to reach out to our youth in positive ways.

PASSED BY THE COUNCIL AND APPROVED by the Mayor of the City of Marysville this ~~eight~~²⁵th day of ~~Febr~~^{January}, 2010.

CITY OF MARYSVILLE

DENNIS L. KENDALL, Mayor

Jeff Seibert, Mayor Pro Tem

Jeff Vaughan, Councilmember

Donna Wright, Councilmember

Jon Nehring, Councilmember

John Soriano, Councilmember

Lee Phillips, Councilmember

Carmen Rasmussen, Councilmember

ATTEST:

TRACY JEFFRIES, Asst. Administrative Service Director

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. ____

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SUPPORTING THE MARYSVILLE KIDS MATTER (MKM) INITIATIVE
AND 40 DEVELOPMENTAL ASSETS

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PASSED BY THE COUNCIL AND APPROVED by the Mayor of the City of Marysville this eighth day of February, 2010.

CITY OF MARYSVILLE

DENNIS L. KENDALL, Mayor

Jeff Seibert, Mayor Pro Tem

Jeff Vaughan, Councilmember

Donna Wright, Councilmember

Jon Nehring, Councilmember

John Soriano, Councilmember

Lee Phillips, Councilmember

Carmen Rasmussen, Councilmember

ATTEST:

TRACY JEFFRIES, Asst. Administrative Service Director

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

Field Code Changed

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SUPPORTING THE MARYSVILLE KIDS MATTER (MKM) INITIATIVE
AND 40 DEVELOPMENTAL ASSETS

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PASSED BY THE COUNCIL AND APPROVED by the Mayor of the City of Marysville this ~~eigh~~25th day of ~~Febr~~January, 2010.

CITY OF MARYSVILLE

DENNIS L. KENDALL, Mayor

~~Jeff Seibert, Mayor Pro Tem~~

~~Jeff Vaughan, Councilmember~~

~~Donna Wright, Councilmember~~

~~Jon Nehring, Councilmember~~

~~John Soriano, Councilmember~~

~~Lee Phillips, Councilmember~~

~~Carmen Rasmussen, Councilmember~~

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ATTEST:

TRACY JEFFRIES, Asst. Administrative Service Director

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. ____

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AND 40 DEVELOPMENTAL ASSETS

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PASSED BY THE COUNCIL AND APPROVED by the Mayor of the City of Marysville this eighth day of February, 2010.

CITY OF MARYSVILLE

DENNIS L. KENDALL, Mayor

ATTEST:

TRACY JEFFRIES, Asst. Administrative Service Director

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 8, 2010

AGENDA ITEM: Ebey Slough Bridge Replacement - Conditional Shoreline Development Permit	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Planning Manager-Land Use	APPROVED BY:	
ATTACHMENTS: 1. Hearing Examiner Recommendation dated 01/20/2010 2. Hearing Examiner Minutes dated 01/14/2010 3. Staff Recommendation dated 01/11/2010 4. Resolution 5. Site Plan 6. Vicinity Map		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

The Hearing Examiner is recommending approval of a Conditional Shoreline Substantial Development Permit to allow the replacement of an existing two-lane swing span bridge with a new four-lane 680-foot long by 72-foot wide fixed span bridge, that includes sidewalks, separate bicycle lanes, signing, illumination, stormwater treatment, retaining walls, wetland and buffer mitigation. The project also includes the removal of the existing bridge superstructure, bridge rest and fender timber and piles, and concrete piers and abutments.

The project site is located within SR 529 right-of-way between milepost 5.98 and 6.5

<p>RECOMMENDED ACTION: Authorize the Mayor to sign the Resolution approving the Conditional Shoreline Substantial Development Permit to allow replacement of the existing SR 529 bridge with a 4-lane fixed span bridge.</p>

<p>COUNCIL ACTION:</p>

CITY OF MARYSVILLE
Hearing Examiner
Findings, Conclusions and Recommendation

APPLICANT: Washington State Department of Transportation
Ed Johnson
P.O. Box 330310
Seattle, WA 98133

CASE NO.: PA09038

LOCATION: SR 529 Milepost 5.98 to Milepost 6.5, in Marysville, WA

APPLICATION: Approval of a Conditional Shoreline Substantial Development Permit to allow replacement of an existing two-lane swing span bridge with a new four-lane 680-foot long by 72-foot wide fixed span bridge, that includes sidewalks, separate bicycle lanes, signing, illumination, stormwater treatment, retaining walls, wetland and buffer mitigation.

SUMMARY OF DECISION:

Community Development Department Staff Recommendation: **Approve with Conditions**

Hearing Examiner Recommendation: **Approve with Conditions**

PUBLIC HEARING

After reviewing the official file, which included the Community Development Department Staff Recommendation; and after visiting the site, the Hearing Examiner conducted a public hearing on the application for a Conditional Shoreline Substantial Development Permit. The hearing on the application was opened at 7:00 p.m., January 14, 2010, in the City Council Chambers, Marysville, Washington, and closed at 7:20 p.m. Participants at the public hearing are listed in the minutes of the hearing. A verbatim recording of the hearing and complete minutes are available upon request in the Community Development Department. A list of exhibits offered and entered at the hearing and a list of parties of record are attached to this report.

HEARING COMMENTS

No members of the public attended the hearing. Those in attendance included only the representative of the applicant – the Washington State Department of Transportation (Sharif Shaklawun, P.E.) and the representative of the city of Marysville (Cheryl Dungan).

Discussion included the following related to revised plans for the bridge structure:

- Length of bridge span has been reduced from 720 feet to 680 feet;
- Concerns about pier placement within the waterway led to a modest redesign of the bridge and revised pier placement on the banks of Ebey Slough;
- Pier placement on the north bank of the slough will not allow for the planned pedestrian and bicycle path to be constructed on the north bank;
- The pedestrian and bicycle path will instead be constructed on a different route and will consist of six-foot wide concrete sidewalks that will run parallel to the newly constructed roadway segment from the north bank of the slough to 1st Street in Marysville;
- As a condition of the project approval, WSDOT will construct an enhanced crosswalk on the south leg of the intersection of 1st Street and SR 529 (State Street);
- Pedestrian and bicycle facilities on the new SR 529 bridge will consist of five-foot wide bicycle lanes and six-foot wide sidewalks on both sides of the bridge;
- Pedestrian and bicycle facilities on the bridge are consistent with the policy of building “complete streets” but these facilities do not connect to designated continuous non-motorized facilities south of the project area, although SR 529 is a well used bicycle corridor between Everett and Marysville;
- Pedestrian and bicycle facilities on the north side of the bridge project connect to the sidewalk system in Marysville and to bicycle facilities on routes parallel to SR 529 (State Street) through Marysville;
- Despite changes to the bridge design and pier placement, wetland impacts and mitigation remain as described in Attachment A of the Master Permit Application, and in various exhibits on record, including Exhibit 13, Draft Wetland and Stream Mitigation Report, June 11, 2009. A final mitigation plan will be submitted to the City of approval prior to commencement of construction activities;
- The most recent roadway design plans – dated December 16, 2009 – were introduced into the record as Exhibit 53.

WRITTEN COMMENTS

Written comments were introduced to the record at the public hearing.

- Exhibit 51 – State of Washington Department of Natural Resources Harbor Line Commission, Resolution No. 1326, establishing a Public Place in the existing harbor area in front of the City of Marysville.
- Exhibit 52 – Letter to the Hearing Examiner from Katherine Johnson, DVM, dated January 13, 2010, expressing several concerns regarding the Ebey Slough Bridge Replacement Project.

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

FINDINGS AND CONCLUSIONS

1. The information contained in Section I (Findings) and Section II (Findings and Conclusions) of the Community Development Department Staff Recommendation (Hearing Examiner Exhibit 50) is found to be supported by the evidence presented during the hearing and by this reference is adopted as portion of the Hearing Examiner's findings and conclusions. A copy of the Staff Recommendation is available in the Marysville Community Development Department.
2. The minutes of the meeting accurately summarize the testimony offered at the hearing and by this reference are entered into the official record.
3. The applicant has provided evidence and has demonstrated that the request meets the criteria for a Conditional Shoreline Substantial Development Permit as set forth in the Marysville 2006 Shoreline Master Plan, and listed here as follows:
 - (1) That the proposed use will be consistent with the policies of the SMA and the policies of the master program.*
 - (2) That the proposed use will not interfere with the normal public use of public shorelines.*
 - (3) That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.*
 - (4) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.*
 - (5) That the public interest suffers no substantial detrimental effect.*
4. The applicant concurs with each of the Conditions for Approval recommended by City of Marysville Community Development Department staff.
5. With regard to the concern expressed in Exhibit 52 regarding the historic status of the existing Ebey Slough bridge, WSDOT has determined that the SR 529 Ebey Slough Bridge Replacement Project is consistent with the Marysville Shoreline Master Program, Chapter 4, General Provisions, Archeological and Historic Resources.
6. The installation of bicycle and pedestrian facilities on the new SR 529 bridge is consistent with the concept of developing "complete streets" to accommodate the full range of potential users of the roadway and will support the non-motorized use

of the bridge. The provisions for pedestrians and bicyclists on the segment of SR 529 between the south project limits and Everett could be enhanced to create an outstanding non-motorized connection between Everett and Marysville.

RECOMMENDATION

Based on the foregoing findings and conclusions, the Hearing Examiner recommends that the request for a Conditional Shoreline Substantial Development Permit be **Approved With Conditions**.

Recommended Conditions:

1. WSDOT shall construct an enhanced crosswalk of tinted and stamped asphalt or concrete at the SR 529 crossing of the south leg of the intersection at 1st Street. Additionally, the pathway which extends southeasterly from the public sidewalk shall be demarcated with a 4' high standard galvanized railing to the trail terminus. A 12' x 12' concrete pad with picnic table shall be installed at the terminus of the pathway and shall include a 4' high standard galvanized railing around the perimeter of the pad.
2. If during construction activities, buried prehistoric to historic material, cultural, and/or human remains are found, the project shall be temporarily halted consistent with the inadvertent discovery plan and until representatives of the US Army Corp of Engineers, the Tulalip Tribes, DAHP, and the City are consulted to assess and protect the resource.
3. WSDOT shall be required to enter into a *Memorandum of Understanding* with the City to purchase advance mitigation credits designated for the Qwuloot Estuary Restoration Project – City-owned properties, provided the use of the credits is consistent with the terms and conditions of the advance mitigation approval. Alternative mitigation may be approved by the City provided it is consistent with the City's mitigation requirements as set forth in the City's Critical Areas Ordinance (CAO).
4. WSDOT shall be required to remove the existing bridge superstructure, bridge rest and fender timber and piles, concrete piers and abutments, in accordance with the Marysville Shoreline Master Program.
5. Prior to commencement of construction activities, the applicant shall submit a *Spill Prevention Control and Countermeasures (SPCC) Plan* to the City for review and approval.
6. Prior to commencement of construction activities, the applicant will be required to submit a final, detailed mitigation plan to the City for review and approval that is consistent with MMC 19.24.130 through 19.24.150.
7. The issuance of this Conditional Shoreline Substantial Development permit approval shall not be considered a waiver of or statement of compliance with permit requirements from other agencies with potential jurisdiction over the described work. If changes to the

proposed impacts or mitigation boundary occur as a result of agency review, the construction and mitigation plans shall be revised accordingly.

8. Prior to issuance of a grading permit, the applicant shall obtain all applicable county, state and federal permits.

Dated, this 20th day of January 2010.

Kevin D. McDonald, AICP
Hearing Examiner Pro Tempore

RECONSIDERATION:

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 15.11.020(3). The examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision. Reconsideration should be granted only when a legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

JUDICIAL APPEAL:

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Titles 15 to 20 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, RCW 36.70C within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.
- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

PA09038
Ebey Slough Bridge Replacement
EXHIBIT LIST

1. Receipt
2. Master Permit Application
3. WSDOT- Cover letter, 10.21.09
4. J.A.R.P.A.
5. WSDOT- Temp Erosion & Sediment Control Plan, 11.10.08
6. DNS, 10.13.09
7. 11 x 17 T.E.S.C. Plan
8. 11 x17 Site Plans
9. 11 x 17 Vicinity Map/Drainage/Grading/Cross-sections maps
10. 24 x 36 Site Plans
11. 24 x 36 Vicinity/Drainage/Grading/Cross-sections maps
12. WSDOT- Wetland & Stream Assessment report, updated Nov 08
13. WSDOT- Draft Wetland & Stream Mitigation report, June 11, 2009
14. WSDOT- Channel Migration Zone Study, March 09
15. WSDOT- Flood Impact Analysis, May 09
16. West Consultants- Reach Assessment & Technical Approach, Jan 08
17. AMEC- Cultural Resource Assessment, Feb 08
18. WSDOT- Noise Technical Report, Oct. 07
19. WSDOT- Critical Area Study & Habitat Management Plan, June 09
20. WSDOT- Biological Assessment, Feb 09
21. Shannon & Wilson Inc- Geotechnical Engineering Report, July 08
22. WSDOT- request Map Team permit applications, 07.06.09
23. Dept of Fish & Wildlife- Incomplete Hydraulic Application Pkg, 08.14.09
24. WSDOT- response to incomplete application, 10.14.09
25. Email from parks ref; bridge abutment vs bridge rest piles, 10.26.09
26. 11 x1 7 pavement marking/bridge rest maps
27. RFR Checklist
28. Affidavit of Posting- NOA
29. Notice of Application
30. RFR Agency Responses
31. Email from John Cowling ref itemized breakdown for bike path, 11.05.09
32. Email response to Cowling, 11.06.09
33. Technical Review w/Agency Responses, 11.09.09
34. Memorandum from Parks, ref SR529 Bridge Abutment, 11.09.09
35. 11 x 17 Drainage/Utility Maps
36. Email ref meeting w/ WSDOT from Kenneth Ezeokeke, 11.18.09
37. Letter of support/concerns to DNR, 11.24.09
38. Public Place designation for WSDOT Public Hearing , 11.24.09

39. Email regarding WSDOT public hearing, 11.30.09
40. 8 ½ x 11 vicinity map
41. 8 ½ x 11 Support Structure map/photo
42. SR529 meeting sign in sheet, 12.08.09
43. Coast Guard Permit Application Update, 12.10.09
44. Response to Technical Review comments, 12.23.09
45. Affidavit of Posting – NOH
46. Emails regarding Shoreline Comments, 12.30.09
47. Emails regarding path/trail railings, 01.04.10
48. Email from WSDOT/Ed Johnson, regarding Wetland Impact breakdowns,01.07.10
49. WSDOT's responses to Conditional Use Provisions, 01.08.10
50. Staff Report & Decision
51. Department of Natural Resources Harbor Line Commission, Resolution No. 1326
52. Letter from Katherine Johnson, DVM, January 13, 2010
53. 11 x 17 Vicinity Map/Drainage/Grading/Cross-sections maps, December 16, 2009

PARTIES of RECORD:

City of Marysville
Community Development Department
80 Columbia Avenue
Marysville, WA 98270
Attn: Cheryl Dungan

Washington State Dept. of Transportation
P.O. Box 330310
Seattle, WA 98133-9710
Attn: Ed Johnson
Attn: Sharif Shaklawun



Marysville Hearing Examiner

January 14, 2010

7:00 p.m.

Marysville City Hall

CALL TO ORDER

Hearing Examiner Kevin McDonald opened the hearing at 7:00 p.m. He entered into record Exhibits 1-52.

ATTENDANCE

The following staff was noted as being present:

Hearing Examiner Kevin McDonald, Planning Manager-Land Use Cheryl Dungan, and Recording Secretary Amy Hess

PUBLIC HEARING

1. PA 09038 –Ebey Slough Bridge Replacement–request approval of a Conditional Shoreline Substantial Development permit to allow the replacement of the existing 2-lane, swing span SR 529 bridge with a new 4-lane fixed span bridge together with the associated improvements.

Applicant: WSDOT

Location: SR529-Milepost 5.98 to 6.50

Staff Comment:

Ms. Dungan added an email received on January 14, 2010 regarding the construction of the sidewalks to the record. She added that she would like to revise Staff Recommendation to include the sidewalks be constructed of stamped asphalt rather than stamped concrete. Ms. Dungan also added that the size of the bridge had been reduced. Mr. McDonald questioned if the change was because of the change in bike facility. WSDOT representative Sharif Shaklawun, responded that it was because of the placement of the piers due to restrictions imposed by NOA and US Fish and Wildlife regulations and requirements. Mr. McDonald questioned access from the intersections to the bridge. Ms. Dungan responded that it would be primarily through the sidewalk. Mr. McDonald questioned connectivity of bike lanes and sidewalks on the south side of the bridge; he felt that the environment on the South side was somewhat unfriendly to bike and pedestrians. Mr. Shaklawun responded that currently many bikes use SR529 and there are shoulders to accommodate bikes.

Mr. McDonald questioned the conditions regarding removal of the old bridge and how the state would comply with City's Shoreline Master Plan requirements. Ms. Dungan responded that

DNR had just conditioned the removal with a Resolution. She added that the City felt confident that the removal would comply with city requirements. Mr. McDonald questioned if the plans reflected the relocation of the piers. He stated that he thought the most recent plan set should be added to the record; adding it to the record as Exhibit 53.

Applicant Comment:

None

Public Comment:

None

ADJOURNMENT:

Seeing no further business, Hearing Examiner McDonald adjourned the meeting at 7:20 p.m. He stated that he would have his written report in about two weeks.



Amy Hess, Recording Secretary



COMMUNITY DEVELOPMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

CITY OF MARYSVILLE
PLANNING DEPARTMENT
STAFF REPORT & DECISION

File No: PA 09038
Reference Tax Account No.: N/A – State right-of-way
Date of Report: January 11, 2010
Nature of Request: Approval of a Conditional Shoreline Substantial Development Permit to allow replacement of an existing two-lane swing span bridge with new four lane ^{480-foot} 720-foot long by 72-foot wide fixed-span bridge, that includes sidewalks, separate bicycle lanes, signing, illumination, stormwater treatment, retaining walls, wetland and buffer mitigation
Applicant/Contact: WSDOT
Ed Johnson
PO Box 330310
Seattle, WA 98133
Location: SR 529 – milepost 5.98 to 6.5
Current Zoning: N/A - State Highway right-of-way
Comprehensive Plan: N/A - State Highway right-of-way
Shoreline Management
Master Program Designation(s): Aquatic/Urban-Conservancy/High-Intensity Environment
RECOMMENDATION: APPROVE with conditions

I. EVALUATION

A. Request

The applicant is requesting approval of a Conditional Shoreline Development Permit to allow the replacement of an existing two-lane, swing span bridge with a new four-lane ~~720~~⁷²⁸-foot long by 72-foot wide fixed-span bridge, that includes sidewalks, separate bicycle lanes, construction of retaining walls, signing and illumination. The bridge approach will be realigned to the east to match into the new bridge span. The existing swing span bridge, including the support structure will be removed upon completion of the fixed-span bridge. According to the SEPA checklist, approximately 30,000 cubic yards of fill and 10,000 cubic yards of cut will be required to construct the new roadways and bridge approaches. The applicant is also proposing to remove approximately 817 cubic yards of sediment that has built up around the existing bridge rest. Storm water leaving the newly constructed bridge and surrounding roads will be collected and treated in filtration vaults and bio-swales before being discharged to Ebey Slough or the Marysville storm sewer system. The project is located within SR 529 right-of-way between milepost 5.98 and 6.5.

A portion of the bridge project is located within unincorporated Snohomish County, WSDOT has submitted a substantial development permit application to Snohomish County which is currently under review.

B. Site Description

The SR 529 bridge is located in the delta of the Snohomish River. As with all major tributaries of the lower, tidally-influenced Snohomish River estuary, Ebey Slough is contained by levees throughout the project reach. The land use to the north of the current and future SR 529 bridges has been heavy industry. While much of this closed, the levees built to protect the area still remain in place. Land use to the south of the current/future bridge is undeveloped wetlands on the island lying between Ebey and Steamboat Sloughs.

C. Consistency with Shoreline Master Program:

Under the City's *Shoreline Master Plan* (SMP), the project area are designated High Intensity environment along the north portion of the bridge; Aquatic waterward of the ordinary high water mark; and Urban Conservancy to the south within the existing wetlands associated with Ebey Slough. Pursuant to the *SMP Use and Modification Matrices*, roads are a permitted use in the High Intensity designation and a conditional use in the Aquatic and Urban Conservancy designations provided there is no other feasible route or location.

The City's SMP sets forth specific goals and policies to guide developments located within shoreline jurisdiction. The applicant has submitted *Attachment A*, which is hereby adopted as part of this report, which addresses specific goals and policies of the SMP applicable to this project.

In order to meet the SMP requirements for public access along the shoreline, and because the proposed pedestrian/bike access path which was intended to be constructed under the new bridge

cannot achieve vertical separation between the path and the bridge girders, WSDOT has agreed to route the pathway as follows:

- From the Marysville Waterfront Park pathway, northward along the west SR 529 sidewalk to the 1st Street signal.
- Over SR 529 at the signal on the enhanced crosswalk.
- Southward on the eastern SR 529 sidewalk.
- Southeastward along the toe of the SR 529 bridge approach slope terminating at WSDOT right-of-way on the existing northern shoreline levee.

WSDOT will be required to construct an enhanced crosswalk of stamped asphalt at the SR 529 crossing. Additionally, the pathway which extends southeasterly from the public sidewalk shall be demarcated with a 4' high standard galvanized railing to the trail terminus. A 12' x 12' concrete pad with picnic table shall be installed at the terminus of the pathway and shall include a 4' high standard galvanized railing around the perimeter of the pad.

D. Consistency with Conditional Shoreline Development Permit Criteria

The purpose of a conditional use permits is to allow greater flexibility in administrating the use regulations of the master program in a manner consistent with the policies of the Shoreline Management Act (SMA). Conditional use permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA. Below are the criteria for the criteria granting a conditional use permit followed by the applicant's response:

- a. The uses which are classified or set forth in the master program as conditional uses may be authorized, provided the applicant can demonstrate all of the following:*

- 1. That the proposed use will be consistent with the policies of the SMA and the policies of the master program.*

WSDOT's proposed project is designed to comply with the provisions of the Shoreline Management Act and the policies and regulations of the Marysville Shoreline Master Program.

Chapter 4. General Provisions

Archeological and Historic Resources

WSDOT addresses archaeological and historic resources through compliance with the provisions of the National Historic Preservation Act Section 106 and Washington State Executive Order 05-05. These processes involve consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP), affected Tribes, the Advisory Council on Historic Preservation, and local governments.

WSDOT conducted a Cultural Resources review of the SR 529 Ebey Slough Bridge replacement project. This review included the Ebey Slough Bridge site, margins of SR 529, and three mitigation parcels located along Ebey, Steamboat, and Union Sloughs.

WSDOT conducted a Determination of National Register of Historic Properties (NRHP) Eligibility Assessment on the Existing SR 529 Ebey Slough Bridge and it was found to be eligible. Accordingly, the Ebey Slough Bridge will be documented prior to its removal. Once completed, all documentation including photographs, drawings, plans, and narrative will be submitted to the Washington State Department of Archaeology and Historic Preservation Office for archiving and for future reference.

WSDOT will develop an Unanticipated Discovery Plan that will outline procedures for notifying DAHP, Snohomish County, the City of Marysville, and affected Tribes in the event that archaeological materials are discovered during project construction. This plan will be distributed to all contractors and a copy will be maintained on the project site by the WSDOT construction office at all times during construction.

Flood Hazard Reduction and River Corridor Management

WSDOT's proposed design is intended to minimize flood hazards by replacing the existing Ebey Slough Bridge with a longer and higher bridge structure, and removing the existing bridge rest. WSDOT conducted a Reach Assessment, Channel Migration Zone Study, and Flood Impact Analysis for this project. Results from these studies were incorporated into the project design through avoidance and minimization strategies.

By replacing the existing Ebey Slough Bridge with a longer and higher bridge structure, and removing the existing bridge rest, the project will reduce flood impacts over the existing condition.

Public access to the Ebey Slough shoreline will not change as a result of this project. The new bridge does improve bicycle and pedestrian safety across the bridge by providing wider shoulders and two Americans with Disabilities Act (ADA) compliant sidewalks on the bridge deck. The new two-way turning lane on the north bridge approach provides better public access to local businesses.

WSDOT highway facilities are designed for the movement of vehicles, goods, and services. Roadway shoulders are designed for emergency parking only. There are significant safety concerns associated with promoting public access due to dangers associated with high traffic speeds.

Chapter 5. Shoreline Modification Provisions

Fill

The new SR 529 Ebey Slough Bridge span is longer than the existing bridge, allowing the bridge approach to be placed entirely upland of

the Ordinary High Water Mark. The bridge span between the roadway fill approaches will rest on concrete piers.

The new SR 529 Bridge is designed to reduce impacts by raising and lengthening the bridge span over Ebey Slough and reducing the number of structures in the channel. The new bridge clearance will be 16.5 feet above the mean high water mark of Ebey Slough, whereas the existing bridge clearance is 8 feet. At 720 feet, the new bridge is 20 feet longer than the existing bridge. The in channel structures are reduced from three to two. There are a total of five piers supporting the new bridge span where there were three piers and eight additional bents supporting the old bridge span.

WSDOT performed a Flood Impact Analysis in May 2009 and determined that the combined actions of removing the existing SR 529/25 swing bridge and constructing a fixed span replacement bridge would result in a net reduction of approximately 120 cubic yards of fill within the floodplain of Ebey Slough. This would result in an incremental decrease in flood elevations in Ebey Slough.

The proposed project is designed to improve water quality, and fish and wildlife habitat, by removing the old bridge and replacing it with a taller, longer structure that reduces infringement on the Ebey Slough channel. Additionally, the removal of creosote piles from the existing bridge will improve water quality conditions. WSDOT has developed a series of Best Management Practices (BMP) to minimize short-term impacts to water quality, fish and wildlife habitat associated with construction activities. Please see the JARPA form, Draft Wetland and Stream Mitigation Report, and the Biological Assessment for descriptions of the measures.

Chapter 6. Shoreline Use Provisions

Transportation and Parking

WSDOT views this project as one that maintains and preserves the existing highway facility. The basic infrastructure is in place. There is an existing two-lane roadway and sufficient existing right-of-way to construct the project. The only alternative would be to relocate the existing facility to another location within the Shoreline Zone. This would likely result in more significant impacts to the environment, local properties, and land uses.

WSDOT is committed to working in cooperation with all agencies and municipalities in the development of State highway infrastructure and believes that the proposed project is consistent with the City's comprehensive plan and applicable capital improvement plans. WSDOT is equally committed to ensuring that work is carried out in

compliance with Washington State Department of Ecology approved Shoreline Master Program.

Two sidewalks and bicycle lanes will be constructed on the shoulders of the new bridge deck. Three new ADA ramps will be installed in the project area.

The bridge abutments for the new bridge will be constructed in upland areas outside the existing diking system. Where the existing bridge will be removed, disturbed embankments will be regraded to the original slope and revegetated with native plants and grasses.

SR 529 runs perpendicular to the shoreline of Ebey Slough. The new bridge is routed as close as possible to the existing bridge to minimize shoreline and ecological impacts and maintain existing business connectivity. WSDOT has minimized impacts to shoreline vegetation to the extent possible. Whenever possible, existing vegetation will be preserved. Disturbed areas will be hydro-seeded and then re-planted with native vegetation including lyngby's sedge and hardstem bulrush. Impacted buffers within the shoreline area of this project will be re-established with black twinberry, hookers willow, pea fruit rose, red elderberry, scoulers willow, snowberry, and black hawthorn (please see planting plan in the Draft Wetland and Stream Mitigation Report).

New surface water drainage systems will be designed in conformance with the 2008 WSDOT Highway Runoff Manual approved by the Washington State Department of Ecology. WSDOT will prepare a Temporary Erosion and Sediment Control Plan (TESC) which will address all temporary and permanent Best Management Practices (BMPs) required for construction and maintenance of this project. These BMPs will include but are not limited to bio-swales, vegetated filter strips, and a filtration vault.

WSDOT's Maintenance Division maintains vegetated areas within the right-of-way. The Maintenance Division has in place procedures for addressing noxious weeds and invasive species. These practices are specified in WSDOT's Vegetation Management Manual.

All utility trunk lines and related facilities installed by WSDOT will be buried within the roadway prism and/or attached directly to the SR 529 bridge superstructure to minimize shoreline impacts.

2. *That the proposed use will not interfere with the normal public use of the shorelines.*

The new Ebey Slough Bridge will be constructed entirely within state right-of-way. This right-of-way is dedicated to highway construction and contains an existing state highway and bridge. WSDOT does not encourage public access within state highway right-of-way for safety

reasons. WSDOT highway facilities are designed for the rapid movement of vehicles, goods and services. Roadway shoulders are designed for emergency parking only. There are significant safety concerns associated with promoting public access due to dangers associated with high traffic speeds. Encouraging access under highway bridges is also discouraged.

3. *That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.*

WSDOT strives to involve agencies and municipalities early on in the project development process to ensure compatibility with other permitted uses in the project area. WSDOT coordinated with the city of Marysville in bridge lighting and plant hanger design to improve the appearance of the bridge. WSDOT developed drainage system linkages and utility relocations with Marysville's Public Works department. WSDOT will extend the bicycle path from the Marysville marina over SR 529 terminating on the eastern property line with a 12-foot by 12-foot landing near the north shore of Ebey Slough. WSDOT plans to add sidewalks and bicycle lanes on the new bridge deck to connect the city's bicycle and pedestrian lanes with the south side of the Ebey Slough Bridge. WSDOT will install electrical, and fiber optics conduit to accommodate utility expansion across the new Ebey Slough Bridge. WSDOT will install a two way left turn lane on SR 529 north of the new bridge to maintain access to local businesses.

4. *That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.*

No unreasonably adverse effects to the shoreline will result from rebuilding the SR 529 Ebey Slough Bridge. WSDOT will be replacing the existing Ebey Slough bridge which is 87 years old and past its service life. The new four-lane 720-foot long by 72-foot fixed-span bridge and associated road approaches will likely enhance the shoreline's appearance. (See WSDOT response to the City of Marysville Master Program Question 5 below).

Any impacts to sensitive areas in the shoreline resulting from construction of this project will be fully mitigated with the city of Marysville and Snohomish County in accordance with their respective Critical Area Ordinances.

5. *That the public interest suffers no substantial detrimental effect.*

There are no substantial detrimental effects from replacement of the SR 529 Ebey Slough Bridge. Upon completion of the SR 529 Ebey Slough Bridge project, the public will benefit from:

- Improved connectivity between the cities of Everett and Marysville;
- Increased traffic capacity on SR 529;
- Improved navigation on Ebey Slough;
- Increased floodway capacity;
- Enhanced business and park access;
- Additional bicycle and pedestrian lanes;
- Improved access and utilities for future business development south of Ebey Slough;
- A reduction of potential contaminant sources in Ebey Slough; and
- Improved shoreline visibility.

b. Other uses which are not classified or set forth in the master program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in Subsection a of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

Not Applicable.

c. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

WSDOT is not aware of other bridge construction projects near the project area.

E. Cultural Resource Survey

The applicant submitted a *Cultural Resource Assessment*, prepared by AMEC Earth and Environmental, Inc., dated February 20th, 2008. The report concludes the following:

Results are equivocal. One historic building was assessed for listing on the National Register of Historic Places. It was not found to be eligible for listing. Limited trenching in the footprint of the new bridge identified a brick wall/foundation feature overlain by historic fill. The feature is of unknown age, but appears to have been part of a lumber mill built on the site in the 1950s. The foundation stands in an area known to have been used during the early settlement of Marysville. Because limited trenching and high water conditions did not permit full exploration of the foundation feature, the feature was not recorded as an archaeological site. There remains a high potential for historic archaeological deposits and the possibility of deeply buried Native American archaeological deposits within the northern portion of the proposed bridge footprint. It is, therefore, recommended that WSDOT prepare an inadvertent discovery plan and provide archaeological monitors during ground disturbance associated with the construction of the new bridge abutment. No Historic Properties or potentially

eligible sites were identified through this investigation. If an inadvertent discovery plan is developed and monitoring conducted, this project will have 'no adverse effect' on historic properties.

In addition, the existing bridge is eligible for the National Register of Historic Places. WSDOT is currently involved in a Section 106 consultation regarding the existing bridge. The 106 consultation is occurring with the USACE 404 permit review process and is anticipated to be resolved through that process.

The Tulalip Tribes have stated their interest in being involved in the historic/cultural assessment. WSDOT has agreed to work with the Tribe through the USACE 404 permit process. Also, if construction activities yield buried prehistoric to historic material cultural and/or human remains, the project should be temporarily halted consistent with the inadvertent discovery plan and until representatives of the US Army Corp of Engineers, the Tulalip Tribes, DAHP, and the City are consulted to assess and protect the resource.

F. Floodplain Regulations and Channel Migration

The subject property area is mapped within the 100-year floodplain of Ebey Slough by Snohomish County. The Flood Insurance Rate Map (FIRM) also designates this site as within the 100-year floodplain (Zone AE). The FIRM floodplain elevation has been identified by FEMA as NGVD 27 elevation of 9' or NAVD 88 elevation of 12.7'. The applicant has submitted a *Flood Impact Analysis* that concludes the following:

The combined actions of removing the existing SR 529/25 swing span bridge with a fixed span replacement bridge would result in a net loss of a little more than 120 cubic yards of fill within the water column of the floodplain of Ebey Slough thus increasing floodplain storage capacity. This would theoretically result in a small, incremental decrease in base flood elevations in the backwater of the SR 529/25 replacement bridge in Ebey Slough. It should be noted that removal of the central pivot pier of the existing bridge accounts for 71 percent of the total fill loss. The project would also result in a net 97 percent loss in floodway fill, which affects Ebey Slough water levels at all stages and at all times. Even though the project would result in a net gain of over 910 cubic yards of fill in the flood fringe, these volumes would only affect river stages at the highest of high tides combined with strong base flows in Ebey Slough and this volume is more than compensated by floodway fill losses. The net impact of the SR 529/25 bridge replacement project on base flood levels would be a small, incremental decrease, although due to economies of scale this decrease would likely not be measurable in any practical sense.

Additionally, the applicant has submitted a *Channel Migration Zone Study* prepared by WSDOT Environmental Services, Hydrology Program, dated March 2009 which concludes that the replacement bridge project would have no effect on channel migration within the project reach and the reduction of fill within the floodway will reduce backwater effects in the near up-river vicinity of the SR 529/25 replacement bridge.

G. Noise

The applicant has submitted a *Noise Technical Report* prepared by WSDOT Air, Noise, and Energy Program, dated 10/29/2007 which concludes the following:

For the existing year (2006) and for the design year (2030), the modeling results indicate that there are no homes exposed to traffic noise levels exceeding the NAC (66 dBA). The noise modeling results for the existing year and for the design year indicate that the businesses along SR 529 would experience traffic noise levels exceeding the NAC of 71 dBA. But noise barrier walls along the right-of-way to protect the affected businesses require driveway access to the highway. Any noise wall along the right-of-way would have to include wide openings for individual driveways, which would reduce the noise reduction efficiency that would be provided by a continuous noise wall. Therefore, it is not feasible to construct noise barrier walls for this project.

Construction noise is exempt from local property line regulations during daytime hours. The most constant noise source at construction sites would be internal combustion engines. Engine-powered equipment includes earth (bridge) removing equipment, material-handling equipment, and stationary equipment. Mobile equipment operates in a cyclic fashion, while stationary equipment, such as generators and compressors, operates at sound levels fairly constant over time. Because trucks would be present during most phases and would not be confined to the project site, noise from trucks could affect more receptors. Other noise sources would include impact equipment, which could be pneumatically powered, hydraulic, or electric.

H. Critical Areas

The applicant submitted a *Wetland and Stream Assessment Report* prepared by Northwest Region Environmental Services, dated March 2002, updated November 2008. The report identifies one estuarine wetland delineated into five segments (A through E) in the project corridor. The estuarine wetland is classified as a Category I wetland within the City of Marysville. The wetland is supported by Ebey Slough tides and the majority of the delineated wetland is located within the Ebey Slough mean higher high water (MHHW). One Type S (Shoreline of Statewide Significance) stream, Ebey Slough is located within the project corridor.

Project Impacts

The project as proposed will have unavoidable impacts to the wetland associated with Ebey Slough. Total project impacts include 0.23 acre of permanent wetland impact and 0.67 acre of permanent buffer impact. There will be 0.24 acre of indirect impact and 0.11 acre of indirect buffer impact resulting from shading from the new bridge. The project will also have long-term and short-term temporary impacts from construction and demolition work trestles. Long-term temporary impacts total 0.04 acre for wetlands, and short-term temporary impacts total 0.60 acre for wetlands and 0.06 acre for buffers. A portion of the project occurs within unincorporated Snohomish County, the following is a breakdown of wetland impacts within the city limits –vs- Snohomish County:

	Permanent		Temporary	
	Wetland	Buffer	Wetland	Buffer
City of Marysville Impacts:	0.04	0.54	0.34	0.08
Snohomish County Impacts:	0.18	0.13	0.27	0.01

Total Impacts: 0.23 0.67 0.61 0.09

Permanent impacts to the open-water channel of Ebey Slough include 160 sq. ft. of permanent channel from the placement of the new bridge pier foundations. Additional permanent stream impacts include approximately 817 cubic yards of sediment removal during removal of the existing bridge rest, and shading from the 21,960 sq. ft. of new bridge deck. The removal of the existing bridge will daylight 9,672 sq. ft. of channel, leaving a net total of 1,308 sq. ft. of channel that will be shaded by the new bridge structure. The project will include removal of the bridge superstructure; removal of concrete piers and abutments to at least 3 feet below the existing grade; extraction of the bridge rest and fender timbers and piles. Any piles that break during extraction will be cut off at either the existing mud line or sediment removal elevation, as applicable, and capped with steel or plastic covers; removal of approximately 817 cubic yards of sediment that have accumulated around the bridge rest. Removal depths will be up to 4.5 feet. Permanent sediment removal will be offset by replacement of the removed sediment with native soil material totaling the same area.

Temporary stream impacts include approximately 15,785 sq. ft. from installation of piers associated with temporary work trestles, removal of existing foundations, demolition from the existing bridge, and shading from the temporary work trestles. These areas will be returned to pre-construction conditions after project work completion.

Avoidance/Minimization of Impacts

Pursuant to the City's SMP, the project applicant must demonstrate that the project, as proposed, meets the avoidance/minimization criteria as outlined. In response to the criteria, WSDOT has submitted the following:

WSDOT has avoided and minimized impacts to wetlands and wetland buffers to the greatest extent practicable. Total avoidance was not possible due to constraints with safety and design guidelines.

Avoidance

There were two reasonable alternatives considered for replacing this bridge. One was to replace it upstream and the other downstream.

- WSDOT chose to construct the new bridge east of the existing bridge primarily on existing fill. Constructing the new bridge west of the existing bridge would have impacted 0.57 acres of wetland. Constructing the new bridge east of the existing bridge resulted in 0.10 acres of impact to wetland. The bridge placement avoided 0.47 acres of wetland impact.
- WSDOT lengthened the new bridge spans to reduce the number of bridge piers from seven to five. This action reduced the piers impacting wetlands from two piers to one.

Minimization

Clearing and grading

- Best management practices (BMPs) will be applied to limit erosion or runoff.
- Stockpiled earthen material will not be stored in sensitive areas.
- Specific permit requirements and weather conditions (dry or wet season) will limit the amount of clearing and open grading that can occur at any one time.
- Sediment and dust control measures will be implemented to prevent waterway contamination or the transport of debris outside of the construction site.

New Bridge approaches

- There are some known contaminants that may be released by construction. Cleanup and disposal measures will be implemented to properly dispose of any contaminants encountered during the construction of the approaches.
- Steepening side slopes will reduce wetland fills.
- Stormwater filtration with 3:1 fill slopes will be installed to minimize excavating wetland areas for stormwater treatment.
- A filtration vault will filter stormwater runoff prior to routing it into the city of Marysville stormwater system.

Temporary work trestles

- The piles will be driven by vibration to minimize turbidity.
- Handrails and kickboard will typically be placed along work trestles during construction for worker safety and to prevent materials from sliding over the edge.
- The decks will be sealed to prevent material passing through the deck.

New Bridge

- In-water work will only be conducted during the work window established by the HPA to minimize turbidity and sedimentation impact.
- Bio-swales and vegetative strips will be incorporated into the project to reduce wetland sedimentation and turbidity.
- During bridge painting, a containment system will be placed around the bridge to prevent contamination and dust from entering the wetland.
- Concrete forms will be sealed with foam to prevent leakage of any cement residue into the wetland.

Old bridge demolition

- Piles that break during extraction will be cut off at the existing mud line, sealed and capped with a metal or plastic cover to prevent pier contamination from escaping into the wetland.
- Unconfined excavation will occur during low tide.

- Piles will be pulled during low/slack tides. Silt curtains will be placed around the work area where practical, otherwise restrictions on the number of piles that can be extracted at a time will be applied to minimize re-suspension of sediment during pile removal.
- A containment system will be installed below the bridge spans over the wetlands to capture debris from demolition activities.
- Appropriate BMPS, such as containment tarps, will be utilized to ensure no material enters Ebey Slough during construction.
- The contractor will install cofferdams around the existing eight piers and swing-span pedestal prior to demolition.
- BMPs such as extraction of the cofferdams and piles in the dry or at low/slack tides and limiting the number that can be extracted at a time will be applied to minimize turbidity due to removal.
- All creosote treated timbers and piles and excavated contaminated sediment will be removed and sent to an approved disposal site.

Project Mitigation

The City of Marysville is currently in the process of establishing an advance mitigation area as compensatory mitigation credit for the proposed flooding of city-owned property within the proposed Qwuloolt Estuary Restoration Project. Replacement ratios for projects using advance mitigation credits will be established through the approval process and will be consistent with the final conditions of the advance mitigation credit approval.

Pursuant to MMC 19.24.125, compensatory mitigation for permanent wetland impacts within the City limits, WSDOT will be required to enter into a *Memorandum of Agreement* with the City to purchase advance mitigation credits designated for the Qwuloolt Estuary Restoration Project – City-owned properties, provided the proposed use of advanced mitigation credits is consistent with the terms and conditions of approval. If for some reason establishment of the advanced mitigation is not feasible, then the applicant will be required to provide mitigation within the project vicinity consistent with the City’s Critical Areas Ordinance.

WSDOT is also considering two options for potential compensatory wetland and stream mitigation for permanent impacts to the portion of wetland located within Snohomish County. Mitigation Option A includes participating in the Snohomish County fee-in-lieu program by providing funds for the Smith Island Estuary Restoration Project, which will provide wetland and fish habitat. Mitigation Option B includes providing approximately six acres of estuarine wetland and buffer mitigation at a conjoined, 20-acre mitigation site with the Burlington Northern-Santa Fe Railroad on a portion of Smith Island along Union Slough.

I. Biological Assessment

The applicant has submitted a *Biological Assessment* (BA) prepared by Northwest Region Environmental Services, dated February 2009 describing the project background, populations potentially impacted by the proposed action, and measures to avoid and mitigate impacts. Direct effects of the proposed project on listed species are related to temporary and permanent impacts within the project footprint. Temporary impacts are associated with access roads, pile driving in

the streambed, noise, temporary shading, and water quality from the potential release of contaminated sediment and turbidity. Permanent impacts include clearing and grubbing vegetation, potential for permanent noise impacts on listed fish species, and the placement of permanent fill below the MHHWM for three new piers.

Indirect effects include temporary impacts from installation of the temporary work bridges, because of impacts to estuarine wetland vegetation that provide fish habitat; and potential impacts to juvenile salmonids following exposure to underwater noise from impact pile driving. The installation of permanent stormwater treatment facilities will have a long term effect that is beneficial for all listed aquatic species. All interrelated actions associated with the project are deemed insignificant or beneficial for ESA-listed salmonids.

The U.S. Fish and Wildlife Service (USFWS) and NOAA's National Marine Fisheries Service (NOAA Fisheries Service) species listings identified the following listed fish species in the project area: Puget Sound Chinook salmon, Puget Sound steelhead trout, and Coastal Puget Sound bull trout.

Based on the project impacts presented and the minimization measures proposed in the BA for the project, the proposed project **may affect, but is not likely to adversely affect** Puget Sound Chinook salmon, Puget Sound steelhead trout, and Coastal-Puget Sound bull trout. The proposed project **may affect, is likely to adversely affect** on critical habitat for Puget Sound Chinook salmon and Coastal-Puget Sound bull trout. Also, the proposed project will likely result in **adverse affects to** essential fish habitat (EFH) for Chinook, pink, and coho salmon during in-water work for similar reasons as the proposed impacts to ESA-listed species and critical habitat.

The applicant has received a conditional HPA from WDFW and is in the process of obtaining a 404 permit from the USACE and a 401 permit and a CZM consistency determination from the DOE. The applicant will be required to receive all applicable local, state, and federal permits prior to commencement of construction activity.

J. Conformance with SEPA

A Determination of Non-significance (DNS) was issued by WSDOT on October 13, 2009. There were no appeals. This determination is hereby adopted by reference as part of this report.

K. Findings and Conclusions

1. The proposal as conditioned, is consistent with the City of Marysville Shoreline Management Master Program map designation, development policies and regulations.
2. The proposal as conditioned, is consistent with the conditional shoreline use criteria as established in the City's SMP.
3. The proposal as conditioned, is consistent with the City's Critical Areas Ordinance.
4. The proposal as conditioned, is consistent with the City's Floodplain regulations.

III. STAFF RECOMMENDATION

Based upon the above stated findings and conclusions, the Community Development Department recommends approval of the Conditional Shoreline Development Permit subject to the following conditions:

1. WSDOT shall construct an enhanced crosswalk of stamped asphalt at the SR 529 crossing. Additionally, the pathway which extends southeasterly from the public sidewalk shall be demarcated with a 4' high standard galvanized railing to the trail terminus. A 12' x 12' concrete pad with picnic table shall be installed at the terminus of the pathway and shall include a 4' high standard galvanized railing around the perimeter of the pad.
2. If during construction activities, buried prehistoric to historic material, cultural, and/or human remains are found, the project shall be temporarily halted consistent with the inadvertent discovery plan and until representatives of the US Army Corp of Engineers, the Tulalip Tribes, DAHP, and the City are consulted to assess and protect the resource.
3. WSDOT shall be required to enter into a *Memorandum of Agreement* with the City to purchase advance mitigation credits designated for the Qwuloolt Estuary Restoration Project – City-owned properties, provided the use of the credits is consistent with the terms and conditions of the advance mitigation approval. Alternative mitigation may be approved by the City provided it is consistent with the city's mitigation requirements as set forth in the City's CAO.
4. WSDOT shall be required to remove the existing bridge superstructure, bridge rest and fender timber and piles, and concrete piers and abutments.
5. Prior to commencement of construction activities, the applicant shall submit a *Spill Prevention Control and Countermeasures (SPCC)* Plan to the City for review and approval.
6. Prior to commencement of construction activities, the applicant will be required to submit a final, detailed mitigation plan to the city for review and approval that is consistent with MMC 19.24.130 through 19.24.150.
7. The issuance of this conditional shoreline permit approval shall not be considered a waiver of or statement of compliance with permit requirements from other agencies with potential jurisdiction over the described work. If changes to the proposed impacts or mitigation boundary occur as a result of agency review, the construction and mitigation plans shall be revised accordingly.
8. Prior to issuance of a grading permit, the applicant shall obtain all applicable county, state and federal permits.

Prepared by: CDD
Reviewed by: J

CITY OF MARYSVILLE
Marysville, Washington
RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARYVILLE AFFIRMING THE RECOMMENDATION OF THE HEARING EXAMINER AND GRANTING A CONDITIONAL SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT TO ALLOW THE REPLACEMENT OF THE SR 529 BRIDGE WITH A 4-LANE FIXED SPAN BRIDGE THAT INCLUDES SIDEWALKS, SEPARATE BICYCLE LANES, SIGNING, ILLUMINATION, STORMWATER TREATMENT, RETAINING WALLS, WETLAND AND BUFFER MITIGATION

WHEREAS, the Washington State Department of Transportation (WSDOT) owns certain right-of-way within SR 529 between milepost 5.98 and 6.5, in the City of Marysville, and

WHEREAS, the WSDOT applied to the City for a conditional Shoreline Substantial Development Permit to replace the existing two-lane swing span bridge with a new 4-lane 680-foot long by 72-foot wide fixed span bridge together with associated improvements; and

WHEREAS, a SEPA Threshold Determination of Non-Significance was issued by WSDOT on October 13, 2009; and

WHEREAS, the City Hearing Examiner held a public hearing on January 14, 2010 and adopted Findings of Fact, Conclusions and a Recommendation approving the conditional Shoreline Substantial Development Permit subject to eight (8) conditions; and

WHEREAS, the City Council held a public meeting on said conditional Shoreline Substantial Development Permit on February 8, 2010 and following a review of the record before the Hearing Examiner concurred with the Findings of Fact, Conclusions and Recommendation of the Hearing Examiner; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AS FOLLOWS:

1. The Findings of Fact, Conclusions and Recommendation of the Hearing Examiner with respect to the above-referenced conditional Shoreline Substantial Development Permit under File No. PA 09038 is hereby adopted by this reference as the decision of the City Council.
2. The conditional Shoreline Substantial Development Permit for the above described property shall be perpetually conditioned upon strict compliance with each of the conditions set forth in the Recommendation of the Hearing Examiner.
3. Violation of any of the conditions of said decision may result in revocation of the conditional Shoreline Substantial Development Permit or enforcement action being brought by the City.
4. This decision shall be final and conclusive with the right of appeal by any aggrieved party to the Shorelines Hearings Board pursuant to RCW 90.58.140(6).
5. The Director of Community Development is directed to file this Resolution and the decision of the Hearing Examiner with the Department of Ecology.

PASSED by the City Council and APPROVED by the Mayor this _____ day of February 2010.

CITY OF MARYSVILLE

By: _____

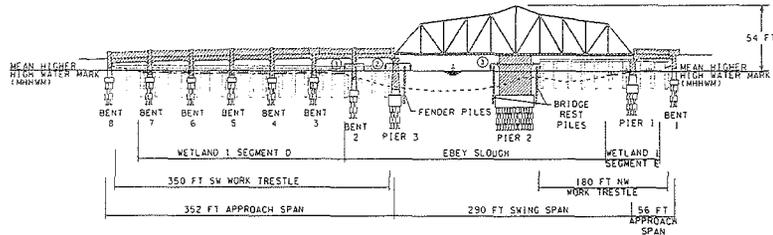
DENNIS KENDALL, MAYOR

Attest:

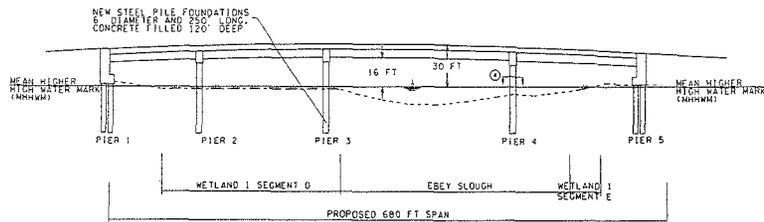
By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

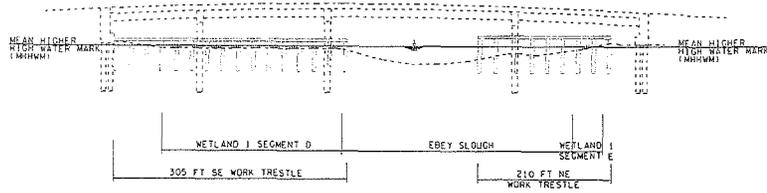
By: _____
GRANT K. WEED, CITY ATTORNEY



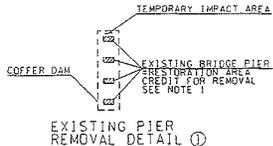
SECTION E
EXISTING BRIDGE ELEVATION VIEW
& WESTERN WORK TRETTLES



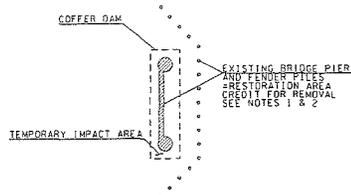
SECTION F
PROPOSED BRIDGE ELEVATION VIEW



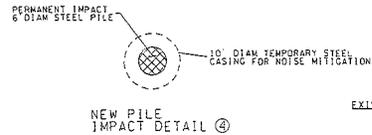
SECTION G
EASTERN WORK TRETTLES ELEVATION VIEW



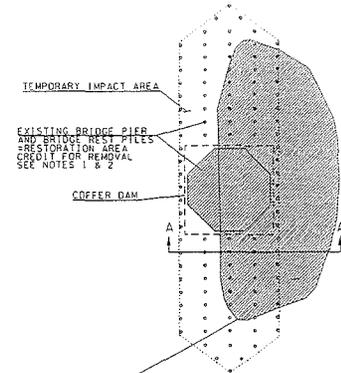
EXISTING PIER REMOVAL DETAIL ①



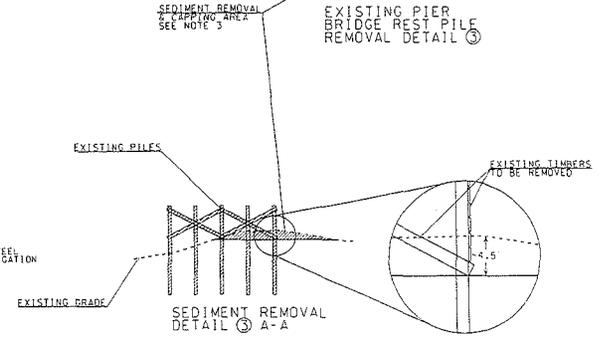
EXISTING PIER AND FENDER PILE REMOVAL DETAIL ②



NEW PILE IMPACT DETAIL ④



EXISTING BRIDGE REST PILE REMOVAL DETAIL ③



SEDIMENT REMOVAL DETAIL ③ A-A

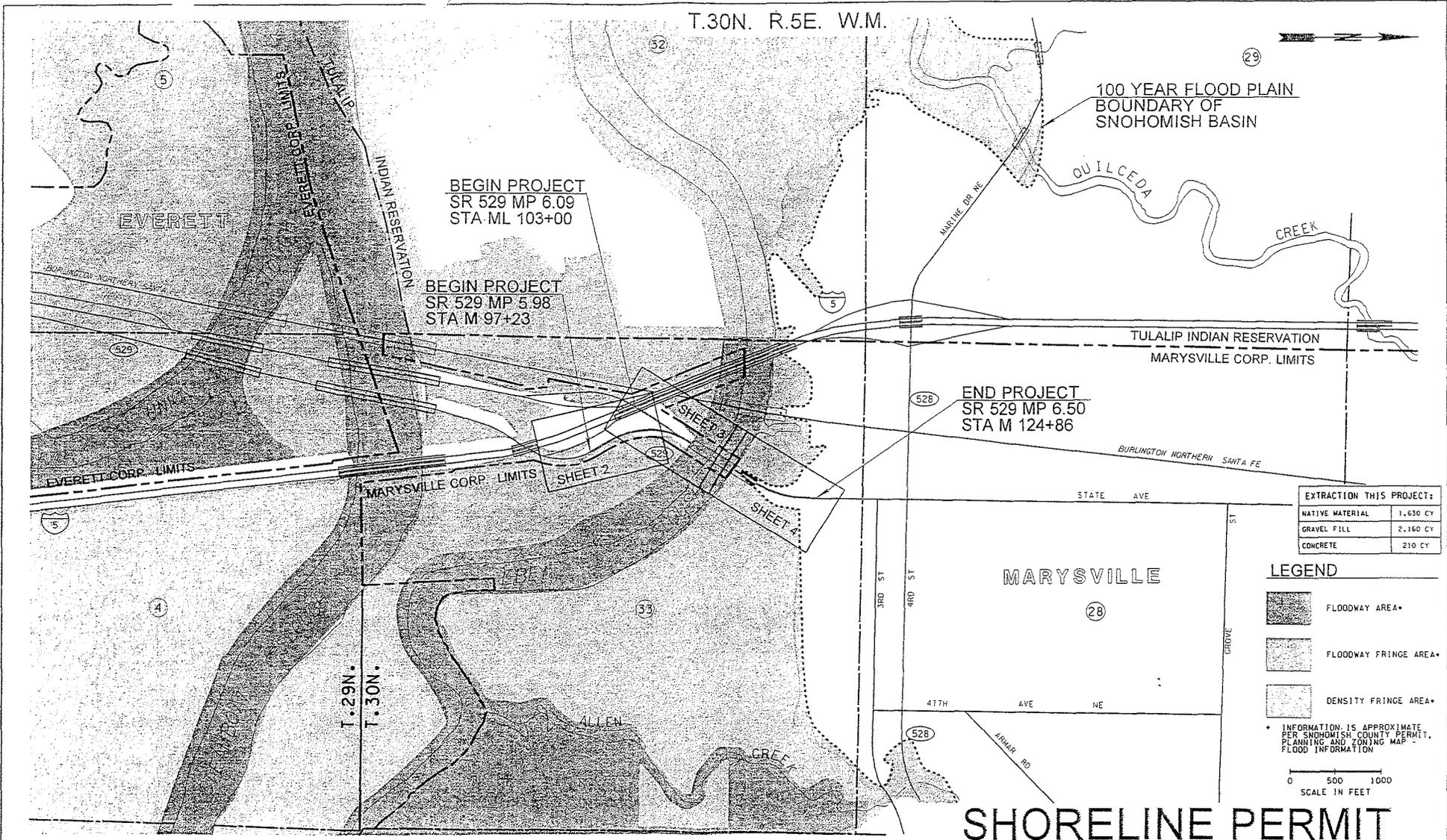
NOTES

- EXISTING BRIDGE TO BE REMOVED TO 3 FT BELOW EXISTING GRADE EXCEPT FOR PIER 2, WHICH WILL BE REMOVED TO THE TOP OF THE FOOTING.
- ANY BROKEN PILES WILL BE CUT OFF AT GRADE AND CAPPED WITH STEEL OR PLASTIC COVERS.
- APPROXIMATELY 817 CY OF SEDIMENT BUILDUP WILL BE EXCAVATED.

FLOOD PLAIN BLOCKAGE TABLE

	EXISTING BRIDGE	PROPOSED BRIDGE
BRIDGE CLEARANCE:	5 FT - 7 FT	9 FT - 17 FT
BRIDGE LENGTH:	698 LF	680 LF
SOUTH APPROACH LENGTH:	1,261 LF	1,232 LF
NORTH APPROACH LENGTH:	629 LF	659 LF
TEMPORARY WORK TRETTLES: NE TRETTLE CLEARANCE 4 FT OVER MHHW NW TRETTLE CLEARANCE 4 FT OVER MHHW SW TRETTLE CLEARANCE 4 FT OVER MHHW SE TRETTLE CLEARANCE 4 FT OVER MHHW		
ALL NUMBERS BASED ON MEAN HIGHER HIGH WATER MARK (MHHWM)		

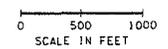
FILE NAME	I:\412335\XLN37\CAD\Shoreline Permits\City of Marysville Shoreline Permits Sheets.dgn			REGION NO.	STATE	FED.AID PROJ.NO.		SR 529 EBEBY SLOUGH BRIDGE REPLACE BRIDGE SHORELINE PERMIT	PLOTS CS1
TIME	10:04:10 AM			10	WASH				
DATE	12/21/2009								
DESIGNED BY	lab0117								
ENTERED BY							SHEET 8 OF 9 SHEETS		
CHECKED BY									
PROJ. ENGR.									
REGIONAL ADM.									
REVISION				DATE	BY				



EXTRACTION THIS PROJECT:	
NATIVE MATERIAL	1,630 CY
GRAVEL FILL	2,160 CY
CONCRETE	210 CY

LEGEND	
	FLOODWAY AREA*
	FLOODWAY FRINGE AREA*
	DENSITY FRINGE AREA*

* INFORMATION IS APPROXIMATE PER SNOHOMISH COUNTY PERMIT, PLANNING AND ZONING MAP, FLOOD INFORMATION



SHORELINE PERMIT

FILE NAME	T:\42335\XL1137\CAD\Shoreline Permits\City of Marysville Shoreline Permits Sheets.dgn	REGION NO.	STATE	FED. AID PROJ. NO.	 Washington State Department of Transportation	SR 529 EBEBY SLOUGH BRIDGE REPLACE BRIDGE SHORELINE PERMIT	PLOT 1
TIME	9:56:55 AM	10	WASH				SPI
DATE	10/6/2009	JOB NUMBER					SHEET 1 OF 9 SHEETS
DESIGNED BY	fr oen/cm	CONTRACT NO.					
ENTERED BY		LOCATION NO.					
CHECKED BY							
PROJ. ENGR.							
REGIONAL ADM.		REVISION	DATE	BY	P.E. STAMP BOX	VICINITY MAP	

Item 9 - 30