

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
Approve May 27, 2003 City Council Meeting Minutes.	Approved
Approve June 2, 2003 City Council Work Session Minutes.	Approved
Consent Agenda	
Approve June 9 Claims in the Amount of \$240,858.95.	Approved
Approve June 5, 2003 Payroll in the Amount of \$738,301.04.	Approved
Approve Liquor License Renewal for Fred Meyer #0209, Captain Dizzy Exxon, Jim's Texaco & Grocery, Marysville Deli & Video, and That Burger Place.	Approved
Approve New Liquor License for Noble Palace and King Buffet.	Approved
Authorize Mayor to Sign Intergovernmental Cooperative Purchasing Agreement with Clark County.	Approved
Authorize Mayor to Sign Pipeline License for Construction Activities Associated with State Avenue Trunk Sewer Extension Project with BNSF Railroad.	Approved
Authorize Mayor to Sign Three Pipeline Licenses and the Temporary Occupancy Permit from BNSF Railroad for Construction Activities Associated with State Avenue (116 th -136 th Street N.E.) Project.	Approved
Approval of 2003 Strawberry Festival Proposal.	Approved
Review Bids	
Approve 2003 Crack Sealing Project.	Approved
Current Business	
Approve Option 2 as the Preferred Stormwater Detention Option.	Failed
Approve Option 1 as the Preferred Stormwater Detention Option.	Approved
New Business	
Approve Youth Peace Park Improvements Phase II.	Approved
Approve Cedarcrest Restaurant Lease Extension.	Approved
Approve Residential Density Incentives and Landscaping Developing Standards Draft Code Amendments.	Approved
Approve Construction and Maintenance Agreement for Railroad Improvement to Mainline Grade Crossing at 116 th Street N.E. and Accompanying WUTC Petition.	Approved
Ordinances and Resolutions	
Approve Purchase Offer from Seattle-Northwest Securities Corporation for \$7,120,000 LTGO Bonds, 2003.	Approved Ord. 2478
Approve Wastewater Treatment Plant / Effluent Transfer Pipe – Easement Acquisition.	Approved Ord. 2479
Approve Initiating Annexation of the Gribble Center Construction Annexation.	Approved Res. 2097
Staff Business	
Approve Bringing Back Discussion of Lakewood Annexation Boundaries at June 16 Work Session.	Approved
Adjournment	10:25

MARYSVILLE CITY COUNCIL MEETING**June 9, 2003****7:00 p.m.****Public Safety Center****CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

Mayor David Weiser called the June 9, 2003 meeting of the Marysville City Council to order at 7:00 p.m. He then led the assembly in the Pledge of Allegiance. Chris Donovan of the Marysville Seventh Day Adventist Church gave the invocation.

ROLL CALL

Mary Swenson, Chief Administrative Officer, called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: John Soriano, Jeff Seibert, Suzanne Smith, Lisa Vares and Donna Wright.

Staff: Bob Carden, Police Chief; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Jim Owens, Public Works Director; Cheryl Dungan, Senior Planner and Kevin Nielsen, City Engineer.

Mayor Weiser noted the excused absence of Councilmember Jon Nehring.

COMMITTEE REPORTS

Councilmember Jeff Seibert updated Council on the June 4th Land Use/Planning Committee meeting where they reviewed several projects. There was also discussion on the 116th overpass interchange project. He then referred to topics brought up by Councilmember Jon Nehring at last week's work session. He noted that this week's Council packet includes copies of minutes from past meetings at which many of those topics were discussed.

Councilmember Seibert then discussed the Tourism / Recreation meeting. He noted that there was good information regarding the casino demographics as far as tourism opportunities. He commented that members had signed up to participate on various subcommittees.

Councilmember Donna Wright discussed the Public Safety Committee that met on Thursday, June 5th. They had an update on the K-9 program and 800-megahertz system and were informed that the techs are now using the system so it is getting close. They also had some discussion about stronger fireworks enforcement this year. There is a flier going out to educate citizens about illegal fireworks and fireworks safety. Councilmember Wright noted that the stronger enforcement may necessitate overtime.

Councilmember Lisa Vares discussed the Transportation Committee meeting. She explained that a group lobbied regarding the 172nd Street project being pulled from the funding list. They were not given a lot of hope as the list is pretty much finalized, but hopefully they will be looking at some interim solution. Councilmember Mike Leighan was also in attendance at the Transportation Committee meeting. He commented that most of the projects included in the nickel gas tax were in the south county region. He noted, however, an article in the Herald showed they had received attention from some of the senators.

AUDIENCE PARTICIPATION

Bill Binford, 11417 124th Avenue NE, Kirkland

Mr. Binford referred to discussion at the last work session with items brought up by Councilmember Jon Nehring. He said he was encouraged by that and suggested that Council take immediate and specific action. Some of his ideas were:

- Move the traffic light on the west side of I-5 about 200 feet to the west to add more lane capacity. He believed this would take a huge amount of the bottleneck away. He felt it would be pre-investment. He suggested teaming up with Arlington and WSDOT to get this underway. He also suggested getting a traffic consultant to determine possible layouts.
- Stormwater – he would encourage Marysville to pass an ordinance that would temporarily relax the standards of the new manual and go back to the standards of the old manual with the provision that projects that are underway would go with the regional solution once that is completed. He suggested putting stormwater into sanitary pipes as a temporary solution.
- Possibly waving real estate taxes to encourage the type of development the City wants. He noted that Everett is currently doing this, but it would require a bill in Olympia.
- Finally he encouraged the City to complete the zoning in the north end as quickly as possible

Councilmember Leighan asked for other ideas about the DOE manual. Mr. Binford noted that the new manual helps everywhere, but the north end. He said the new manual assumes the area is heavily forested when it is not. He also felt that it was very onerous from an engineering perspective.

APPROVAL OF MINUTES

A. May 27, 2003 City Council Meeting.

Councilmember Seibert referred to the third paragraph on Page 6. He noted that it should refer to "71st and Grove". The second sentence in the second paragraph on Page 7 should also refer to "71st and Grove".

Motion made by Councilmember Vares, seconded by Councilmember Leighan to approve the minutes as corrected. **Motion** passed unanimously (6-0).

B. June 2, 2003 City Council Work Session.

Councilmember Leighan referred to the second paragraph on Page 9. He commented that it should state that he "*was frustrated by the lack of updates from staff*" (not committees).

Motion by Councilmember Wright, seconded by Councilmember Soriano to approve the minutes as corrected. **Motion** passed unanimously (5-0) with Councilmember Smith abstaining as she was not present at the work session.

CONSENT AGENDA

Mayor Weiser asked if anyone in the audience or anyone on Council wished to have any of the items removed for further discussion. No one asked to remove any items.

Motion by Councilmember Leighan, seconded by Councilmember Vares to approve Consent Agenda items A-H. **Motion** passed unanimously (6-0).

- A. Approval of June 9, 2003 Claims in the Amount of \$240,858.95; Paid by Check No. 7814 through 8019 with Check No. 6169, 7480, and 7837 Void.**
- B. Approval of June 5, 2003 Payroll in the Amount of \$738,301.04 Paid by Check No. 10758 through 10851 with Check No. 10758 Void.**
- C. Approval of Liquor License Renewal for Fred Meyer #0209, Captain Dizzy Exxon, Jim's Texaco & Grocery, Marysville Deli & Video, and That Burger Place.**
- D. Approval of New Liquor License for Noble Palace and King Buffet.**
- E. Authorize Mayor to Sign Intergovernmental Cooperative Purchasing Agreement with Clark County.**
- F. Authorize Mayor to Sign Pipeline License for Construction Activities Associated with State Avenue Trunk Sewer Extension Project with BNSF Railroad.**
- G. Authorize Mayor to Sign Three (3) Pipeline Licenses and the Temporary Occupancy Permit from BNSF Railroad for Construction Activities Associated with State Avenue (116th Street NE to 136th Street N.E.) Project.**
- H. Approval of 2003 Strawberry Festival Proposal.**

REVIEW BIDS

- A. 2003 Crack Sealing Project.**

Motion by Councilmember Leighan, seconded by Councilmember Seibert to approve the low bid by Chandler Construction, Inc. on the 2003 Crack Sealing Project. **Motion** passed unanimously (6-0).

CURRENT BUSINESS

A. North Marysville Area Regional Stormwater Detention.

Councilmember Suzanne Smith noted that she was not at the previous work session, but from the minutes it appeared that Option 2 was the preferred option. She wondered if that corresponded with the Otak report. Public Works Director Jim Owens noted that the original discussion revolved around updates given to Council. He said there was widespread support by the agencies for Option 2, the in-stream option. Although they did not come right out and endorse it, they were leaning in that direction. Mr. Owens reviewed the opinions and the meetings of the various regulatory agencies for Councilmember Smith. She asked what led him to believe that Option 2 was the favored option. Mr. Owens noted that of the agencies that they have talked to Option 2 has been the one with that has appealed to most agencies.

Councilmember Leighan stated that he likes the in-stream option, but it would be quite a bit more costly. He asked about the possibility of phasing and asked staff which option would be the most cost-effective, quickly permitted and phase-able. Mr. Owens said they discussed the permitting aspect that afternoon. The decisions of the agencies have been very inconsistent. His personal opinion is that Option 2 would be the one that would satisfy the most agencies, but that does not mean that other options would not be possible. There was some discussion about possible grant funding that might be available. Chief Administrative Officer Mary Swenson noted that Grants Administrator Greg Young was working on those. Mr. Owens explained that the standard has been individual detention facilities at each development.

Councilmember Smith asked about phasing the various alternatives. Mr. Owens responded that it was possible to phase either Option 1 or 2. She felt that Option 2 was more forward thinking and noted that she was in support of that.

Councilmember Leighan remarked that Crown Distributing in Arlington was proposing something very similar to Option 2. Ms. Swenson said it has not yet been approved because it did not meet the manual requirements and because it is different than has been done before. Jim Owens noted that there are some technical differences in that plan, but that it is similar.

Councilmember John Soriano referred to the Executive Summary from Otak. From the number rating they used it appeared that Option 1 had the highest rating. He asked what it was about Option 2 that made it the preferred option. Councilmember Seibert commented that the main reason was that Fish and Wildlife seemed to favor that alternative. Jim Owens also added that the matrix to which Mr. Soriano referred included the cost element, the technical feasibility, and the availability of the land.

Councilmember Smith then referred to page 7 of the Otak report. She noted that Option 2 did not have as high of an ability to phase as Option 1. Mr. Owens explained why there was a difference. Councilmember Seibert also explained that when Otak looked at Option 2 they did not look at the project in the same respect. It had been looked at as an overall project.

Councilmember Vares referred to Section 4, Page 47 of the Otak Report, *Summary Development*. She noted that it says that Option 1 is the most cost-effective and Option 2 is the least cost-effective. It also says that Option 1 was the cheapest and easiest to permit and easiest to build. She asked why they would favor Option 1. Mary Swenson said she assumed it was because Option 2 was not known and might be more difficult to build. She also noted that the Otak Report says that the maintenance would be significantly greater than the other alternatives. Referring to the minutes Ms. Vares said it appears that they don't mind if the permits are applied for in a phased in fashion, but that doesn't mean it is possible from a construction aspect. City Engineer Kevin Nielsen clarified that Option 2 could be phased in construction.

Councilmember Smith asked about the difference in maintenance. Mr. Nielsen suggested that it was probably because it would be easier to permit. The reviewing agencies are more familiar with those. Also since the ponds have been done before it might be easier for staff because they know the standards. Mr. Owens noted that there would not be much maintenance unless there was an infestation or severe storm damage because the intent of the in-stream concept was to have it revert to a natural status.

Councilmember Leighan asked how much a developer could absorb on the various alternatives. He referred to Supplement E1, E2 and E3. He wondered if a developer might be flexible with the cost.

Bill Binford, 11417 124th Avenue NE, Kirkland

He noted he was a private developer. He commented that the Otak report only looked at four proposals that were developed before his proposal came in to the City. His proposal was not addressed anywhere in the study. He asked why anyone would consider Option 2 since a developer developing anywhere close to that would have to treat all of his groundwater on-site. This was difficult due to the high groundwater level.

He then stated that all the scenarios discussed in the report store the water above the ground. He wondered how they were going to get water back into the stream channel to an elevation that is low enough.

Mr. Binford stated that his design was between five and seven feet. The land they were detaining the water on was 8-10 feet lower than the area they were serving. This would enable them to serve a larger area on a smaller area. He strongly encouraged Council to consider that.

He also asked them to consider the real cost – the land cost alone was \$59 million. The total developed cost of his proposal was \$13.6 million. He reminded Council that the Otak report stated that the key was funding and that Otak did not have his proposal in hand when they were preparing their report.

Councilmember Leighan commented that the evaluation that Otak did of his proposal showed it covered a smaller area and did not cover the more southern region. Mr. Binford agreed that this was correct, but they were focusing on the area of development. Mr. Leighan then asked about stream-flow. Mr. Binford said there were ways to keep the water in there for the fish. He did not feel that Option 2 was a favorable option because of the high water table and the high cost.

Councilmember Wright referred to the wetland area in Option 2. She asked if buffers would need to be considered. Mr. Owens responded that they would be creating buffers that would establish the boundary.

Councilmember Seibert asked about the property that Fish and Wildlife had. City Engineer Nielsen noted that it was above 152nd on the channel and below the naval housing. He said this showed their support of this idea because Fish and Wildlife offered to let the City use the land. He added that there were a lot of unknowns with the permitting and it was difficult to know in advance what would happen. They want to see more technical information before they permit. Councilmember Seibert wondered if the agencies might push this through more quickly since it was a new idea. Mr. Nielsen responded that staff could not anticipate what the agencies would do. Councilmember Seibert commented that his original motion had been to see which alternative would be preferred in the permitting process, not to see which one had fatal flaws.

Councilmember Smith asked about water quality being built into the permitting process. She said she would like to see Option 2 accomplished, but she didn't feel that she had enough information. She wanted to press the agencies for more specifics to know if mitigation could be used or if water quality could be done on-site. She suggested a workshop with staff, Fisheries, and DOE to brainstorm with them which option would work. Mary Swenson noted that they are trying to schedule a meeting with Fisheries, officials from Olympia, and DOE to let them know what the situation is and what the urgencies are. She said the agencies really want to have a preferred proposal. They do not want a variety to work through. She also said she felt it would be easier to have this be a meeting with just staff.

Motion by Councilmember Seibert, seconded by Councilmember Smith to select Option 2 as the preferable method.

Discussion

Councilmember Leighan noted that they needed to select the option that was most cost-effective and the most easily permitted. He said he would not be supporting Option 2.

Councilmember Wright said she echoed Mr. Leighan's comments. Councilmember Vares said because of the costs she would not be supporting Option 2.

Councilmember Soriano asked about a pumping system for the in-stream option if that would be required. Mr. Nielsen said that pumping systems in general are not that expensive, but the maintenance would be a cost to consider. Most engineers try to stay away from pumping and try to stick with gravity if possible. Councilmember Seibert asked if pumping would just be a consideration for Option 2. Mr. Nielsen said they would have to look at that more closely with each plan and could not anticipate that in advance. Mr. Seibert suggested the potential to get grants, the offer of property by Fish and Wildlife and the opportunity to use this, as mitigation for developments would actually make this less expensive than it appears.

Mr. Leighan referred to the developer option. He asked if the City has the ability to offer a franchise. City Attorney Grant Weed was not certain, but thought the City could have some authority in that area. Councilmember Leighan remarked that the developer felt he could permit this more quickly than the City and that this might be the most cost-effective. There was more discussion about franchising, prevailing wage and recovery contract issues.

Ms. Smith referred to Mr. Seibert's comments and thought that if there was some mitigation credit it would make that option more appealing. She asked for more specifics and more information from the agencies before a decision was made. Mary Swenson reiterated that there would be no definitive answer from the agencies until there was a preferred option.

Motion failed (2-4) with Councilmembers Leighan, Soriano, Wright and Vares voting against.

Motion by Councilmember Leighan, seconded by Councilmember Vares to move forward with Option 1 as the preferred alternative. **Motion** passed 4-2 with Councilmembers Smith and Seibert voting against.

NEW BUSINESS

F. Draft Purchase Offer from Seattle-Northwest Securities Corporation for \$7,120,000 LTGO Bonds, 2003.

Steve Gaidos, of Steve Gaidos Consulting, LLC

Mr. Gaidos gave the background as to where they were and how they got there. He noted it was clearly an advantage to have insurance on the bonds. Seattle-Northwest Securities put the bonds on the market ten days ago. Last Friday they determined the best interest rates. Today they again assessed the market and made minor adjustments. They went out to the market. 47% of the bond issue was unsold, but Seattle-Northwest committed to purchase the remainder. The final ordinance accepts Seattle-Northwest Securities'

purchase offer for \$7,130,000 LTGO bonds. Mr. Gaidos explained that he felt this was a very good interest rate for the City. He recommended that the City accept the offer by Seattle-Northwest Securities.

Lee Voorhees, Foster Pepper and Shefelman, Bond Counsel

Mr. Voorhees explained that the ordinance has gone through a series of drafts and was finished today when the amounts could be inserted. Passage of this ordinance would authorize all things necessary to deliver this to the purchaser. The only Council action necessary would be to pass the ordinance. He reviewed the different sections of the ordinance. Councilmember Leighan asked how the possible sale of the Allstate building might affect this bond. Mr. Voorhees said he had not heard discussion of the building being sold to a private party. He said if the City sold the building it would be optional for the City to decrease the bonds or take some of the money and use it for any other lawful city purpose such as using the funds to build a new city hall.

Jean Baker, Seattle-Northwest Securities

Ms. Baker said that Seattle-Northwest is very pleased to be making this offer to the City tonight. She explained the process of getting to this point. There were no questions.

Motion by Councilmember Jeff Seibert, seconded by Councilmember Lisa Vares to accept the purchase of the bonds and to approve Ordinance No. 2478. **Motion** passed unanimously (6-0).

Mary Swenson thanked the staff members, especially Finance Director Sandy Langdon, for their hard work on this issue.

A. Youth Peace Park Phase II.

Mary Swenson gave the background for this proposal. There had been a Community Mobilization Grant to construct a memorial wall at Youth Peace Park. Governmental Affairs committee felt this was extremely well done. Ms. Swenson discussed the grant amount and that the additional amount would come from the Gellerson donation. It would be completed on June 20. Windermere Real Estate agents and staff will be assisting with this as a community service project. Kayla Flynn, Marysville Recreation Coordinator addressed the Council with updated grant information (Washington State Meth Initiative and the Meth Action Team) and amounts.

Zoe Hallgren 7711 59th Avenue NE, Marysville

Ms. Hallgren noted that on the west end of the park there are blackberry brambles. She suggested cleaning that area up.

Motion by Councilmember Vares, seconded by Councilmember Leighan to approve the addition to Youth Peace Park in the amount of \$3, 225 as presented to Council. **Motion** passed unanimously (6-0).

B. Cedarcrest Restaurant Lease Extension with Patrick and Kathy Regan d.b.a. Cedarcrest Family Restaurant.

Mary Swenson said this is to formalize the temporary agreement that they had with the owners of Cedarcrest Family Restaurant. This was briefed to Council in Executive Session at the last work session. She said there is a section that needed to be eliminated on Page 2, Number 3B starting with "tenant will maintain" through number 4.

Motion by Councilmember Leighan, seconded by Councilmember Jeff Seibert to approve the lease agreement. **Motion** passed unanimously (6-0).

There was a recess from 8:55 p.m. until 9:00 p.m.

C. Residential Density Incentives and Landscaping Developing Standards Draft Code Amendments.

Cheryl Dungan, Senior Planner reviewed various project scenarios and the appropriate density calculations and density bonus that would be allowed. She compared the existing code to the proposed code changes.

Councilmember Wright asked why they had the maximum number. Senior Planner Dungan explained that the maximum bonus allowed through the PRD process is 20% of the number of lots that are permitted. Community Development Director Gloria Hirashima commented that the 20% is the maximum cited in the PRD code; however they have discussed increasing the PRD bonus incentive. Councilmember Seibert commented that it would defeat the purpose of the zoning to increase the bonus densities by too much.

Councilmember Leighan asked about the lot sizes. Ms. Dungan explained that the smallest lot size would be 5,000 square feet for a single family detached lot. Ms. Hirashima added that there are also smaller lot sizes allowed for some attached housing.

Community Development Director Hirashima discussed the history of the code revisions and the mathematical system used to calculate bonus densities. Mr. Leighan asked how this compares to what the county is doing. Ms. Hirashima said the code has recently gone through a lot of change, but used to be much more subjective. She thought they perhaps had gone to a more mathematical approach. He asked about their minimum lot size. Ms. Hirashima was not sure about their minimum lot size. She explained that they did give a 20% bonus to the gross acreage. Mr. Leighan then asked what leeway the City had to approve or not approve trail proposals if they were a benefit or not a benefit to the City. Ms. Hirashima said the City had the right to approve the trails. Councilmember Smith asked about the County using wetlands as "created space".

Councilmember Seibert asked if a developer could use other incentives if a submitted project was not approved. Ms. Dungan explained that they could. She went on to explain that park proposals were routed to the Parks Department to see if they would even consider a park dedication in that area. Mr. Seibert clarified that the City would be responsible for the upkeep of the trails. Ms. Dungan explained that he was correct.

Tom Wells, 3038 108th Avenue SE, Bellevue, WA 98004

Mr. Wells commented that any remaining developable land is available because it has developing challenges and requires creative solutions. No two sites are the same. Current RDI provides incentives for a limited number of proposed projects. Smaller projects cannot use open space trails and parks incentives. The historic site incentive was not usually an option. The energy incentive was also not available. He said that the proposed revisions are a big step in the right direction. By adding new incentives such as affordable housing, stormwater, project design many more projects will be able to utilize these incentives. He encouraged Council to adopt the proposed revisions.

Discussion:

Councilmember Leighan asked about added incentives. He said there did not appear to be a lack of development in Marysville so he wondered why they would want to make these changes. Gloria Hirashima referred to some of the issues with some of the existing language. She also discussed the sections that had limited value as referred to by Mr. Wells. Finally, she said there was also a general concern about producing good design.

Councilmember Seibert referred to the density measures for the stormwater recreation areas and asked about screening. Ms Dungan explained that there was landscaping required for achieving the bonus. Even if not proposing a PRD there are new standards for landscaping screening. She clarified that it was a separate change.

Ms. Smith asked why there was a difference in incentives awarded to active recreation versus passive recreation. Ms. Dungan explained that there was more public benefit to active recreation facilities as opposed to passive. There was discussion about the purpose of, safety of and maintenance of dual use detention/retention facilities.

Ms. Hirashima responded to a question posed by Councilmember Seibert at the June 2nd work session about requiring a project design development team. She and City Attorney Grant Weed had discussed enforcement of keeping the team together throughout the project and had difficulty finding a solution to this issue. She recognized that it could be a potential issue. There was some discussion about this. Mr. Weed suggested the potential of losing some or all of the incentive. He also suggested not requiring the project design team, but instead encouraging it. Councilmember Seibert commented that he did not like the idea of the project design team because it seemed unenforceable.

Motion by Councilmember Jeff Seibert, seconded by Councilmember Suzanne Smith, to approve the revisions, except removing section 7D *Project Design*, and directing the City Attorney to come back with the Code Amendments. **Motion** passed unanimously (6-0).

D. Construction and Maintenance Agreement for Railroad Improvement to Mainline Grade Crossing at 116th Street N.E. and Accompanying WUTC Petition.

Public Works Director Jim Owens noted that staff was able to get some minor concessions to the railroad agreement. He felt the language was quite good. Councilmember Seibert asked City Engineer Nielsen if he had any more information about the sewer crossing there. Mr. Nielsen gave an update on that issue. He noted there was existing sewer on State Avenue at 116th on the east side of the road. The *Comprehensive Plan* calls for the sewer to go down 116th and 104th to bring sewer to that area. The boring could be included in at a later date with a change order. Mr. Seibert asked if there would be right of way adjacent to 116th so it wouldn't be right in the middle of the street. Mr. Nielsen said that it was a pretty tight area. He recommended working with the contractor and getting a change order at a later date. There was further discussion about the addition of a right turn lane. Councilmember Soriano asked if having part of the electrical work done by the railway was common practice. Mr. Nielsen was not sure, but noted that there is interface with the City.

Motion by Councilmember Donna Wright, seconded by Councilmember John Soriano to authorize the Mayor to sign the Construction and Maintenance Agreement and the accompanying WUTC Petition. **Motion** passed unanimously (6-0).

E. Wastewater Treatment Plant / Effluent Transfer Pipe – Easement Acquisition.

Jim Owens noted there are six pieces of property involved. One owner is not happy with the appraised value. The others are interested in the tax benefit. City Attorney Weed said this authorizes their office to commence condemnation proceedings if necessary. There was no public comment.

Motion by Councilmember Mike Leighan, seconded by Councilmember Lisa Vares to adopt Ordinance No. 2479. **Motion** approved 5-1 with Councilmember Suzanne Smith voting against.

ORDINANCES AND RESOLUTIONS

A. A Resolution of the City of Marysville, Washington Initiating Annexation of an Area Contiguous to the City Known as the Gribble Center Construction Annexation; Requesting the Snohomish County Council to Call an Election thereon; and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.

Motion by Councilmember Mike Leighan, seconded by Councilmember Suzanne Smith to adopt Resolution No. 2097. **Motion** passed unanimously (6-0).

INFORMATION ITEMS**A. Mayor's Business.**

Mayor Weiser gave his thanks to the Finance and Executive divisions and also to the Public Works crews who coordinated the move of City Hall offices this weekend to the new location as he had been out of town during the move.

B. Staff Business.

Robert Carden – nothing.

Sandy Langdon thanked Public Works staff and Facilities crews and everyone that helped out with the move on Friday, Saturday and Sunday during the hot weather.

Mary Swenson noted that they bought ice cream since it was so hot on Saturday.

Grant Weed – nothing.

Gloria Hirashima referred to the letter regarding the Lakewood Annexation. She said that three residents of the Lakewood area, Joel Hylback, Ralph Krutsinger, and John Carroll, are interested in getting information out to their community. They are asking City Council to reconsider the boundary that was approved for the Lakewood election. They would like the boundary to be at 172nd street instead of the entire UGA. They think the entire UGA is too ambitious. This would require a revised boundary description, which would require action by Council.

Councilmember Seibert commended the people that are participating, but he had concerns about scaling back the size of the annexation before they even had a chance to try. Ms. Hirashima said the residents felt it should be a more grassroots effort as opposed to the City doing a mailing. Mr. Seibert noted he was in favor of the annexation, but he had concerns about cutting out other residents. Councilmember Smith concurred with the thinking that a mass mailing would be less successful than a grassroots effort. She said she'd like to see a small map of the boundaries and a rough estimate of the number of people in each of the areas. Councilmember Leighan agreed that a smaller boundary would be more achievable. Councilmember Vares asked about running the areas concurrently. Ms. Hirashima was not sure about that.

Motion by Councilmember Jeff Seibert, seconded by Councilmember Suzanne Smith to bring this back at the June 16th work session. **Motion** passed unanimously (6-0).

Jim Owens commended his staff on the City Hall move.

Kevin Nielsen- nothing.

C. Call on Councilmembers.

Lisa Vares asked about the Public Works tour scheduled for June 14th. Jim Owens said that morning refreshment would be served prior to the tour commencing at approximately 8:45 a.m. An invitation will be forthcoming to Council and staff.

Mike Leighan asked about the status of the 2003 final budget.

Suzanne Smith referred to the 172nd Street issue and suggested a dinner with leaders of Arlington and legislators to discuss the issues.

John Soriano asked Councilmember Seibert about the next tourism meeting. Mr. Seibert said it was on July 10th at City Hall.

Jeff Seibert asked about the utility payment box. Finance Director Langdon replied it had been moved to the new City Hall. Mr. Seibert also thanked everyone for their work on moving to the new location.

He then thanked the Chamber for providing their information on contacts.

Regarding the 172nd Street issue, Councilmember Seibert mentioned that he talked to a DOT worker who said it was a hot topic.

He then noted that on 4th Street going westbound at the I-5 interchange there is not a "No U-Turn" sign. He remarked that it created a traffic mess last weekend.


Donna Wright - nothing.

ADJOURNMENT

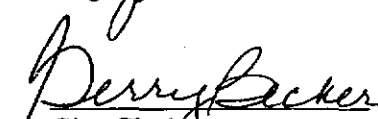
The meeting was adjourned at 10:25 pm.

ADJOURNMENT

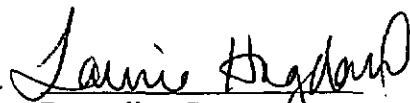
Approved this 23rd day of June, 2003.



Mayor
David Weiser



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl

MARYSVILLE CITY COUNCIL WORK SESSION

June 2, 2003

7:00 p.m.

Public Safety Center

CORRECTED: SEE 6/9/03
MINUTES**CALL TO ORDER/PLEDGE OF ALLEGIANCE/INVOCATION**

Mayor David Weiser called the June 2, 2003 Work Session of the Marysville City Council to order at 7:00 p.m. He then led the assembly in the Pledge of Allegiance. Mayor Weiser dispensed with the invocation, as there was no pastor in attendance.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following Councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers Jon Nehring, Jeff Seibert, John Soriano, Donna Wright, and Lisa Vares.

Staff: Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Kevin Nielsen, City Engineer; Jim Ballew, Parks and Recreation Director; Jeff Massie, Assistant City Engineer; Randy Brower, Program Engineer – Surface Water, Rob Lindsey, Golf Course Manager.

Mayor Weiser noted the excused absence of Councilmember Suzanne Smith.

COMMITTEE REPORTS

Councilmember Lisa Vares reported that the **Governmental Affairs Committee** discussed plans for the Youth Peace Park. She stated that they are tentatively scheduling a meeting with Arlington on June 30th to discuss the regional detention system. Councilmember Jeff Seibert noted that the Skate Jam was well attended although rainy weather did not allow for the demonstration. He added that he had been impressed with the skills of the participants.

DISCUSSION ITEMS**A. Update - North Marysville Area Regional Stormwater Detention Feasibility Study.**

Program Engineer Randy Brower opened by saying they had been in contact with different regulatory authorities to evaluate the four options outlined by the Otak feasibility study that was discussed at a prior Council meeting. First he discussed the May 21st meeting he and Joe Simmler of Otak had with representatives from the Department of Fish and Wildlife, Rich Costello and David Brock. He noted that Fish and Wildlife's preference was the in-stream option. Additionally they indicated that the City would have

to apply for the hydraulic project improvement process through the State Department of Fish and Wildlife that would require a Joint Aquatic Resources (JAR) permit application. They also indicated that they would like the entire project to be applied for under one permit with a phase scenario.

On a positive note, he reported that:

- Although Chinook Salmon and Bull Trout are on the endangered species list the area under consideration is not thought to be a strong habitat for those fish. This could result in more flexible permitting conditions.
- Army Corps of Engineers and the DOE would likely be involved with regard to the wetland impact and water quality regulation.
- Fish and Wildlife owns a 10-acre parcel in north Marysville and may be willing to partner with the City in utilizing that land.

Concerns they had were that there might be a need to pump water further upstream and an issue with removing or rerouting water from sub-basin to sub-basin.

Also discussed:

- The need to complete the SEPA process.
- The need to coordinate with the County on several project-related permits.
- Status of the Interlocal Agreement between Snohomish County and the City.
- Regional facilities studies to allow for additional comments by Fish and Wildlife staff.
- Meeting again soon.

On Friday, May 29th Mr. Brower and Mr. Simmler of Otak had a meeting with Randy Slate, Chief Engineering Officer for Snohomish County Planning and Development Services and one of his staff members, John Seal, to propose the four alternatives that the City is proposing. They also discussed the difference between the scale of the regional ponds the City is discussing versus the regional detention pond that was initially referenced in the Drainage Needs Report.

Comments from Randy Slate and John Seal included:

- Option 2 was the most consistent with the Quilceda Allen Watershed Implementation Plan.
- They had concerns with Options 3 or 4 regarding the railroad grade proposed to be used as a berm. They felt it was difficult to work with the railroad and suggested utilizing a consultant with national coordination experience working with the railroads.
- Permit issue concerns – will need to provide everything for permit review up front.
- Need to pursue grading permit and work through critical area study particularly the mitigation plan element.
- Randy Slate did not see the requirement for an Environmental Impact Statement at this point. He felt critical concerns could be addressed through existing ordinances.

- ◆ Snohomish County Surface Water Management Group might see Lakewood Area as a priority due to the historic drainage problems there.
- ◆ Discussed financing.
- ◆ Drainage District #5 is still in existence. Need to identify the boundary and receive a list of parcels and the ownership of people who historically have participated.
- ◆ John Seal suggested community meetings to get input.
- ◆ Randy Slate suggested putting forward preferred option that would allow for specific County comment and review. Look at critical areas regulation theme called Innovative Development Design in order to get meaningful comment.

Mr. Brower then commented that Joe Simmler of Otak had spoken with Ed O'Brien of Department of Ecology regarding the basin-planning minimum requirements identified in the current DOE Stormwater Management Manual for Western Washington and for the Stormwater Management Manual of the Puget Sound Basin. Mr. O'Brien said there would be an internal meeting on June 4th to look at how basin planning might support efforts in different communities. As of today there has not been a successful basin-planning project approved by the DOE, however King County is currently working with the DOE to develop the Des Moines Creek Model, which is encouraging for the City. Mr. Brower went on to describe the specifics of the Des Moines Creek Model that will be using an HSPF model. They will be using 2-3 regional detention ponds. They are doing a hydrogeologic study to estimate sediment movement under a forested condition and existing conditions. An "erosivity index" would allow comparing energy conditions under different conditions. Des Moines is proposing a flow control basin plan and not focusing on water quality concerns. They may also be pumping groundwater back upstream.

Public Works Director Jim Owens then commented on the opportunities that may have opened up to fact that the drainage district may still be active. He said it looks like they are starting to see a consensus on Option 2. He stated it was very favorable that they considered a phased-in aspect. He feels the preliminary information is very positive.

Councilmember Seibert asked for confirmation that they were favorable to a phased-in approach. Randy Brower clarified that they would submit the master plan with the phased-in elements. Councilmember Jon Nehring asked about the order of the phases. Mr. Owens did not think it mattered as long as each element worked on its own and the end plan was approved. Councilmember Nehring asked about using existing sewer capacity on a temporary basis. Mr. Owens said there was limited availability, but there might be a problem in the event of a major storm. He stated that there was not certainty that this would be an option.

Councilmember Lisa Vares confirmed that there has not yet been a successful basin plan approved by Department of Ecology. Randy Brower indicated that she was correct. Ms. Vares asked when the Des Moines Creek Model might be approved. Mr. Brower was not sure. Ms. Vares had concerns about waiting for them to be in compliance. She had thought that they would be asking the regulatory agencies about fatal flaws in the various options, not for their preferences. Jim Owens responded that none of the options had fatal flaws if

the railroad is cooperative. He said that they did not want the City to send them four options. They only want to be sent one for approval.

Councilmember Mike Leighan had concerns about the bureaucracy of all this. He did not think the news was encouraging and thought that the City should stop waiting and take action. Jim Owens commented that the problem is that there has not been any plans like this approved yet which could be good or bad for the City. He had hoped to find fatal flaws in order to eliminate options, but that was not the case. Mike Leighan suggested that Option 1 with the four different ponds would be the easiest plan to phase in. Kevin Nielsen, City Engineer, commented that the federal agencies don't work well without specifics. Mr. Leighan responded that this was more reason to give them a plan to get specific feedback in order to get moving on this.

City Attorney Grant Weed asked if any of these options had the possibility of annexing lands in order to improve the efficiency of permitting.

Councilmember Nehring commented that the delay was devastating and that he liked the idea of getting something started.

Chief Administrative Officer Mary Swenson discussed working with the regulatory agencies and mentioned an upcoming meeting with the permit streamlining office in Olympia.

There was general consensus to decide on a preferred plan at the next Council meeting. Mayor Weiser thanked Randy Brower for his report.

B. Cedarcrest Golf Course Business Plan 2003-2004.

Rob Lindsey, Golf Course Manager, reviewed the Business Plan section by section. He began by discussing the challenges the golf course has faced and the plans to improve its position. He said the focus is on being the best-valued golf course.

Detailed Composition Analysis - Mr. Lindsey reviewed the competitive analysis of regional courses noting that there are a lot of golf courses and Cedarcrest needs to be competitive with value. He discussed ads they have placed in the Herald newspaper and in local golf magazines. Councilmember Leighan asked how the rating was determined. Mr. Lindsey explained that it was his personal impression from visiting the golf courses. He believes the golf course is right in the middle of the pack as far as amenities. He noted that the lack of a hitting range was a weakness.

Fee Analysis - Councilmember Nehring asked about the biggest competitor. Mr. Lindsey said that it was Battle Creek. There was discussion of the \$2 increase proposed in the plan and how the rates are determined. Mr. Lindsey feels the market will definitely bear the increase in rates and it will help to pay off the debt. The 2004 Budget Model includes a \$2 fee increase across the board.

Executive Summary and Action Plan Recommendations – Mr. Lindsey explained how they projected revenues based on the cost of a round of golf. He noted that their goal is to monitor this weekly as well as monthly. Parks and Recreation Director Jim Ballew emphasized that this is a model and it will need to be continually monitored and evaluated.

Marketing Plan – Mr. Lindsey reviewed the Marketing Plan and welcomed ideas about how to run things better stating that they want to continually add things to the action plan.

First Quarter 2003 Reports – Mr. Lindsey reviewed the reports and stated that they hope to bring Council monthly reports. There was some discussion about the reasons for payroll costs fluctuations. Mr. Lindsey explained that it had to do with incorporating a new system. There was discussion about the ideal number of rounds to be played on the course. Mr. Ballew and Mr. Lindsey agreed that 50,000 rounds per year was a good goal to shoot for. Councilmember John Soriano inquired about internet advertising. Mr. Lindsey replied that they are on a lot of golf websites although the difficulty is that many have incorrect information about the course. Their plan for the future is to have an on-line reservation system that incorporates a point of sale system.

Tournament Schedule – Mr. Lindsey discussed the types and the numbers of tournaments. He stated that they try to increase this area every year. They have been bringing in groups from all over. One reason tournaments are desired because they are guaranteed regardless of the weather. There was some discussion about the current economic situation playing a part in the decrease in tournaments. Jim Ballew also expressed a desire to increase the number of tournaments.

Discussion:

Mary Swenson commented on the high quality of the maintenance crew and the high standards of the golf course. Mr. Lindsey concurred that the maintenance crew was outstanding.

Jim Ballew commented that the staff has gone through the Business Plan, but it is not completely done. He discussed the recommended fee increase and said they would still be very competitive in the market. There was also discussion about the debt service and the sale of the bonds. He said they would also need to look at staffing strategies and the lease agreement with the restaurant operators.

Councilmember Vares commented that she was in favor of raising the rates and that it might work to raise expectations about the level of quality of the golf course.

Councilmember Seibert asked about the range for the fees based on an initiative. Mr. Ballew explained that he thought the rate had already been approved.

CONSENT AGENDA ITEMS

C. Approval of Liquor License Renewal for Fred Meyer #0209, Captain Dizzy Exxon, Jim's Texaco & Grocery, Marysville Deli & Video, and That Burger Place.

There were no comments or questions on this item.

D. Approval of New Liquor License for Noble Palace and King Buffet.

There were no comments or questions on this item.

E. Authorize Mayor to Sign Intergovernmental Cooperative Purchasing Agreement with Clark County.

There was discussion about the use of interlocal agreements and the legalities involved with this matter.

F. Authorize Mayor to Sign Pipeline License for Construction Activities Associated with State Avenue Trunk Sewer Extension Project with BNSF Railroad.

Councilmember Seibert asked why the sewer was going under the tracks here, but not on 116th Street (see below). Kevin Nielsen explained that it hadn't been included in the original plan, but it would be a good idea while they were working in that area. He said they could consider changing the scope of the boring at 116th if Council was interested.

G. Authorize Mayor to Sign Three (3) Pipeline Licenses and the Temporary Occupancy Permit from BNSF Railroad for Construction Activities Associated with State Avenue (116th Street N.E. to 136th Street N.E.) Project.

There were no further comments or questions regarding this matter.

H. Approval of 2003 Strawberry Festival Proposal.

Mary Swenson noted that the car show had been cancelled. She also informed Councilmembers that UPN Channel 11 is televising the parade live and will be allowing the City to do a 30-second spot which will be filmed this week.

REVIEW BIDS

A. 2003 Crack Sealing Project.

Councilmember Leighan asked if the asphalt truck had the capability to do this. Mr. Owens explained that it would not work. Councilmember Seibert further elaborated why this was necessary. Councilmember Seibert then asked about the budgeted amount and where the overage would come from. Mr. Owens responded that it would come from the Street Fund.

NEW BUSINESS

A. Cedarcrest Restaurant Lease Extension with Patrick and Kathy Regan d.b.a. Cedarcrest Family Restaurant.

Mr. Ballew explained that Mr. and Mrs. Regan have already signed an agreement. He noted that the section regarding "annual rent" had been removed.

B. Residential Density Incentives and Landscaping Developing Standards Draft Code Amendments.

Community Development Director Gloria Hirashima reviewed the residential density incentives and the landscaping development standards proposed code amendments.

Councilmember Leighan asked about the basis for increasing the residential density incentives for open space, trails and parks. Ms. Hirashima explained that their intent is to encourage good design in developments and the current code has not achieved that goal. Councilmember Leighan had concerns about the real benefit to both the City and the builder.

Councilmember Seibert inquired about maximum density. Ms. Hirashima explained that 20% density bonus would be the maximum density available. There was discussion about dedication of land and improvements, which would warrant bonus units. Councilmember Seibert suggested requiring better design standards instead of offering bonus densities because he felt that if it wasn't enough incentive many developers would choose not to use the bonus incentives and poorly designed developments would still get built. Ms. Hirashima explained how they are trying to balance stormwater requirements with producing attractive stormwater facilities. Councilmember Seibert then asked about the rationale for the requirement to not use screening for City maintained ponds. There was some discussion about this.

Councilmember Vares inquired about the benefit to a developer donating land on which they could otherwise be building. Ms. Vares had concerns that this would not be significant enough an advantage to motivate builders to utilize these advantages.

There was a Motion by Councilmember Jon Nehring, seconded by Councilmember John Soriano to extend the work session for 15 minutes until 9:45 p.m. Motion was approved 5-1 with Councilmember Leighan voting against.

Councilmember Soriano inquired about the requirements for the historic preservation bonus. There was some discussion about the definition of "historic significance". It was noted that the Planning Commission would oversee this.

Councilmember Donna Wright referred to the examples of different plat densities. She asked how they were looking under Growth Management. Ms. Hirashima explained that there had been a concern by Planning Commission that they weren't meeting the

Comprehensive Plan densities and Growth Management projections. Ms. Hirashima added that they are meeting density projections in the Comprehensive Plan.

Councilmember Seibert asked about the reason for the requirement of a utilization of a design development team. Ms. Hirashima explained that the coordination of a team throughout the project helps to produce a better end result.

There were no further comments or questions on this matter.

INFORMATION ITEMS

A. Call on Councilmembers

Councilmember Nehring explained that he would be out of town next week and had asked to have this Call on Councilmembers. He has been thinking about economic stimulus for Marysville. Mr. Nehring commented that he had gone to a tribal luncheon this week, which was pretty impressive. They had discussed the tribes' plans for the future. He noted that he likes the Gardener Johnson report and the committees. They have been moving slowly as expected, but he is still supportive of those. He noted that in addition to the committees, people want to see leadership from the Council to provide economic stimulus in the short term. He asked for input about what Council could do to show folks that they are serious.

Some ideas that Mr. Nehring suggested for the short-term were:

- Select a period of time as soon as possible to do permitting within a certain number of days or money back.
- Raise the SEPA exemption threshold for commercial.
- Allow deferment of mitigation fee payments.
- Reduce the rate for businesses that want to locate in Marysville.
- North end zoning.

Mr. Nehring continued that he would like to see these items on the agenda for June 16th for staff to give feedback on feasibilities and legalities. He added that he is frustrated that more action has not been taken on this issue and he feels that they need to get serious about attracting businesses to Marysville. He discussed promoting changes on the website and working with the Chambers and the EDC.

Councilmember Seibert responded that the Land Use Committee is already working on streamlining the permit issue. This could cause trouble if a large number of permits came up at the same time. He suggested giving the committees more time to work through the issues.

Councilmember Nehring replied that there are some things that Council can do which do not require a committee. Other things do need to go through the committee process. He stated that he does support the committee process.

Councilmember Seibert had concerns about committees being frustrated about working on issues only to have Council jumping over them. Mayor Weiser commented that this could be a chance to get feedback from the committees.

Councilmember Leighan commented that he was frustrated about the lack of updates from the various committees and also about the lack of action on this issue.

Councilmember Vares encouraged Council to take action to get the message out to businesses that they are serious. Councilmember Seibert responded that a lot has been done in the last three months to move this forward. He felt that this would be pulling the plug on the committees and would result in frustration. Ms. Vares clarified that she felt this would be jumpstarting the committees and encouraging them. Councilmember Seibert stated that it would be better to take more time and get it done right.

Councilmember Nehring reiterated that this would be a temporary window of time until the long-term solutions were in place. He added that he is on two committees, one of which is really looking for direction from Council and the other one has not even met yet. He added that he definitely does not want to pull the plug on the committees.

Councilmember Seibert noted that the Land Use Committee has been meeting every two weeks. He stated that most of the things on this list have been discussed at their meetings. He asked Gloria Hirashima to include the minutes from their meetings in Council's packets.

Councilmember Nehring agreed that they needed updates from the committees.


Councilmember Soriano stated that he was in favor of encouraging the committees and economic development.

Motion by Nehring, second by Vares to put this item on the agenda for June 16. Motion passed unanimously (6-0).


ADJOURN

Mayor Weiser adjourned the Work Session at 9:45 p.m.

Approved this 9th day of June, 2003.


 Mayor
 David Weiser


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl

CONNECTED: REC-6/19/03
 MINUTES 96 Staff