

May 10, 2004

Marysville City Council  
7:00 p.m.

**ORIGINAL**  
000248 City Hall

<b>Call to Order/Invocation/Pledge of Allegiance/Roll Call</b>	<b>7:00 p.m.</b>
Excuse absence of Councilmember Donna Wright	Approved
<b>Presentations</b>	
Swearing-in of K-9 Officer Teams: Officer John Hendrickson and Shadow; Officer Stacey Dreyer and Radar and Officer Joby Johnson and Brody	
<b>Approval of Minutes</b>	
April 26, 2004 City Council Meeting	Approved
May 3, 2004 City Council Work Session.	Approved
<b>Consent Agenda</b>	
Approval of April 28, 2004 Claims in the Amount of \$2,032,070.63; Paid by Check No. 14730 through 14874 with Check No. 14311 Void.	Approved
Approval of May 5, 2004 Claims in the Amount of \$1,110,230.79; Paid by Check No. 14875 through 15027 with Check No. 14816 & 14848 Void.	Approved
Approval of May 5, 2004 Payroll in the Amount of \$754,642.13 Paid by Check No. 12573 through 12650.	Approved
Approval of Public Works Trust Fund Loan Execution for the Wastewater Treatment Plant Phase 2.	Approved
Acceptance of the 2004 Edward Springs Generator Project; and Begin 45- day Lien Filing Period.	Approved
Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan; and Preliminary Plat for Bucher Highlands; PA 011055.	Approved
Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density for Northwest Ridge; PA 03032.	Approved
Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density Incentives for Getchell Hill PRD; PA 0307022.	Approved
Affirm the Hearing Examiner's Decision to Approve Rezoning the Borseth Construction Parcel from Medium Density Multi-Family (R-18) to Neighborhood Business (NB) and Amending the Official Zoning Map of the City of Marysville.	Approved
<b>Review Bids</b>	
Reject the bid from Marshbank Construction and award the contract to Premium Construction Group in the amount of \$2,846,397.35 including sales tax and a management reserve in the amount of \$284,640.	Approved
Approve the bid for Strawberry Fields Phase II – Lighting and Electrical project to Service Electric in the amount of \$367,573.05, plus tax and authorize the Mayor to sign the contract to approve a 10% management reserve of \$36,750, subject to resolution of the warranty issue as stated by City Attorney Weed.	Approved
Award the bid for the Effluent Transfer Pipeline – Contract B to Michels Corporation in the amount of \$3,598,641.20, including sales tax and to authorize the Mayor to sign the contract documents, approve a 10%	Approved

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000249

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management reserve of \$359,864.12, including sales tax.	
<b>Public Hearings</b>	
Grimm Annexation; PA 0101003; Approve resolution for the annexation and pre-zone, and authorization to transmit the annexation to the Snohomish County Boundary Review Board for review.	Approved
<b>Current Business</b>	
None	
<b>New Business</b>	
Contract for Deferred Construction of Curb, Gutter and Sidewalk; Steve Gregory & Chris Dill	Tabled the Request until policy is reviewed
<b>Legal</b>	
None	
<b>Resolutions and Ordinances</b>	
Approval of an Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by John & Anne Bucher Amending the Official Zoning Map of the City of Marysville (Bucher Highlands).	Approved Ord. 2518
Approval of an Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Truman Hegge; Amending the Official Zoning Map of the City of Marysville (Northwest Ridge).	Approved Ord. 2519
Approval of an Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by RD&F, Inc; Karl Lambert; Dale & Velma Olson; Gerald & Mary Royal; Fred & Chloe Waters Amending the Official Zoning Map of the City of Marysville (Getchell Hill).	Approved Ord. 2520
Approval of an Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning a Parcel of Property Owned by Borseth Construction Amending the Official Zoning Map of the City of Marysville.	Approved Ord. 2521
Approval of a Resolution of the City of Marysville Stating Its Intention to Annex and Zone a Certain Unincorporated Area Known as the Bob Grimm Annexation into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.	Approved Resolution 2121
<b>Mayor's Business</b>	
Peace Officer's Memorial Day – Wednesday, May 12, 8:30 a.m.	
<b>Adjournment</b>	<b>9:05 p.m.</b>
<b>Executive Session</b>	<b>9:15 p.m.</b>
1. Brad Rengen – Temporary Easement; Settlement Agreement; and Lease Amendment. 2. Guzman Property Purchase Option Agreement.	Approved Authorize Mayor to Sign
<b>Adjournment</b>	<b>9:42 p.m.</b>

MARYSVILLE CITY COUNCIL MEETING 000250

May 10, 2004

7:00 p.m.

City Hall

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

Mayor Dennis Kendall called the May 10, 2004 meeting of the Marysville City Council to order at 7:00 p.m. Tom Albright, Marysville United Methodist Church, gave the invocation and then Mayor Kendall led those present in the Pledge of Allegiance.

**ROLL CALL**

Chief Administrative Officer Mary Swenson called the roll. The following staff and councilmembers were present.

**Mayor: Dennis Kendall**

**Council:** Mayor Pro-Tem Jon Nehring, Councilmembers Lee Phillips, Jeff Seibert, John Soriano, Lisa Vares and Jeff Vaughan.

**Staff:** Robert Carden, Chief of Police; Sandy Langdon, Finance Director; Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Phil Williams, Interim Public Works Director; Gerry Becker, City Clerk; Jim Ballew, Parks and Recreation Director; Jeff Massie, Assistant City Engineer; Kevin Nielsen, City Engineer; and Michelle Cash, Recording Secretary.

Mayor Kendall noted that Councilmember Donna Wright was absent. **Motion** made by Councilmember Vares, seconded by Councilmember Vaughan to excuse her absence. **Motion** passed unanimously (6-0).

**COMMITTEE REPORTS**

*Committee Reports were skipped. See notes below.*

**PRESENTATIONS**

**Swearing-in of K-9 Officer Teams:**

Mayor Kendall swore-in Officer John Hendrickson and Shadow; Officer Stacey Dreyer and Radar; and Officer Joby Johnson and Brody. He was greeted with wagging tails and barks. Mayor Kendall also thanked the K-9 Team and said that they were a great addition and asset to the Police Force.

Mayor Kendall reported that the Marysville Police Department K-9 year-to-date cash donations totaled \$32,838. The value material donated was \$3,354 for a grand total of

\$36,192 in donations. There have also been 100 applications over the past year for K-9 tracking with 27 captures. In the Narcotics division, there have been over 25 applications with 8 search warrants issued, because of the use of the dog; 6 search warrants with Marysville Entry Team; and on 2 separate occasions, stolen guns were recovered and taken off the streets. These are just a few of the many accomplishments the teams have made commented Mayor Kendall. The dogs are also scheduled to go to Arlington High School and Tulalip Heritage School.

Mayor Kendall then read the Proclamation for Police Officer's Week proclaiming that May 9-May 16, 2004 is designated as "Police Week." Mayor Kendall encouraged all citizens of Marysville and all patriotic, civic and educational organizations to observe Police Week. He further called upon all citizens of Marysville to observe Wednesday, May 12, as Peace Officers' Memorial Day. The Mayor presented the Police Officer's Week Proclamation to Robert Carden, Chief of Police.

Chief Carden thanked Mayor Kendall for the acknowledgement.

The meeting was recessed from 7:10 p.m. until 7:20 p.m. for a reception to celebrate the swearing-in and newest officer teams. Mayor Kendall also thanked Marla Ringen, Business Office Supervisor and the Police Department for providing the reception refreshments.

After the reception and on behalf of the Police Department Chief Carden thanked the citizens, the Councilmembers and Mayor Kendall for the K-9 program. In all of his years of service, he has never ended up with a donation value of over \$36,000. He then reiterated Mayor Kendall's comments about the program's success and mentioned that the Narcotics team hadn't completed their training when they were receiving calls for their services. Chief Carden also thanked Mayor Kendall for recognizing Peace Officer's Memorial Week and noted that a wreath will be placed on Wednesday, May 12 at 8:30 a.m. at the Marysville Library acknowledging Police Officer's Week.

#### **AUDIENCE PARTICIPATION**

Mayor Kendall solicited audience participation on items not listed on the agenda. There was none.

#### **APPROVAL OF MINUTES**

##### **A. April 26, 2004 City Council Meeting.**

**Motion** made by Councilmember Nehring, seconded by Councilmember Vaughan to approve the minutes as presented. **Motion** passed unanimously (6-0).

##### **B. May 3, 2004 City Council Work Session.**

Councilmember Phillips noted he would be abstaining from the vote since he was not present at the meeting.

Councilmember Seibert noted on Page 3, under Public Hearings/Grimm Annexation "*Councilmember Seibert expressed concerns on where the responsibility lies for this annexation...*" should be clarified as to who was going to improve the road due to some of the roads being substandard.

Councilmember Seibert also noted on Page 5, under Call on Councilmembers, Councilmember Wright noted that she will be in Washington D.C. on the May 10<sup>th</sup> Council meeting and Work Session on May 17<sup>th</sup>, rather than May 8<sup>th</sup> and May 16<sup>th</sup> as originally stated in the minutes.

**Motion** made by Councilmember Vaughan, second by Councilmember Vares to approve the minutes as amended by Councilmember Seibert. **Motion** passed unanimously (6-0).

#### CONSENT AGENDA

- A. **Approval of April 28, 2004 Claims in the Amount of \$2,032,070.63, Paid by Check No. 14730 through 14874 with Check No. 14311 Void.**
- B. **Approval of May 5, 2004 Claims in the Amount \$1,110,230.79; Paid by Check No. 14875 through 15027 with Check No. 14816 and 14848 Void.**
- C. **Approval of May 5, 2004 Payroll in the Amount of \$754,642.13; Paid by Check No. 12573 through 12650.**
- D. **Approval of Public Works Trust Fund Loan Execution for the Wastewater Treatment Plant Phase 2.**
- E. **Acceptance of the 2004 Edward Springs Generator Project; and Begin 45-day Lien Filing Period.**
- F. **Affirm the Hearing Examiner's Decision and Approve the Rezone; Preliminary Site Plan; and Preliminary Plat for Bucher Highlands; PA 011055.**
- G. **Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density for Northwest Ridge; PA 03032.**
- H. **Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density Incentives for Getchell Hill PRD; PA 0307022.**

**I. Affirm the Hearing Examiner's Decision to Approve Rezoning the Borseth Construction Parcel from Medium Density Multi-Family (R-18) to Neighborhood Business (NB) and Amending the Official Zoning Map of the City of Marysville.**

Mayor Kendall asked if any councilmembers wished to remove any of the consent agenda items for further discussion. Councilmember Seibert asked to remove item F.

Motion made by Councilmember Vares, seconded by Councilmember Soriano to approve consent agenda items A-E and G-I. Motion passed unanimously (6-0).

Regarding item F, Councilmember Seibert asked Gloria Hirashima, Community Development Director, if Exhibit #54 was addressed in a timely manner. Ms. Hirashima responded that they were addressed in a timely manner.

Motion made by Councilmember Seibert, seconded by Councilmember Nehring to approve consent agenda item F. Motion passed unanimously (6-0).

**REVIEW BIDS**

**A. Ebey Slough Waterfront Park; P9405.**

Grant Weed, City Attorney, gave a staff report because there have been some legal issues that were raised regarding the Ebey Slough bid. The bids were opened for the Ebey Slough Waterfront Park on April 29 at 2:00 p.m. Marshbank Construction was the apparent low bidder (approximately \$2,618,037.50). The second low bidder was Premium Construction Group at \$2,625,824.81—approximately \$7,700 difference between the two companies. Marshbank Construction failed to list a plumbing subcontractor for work within the restroom and did not list itself as performing the work. State law, specifically RCW 39.30.060/Subsection 1, requires that contractors list all subcontractors that are performing work for heating/ventilation, electrical, plumbing and mechanical work or list oneself as doing the work. The failure under this statute to either list those subcontractors or list oneself as performing the work results in the bid being non-responsive and therefore void. This is specifically stated under the state law.

Mr. Weed continued by explaining that Premium Construction submitted a written bid protest and Marshbank Construction was given an opportunity to respond to the bid protest. In essence, Marshbank Construction's response was that by not listing the subcontractor it meant that they intended to do the work themselves, even though they did not specifically name themselves as intending to do the plumbing work. Mr. Weed pointed out that this is contrary to the state law in the bid instructions that the City issued, specifically Item #4. As a result, City staff and Mr. Weed recommended that the bid for Marshbank Construction be void and not responsive. Furthermore, they recommended that Premium Construction Group be awarded the construction contract.

Phil Williams, Interim Public Works Director, added that Premium Construction Group's references have been checked and they have been found to be entirely satisfactory. They have done work for the City of Marysville in the past.

Mayor Kendall solicited any other audience participation regarding the Ebey Slough Waterfront Park Consideration of Bids.

**Mark Alde, Senior Project Manager/Senior Estimator, Premium Construction Group, 12014 – 20<sup>th</sup> St. SE, Everett:** Expressed that in construction, errors are made in bid documents from time to time. The Marshbank Construction violation was in direct violation with the RCW. Mr. Alde pointed out that on their bid form they listed themselves as doing the "dirt work" as well as the subcontractor to perform the plumbing work for this project. On behalf of Premium Construction Group, Mr. Alde expressed his pride in being able to perform a very prominent project and looked forward to working with the City. He also thanked the Council for their time and consideration.

Mayor Kendall asked if there were any other bidders present who wished to comment. There were none.

**Motion** made by Councilmember Vares, seconded by Councilmember Nehring to reject the bid from Marshbank Construction and award the contract to Premium Construction Group in the amount of \$2,846,397.35 plus sales tax; and a management reserve in the amount of \$284,640. **Motion** passed unanimously (6-0).

City Attorney Weed clarified that the bid amount of \$2,846,397.35 included sales tax. **Motion** made by Councilmember Vares, seconded by Councilmember Nehring to award contract as revised by Mr. Weed. **Motion** passed unanimously (6-0).

Mary Swenson, Chief Administrative Officer mentioned the awarding of the Ebey Slough Waterfront Park Bid should be celebrated. She is looking forward to the waterfront access.

#### **B. Strawberry Fields Phase II – Lighting & Electrical; P0303.**

Phil Williams summarized the bid process for the council. Bids were opened on May 6. The City received five bids that ranged from approximately \$323,000 to approximately \$363,000. It was recommended that the bid be awarded to the lowest bidder, which was Service Electric Company at \$322,777.

Mr. Williams further explained that there was a bid alternate, which involved providing an extended warranty on the soccer field flood lights. The service added an additional \$16,000 cost for the extended warranty. When added this portion to the recommended bid, the total bid is \$338,777, plus sales tax for a total contract award of \$367,573.05. A 10% management reserve was also recommended to accompany this bid, which would add an additional \$36,750, bringing the grand total to \$404,323.05.

Councilmember Seibert referenced previous conversations of limiting the management reserve to 5% versus 10% and asked why 10% was requested for this project.

Mr. Williams clarified that the larger the project the less management reserve is needed—thus the 5% reserve. Mr. Williams explained that when projects are smaller, a minor change in the project can easily consume the 5% reserve. He mentioned that the management reserve requested was 10% but any figure the Councilmembers feel compelled to give would be appreciated. He pointed out the management reserve would be used only if necessary. Councilmember Seibert thanked Mr. Williams for the clarification.

Jim Ballew, Parks and Recreation Director, clarified that there are a variety of warrantees as specified in terms of lights. Since the fixtures have not been identified, the warranty option can be decided at a later date (with one particular manufacturer, an extended warranty would not be required).

Councilmember Seibert asked for City Attorney Weed's recommendation on how to word the extended warranty issue. Mr. Weed suggested that the award be made subject to resolution of the extended warranty issue and possible return to council with a revision.

Mayor Kendall solicited audience participation. There was none.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert to approve the award of the bid for Strawberry Fields Phase II – Lighting and Electrical project to Service Electric in the amount of \$367,573.05 plus tax and authorize the Mayor to sign the contract to approve a 10% management reserve of \$36,750, subject to resolution of the warranty issue as stated by Mr. Weed. **Motion** passed unanimously (6-0).

**C. Effluent Transfer Pipeline – Contract B (HDD-S0004).**

Jeff Massie, Assistant City Engineer said the bids were opened on April 29, 2004. The bidders were pre-qualified for this project. Michels Corporation submitted the lowest bid of \$3,598,641.20. City staff recommends a 10% management reserve for this project. Mr. Massie referenced the previous conversation regarding management reserves and explained that for some of the Wastewater Treatment Plant projects that were multi-million dollar and/or were council directed a 5% management reserve was agreed upon as being adequate for that type of project. In this particular case, staff recommends a 10% management reserve because of some of the questionable and more risky areas within the project. However, the staff has done everything possible to try to shift the risk onto the contractor rather than the City. Mr. Massie further added that Michels Corporation had the best proposal and their list of references was impeccable (from Honolulu to Lake Superior).



Mayor Kendall solicited audience participation. There was none.

*Councilmember Discussion:*

Councilmember Vares mentioned that at one point there were issues with cost overruns and that is why the 5% management reserve was established. Since the management reserve figure was established, the staff and contractors have been much more accountable to the Council and projects have come in much closer to the bid price than before. However, Councilmember Vares would like to keep the management reserve at 5%.

Councilmember Seibert added that the nature of the Pipeline Project is risky. Therefore, in this instance, he agreed with the staff to have the 10% reserve on this project.

Councilmember Nehring supported the 5% management reserve in just about every instance but in this particular case, he supports a 10% management reserve.

Councilmember Soriano agreed that the Pipeline Project warrants a 10% management reserve, due to the technical process of this project.

Councilmember Vares agreed with the other Councilmembers but noted that the last few contracts have pled the case of the 10% management reserve and she would like 10% to not be the norm for projects.

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert to award the bid for the Effluent Transfer Pipeline – Contract B to Michels Corporation in the amount of \$3,598,641.20, including sales tax and to authorize the Mayor to sign the contract documents, approve a 10% management reserve of \$359,864.12, including sales tax. **Motion** passed unanimously (6-0).

Mayor Kendall thanked Jeff Massie, Assistant City Engineer, for answering council questions regarding this bid.

**PUBLIC HEARINGS.**

**A. Grimm Annexation; PA 0101003.**

Mayor Kendall solicited audience participation.

**Robert Velosio, 7829 – 59<sup>th</sup> Avenue Northeast, Marysville:** Expressed overall concern with the annexation project and wanted to know what was going on and why. He requested further information about what the difference is between County vs. City.

Gloria Hirashima, Community Development Director briefly discussed the differences with taxes, water, sewer, voting, etc. Ms. Hirashima mentioned that she will send Mr. Velosio additional information.

Councilmember Nehring mentioned that there is also a difference with Police response time. Police Chief Carden, added that the City is about 3-5 minutes on response to emergencies and about 10-15 minutes on response to non-emergencies. If Mr. Velosio's property is annexed, the police response time will be sooner living within the City of Marysville. However, quality for both organizations is good.

Mayor Kendall thanked Chief Carden and Mr. Velosio.

**Sara Erickson, 7615 – 59<sup>th</sup> Avenue Northeast, Marysville:** Inquired about future road widening and if the road is widened she wondered how much of the property would be taken and what the compensation would be. She also wondered if it would cost an additional expense to transfer to City water, garbage, sewer, etc. Lastly, since it is an older house, she wondered if there was a possibility that the house would be grandfathered in because the house has been in the neighborhood for a while.

Gloria Hirashima, Community Development Director responded to Ms. Erickson that 59<sup>th</sup> Avenue Northeast is a substandard road and that there are no imminent plans to improve the road. If there is a proposal to develop a portion of the land, the developer would be required to widen the road.

Ms. Hirashima also added that if her current sewer/water system is operational, then the annexation does not mean that the house needs to be converted onto City sewer/water. She clarified that if the septic system was to fail and City sewer was available, then she would be required to connect. Ms. Hirashima will also send Ms. Erickson additional information.

**Zoe Halgren, 7711 – 59<sup>th</sup> Avenue Northeast, Marysville:** Expressed her concerns regarding the City taking care of one side of the block but the Sheriff's department taking care of the other side of the block. She also expressed concern with the road being so narrow and the fact that sewer/water will probably never be able to reach her property. She also wished Councilmembers luck on their decision.

Ms. Hirashima commented on the delay of the Grimm Annexation. Because the project was started prior to the Supreme Court decision invalidating Petition Method Annexations and then in January the Supreme Court reversed their decision, the City later received a Certificate of Sufficiency stating the annexation could continue.

**Motion** made by Councilmember Nehring, seconded by Councilmember Vares to approve resolution for the annexation and pre-zone, and authorization to transmit the annexation to the Snohomish County Boundary Review Board for review. **Motion** passed unanimously (6-0).

**CURRENT BUSINESS.**

000258

There was no current business.

**NEW BUSINESS.**

**A. Contract for Deferred Construction of Curb, Gutter, and Sidewalk; Steve Gregory and Chris Dill.**

*Council Discussion:*

Councilmember Seibert would like to see a policy or ordinances changed to ensure the City is not held responsible to perform improvements for deferments, rather than the developer.

Mary Swenson, Chief Administrative Officer noted that this issue would be put on the agenda for general review. She clarified that this is a variance that can be approved by the Public Works Director.

Ms. Hirashima also clarified that the conditions have already been established and the designee is Dave Ostergaard, Development Services Manager. She noted that the council can wait to decide on this issue but the conditions and variance have already been established on the approval letter.

Councilmember Seibert expressed his concern that if a sidewalk needs to be built or there are more connections along a street, the project needs to be funded by the people that received the deferment, not by the City.

Ms. Hirashima stated that bonds and deferrals are two separate tools that cities use and they need to be used wisely. She recommended that the City examine other jurisdictions that use these two items to see how they handle them.

City Attorney Weed clarified that a variance has been approved with certain conditions but it is subject to signing the contract. Mr. Weed does not believe there is any vesting to the said applicant indicating that they are entitled to the contract. He further added that if the City would like to change its policy it can and then reflect the revisions in the contract.

Councilmember Seibert would like to wait on the deferment contract.

Councilmember Soriano reminded the council that city staff was granted the authority to administratively approve variances such as the one referenced. Councilmember Soriano recommended that the current deferment contract be dealt with and then conduct a future workshop to address changing the process.

Councilmember Vares agreed with Councilmember Seibert and would like to address the deferment issue.

**Motion** made by Councilmember Seibert, seconded by Councilmember Vares to table the request for the Contract for Deferred Construction of Curbs, Gutters and Sidewalks until the policy can further be reviewed. **Motion** passed 4-2 with Councilmembers Vaughan and Soriano voting against the motion.

## LEGAL

None.

## ORDINANCES AND RESOLUTIONS

- A. An Ordinance of the City of Marysville, Washington Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by John and Anne Bucher Amending the Official Zoning Map of the City of Marysville (Bucher Highlands).**

**Motion** made by Councilmember Vares, seconded by Councilmember Nehring to approve Ordinance No. 2518. **Motion** passed unanimously (6-0).

- B. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Truman Hegge; Amending the Official Zoning Map of the City of Marysville (Northwest Ridge).**

**Motion** made by Councilmember Soriano, seconded by Councilmember Vaughan to approve Ordinance No. 2519. **Motion** passed unanimously (6-0).

- C. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by RD & F, Inc.; Karl Lambert; Dale & Velma Olson; Gerald & Mary Royal; Fred & Chloe Waters Amending the Official Zoning Map of the City of Marysville (Getchell Hill).**

**Motion** made by Councilmember Vares, seconded by Councilmember Seibert to approve Ordinance No. 2520. **Motion** passed unanimously (6-0).

- D. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning a Parcel of Property Owned by Borseth Construction Amending the Official Zoning Map of the City of Marysville.**

**Motion** made by Councilmember Vaughan, seconded by Councilmember Soriano to approve Ordinance No. 2521. **Motion** passed unanimously (6-0).

- E. A Resolution of the City of Marysville Stating Its Intention to Annex and Zone a Certain Unincorporated Area Known as the Bob Grimm Annexation into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

**Motion** made by Councilmember Vares, seconded by Councilmember Seibert to approve Resolution No. 2121. **Motion** passed unanimously (6-0).

#### **INFORMATION ITEMS**

##### **Mayor's Business.**

Mayor Kendall reminded everyone of Peace Officers' Memorial Day on Wednesday, May 12 at 8:30 a.m., at the Marysville Library.

##### **Staff Business.**

**Phil Williams** had nothing to report.

**Gloria Hirashima** had nothing to report.

**Grant Weed** noted that there will be items for the Executive Session tonight.

**Mary Swenson** reported that there would be an Economic Development Committee meeting on May 18 at 4:00 p.m. at City Hall.

She then recapped the trip to California Speedway in Fontana to watch the NASCAR race. She commented that the attitude of the NASCAR crowd was similar to what you would see at a baseball game. She noted that this seemed like a first-class professional sporting event. The entire area was extremely clean. She noted that there were about 40% of women in attendance. Local fire and police were used, drawing from all local fire departments. Some of the fire and police participants volunteer and others were paid. The noise outside of the track was significantly less than what she expected. Within approximately one mile, the homes ranged from approximately \$400,000 on up.

She noted that when you have approximately 80,000 people attending a sporting event, you will have traffic. It took Ms. Swenson approximately 45 minutes to return to her hotel, when normally it took approximately 12 minutes. However, considering there were approximately 80,000 people, she noted that this was still pretty quick.

In addition to NASCAR racing, the track also offers other types of racing events as well.

After the race, Mayor Kendall, Mary Swenson and Paul Roberts, representing Snohomish County, met with the City Manager of Fontana. The City Managers of Fontana and Ontario both noted that the track was the catalyst to their economic development. It has tripled their expectations for revenue. They charge a transit and occupancy tax, which Ontario earns an annual revenue of \$1.5 million per year. The City Manager of Fontana noted that the track assisted with cleaning up their city. They both also noted that traffic is the one issue of concern.

The track has also benefited many local charities and non-profits within the area. Mayor Kendall added that although the City of Fontana does not receive any sales tax benefit from the track, they are still very much in favor of it.

Ms. Swenson noted that the City Manager of Ontario commented that he would be hard-pressed to find any negatives with the track. If there was one area of concern at all it would be the traffic. She added that if Marysville was selected, there would be further trips to the racetrack to evaluate some of the traffic and other concerns.

Mayor Kendall added that he had tape-recorded the noise levels and noted the distance from the track if anyone is interested in his research.

Ms. Swenson was impressed by the high standards for the drivers and employees. There was an invocation prior to the race as well as church services held prior to the start of the race.

**Sandy Langdon** had nothing to report.

**Robert Carden** mentioned that the Police inspection and awards ceremony is Thursday, May 13, 2004. Saturday, May 15<sup>th</sup> is the Housing Hope Bowl-a-thon.

He also wanted to recommend taking the Sounder train to a Mariner game or any other event you might be attending. He thought it was a beautiful ride and a great time.

**Call on Councilmembers.**

**Lisa Vares** had nothing to report.

**Lee Phillips** had nothing to report.

**John Soriano** mentioned due to the excitement of the swearing-in of the K-9 units, the Committee Reports were inadvertently left out. He would like the Public Safety Committee meeting minutes attached with tonight's minutes for councilmember's review.

**Jon Nehring** thanked the Public Works staff for the tour last Saturday—Kevin Nielsen, Eric Erga and Larry Larson. It was an informative tour and Kevin's commentary was enlightening. He also thanked the Police Department and everyone that was involved in cleaning up the freeway overpass area.

**Jeff Seibert** also thanked the Public Works staff for the tour. Councilmember Seibert also mentioned that the State Avenue project is progressing well and complimented the contractor. He also mentioned that there is a Rate Study meeting scheduled for May 18, which will need to be rescheduled due to a scheduling conflict.

**Jeff Vaughan** expressed concern about the traffic on 67<sup>th</sup> Avenue (between Grove and 84<sup>th</sup> Street) and the back-ups.

Kevin Nielsen responded that there will be a signal installed with the Getchell Hill development at the referenced intersection. They will then look at the whole corridor for timing.

Councilmember Vaughan thanked Mr. Nielsen.

#### ADJOURNMENT

Mayor Kendall adjourned the regular meeting of the Marysville City Council at 9:05 p.m. Grant Weed, City Attorney noted that there was one item regarding Litigation and three Real Estate matters for the executive session with action required, which would begin at 9:15 p.m.

#### EXECUTIVE SESSION

Council adjourned into Executive Session at 9:15 p.m.; discussed one litigation issue and three real estate issues and reconvened into Regular Session at 9:40 p.m.

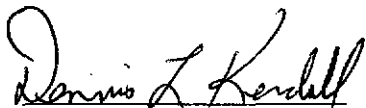
**Motion** by Councilmember Seibert, second by Councilmember Vares to approve the temporary easement agreement and authorize the Mayor to sign the settlement agreement and lease amendment with Brad Rengen. **Motion** carried unanimously (6-0).

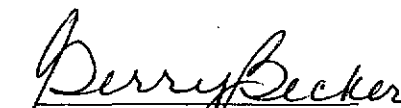
**Motion** by Councilmember Vares, second by Councilmember Phillips to authorize Mayor to sign the Guzman property purchase option agreement. **Motion** carried unanimously (6-0).

#### ADJOURNMENT

Mayor Kendall adjourned the May 10, 2004 City Council meeting at 9:42 p.m.

Approved this 24<sup>th</sup> day of May 2004.

  
 Mayor  
 Dennis Kendall

  
 City Clerk  
 Gerry Becker

  
 Recording Secretary  
 Michelle Cash

ORIGINAL

MARYSVILLE CITY COUNCIL WORK SESSION 000242

May 3, 2004

7:00 p.m.

City Hall

CORRECTED: SEE 5/10/04  
MINUTES

**CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Jon Nehring called the May 3, 2004 work session of the Marysville City Council to order at 7:00 p.m. There was no invocation. Mayor Pro Tem Jon Nehring led those present in the Pledge of Allegiance.

**ROLL CALL**

Finance Director Sandy Langdon called the roll. The following staff and councilmembers were present:

**Council:** Mayor Pro Tem Jon Nehring, Councilmembers Jeff Vaughan, John Soriano, Jeff Seibert, Donna Wright and Lisa Vares.

**Staff:** Grant Weed, City Attorney; Sandy Langdon, Finance Director; Phil Williams, Interim Public Works Director; Jeff Massie, Assistant City Engineer; Gloria Hirashima, Community Development Director; and Michelle Cash, Recording Secretary.

Mayor Pro Tem Jon Nehring noted that Councilmember Lee Phillips was absent. **Motion** made by Councilmember Seibert, seconded by Councilmember Vares to excuse his absence. **Motion** passed unanimously (6-0).

**COMMITTEE REPORTS**

Councilmember Vares discussed the new logo for the City that the Economic Development Image & Identity sub-committee is working on. She has various Requests for Proposals to help design the new logo and will seek Council and Committee input at a later date.

The new Recording Secretary during Laurie Hugdahl's maternity absence is Michelle Cash.

**PRESENTATIONS**

None.

**DISCUSSION ITEMS**

*Scheduled for May 10, 2004 Meeting*



**CONSENT****A. Approval of Public Works Trust Fund Loan Execution for the Wastewater Treatment Plant Phase 2**

Interim Public Works Director Phil Williams reviewed the background on this item. He added that this agreement is good news and will save the City approximately \$600,000-\$700,000 per year on interest.

**B. Acceptance of the 2004 Edward Springs Generator Project; and Begin 45-day Lien Filing Period.**

Phil Williams explained that there were no change orders for this project and recommends the Council accept the project for closeout.

**C. Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan; and Preliminary Plat for Bucher Highlands; PA 0011055.**

Gloria Hirashima, Community Development Director reviewed this document. Councilmember Seibert noted that there were two letters submitted by Brad Johnson and Suzanne Smith (referred to as Exhibits 14 & 52) that he would like a copy of them. Ms. Hirashima will provide Council a copy of these letters.

**D. Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density for Northwest Ridge; PA 03032.**

Gloria Hirashima, Community Development Director reviewed this subject and recommended approval of the applicant's request with conditions. Mayor Pro Tem Nehring noted that he rarely sees people using Peace Park. There was a general discussion regarding this document. Ms. Hirashima noted that there are some existing drainage issues with the property involved.

**E. Affirm the Hearing Examiner's Decision and Approve the Rezone, Preliminary Site Plan, Preliminary Plat and Residential Density Incentives for Getchell Hill PRD; PA 0307022.**

Gloria Hirashima, Community Development Director explained the details of this rezone request. Councilmember Wright requested clarification on whether or not this will help with the I-5 connection. Ms. Hirashima explained that this is a complicated project because of wetland and permitting issues. However, this is a critical transportation improvement. There was much discussion on this issue, in particular the angle of the road near the gas station. Jeff Massie, Assistant City Engineer added that the real problem with the drawings is the gas station. A consulting engineer has also been brought in to assist with the design portion of this project. Councilmember Seibert and Councilmember Soriano requested copies of the drawings and any topography maps from Ms. Hirashima.

**F. Affirm the Hearing Examiner's Decision to Approve Rezoning the Borseth Construction Parcel from Medium Density Multi-Family (R-18) to Neighborhood Business (NB) and Amending the Official Zoning Map of the City of Marysville.**

Gloria Hirashima, Community Development Director reviewed the rezoning project. Councilmember Seibert expressed his concerns that the road width may not be wide enough for future growth. There was a general discussion regarding this project.

**REVIEW BIDS**

**A. Ebey Slough Waterfront Park; P9405**

Phil Williams, Interim Public Works Director mentioned that there was a math error in the initial bid and the final numbers will be provided at the next City Council meeting.

**B. Strawberry Fields Phase II – Lighting & Electrical; P0303**

Phil Williams noted that further information on this bid will also be provided at the next City Council meeting.

**C. Effluent Transfer Pipeline – Contract B (HDD-S0004)**

Jeff Massie, Assistant City Engineer reported that a company has been selected to complete the pipeline work. Many references were checked and feedback was very positive. Authorization for the project will be requested at Monday's City Council meeting.

**PUBLIC HEARINGS**

**A. Grimm Annexation; PA 0101003**

Councilmember Seibert expressed concerns on where the responsibility lies for this annexation due to some of the roads being substandard. Gloria Hirashima, Community Development Director was going to get further clarification from Cheryl Beyer, City Attorney regarding some of the language in the document. There was a general discussion regarding this annexation.

**CURRENT BUSINESS**

None

**NEW BUSINESS**

**A. Contract for Deferred Construction of Curb, Gutter, and Sidewalk; Steve Gregory and Chris Dill**

*Due to conflict of interest, Councilmember Wright excused herself from this discussion.*

CORRECTED: SEE 5/10/04 MINUTES

There was discussion on code revisions as well as concerns expressed with the deferment. Grant Weed, City Attorney clarified that there is still more work that needs to be done with this contract and Council has the option of waiting. Gloria Hirashima, Community Development Director pointed out deferments should not be granted lightly. Ms. Hirashima will provide further clarification of this deferment.

*Grant Weed excused himself from the meeting to attend the Lake Stevens City Council meeting.*

## LEGAL

None

## ORDINANCES & RESOLUTIONS

- A. An Ordinance of the City of Marysville, Washington Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by John and Anne Bucher Amending the Official Zoning Map of the City of Marysville (Bucher Highlands).**

There were no comments or questions regarding this item.

- B. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Truman Hegge Amending the Official Zoning Map of the City of Marysville (Northwest Ridge).**

There were no comments or questions regarding this item.

- C. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by RD & F Inc.; Karl Lambert; Dale & Velma Olson; Gerald & Mary Royal; Fred & Chloe Waters Amending the Official Zoning Map of the City of Marysville (Getchell Hill).**

There were no comments or questions regarding this item.

- D. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning a Parcel of Property Owned by Borseth Construction Amending the Official Zoning Map of the City of Marysville.**

There were no comments or questions regarding this item.

- E. Resolution of the City of Marysville Stating Its Intention to Annex and Zone a Certain Unincorporated Area Known as the Bob Grimm Annexation into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

There were no comments or questions regarding this item.

**INFORMATION ITEMS**

000246

**A. Mayor's Business**

No report.

**B. Staff Business**

**Gloria Hirashima** had no comments.

**Phil Williams** noted that there were three Real Estate items for the Executive Session.

**Sandy Langdon** reminded everyone that there is a Cinco de Mayo Lunch Bunch celebration from 11:30 a.m. – 1:00 p.m. at the Public Works Lunchroom. The theme for the lunch bunch is ice cream sundaes so everyone is reminded to bring sundae toppings.

**Jeff Massie** had no comments.

**C. Call on Councilmembers**

**Donna Wright** noted that she will be in Washington D.C. during the May 8<sup>th</sup> Council Meeting and hoped to make it back in time for the Work Session on May 16<sup>th</sup>. She asked to be excused from both meetings.

**Jeff Seibert** thanked everyone for their participation with the Historical Society dinner held tonight prior to the Council Work session. He also asked for a copy of the Comcast service agreement. Sandy Langdon, Financial Director will forward a copy of this to him.

**Lisa Vares** wanted to clarify that she had Requests for Proposals and that they were just applications not actual logos to choose from.

**Jon Nehring** gave a quick recap of his trip to visit California Speedway in Fontana, California. He said that the area around the racetrack was very nice with upper-income homes. The noise outside of the track was significantly less that what he expected. He said he was very impressed and that it was a worthwhile trip. He will be getting photos shortly and will share them with the Council.

**John Soriano** extended his appreciation to the Historical Society for tonight's dinner.

**Jeff Vaughan** reported that the Community Visioning Task Force was getting a lot of opinions on what the City should and shouldn't be. The process is sounding very interesting. He also commented that during his research and fact finding about the racetrack, he is noticing some of the same things that Mayor Pro Tem Nehring mentioned. He noted that there are high valued homes in the immediate areas of the tracks and the noise is hardly noticeable. He hopes that the facts can be communicated properly to the community. He also shared that he has a FAQ sheet that he has been compiling regarding this issue and is happy to share it with those interested. Councilmember Seibert pointed out that there is a lot of misinformation in the community

CORRECTED: SEE 5/10/04

about the racetrack and the general population thinks that taxpayer's dollars will fund the racetrack, rather than the private developer.

**D. State Avenue Construction Project Change Order Status; R9405.**

There was some discussion regarding this Change Order Status. The initial discussions lead to an overwhelming dissatisfaction with Verizon. Interim Public Works Director Phil Williams and Assistant City Engineer Jeff Massie expressed dissatisfaction with the way Verizon has been handling some of the City's projects.

**ADJOURNMENT**

Mayor Pro Tem Nehring recessed the regular meeting at 8:35 p.m. into Executive Session, which was to begin at 8:40 p.m. There were three real estate issues to be discussed with possible action to be taken. City Council reconvened into regular session and adjourned the meeting at 9:10 p.m. with no further action taken.

**EXECUTIVE SESSION**

**A. Litigation**

None.


**B. Personnel**

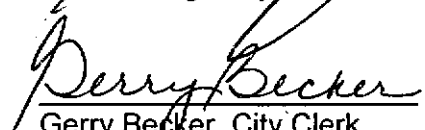
None.


**C. Real Estate**

**ADJOURNMENT**

Approved this 10<sup>th</sup> day of May 2004.

  
Jon Nehring, Mayor Pro Tem

  
Gerry Becker, City Clerk

  
Michelle Cash, Recording Secretary