

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	FEBRUARY 14, 1994	
<u>CALL TO ORDER:</u>	7:00 p.m.	00196
<u>ROLL CALL:</u>	All present	
<u>MINUTES OF PREVIOUS MEETINGS:</u>	2/7/94 Approved	
<u>AUDIENCE PARTICIPATION:</u>	Strawberry Fest. Pageant Candidates and Saigon	
<u>STAFF'S BUSINESS:</u>	Gardens Parties of Interest	
<u>MAYOR'S BUSINESS:</u>		
<u>CALL ON COUNCILMEMBERS:</u>		
<u>PETITIONS &amp; COMMUNICATIONS:</u>	None	
<u>PRESENTATION:</u>	None	
<u>PUBLIC HEARINGS:</u>	None	
<u>REVIEW BIDS:</u>	None	
<u>CURRENT BUSINESS:</u>		
1. Fourth Street By-Pass	To be continued 2/28/94	
<u>NEW BUSINESS:</u>		
1. Verde Ridge Street Vacation	Public Hrg.set for 3/28/94	
<u>CONSENT AGENDA:</u>		
1. Jan/94 Payroll - \$461,095.93	Approved	
2. 2/14/94 Claims - \$963,533.11	Approved	
3. Request to remove Mary Comeford Wall from Comeford Park	Continued/Tabled for indef period of time	
<u>ORDINANCES &amp; RESOLUTIONS:</u>		
1. Ord. Providing for the Regulation of Basic Tier Rates and Related Equipment, Installation, and Svc. Charges of any Cable TV System Operating in the City of Msvl.	Ord. 1979 Approved	
<u>LEGAL MATTERS:</u>		
1. Memorandum of Understanding/Phase II Countywide Planning Policies; Snohomish County Tomorrow	Mayor authorized to sign	
2. Assignment of Lease Agreement; Charles Case.	Tabled until 2/28/94	
<u>ADJOURNMENT INTO EXECUTIVE SESSION:</u>	10:47 p.m.	
1. Real Estate	No Action	
<u>RECONVENED &amp; ADJOURNED:</u>	Approx. Midnight	

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 14, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Pedersen, Mayor Pro Tem  
Ken Baxter  
John Myers  
Dave McGee  
Donna Wright  
Mike Leighan  
Otto Herman  
Administrative Staff:  
Dave Zabell, City Administrator  
Gloria Hirashima, City Planner  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director  
Walt McKinney, Asst. Police Chief  
Jim Ballew, Parks & Recreation Director  
Wanda Iverson, Recording Secretary

00197

CORRECTED: SEE 2/28/94  
MINUTES

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETING:

Councilor Wright asked that on page 2, second paragraph of the 2/7/94 minutes, that she be added to the people who attended the AWC legislative committee meeting in Olympia, in addition to Dave Zabell and Councilor Pedersen. Under Call on Council on page 3, she asked that in the paragraph beginning "Councilor Wright" and following the word "mandates" the words "where people don't get to vote on taxes/increased charges or fees" should be deleted and the following added instead: "where state government passes laws requiring cities to provide services without the cities have a funding mechanism in place." On page 4, under Public Hearings, Councilor Wright's disclosure should read that one of the owners of Acro Machining is an independent contractor for her husband..... On page 6 in the first full paragraph, she noted that George Sherry owns the property just north of Okada's not Acro's.

Councilor Pedersen noted on page 7 in the middle of the page, in the paragraph beginning "Councilor Pedersen", the sentence should end after the word "situation" with the rest of the sentence struck.

Councilor Herman asked Councilor Baxter about his comment on page 3 in the 5th paragraph from the bottom and it was clarified that he was commenting on a privately owned manure lagoon at 100th St.

There being no further corrections to the 2/7/94 minutes, Councilor McGee moved and Councilor Pedersen seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

**1. Strawberry Festival Pageant Contestants.**

Bev Rothrock introduced candidates for the 1994-95 year and each one told a little bit about themselves and why they are running for Queen and Princesses. The young ladies who spoke were Erica Weymeyer, Beverly Dover, Kamarin Mayo, Alexandria McPherson, Jodi Winona Karmin, Angela Thompson, Kara Haugen, Sara Curtis, Tracie Keen, Sonja Mers, Trehia Quast.

**2. Saigon Gardens.**

Dan Young, Attorney, representing Michael Tran/Saigon Gardens, addressed Council. He said Michael was concerned about his liquor license status, the complaints that have been made about the lounge and what has been happening there. There was a newspaper article and Michael wants to run a good establishment, above the law, Mr. Young stressed.

He read an article about "Celebrities" in Seattle which has had 314 police calls, he said, just to put this whole thing in perspective--"Celebrities" has had a lot of criminal activity, etc. He said they have seen a copy of the letter written to the Liquor Control Board and 2/3 of the complaints took place in the first 6 months of Saigon Gardens' operation and there was only one complaint in the last 5 months which shows a trend in the right direction. Michael has instituted a compliance program, he has an employee training program in place and he takes these overserving complaints seriously and wants to keep his small business in place, he said. He noted it's not an easy thing to own and operate your own business, Michael works long and hard hours but does get satisfaction from it. It has only been open since 1992 and Michael has taken a number of steps to improve, Mr. Young stated.

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He showed Council a petition with over 100 signatures from customers who want Saigon Gardens to stay in business. He also read a letter regarding the Saigon Gardens Kareoke, noting the facility serves good food and have a nice atmosphere and Mr. Young said he feels the trend is definitely going in the right direction and Michael wishes to operate within the law.

Councilor Baxter asked in 14 months how they justify so many overserving complaints and Mr. Young said part of it is inexperience of the servers as well as Mr. Tran's inexperience; he's not been in this business for very long and did not recognize the problems in the first few months of business. No one is perfect, Mr. Young explained, especially early on in business but the trend now is certainly much better and he said he was just shown the list of complaints today so he is not sure how serious the complaints are.

Councilor Baxter noted that in 22 years he has been on the Council, he has never seen a list to equal this one from any establishment in the City. He said he took offense to a business running up this many complaints in Marysville.

Mr. Young stated they do take this seriously and asked Steve Hites at the Liquor Control Board what the average of complaints is and he couldn't really give a number and so Mr. Young said he doesn't know what kind of perspective to put it in, for example, one in the last 5 months and he said he would consider more the trend now. If he were to have no more for another year that would say he's on track and running his business properly; it's hard to convince you maybe, he concluded.

Councilor Baxter said he doesn't think ignorance of the law is an excuse and Mr. Young said no, he is saying over the first few months people can make a mistake, none of us are without fault. It depends on what perspective you come from, he said. If you just look at the list it's hard to tell what the real problem was, he said.

Mayor Weiser stated there was a fire and he asked if that was prior to 1992 and Mr. Young said he was not sure.

Councilor Leighan asked what kind of training is in place now that Mr. Young referred to.

Mr. Young said Mr. Tran is giving the classes that the Liquor Control Board has offered to all employees.

Linda Dupruis addressed Council. She stated she has worked for Michael since 11/92 and is the Bar Manager now and they have enforced strict rules about cutting people off if they have had too much to drink. She said she has taken the class that the LCB offers six times and in the last 6 months they have tried really hard to make sure that there are no more problems. When they first started, she said Saigon Gardens had incompetent people but they are no longer working there. She added that she talks with Steve Hites of the LCB on a regular basis so she can keep up to date on everything. Also, she said she knows of complaints with Home Plate, Maxi's, fighting, stabbings, and those people are not allowed in the Saigon Gardens.

Mayor Weiser asked when they changed to a Class H licence and Linda Dupruis said she thinks it was before she started on a full time basis in 2/93--that was when Michael Tran asked her to "clean his lounge up" and she said she won't tolerate anything out of line. She said she has been Bar Manager since about August; when he first started, he didn't have competent people working for him, she said.

Councilor Leighan asked how long the card given for the LCB class is good for and Linda Dupruis said she didn't think it really had an expiration date, that the class teaches you to be aware of what's going on, all about ID and she said all her employees have gone through this program, she requires it.

Mayor Weiser asked how long the liquor license for the establishment is good for and City Attorney Weed said he believed it is for one year.

Councilor Herman said he notes that a lot of problems have to do with problems occurring adjacent to Saigon Gardens and outside of the business--noise, litter, etc. and Mr. Young stated Michael is trying to work on the problems that he can control, yes.

Councilor Pedersen said she appreciates what he is saying about the lack of experience and the attempts to correct the problems and she explained the letter that was written to the LCB is just an informational letter only and the Liquor Control Board has the final say on whether the licence is renewed or not.

Mayor Weiser pointed out that this is not a public hearing and asked Council if they wished to continue this matter.

City Attorney Weed said a public hearing would not be necessary, the Council decision is merely a recommendation.

Mr. Young stated there were only one or two people who wished to speak before Council tonight, if that could be accommodated and it was agreed.

Larry Piler addressed Council, state he and his wife are in their 50s and have been going into the Saigon Gardens for over a year now and it's one of the few places that their family and friends can go in where there have been no problems with not adhering to the law. Outside, he says he has seen teenagers coming out of the 7-11 being rowdy, kids from Fred Meyers smoking pot, throwing beer cans around. He said he takes offense about how he (Michael) should know everything about this business. He started out from scratch and is trying to make a contribution to the community and he pointed out that the Council was elected to represent people in the community--people of different cultures, races and opinions.

Kelly Everson addressed Council and stated she works at Saigon Gardens and has since it opened. She said she is a singer and doesn't drink and doesn't really recognize when someone is overserved. Michael & Amy are very strict people, they work very hard and eight months ago hired someone who was very smooth with Michael and was helping out all her friends. This person gave the place a bad reputation and it's like going to a restaurant and

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getting food poisoning, she said, people have a bad picture about that place. But now there are a lot of people that go to Saigon Gardens who only sing, they don't drink, there were a few fights but that was a long time ago, she said and added there are a lot of employees who are single parents and the job is important to keep there and they are not going to overserve and take that risk. She pointed out that they will eject people who have had too much to drink and sometimes she has driven people home if they have had too much to drink. She said Saigon Gardens seems to have a reputation and that's why the cops come when two blocks away there were 4 fights with no cops. She added that she was told three times by a cop that she had had too much to drink and she absolutely does not drink--she said there's more going on here than what you think.

Laurie Christianson, Beach St., addressed Council. She stated she's been sober for 4 years and just started going back to bars. The Saigon Gardens is the only place she said she enjoys going and she's been going there almost a year now. She said any fights that have started, the people get ejected immediately. She said she is here to support this place and the only reason she goes to that bar is to sing Karaoke, also she is a designated driver and she doesn't want to to to Everett because Saigon Gardens is close to her home and close to her friends and that's a place where she wants to be; she said she would like to see them stay in business and she has seen the change in them.

Gordon Holsby, 5013 268th St. NW, Stanwood, addressed Council. He stated he goes there quite a bit and can testify that they had most of the problems with a couple of people that worked there a long time ago. Michael runs a good business and Mr. Holsby said he can testify that they cut people off when they feel they've had too much to drink because he has been cut off twice.

David Winters, 708 124th St., Everett, addressed Council. He said he goes to quite a few establishments as he is on a pool league. He said Saigon Gardens has improved a lot since he first started going there and he has been cut off there also. He added that he has been to other establishments and has seen a lot of fights compared to Saigon Gardens. He said he thinks Council is doing them a great injustice here.

Jimmy Lavell, 5626 96th Pl. NE, addressed Council. He said he came to Marysville 7 months ago and started going to the Saigon Gardens. They are very friendly people, Michael is very nice and all the people care for each other and they look out for each other. He said they drive each other home if there has been too much to drink, it's a place where everyone makes sure you haven't had too much to drink and he enjoys the comraderie, the safety (not like Seattle) and he said he thinks it would be an injustice to remove a place like this where everyone is like a big family.

Councilor Pedersen asked about the facility still being allowed to serve food and have Karaoke even without a liquor licence and City Attorney Weed said they would be able to.

Councilor Pedersen asked if there is a fight in the parking lot how the police officers would identify where they came from and Asst. Police Chief McKinney said most of the people have been identified as having come out of the Saigon Gardens. *to the police officers ask where they have been and most of them say they have been at Saigon Gardens.* Mayor Weiser reviewed the complaints over the last 13-14 months and noted there were 2 incidents in 1993.

Councilor Baxter pointed out that nothing Council says is going to change the police record which is what goes to the LCB regardless of what the Council thinks.

Councilor Leighan read the Council letter and noted it doesn't recommend denial of the liquor license.



Councilor Pedersen concluded by saying she thinks the Liquor Control Board can determine whether there has been enough improvement to warrant renewing the licence.

STAFF BUSINESS:

City Administrator Zabell reported there is going to be a party for Doug Ronning 3/21 and the Chamber is nearing completion of the Marysville Beckons project and Caldie Rogers will be attending the 2/28 Council meeting to talk about it.

City Planner Hirashima reported the Planning Dept. mailed out the remaining open house notices today and she said she will give the Council comment forms in the event they receive phone calls from people who receive a mailer. She added that hours for the open house have been extended from 6-9 p.m.

She stated the height restriction of buildings has come up recently and builders have requested a change in the building height definition. She stated there is a difference in how it's measured in Marysville versus the county, for example, we take the measurement from the highest point of the sidewalk which can have an effect on the actual height of the building in the case of lots on the hill, if the sidewalk is below the level of the ground level of the building. She showed some examples on the overhead and also said if the sidewalk is higher than the ground level of the house, the house could end up 40 feet high. She said it's been brought to the Planning Department's attention that several homes are not meeting the requirements and staff has been contacted by several builders. She stated it would require a public hearing to change the height definition as it's a zone code amendment and there are a number of builders who are having to stop work or delay plans until such time as this is resolved. She said she would recommend a code definition change vs. the variance process and said she would also recommend not giving this to the Planning Commission because it would be added to the list and she feels it needs a higher priority from Council.

Councilor Baxter asked about limiting the height to 35' or 3 stories overall, including basements but City Planner Hirashima said there is also the issue of people affecting others' views. She said the county has a definition based on mean average and they are also encouraging people to grade their sites. She noted the MMC is very clear about measuring from an established grade (high point of a sidewalk, eg.).

Councilor Herman ~~suggested bringing in fill to make the ground level and~~ said maybe the City should just change the definition of "established grade."

Councilor Baxter asked when the 30' limit got into the code and City Planner Hirashima said she didn't know but it needs to be reviewed because the code allows residential to have 35' heights but in other parts of the code, it's 30'. She added that the Planning Commission could schedule this within 3 or 4 weeks but it would delay the PRD ordinance 3 or 4 weeks. She noted this definition is very different and she spoke with Mr. Castleberry today and there was a concern about roof slope adjustments and in the county using a mean average measurement.

Mayor Weiser noted that someone could put in 6' footings and then measure from the bottom floor, 6' above ground level, i.e. be able to build a 41' house.

Councilor Herman said he would like to see the options and have staff make a recommendation and thus relieve the Planning Commission of the time involved.

It was decided that City Planner Hirashima would research other codes prior to recommending holding a public hearing.

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SEE 2/28/94  
delete

Public Works Director Winckler reminded Council of 3 upcoming meetings: RUSA 2/17 at 7 a.m., TAC meeting 2/17 at 10:30 a.m. and the Council tour of the WWTF 2/26 (Saturday).

Parks & Recreation Director Ballew reported on AJ's at Cedarcrest Restaurant. He stated the health district reported failure of flooring and ceiling due to a substantial roof leak. He said staff went to the small works roster, giving parameters to repair subflooring in the kitchen, replace vinyl, repair plaster ceiling (6'x8' section) as well as installing 2 fans, removing shelving and repainting the kitchen. He said this would involve 5 days of down time when food would be served downstairs in a limited capacity, closing the facility on the 27th and reopening the restaurant the following Friday. He said they received 2 bids, the low one being from Diever Construction for \$7800 plus tax for repairs plus materials and staff recommends this bid. He stated the City received \$33,000 in rental income from AJ's for 1993 and the restaurant has done very well but the health dept. requires them to put in commercial refrigeration and as the owner of the building, the City is responsible for the integrity of the building.

Councilor Baxter noted there was extensive work done several years ago.

City Administrator Zabell asked if the low bidder is going to pay prevailing wages and Parks & Recreation Director Ballew said yes. He said basically the City needs to readjust its budget to pay for the restaurant repairs and to dedicate a water line for them.

Councilor Baxter moved to approve repairs to the restaurant for \$7800 plus tax, Councilor Leighan seconded and the motion passed unanimously.

#### MAYOR'S BUSINESS:

Mayor Weiser reported he received a letter from Snohomish County Executive Bob Drewel stating they would like to continue discussions that they had in the past between county council and City Council members. Joni Earl also called and cancelled the joint meeting 2/17, he said, because the Governor is going to be in town and also there was some concern expressed by county council about an interlocal agreement which they prefer to do at a local level and in the manner described by Bob Drewel in his letter. The Mar 1, Poortinga annexation meeting to be held at a time and place to be announced, he said. He pointed out that the ordinance states they are going to approve the IUGA with the provision that it can be amended. He said there is going to be an announcement in the newspapers with regard to approval of the IUGA.

#### CALL ON COUNCILMEMBERS:

Councilor Leighan reported he recently attended a TV Advisory Committee meeting as well as the Court Redistricting Committee meeting. He reviewed the formula used to determine the number of judges, commissioners in each district and he said another meeting has been scheduled for 2/18/94. He also attended a recent Parks Board meeting as well as a Land Use meeting and he talked about what Mill Creek is doing in the way of land use policy.

Councilor Pedersen reported the upcoming Fire Board Meeting is on the 6th not the 7th. At a recent Health Board meeting they presented their annual Excellence Awards and 2 out of 7 eating establishments receiving awards in Snohomish County are located in Marysville: Marysville Home Bakery and the Golden Corral.

s/b 6:00 o'clock 7:00

She asked Finance Director Wilson to bring back figures reflecting the composite total for City maintenance agreements and Finance Director Wilson said he would follow up on this.

She asked about "You Be the Judge" land use books and City Admini-

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strator Zabell stated 7 were ordered fro Council.

Councilor Baxter said he was disappointed in county council not wanting to meet with City Council and he thinks it's kind of sad that the county council would have its staff deal with the cities rather than the council itself. John Garner is apparently not totally in accord with this decision at this point, he said. He said they talked about medic services at the fire board meeting; that Cascade is not sure they can or want to stay in the medic business.

Mayor Weiser said he received a phone call from people who thought they were already paying for ambulance services and were shocked when they received a bill for \$1000 for the transportation.

Councilor Baxter said that is a longstanding problem, along with the outstanding bills that are never paid for ambulance services. He said he would encourage everyone to take a look at the WWTF before everything gets covered over--there is a lot of machinery going in, he commented.

Councilor Myers asked about left hand turners going into Albertson's off 4th and whether a "no left turn" sign could be posted.

Public Works Director Winckler stated that has come up at TAC meetings but the problem is traffic coming from Albertson's continuing left and that's why they did not put a curb in there before. Staff is going to be meeting with the TAC and State this week, he said, and it will be brought up then.

Councilor Baxter commented that the left turn onto Delta is required.

Councilor Pedersen stated she was part of the committee that met with the merchants and the State and it was agreed to leave it that way unless there were accidents caused.

Councilor Baxter suggested that it be painted right in the lane-- "NO LEFT TURN".

Councilor Myers mentioned there are houses in the Kellogg Meadows area that are being tagged by wantabe gang members and he asked if the Seniors Against Crime could go around to these houses and get them to paint over the tagging so it not encourage any more tagging.

Councilor McGee reported there is going to be an annual awards Fire Banquet 2/18 at the Yacht Club.

Councilor Herman commended the Planning Dept. on getting the open house notices out. He said in the transit area, there was legislative action pending ont hemerger of various transit agencies but it's not going to become law this year; eventually it will and there is a problem that needs to be dealt with, he said. He reported that he was elected Vice Chair for the CT Board, John Walker was reelected Chair and Roger Bergh was elected Secretary.

Councilor Baxter asked about the Library Building Committee meeting and Councilor Pedersen stated the architects will be attending the 3/7 Council meeting to present a revised model of the new library building. She asked that they be put on the agenda under Presentations.

City Administrator Zabell asked about the CD ROM issue and Councilor Pedersen said it came up again but Sno-Isle is more familiar with the issue and so the architects will not be addressing this at the 3/7 meeting.

Councilor Baxter said with regard to the flat wiring, rather than doing that, perhaps they should utilize the uprights for wiring raceways vs. having flat wiring on the floor.

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CURRENT BUSINESS:

1. Fourth St. By-Pass.

City Administrator Zabell referred to the agenda bill, noting there are 5 concerns and referring to the exhibits in the packets.

Councilor Baxter left Council Chambers at 9:05 p.m.

City Administrator Zabell reviewed the exhibits in the packets, including a letter from Stan Jones of the Tulalip Tribes and City Administrator Zabell's memo to Stan Jones.

Councilor Baxter returned at 9:07 p.m.

City Administrator Zabell reviewed resolutions in force, the TAC minutes as well as a Settlement and Compromise Agreement dated April 25, 1983, between the City and the Tulalip Tribes.

Councilor Pedersen asked what the Tulalip Tribes have contributed to the 4thSt. interchange and referred to the fact that they were to strive towards eliminating problems at the I-5 interchange.

City Administrator Zabell said the City has been granted two EGS \$50,000 grants in the past and as in the past, the more players involved, the higher we move up on priority for the project.

Mayor Weiser noted that with regard to TIP 3, Marysville and the county were involved but it was anticipated it would take a lot longer than it did to generate funds so he said he doesn't know if there were funds that should have been collected. He asked about Resolution 1091, paragraph 3.D. Permitted and Conditional Uses in business parks and industrial park zones. He asked what would be allowed in those zones and City Attorney Weed said he would look that up in the code.

City Administrator Zabell stated Messrs. Cameron and Klacell of the Tribes have been working with City staff on this project and funding. There is some question whether the boat ramp should be there, he said and it is his understanding that DOT never permitted the use. He noted the Welco (aerial) alternative would cost about \$1,000,000 which is not very feasible and none of the Council's previous concerns have been resolved, he said.

Councilor Baxter asked about funds that were used for boat launches on interstate highways and City Administrator Zabell said Jim Ballew might have some information on that, that there is a limited alternative at the WWTF for a boat ramp.

Parks & Recreation Director Ballew stated this is going to be discussed in Executive Session later tonight, but funding has been cut back (IAC funds) through the grant process, to \$500,000 maximum and other funds have been either eliminated or not available as yet. There are no guarantees at all; motorized boating communities have been gearing up to apply for these same funds and the IAC has considered this and will keep applications on file for an additional year if they meet criteria. The first priority is to upgrade the City's master shoreline process which will probably take until the end of the summer and he said he believes the Planning Dept. has applied for Coastal Management funds to do that.

City Administrator Zabell asked if a 1995 funding application would be for 1996 and Parks & Recreation Director Ballew said you would have a two year window so from 9/94 to 9/96 would be the grant funding period, from date of application until cut off date.

Jim Cameron of the Tulalip Tribes addressed Council. He stated they basically are asking for support from the City which they feel would benefit the whole City. He said they started working on this proposal 2 years ago because they saw a problem with the change in the 4th St. interchange and he noted that that inter-

section is periodically blocked which makes a domino effect down 4th causing a gridlock which is going to increase in the future. The bypass would help alleviate traffic out of the interchange, he said and it would take up 10-20% of the east-west traffic which would ease the situation at the I-5 interchange and would help local businesses. This would simply recirculate traffic, he said. He noted 1st St. can take about 2500 vehicles a day and he gave figures from the BIA and Tulalip Tribes who are prepared to contribute towards the project. He described the route of the 4th St. Bypass from 31st and 33rd to 60th St., along the freeway and under I-5, noting the present private access would be improved, that hooks up to First St. He added that the Tribes have contributed toward a signal at 1st & State and traffic impact funding from the Tribes would also be used. Title 26B is being used to alleviate problems on the west side already, he said and Welco and the Tulalip Tribes will be meeting Thursday to work out an agreement regarding the area near the boat ramp. He noted Welco has been using this as a private road and unfortunately, the Tribes can't support their use as well as public use but are asking for Marysville's support and to work with Welco to make the proposal a reality.

Councilor Pedersen asked him about the Tulalip Tribes contribution for the light at 1st & State and Mr. Cameron stated yes, they are willing to contribute on the basis of any new development on the Tribes side; there is traffic mitigation funding collected and they would contribute a share of that in relation to the amount of traffic it produces on First St. He asked if the City had an estimate of the total cost of that traffic signal and Public Works Director Winckler said about \$150,000.

Mr. Cameron said they have offered to skew the road so Welco can move their vehicles back and forth. Unfortunately, the boat ramp was unauthorized to be there and he said he doesn't see a way to continue it with the recirculation road they want to put in.

Councilor Pedersen noted that unfortunately, it's something that the residents have become used to.

Mr. Cameron said they are trying to make a change to help alleviate the traffic for a lot of the Marysville community.

Councilor Pedersen asked <sup>s/b if</sup> fi there was Tulalip land that could be used for a boat ramp and Mr. Cameron said he didn't know of any but it would have to be accessed first, for example, back form 31st, but that's a wet area, he noted. <sub>s/b from</sub>

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Councilor Pedersen said she would be willing to make some kind of trade off there for a contribution to a light and boat ramp.

Mr. Cameron said he could pass that on to his council.

Councilor Wright asked about who used the boat ramp because she noted the petition submitted sometime ago reflected residents from other areas besides Marysville.

Mayor Weiser asked who did the Tulalip traffic study for their proposal and Mr. Cameron said it was HDR and that was included in the EA, but he could provide Mayor Wieser with another copy.

Mayor Weiser indicated the reason for increased traffic is because of the casino and Mr. Cameron said no, it's basically because of the growth in the area, on the hillside, etc.

Councilor Baxter asked how many new houses there are on the reservation because he said a lot of times the cars are backed up on the west side for a long ways.

Mr. Cameron said that's why the Tulalip Tribes have been working with the county, as per their transportation plan--116th St., etc., to alleviate traffic at major points.

Councilor Baxter noted we are getting back ups on State St. from 1st already as well as Cedar, trying to get through the light on 4th, so until we at least get a light at 1st he said he doesn't want to see any more traffic recirculation.

Mr. Cameron noted a signal is needed because of the sight distance (or lack of it), mainly.

City Administrator Zabell added that there are no gaps going north and south, either and that's why traffic can't "flow".

Mr. Cameron said they just want to redistribute the traffic that is already there and are working on the State to help with that --they have agreed on that, he said and 2500 cars would be about 20% of the I-5/4th St. Interchange traffic that could be rerouted with the 4th St. Bypass they are proposing.

Mayor Weiser said it's his recollection that there is a piece of land that the Sam family owns and Mr. Cameron said they are deeding a piece of land to the Tribes but Welco doesn't lease all the way over to the freeway.

City Administrator Zabell asked what the timing is on the construction and Mr. Cameron said he has completed the design and work with all the agencies and would hope to go out for construction bid in March, 1994; it would be a 2 month project, he said. He added that they are requesting the private Tulalip easement be changed to a public easement and an EIS would not be required.

Mayor Weiser asked if the Tulalip's request included the land to the east of Welco and Mr. Cameron stated that land is probably owned by the State and the Tribes are asking for an easement on that land to First St. under the freeway; it connects with City right of way, he said.

City Administrator Zabell noted that is in the federal control zone and is going to take some deeding by them. He said there would be several hundred feet that the City would have to improve.

Mayor Weiser said there was a request that state right of way from the east side of the freeway be given to the City and Mr. Cameron said the state has access control and he is not sure who owns it; the state controls access beyond what was given to them, he said.

City Administrator Zabell said the only right of way the City owns is at Ash and Beach and Councilor Baxter added that that section of property has been a topic of discussion for many years as to ownership.

Mr. Cameron said it's within the state's control is all he knows.

Councilor Pedersen said she thinks it's an admirable project, to alleviate traffic but doesn't know how the City can commit to Mr. Cameron's wishes as well as resolving other issues. She asked if the City could wait on the letter of support until after the meeting with Welco and the Tribes or perhaps outline the City's concerns in a letter.

Councilor Herman said if Welco and the Tribes can arrive at an agreement, that would be helpful. He added that concerning the boat ramp, he would like some feedback on that because it's a public perception/expectation that there will be a facility available and he appealed to the Tribes to try and solve that problem. On the paving under I-5, he asked who is expected to do that.

Mr. Cameron stated the Tribes would do it at this point.

Councilor Herman noted there has been some discussion about law enforcement funding and asked if that was an appropriate/legal use of the funds.

City Attorney Weed said he has not done an analysis on that but staff's position is that traffic signal improvement is not really the same as law enforcement directly.

Mr. Cameron pointed out that the State Patrol gets a part of the gas tax and they use that road to get to the west side; these funds he said he thinks are a legitimate use here and would certainly help to defer Marysville's signal's cost. He posed the question whether a policeman directing traffic deserves law enforcement funds.

City Administrator Zabell said Mr. Jones feels funds could be taken out of the \$99,000 as per the compact agreement and Councilor Baxter pointed out this would be a multi jurisdictional project which general gets more priority.

Mr. Cameron said that's how the Tribes got \$2 million for the 88th St. project because it was a multi jurisdictional project.

Councilor Herman said he would like to support this and he thinks there might be more information available after the meeting with Welco.

Mr. Cameron noted Welco wanted to assist with design, etc. but unfortunately, the Tribes can't accommodate a public road and a boat ramp.

City Administrator Zabell asked about the need for filing an EIS or shoreline permit and Mr. Cameron said "we'll see".

Mayor Weiser asked about who would be approving the road design and Mr. Cameron stated the county Public Works Dept. has preliminarily approved the design already. The log dump will still be there, PUD street lights will be put in as well as sidewalks, he explained.

Councilor Baxter noted Downtown Merchants would generally like to support this but they are reluctant to until the City can come up with a boat ramp resolution because the boaters are Downtown Merchant customers and Council represents the boaters, too, so if there is a solution for the boat ramp, the support would be there.

Mr. Cameron said WSDOT has now become aware of the situation and so he doesn't know what will happen. He said they can resolve Welco's problem but he doesn't know what can be done to resolve the boat ramp situation.

Councilor Pedersen asked if they have a problem with the City's letter of support not being given for a couple weeks and Mr. Cameron explained this is actually part of a larger solution and they do want to move forward with this.

Councilor Herman asked if it would be possible for him to wait until 2/28 and Mr. Cameron agreed he could come back with their agreement with Welco as well as what the Tribes can come up with as far as access next to 31st. He said they might be able to make something available for the City but he thinks they would probably resist actual improvements--that would be up to the City.

NEW BUSINESS:

**1. Verde Ridge Street Vacation.**

City Planner Hirashima reviewed the agenda bill and explained one of the conditions of the binding site plan approval was vacation petition. She said a public hearing could be set 3/28 at the earliest and staff is actually recommending a modified request, a portion of 73rd Av. be retained as public right of way. She said staff and the applicant would like to identify issues and concerns the Council has prior to the public hearing.

Bill Roberts, 4129 76th St. NE, addressed Council, representing Roberts, Darling and Jubie who have an earnest money agreement to purchase the property. He made it clear that he is not representing Mr. Bartlett. He explained that he understands a lot adjustment can be made to accommodate the staff recommendation with regard to retaining a portion of 73rd Av. as public right of way.

Councilor Baxter asked if the existing 15' utility easement would be retained and City Planner Hirashima said yes, the City would retain the easement and any buildings would have to be set back from that. Staff is recommending that 73rd be left as is, she clarified.

Mr. Roberts said that is agreeable to them and they have revised the site map.

Councilor Baxter clarified about the easement on 73rd and Mr. Roberts said if it's not vacated the easement would remain within the City right of way.

City Administrator Zabell explained that eventually the northern easement could be abandoned; the water line on 56th could be relocated to the west, he added.

Councilor Baxter asked if 56th is planned to be built and City Planner Hirashima said no, not if it's vacated. She noted there would be a 60' right of way with a half street improvement required in front of the applicant's property. If the resolution is passed tonight the earliest the public hearing date could be is 3/28, she said.

Councilor Baxter noted as long as the City has the easement and doesn't plan to improve 56th, then we don't need the vacation.

City Planner Hirashima noted the issue you are dealing with is compensation and it was noted that normally compensation is required to be half the assessed evaluation.

Councilor Herman moved and Councilor Baxter seconded to call for a public hearing 3/28 and at that time to determine the amount of compensation. Passed unanimously.

CONSENT AGENDA:

1. January, 1994 Payroll in the amount of \$461,095.93.
2. Feb. 14, 1994 Claims in the amount of \$963,533.11.

Councilor Myers moved and Councilor Pedersen seconded to approve Consent Agenda Items 1 & 2. Passed with Councilor Leighan abstaining on Voucher #18791.

3. Request to Remove Mary Comeford Wall from Comeford Park.

Parks & Recreation Director Ballew referred to the agenda bill and noted that the wall is rotting away and it's not recommended to repair/replace it. To remove it and put up a plaque, possibly in the future a sculpture of mary Comeford reading to children, is staff's recommendation. He explained the original sculptor of the wall can't be located and there are no funds actually available for this.

Councilor Pedersen said she would like to know the actual cost to replace the sculpture.

Parks & Recreation Director Ballew said he had some personal pieces bronzed, one was \$8,000 and the other \$5,000, just to give an idea of cost, here. Discussion followed about storing the piece, further damage that could occur, historical society possibly wanting to salvage, repairing/replacing, bid process, renovation using a different medium, talking to Jerry Carter who did a large Indian for the City of Sultan out of resins (he's from Monroe or Gold Bar), replacing with plaster or wood, Jim Ballew to keep at it.

Councilor Herman moved and Councilor Baxter seconded to table this item for an indefinite period of time. The motion passed with Councilor Leighan against.

ORDINANCES & RESOLUTIONS:

1. An Ordinance Providing for the Regulation of Basic Service Tier Rates and Related Equipment, Installation, and Service Charges of Any Cable Television System Operating in the City of Marysville.

City Administrator Zabell reviewed this item and City Attorney Weed explained this is a model ordinance that the AWC generated, put together to reflect the City's needs. It's required to set tier rates, the ordinance needs to be adopted by 3/14 and then send a notice and request out to the two cable providers asking for their rates as per the 1992 FAA Cable Act, he said.

City Administrator Zabell stated Mary Swenson has contacted the 2 cable companies and they are willing to cooperate.

Councilor Leighan noted there is another option that might be considered a cable company and we need to look into this further. (Laser Vision?) City Attorney Weed to look into this.

Councilor Leighan then moved and Councilor Wright seconded to adopt/approve Ordinance 1979. Passed unanimously.

LEGAL MATTERS:

1. Memorandum of Understanding/Phase II Countywide Planning Policies; Snohomish County Tomorrow.

Mayor Weiser reviewed the history and noted three policy areas were added but no agreement was reached because they were not mandated by the GMA and this is a compromise agreement, recognizing there are areas that have significant impacts in another jurisdiction. He noted the agreement/MOU has been approved at the Snohomish County Tomorrow level who have sent it to all of the cities to ask for their approval and then is to be sent to county council. He noted that 5 pages were boiled down down from 20-25 pages.

City Planner Hirashima added there were also policies on transportation and rural environment that were taken out because they really held up the whole document so these are the policies that were felt would be most palatable to all cities and presented in this document.

Councilor Baxter said he finds it interesting that county council refuses to meeting with Marysville City Council and Mayor Weiser reiterated that this agreement has been recommended for approval by Snohomish County Tomorrow, not the county council.

Discussion followed about who proposed the document and who was involved in the process. It was noted Marysville's Comp Plan would be consistent with these policies.

Councilor Leighan moved that the Mayor be authorized to sign the document, Councilor Pedersen seconded.

Councilor Baxter referred to county ordinance 193-162 noting it makes the county Public Works Director the fire director of the county and this gives the county a lot of power.

The motion passed with Councilors Baxter and Herman against.

2. Assignment of Lease Agreement; Charles Case.

City Attorney Weed this refers to the Tondell and Case agreement for AJ's--Tondell has released is total interest to Case and so the name of the party has to be changed on the legal lease. He said Parks & Recreation Director Ballew is to check on insurance

requirements as per the lease.

Parks & Recreation Director Ballew said the City has written verification regarding the insurance requirements, that they are complying.

Councilor Pedersen asked the length of the lease and Parks & Recreation Director Ballew stated it expires 12/31/95.

Councilor Pedersen said she would like in the future, information about a late payment clause in the lease and whether they made these late payments, as well as a copy of the lease.

City Administrator Zabell said he would provide a copy to each of the Councilmembers.

Councilor Herman asked if there was a termination of the partnership and Parks & Recreation Director Ballew said he is not sure but they wish it to be documented as of 3/94 this way. He said Tondell has not been involved for at least a year.

Councilor Herman asked if it is possible to reopen the lease with this change in terms/conditions and City Attorney Weed said usually there is a wording of not withholding renewal of the lease but a late payment might constitute a valid reason to renegotiate the lease, he said.

Councilor Pedersen noted that the person with all the experience had left and they have been late twice and she would like to see more information.

Councilor Baxter noted this was the best year for the restaurant they have had yet.

Councilor Wright moved to table the assignment of the lease until 2/28 to give Council time to look at the original lease. Councilor Pedersen seconded and the motion passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:47 p.m.

1. Real Estate. (No Action)

RECONVENED & ADJOURNED: Approx. Midnight.

Accepted this 28<sup>th</sup> day of February, 1994.

David Weiser  
MAYOR

Mary D. Swenson  
CITY CLERK

Tranda A. Swenson  
RECORDING SECRETARY