

*Original*

**MINUTES RECAP**

MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 13, 1995

00036

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

2/6/95 Council Mins. Appr.

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

- 1. Approval of 2/13/95 Claims in the amount of \$540,541.14.
- 2. Approval of 1/95 Payroll in the amount of \$512,962.21.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS AND COMMUNICATIONS:

None

PRESENTATION:

None

PUBLIC HEARINGS:

None

REVIEW BIDS:

None

CURRENT BUSINESS:

- 1. Feasibility Study; Old Library. Lewis Architects Approved
- 2. 4-Way Stop at 51st & Grove. Approved for 6 mo. Trial
- 3. Kellogg Marsh Annexation P.H. to be held June 5/95  
(changed from 3/6/95)

NEW BUSINESS:

- 1. Incident Command Vehicle Budget Amendment Approved
- 2. Auth. Mayor to Sign Agreement Approved  
for Task Order/Assignment Document for Task No. Y-5749 Auth.  
CH2M Hill to do design & contract documents for State Av. from  
109th St. NE to 116th St. NE Project
- 3. Auth. Mayor to Sign Agreement for Construction Management & Related Services w/RGA Const.Management Svcs. Approved

ORDINANCES & RESOLUTIONS:

- 1. Res. adopting a Street Waste Solids Recycling & Disposal Policy Res. 1719 Approved
- 2. Res. stating City's intention to annex Ross/Hill property Res. 1720 Approved

LEGAL MATTERS:

None

ADJOURNMENT INTO EXECUTIVE SESSION:

9:25 p.m.

- 1. Litigation No Action
- 2. Real Estate No Action

RECONVENED & ADJOURNED:

10:20 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00037

FEBRUARY 13, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Ken Winckler, Public Works Director  
 Grant Weed, City Attorney  
 Lt. Dennis Peterson, MPD  
 Jim Ballew, Parks & Recreation Director  
 Wanda Iverson, Recording Secretary

CORRECTED: SEP 2/27/95  
 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:

Councilmember Herman moved and Councilmember Bartholomew seconded to approve the City Council Meeting Minutes of 2/6/95 as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of 2/13/95 Claims in the amount of \$540,541.14.**
2. **Approval of 1/95 Payroll in the amount of \$512,962.21.**

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 & 2. Passed unanimously. (Councilmember Baxter abstained from voting on Vouchers #02039 and 13150 under Claims. Councilmember Leighan abstained from voting on Voucher #32221.)

STAFF'S BUSINESS:

City Administrator Zabell referred to letters to legislators in packets regarding IAC funding. Also, he reported on his recent trip to Olympia regarding the airport issue and noted several cities were represented. He commented on the regulatory reform bill AWC has been drawing people's attention to: SB 5489 (120 page bill) on which there will be a meeting this Tues. and he will be happy to supply Council with a copy of the 120 pages, as soon as he receives it. He noted the annexation bill and other issues are covered in the legislative report as well as information regarding liens for delinquent bills, escrow accounts having to be clear of utility bills prior to real estate being closed.

Public Works Director Winckler went over Change Orders 14 & 15 for the WWTF, explaining #15 (the final Change Order) will actually be for a positive amount, balancing out the books and finalizing all change orders for the WWTF. He noted the total of all change orders came to 2.32% of the total project.

He announced an open house meeting for the 88th St. alignment from 6-8 p.m. in the Cedarcrest School cafeteria, Feb. 15, Wednesday night.



CORRECTED: SEE 2/27/95  
MINUTES sb Jeri

Parks & Recreation Director Ballew spoke about HB 1617 wherein a moratorium on acquisition of lands for IAC funds has been placed. He said he has spoken with Rep. Buzz Costa who is working on this on our behalf, as well as a house bill for an additional levy for allowing school kids into schools after hours. He commented on a Golf Course survey of 10 questions that has been distributed to 500 folks and results should be back soon. He said they are hoping for 400 responses.

MAYOR'S BUSINESS: None.

CALL ON COUNCILMEMBERS:

Councilmember Baxter reported on his trip to Olympia last Thursday with the Fire Board and he got to speak to Representatives Stranigan, Costa, Scott and Thompson about benefits for fire volunteers.

Councilmember Myers asked about reuse of shelving in the old library for the new library and Bob Graef (in audience) stated the Library Building Committee talked about surveying certain items including shelving, with the possibility that the shelving may be used in non-public access areas.

City Administrator Zabell added that the intent was to use the "newer" old shelving for the storage areas in the new library.

Councilmember Bartholomew said she would be interested in the school levy bill number and who signed onto it; she said we need to take a close look at this as it may infringe on other funding.

Councilmember Herman commented on articles in the Times about Community Transit and asked about the skateboard park status.

Parks & Recreation Director Ballew stated the Park Board decided to start a non-profit foundation which would be beneficial for the skateboard park as well as other possibilities. He noted there are some real estate issues to discuss in Executive Session tonight.

Councilmember Herman reported on the park and ride lot siting, noting several sites were discussed but the development is very expensive and there would be a high degree of opposition from the public and so it has been decided to study further the diverse use of park and ride lots, for example, utilizing church parking lots. He stated he is going to Olympia this Thursday and will be absent from the City Council meeting 3/13 because he will be in Washington, DC.

Councilmember Leighan reported on a new park up by Bayview Ridge. He also reported the Parks Dept. is now using the little yellow Luv truck that was previously used by the Animal Control Officer. He asked about fees from Cable Channel 2 going toward videos under Doug Buell's budget.

City Administrator Zabell explained \$5400 in revenue was included in the 1993 budget and \$15,000 was included in the 1994 budget, under professional services.

Councilmember Leighan asked about the TCI franchise agreement and about asking for a second channel.

City Attorney Weed stated a letter has gone out to TCI asking for a number of different things including the possibility of a second channel.

Councilmember Leighan noted there is a 12 month window, after which they are to approve a second channel and wanted to make sure the letter was worded appropriately. City Attorney Weed said he would follow up on this.



Councilmember Leighan stated he has noticed an increase in jet traffic over Marysville and Councilmember Bartholomew explained they are test runs out of Paine Field.

Councilmember Wright stated she will be in Olympia Feb. 22 & 23.

Councilmember Pedersen said she would like to see a Council assignment sheet for legislators for Thursday, also would like a copy of the letter to TCI. She stated the health board is meeting tomorrow and will be giving their annual restaurant awards. She noted Oosterwyk's Dutch Bakery has won another award in their category, for the second year in a row.

Councilmember Bartholomew asked about increased bus service at Arlington Airport.

Councilmember Herman stated Route 210 has been expanded to accommodate the airport however there have been compromises to other places, for example, the Stillaguamish Senior Center.

Councilmember Myers noted there are 2 or 3 meetings Wednesday night that at least one representative of Council should attend. He said he thought Mayor Weiser should attend the 88th St. alignment meeting.

Public Works Director Winckler said they could provide a report to Council on that meeting.

CURRENT BUSINESS:

**1. Feasibility Study; Old Library.**

City Administrator Zabell reviewed the agenda bill, noting Lewis Architects have already done a brief analysis, the City has a good working relationship with them and they have indicated a NTE figure of \$9,000 which is felt would be more than enough. He said it is the staff's recommendation that Lewis Architects' contract be amended to include the feasibility study. He added that they can get this done by 3/15/95, as requested by the Library Building Committee.

Councilmember Herman asked for clarification of professional services/RFP guidelines and legal parameters that would apply here.

City Attorney Weed stated the City doesn't have the same requirements as they do for a Public Works contract and he said he believes the policy is to seek out those qualified but there is no formal process, especially in the case where there is a small amount involved.

City Administrator Zabell pointed out that Marysville only has 2 local architects; the City received 2 responses on this project and 22 responses on the new library project.

Councilmember Herman said he would like more information on that and Councilmember Bartholomew said she shares his concern and asked if this is really an addendum to the contract.

City Administrator Zabell stated it would be a professional services amendment. It was noted there is a math error on the agenda bill: the remaining balance of budgeted monies is \$16,000 not \$14,000.

Councilmember Pedersen moved and Councilmember Myers seconded to amend Lewis Architects' contract and authorize the Mayor to sign same, as per staff recommendation (NTE \$9,000). Passed unanimously.



**2. Four-Way Stop at the Intersection of 51st Av. NE & Grove St.**

Public Works Director Winckler reviewed the agenda bill, noting since 1989 there have never been more than 4 accidents per year, that with regard to the level of service, there may be some delays on Grove which was a concern with regard to emergency vehicles and another concern is that perhaps there should be a school crossing guard program implemented at this intersection.

Councilmember Bartholomew noted with an east-west traffic flow of 1900 vehicles per peak hour, changing that would have a major impact.

Councilmember Pedersen stated she disagrees with the need to have accidents before a 4-way stop or light is warranted. She noted 47th & 528 and 67th & 528 used to have several near accidents a day and now there have been none.

Councilmember Myers asked about the crosswalks and Councilmember Herman asked about LOS at 47th & Grove. Public Works Director Winckler stated he would follow up on this.

Pastor Jack Richards, 3408 98th Pl. SE, Everett and Pastor of the Bethlehem Lutheran Church on the northeast corner of 51st & Grove, addressed Council. He noted they have over 1000 members with two services on Sundays, with 400 to 700 vehicles at each service. He stated the church also operates a 100 student preschool Monday, Tuesday and Wednesday and it's a very busy intersection. They are considering increasing the preschool to 120 as well as adding Thursday and Friday operation. He said they have several groups that meet at the church and he has seen many near misses. He has also personally watched children try and cross the intersection. He said he believes there was a very serious injury this summer when an adult on a bicycle was hit and he would be in favor of a stop so that people have to go slower once they leave the 47th & Grove intersection. He noted there are police present after school and that helps for visibility and decreases people's speeds but with the Jubie development, it's only going to get more hazardous. He said he feels a 4-way stop would be a good stop gap until a traffic light can be brought in and he would really like to see something to slow down the traffic at that intersection.

Councilmember Leighan asked about the loading and unloading of children right next to the road and Pastor Richards stated the preschool lot is closest to 51st & Grove and children do have a habit of playing around the area where they are picked up.

Councilmember Baxter commented on the presence of police.

Mayor Weiser noted people do tend to speed up after they have had to stop.

Bob Graef, 7311 69th NE, addressed Council. He said his comment is about fairness, slowing down the traffic, decreasing the flow, etc. He said the volume going east and west is unfair to north-south traffic, for example, for commuters and he said he thinks the 4-way stop at 51st & Grove would be a fair solution.

Peggy Sehmel, 7317 51st Av. NE, addressed Council. She stated she lives 2 houses from the church and was a pedestrian who recently moved to the area, thinking there would be no problem at that corner. She has since learned from experience that is a very dangerous intersection and it just can't be crossed on foot going north and south. She said there is a real need for a 4-way stop and she hopes the City doesn't wait for a serious accident to occur first, she said.

Mayor Weiser explained the way the warrants work but also noted a 4-way stop could be put in if there is sufficient evidence that there are unusual circumstances.



Mary Clark, 7014 Armar Rd., address Council. She stated she has lived there 20 years and 15 years ago she testified for a 4-way stop at this corner but it never got put in. This corner needed a 4-way stop back then and even more so now, she said; the cars do not stop for pedestrians in a crosswalk. She asked what warrant is required to be filled before action is taken.

Mayor Weister explained that accidents that could have been prevented by a 4-way stop would be considered as well as traffic volume at the intersection. He noted there are 7 criteria but unusual circumstances can also be a significant factor.

Ms. Clark noted the east-west traffic outnumbered the north-south and she will often go to 47th & Grove to make a turn, as a result. She pointed out that the homes on the hill, the library, any new development, will all increase traffic and she pleaded strongly that a 4-way stop be put in as soon as possible.

Jack Lovell, 1349 Beach, addressed Council. He stated it seems there is a stop at every intersection from Beach to Armar except at Armar & Grove. He asked what warrants the 4-way stop at 5th & Delta fulfilled. He asked if all these intersections with stops meet the criteria.

City Administrator Zabell explained Grove's volume is a warrant that has been met and another warrant is the match of volume between east-west and north-south traffic.

Public Works Director Winckler noted the ratio is 7:1 at 51st & Grove, in other words, the east-west traffic is 7 times the north-south.

Mrs. Elvingstadt, 2nd house from the corner, addressed Council. She stated there is a man on the corner who has a logging business and his little girl goes out by the road all the time. She said she would like to see traffic go a little slower because as a pedestrian, she cannot get her mail or cross over to walk to church. She said she has seen three accidents in her yard: 1) She used to have rocks with ivy on them in front of her house until someone came in and hit the rock; 2) then a truck ran into the tree in her front yard, 3) then a little car went around the corner, hit his brakes, came into the yard, almost hit her house and then drove away.

Jeff Moses, 7022 Armar, addressed Council (with his little girl in his arms). He stated he has lived at this address for 5 years and has seen several incidents: He was trying to cross with Jennifer on the back of his bike one time and just couldn't get across from one side to the other. Mike, his neighbor, was involved in a very bad pedestrian accident there and he suggested a little video be put together with each of the Council trying to cross the intersection. He pointed out the near proximity of the park, library, etc.

Mayor Weiser asked about the sight distance to the west and Mr. Moses stated it's basically "nil" going north because of the logging business.

Tim Thomas, 1518 47th Av. NE, addressed Council and stated Jubie is putting a lot of houses in Spook Woods as well as more on 47th.

Richard Elvingstadt, 1511 Marine Dr., addressed Council. He stated Mrs. Elvingstadt (the lady who addressed Council earlier) is his mother and he has to call her on a regular basis to make sure she has made it across the street at 51st & Grove. He said he doesn't have much of a problem in his van making a safe left turn onto Grove but in any other vehicle, it's very difficult. He added he thinks if a 4-way stop can be justified at Liberty & Grove, it should be justified at 51st & Grove.

CORRECTED:  
MINUTES  
SEE 2/13/95  
p. 6 Streets



Parks & Recreation Director Ballew noted that in a Parks Staff meeting, staff was specifically directed that if they are towing a trailer, to go to Liberty because of poor sight distance and not use 51st & Grove.

Councilmember Pedersen asked about Mary Clark using 47th & Grove in lieu of 51st & Grove and Ms. Clark stated she does this about every other day, once a day, at least.

Public Works Director Winckler stated a letter was received also from Jean Soderman who would like to see a 4-way stop and have a tree removed at that intersection also.

Mayor Weiser also noted Lee Cundiff called and had the same concern.

There being no further comments from the audience, the public testimony portion of the public hearing was closed at 8:22 p.m.

There was lengthy discussion about "children crossing" silhouette signs, public safety being a high priority, consistency of 4-way stops, encouragement of north-south traffic, possible back up of east-west traffic, emergency vehicles not being able to get through, the fact that 4-way stops are not always as effective as people expect, confusion between 51st & Grove and 47th & Grove at present because they are not both 4-way stops, setting up a possible future TIP/mitigation fee/fund for a traffic signal at this intersection, unusual circumstances, sight distance problems, having a "trial" 4-way stop. Public Works Director Winckler pointed out that 47th & Grove had a closer match on the ratio of traffic volume between north-south and east-west (2:1 vs. 7:1 at 51st & Grove).

Councilmember Pedersen moved to direct staff to place 2 additional stop signs at 51st & Grove for at least 6 months to see if there are any additional traffic changes needed at that time. Findings of fact as presented in Council discussion as well as public input. Councilmember Baxter seconded and the motion passed 5-2, with Councilmembers Leighan and Myers opposed.

### **3. Kellogg Marsh Annexation (Discussion Only).**

Council adjourned into Executive Session at 8:40 p.m. and reconvened at 9:00 p.m.

City Attorney Weed reiterated that the City had received a letter from Martin Robinett, a copy of the 2/6/95 letter is in the packets, asking for a 90 day continuance of this public hearing. City Attorney Weed explained the Tipton v Marysville case was discussed in Executive Session with an update concerning litigation.

Councilmember Bartholomew moved to approve the request of Martin Robinett that the public hearing which is presently scheduled for March 6, 1995 be continued until June 5, 1995 with the understanding that a further continuance may be considered in the event the litigation concerning the Kellogg Marsh Annexation has not been concluded. Councilmember Baxter seconded the motion and it passed unanimously.

### **NEW BUSINESS:**

#### **1. Incident Command Vehicle.**

Lt. Peterson reviewed the agenda bill at length and stated the police dept. would like to do the painting and installation of workstations before worrying about funding for additional radios out of the gaming funds.

Councilmember Bartholomew moved to approve the budget amendment of \$3700, Councilmember Myers seconded. Motion passed 6-0, with Councilmember Leighan abstaining.



**2. Authorize Mayor to Sign Agreement for Task Order/Assignment Document for Task No. Y-5749 Authorizing CH2M Hill to do Design & Contract Documents for State Avenue from 109th St. NE to 116th St. NE Project.**

Public Works Director Winckler reviewed the agenda bill and there was brief discussion about ISTEAF funds being cut back, how CA status of City is affected, etc.

Councilmember Myers moved and Councilmember Bartholomew seconded approval of the document and to authorize Mayor to sign same. Passed unanimously.

**3. Authorize Mayor to Sign Agreement for Construction Management and Related Services with RGA Construction Management Services**

Public Works Director Winckler reviewed the agenda bill and there was brief discussion about the rate per hour having been previously estimated at \$75/hr.; RGA will do it for \$35/hr. with a cap of 1400 hours. It was noted Richard Andrews used to work for the county as an engineer and has worked for the City in the past as a project engineer.

Councilmember Bartholomew moved and Councilmember Myers seconded to authorize the Mayor to sign the agreement with RGA Construction Management Services, as recommended by staff. Passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Resolution Adopting a Street Waste Solids Recycling and Disposal Policy.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Resolution 1719. Passed unanimously.

**2. Resolution of the City of Marysville Stating its Intention to Annex Ross/Hill Property into the City and Transmitting the Matter to the Snohomish County Boundary Review Board.**

Councilmember Herman moved and Councilmember Wright seconded to adopt Resolution 1720. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:25 p.m.

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

RECONVENE & ADJOURNED: 10:20 p.m.

Accepted this 27<sup>th</sup> day of February, 1995.

David LeVine  
MAYOR

Mary S. Swenson  
CITY CLERK

Wanda A. Swenson  
RECORDING SECRETARY