

MINUTES RECAP

00019

MARYSVILLE CITY COUNCIL MEETING JANUARY 25, 1999

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilmember Bartholomew excused

EXECUTIVE SESSION: 7:01 to 7:16 p.m.
1. Pending Litigation

RECONVENED: 7:16 p.m.

MINUTES OF PREVIOUS MEETINGS:
5. City Council Meeting; 1/11/99 Approved

AUDIENCE PARTICIPATION: Inez Robinson, Bruce Tipton

CONSENT AGENDA: Approved:
1. Approval 1/25/99 Claims in the amount of \$745,741.84; paid by check nos. 42812 through 43032.

STAFF'S BUSINESS:

MAYOR'S BUSINESS: SR 529 Update

CALL ON COUNCILMEMBERS:

CURRENT BUSINESS:
1. TCI/AT&T Merger (cont. from 1/11/99) Res. 1913 Approved 6-0
2. Project R9601; SR 528 (67th St. to 83rd St.) Road Improvements Study to be done by Perteet Engineering
3. DGR Const.; Request for Appeal Request Denied, vote 5-1
Reconsideration; PA 98050271

NEW BUSINESS:
1. Ash Avenue Park & Ride Expansion Presentation to be made at 3/21 CC Meeting after open house & public input
Approved 4-2
2. Traffic Revision Seaview Ridge Approved 6-0
3. Water Meter Study Consultant Cont. until staff finds out Bellevue study results
recommmendation; CHS Engineers Passed 5-1

ORDINANCES & RESOLUTIONS:
1. Ord. 2227 Approved 6-0 Establishing a Special Purpose Fund to be Designated the "Ken Baxter Senior/Community Center Apprication Fund" Specifying the Purpose of the Fund and How Said Fund Shall be administered, and adding a New Chapter 3.99 to the MMC.
2. Res. 1914 Approved 6-0 Granting Utility Variance for Celia Bergevin for Property Located at 16408 51st Ave. NE, Marysville.

ADJOURNED: 9:54 p.m.

EXECUTIVE SESSION: 10:00 to 10:30 p.m.
1. Pending Litigation No Action

RECONVENED & ADJOURNED: 10:30 p.m.

MARYSVILLE CITY COUNCIL MEETING

JANUARY 25, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Wright, Mayor Pro Tem
 Donna Pedersen
 Brett Roark
 Norma Jean Dierck
 Mike Leighan
 Otto Herman, Jr.
 Shirley Bartholomew (excused)
Administrative Staff:
 Robert Carden, Police Chief
 Dave Zabell, City Administrator
 Mary Swenson, City Clerk/Asst. to the City Administrator
 Ed Erickson, Finance Director
 Gloria Hirashima, City Planner
 Grant Weed, City Attorney
 Ken Winckler, Public Works Director
 Owen Carter, City Engineer
 Roger Kennedy, Fleet Manager
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

EXECUTIVE SESSION: 7:01 to 7:16 p.m.

1. Pending Litigation.

RECONVENED: 7:16 p.m.MINUTES OF PREVIOUS MEETINGS:1. **City Council Meeting; January 11, 1999.**

Councilmember Herman noted on page 8, under Item number 1 under New Business, he wanted to make sure with regard to cable modems that people have a choice of internet provider.

There being no further corrections, Councilmember Pedersen moved and Councilmember Leighan seconded to approve the 1/11/99 minutes as corrected. Passed 6-0.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Inez Robinson, 1930 5th St., addressed Council. She said she has put up a fence from the alley, along her property line as per measurements she got from the City. She said she asked if it was OK to put it right on the sidewalk and they said that was OK but now she said she is hearing you have to have 300' of visibility in the back alley. She said she checked other fences in the surrounding area and there are not very many people who have that kind of visibility. Also, because of the double yellow line on 47th, no one should be turning into the alley from that direction and so she is asking if the alley behind her house could be made one way and she will move her fence back a bit, too. She noted she has had no problems of vandalism since she put the fence up so she wants to keep the fence, if possible.

Councilmember Pedersen asked her who said she needed more visibility and Mrs. Robinson said it was the lady with the daycare across the street; apparently they don't have enough visibility to pick up and drop off kids there. She explained the Robinson property is on the south side of 5th St.

Mayor Weiser noted the alley behind his house has the same problem and he said he thinks this needs to be looked at for more than one block in the City.

Mrs. Robinson said 47th is so busy, she thinks alleys should just be for exiting.

Councilmember Wright asked if she got a letter from Paul Rochon, the Code Enforcement Officer and Mrs. Robinson said she did. She added that a lot of traffic is coming off 47th to avoid the light and there is a visibility problem as well as a lot of traffic and noise and not only does the alley between 4th and 5th need to be looked at as far as changing them to one way only, so does the alley between 5th & 6th.

Councilmember Pedersen said she would like the Traffic Safety Committee to look at this and Public Works Director Winckler said he would like the City Engineer to address this at this time.

City Engineer Carter handed out photos and spoke about the standard distances for driver visibility. He said the City would accept 10' of visibility to the north; the next Traffic Safety Committee meeting is the first week in March and they could look at the one way alley issue at that time, he said.

Mayor Weiser noted there is a similar issue on State between First and 2nd. Also, he noted Mrs. Robinson has offered to move the fence back a bit and lower the fence a little but he said he thinks all these alleys should be reviewed.

Mrs. Robinson said she sees the alleys as basically access to people's property; the garbage trucks go in the way she is suggesting--westbound. With a 4' fence, she said she would have visibility. She said she will go back 16' and taper the fence down to 4'.

City Engineer Carter explained that would not meet the present City requirements but he could call a meeting next week with the Traffic Safety Committee to discuss this matter on an urgent basis.

Mrs. Robinson added she would rather not cut the fence down to 3' because it does help eliminate noise the way it is.

Bruce Tipton, 6308 100th St. NE, asked if he could address Council at this time regarding SR 528, which comes later on the agenda, but he has another meeting to attend as soon as he makes this presentation.

Consensus of Council was to allow Mr. Tipton's remarks at this time.

Mr. Tipton submitted one copy of a 20 page document to the Mayor, stating he would try to briefly summarize what is in that document. Mainly, he said his concern is with any improvements on 528 needing to take into consideration the stream and its tributaries along 528 and the effects this will have on all of us. He noted the Army Corps of Engineers has a different definition for "Waters in the U.S." than the MPDES permit; there is a strict prohibition to put dirt in our streams, according to the Clean Water Act and this is an issue that has just come to light, he said. This is very serious, he said and he spoke about a mining discharge and how everyone who puts discharges into streams has to come up with mitigation. These same laws apply to this stream along 528, he said; these laws have been in force since 1972 and just have not been enforced. The EPA admits it's a major problem and he said he hopes the City Council delays work on 528 until they have a chance to read his document.

CONSENT AGENDA:

1. **Approval 1/25/99 Claims in the amount of \$745,741.84; paid by check nos. 42812 through 43032.**

Councilmember Pedersen moved and Councilmember Wright seconded to approve Consent Agenda #1. Passed unanimously.

STAFF BUSINESS:

Public Works Director Winckler noted Public Works has placed the alcohol limit signs in at least 7 locations, around the City perimeters, etc.

City Administrator Zabell announced an upcoming Snohomish County Tomorrow Steering Committee with a panel discussing the Endangered Species Act, at the Everett Sr. Center, January 26 & 27 from 5-8 p.m. There will be representatives from several community and state agencies on the panel, he said. He also noted there is at least one vacancy on the State Building Code Council, according to the AWC, with applications due 2/15/99. Anyone interested can get further information from him.

City Planner Hirashima reported tomorrow night the Snohomish County Planning Commission will be reviewing the Reconciliation Area 2A Update; this is the same issue as the City Council Workshop this Friday. Tomorrow night also, the Marysville Planning Commission will be reviewing the Area Wide Rezone, she reported.

Chief Carden noted the DARE graduation last Thursday was well attended at Allen Creek Elementary. He said there will be another one at Kellogg Marsh Elementary tomorrow night, 7 p.m.

MAYOR'S BUSINESS:

The Mayor reported he and Councilmembers Herman, Pedersen and Bartholomew attended a meeting with the Tulalip Tribes, US Coast Guard, DOT and several other groups concerning SR 529 and it is now DOT's intent to apply to the USCG to make the 529 bridge a fixed span versus the existing draw bridge because of extensive repairs that have to be made on the draw bridge(s). The plan is that while the new bridge is being built, the old bridge would have to be opened so the new bridge would have to be built 250 to 300 feet away but it's not known which side as yet, he said. After the new bridge is built, it's planned to remove the old one with the right of way to be dedicated to the local jurisdiction so this would make up for property lost with the new bridge, he said. Follow up will be done with DOT on this and in their application the City would like to see the new bridge a fixed span; the City would also like to see the design to give some idea of how much land is to be used, etc. He said the City will be getting information from the DOT on this. As far as the length of the ramps, that depends on the height of the bridge. Also, there will still be some minor repairs/closures on the 529 existing bridge(s) but nothing like what they were talking about before, with at least one lane open and no full closures, he was assured. DOT is to have their application in in February with an answer expected back in October or November from the Coast Guard, he said. He added that a fixed span would take until 2003 to collect enough money.

There was discussion about alignment of State, boat traffic, height of the new bridge, need for any commercial use, waterfront park plans, no one knows until USCG does a survey, DOT strategy, possibility of temporary uses of waterfront park in the meantime, DOT to include cities of Marysville, Everett, Tulalip Tribes, Downtown Merchants, etc. Apparently DOT will be required to remove the old bridge once a new fixed span is put up and the new bridge will be one which can be expanded at a future date to accommodate traffic increases.

CALL ON COUNCILMEMBERS:

Councilmember Dierck stated a business owner on 3rd St. contacted her about a concern about recent robberies in the area and more patrols have been requested, especially between 5:30 and 6:00 p.m.

Councilmember Roark asked about the School Resource Officer and Chief Carden reported the Marysville School District was sent a proposal and he met with the POA regarding that position; he intends to talk with Dr. Eisenhower regarding this soon.

Councilmember Herman asked to be advised of when the next meeting with the Tulalip Tribes will be, when it is decided. He noted the City's membership has recently been renewed with the Economic Development Council and said he would like a review of the organizations the City belongs to, our level of participation, potential and present.

Councilmember Leighan noted at a meeting with the Chamber, they asked about improvements at 138th & State and City Planner Hirashima said nothing is planned as yet for that intersection.

Councilmember Pedersen followed up on directional signs to the middle school and City Engineer Carter said he will be meeting later this week with the Marysville School District about that.

Councilmember Pedersen asked about the timeline for when the Area Wide Rezone will be reviewed by the Planning Commission and City Council. City Planner Hirashima said the Comp Plan Amendments have to be done first, so probably the Planning Commission will get to the Area Wide Rezone Feb. 2nd.

Councilmember Pedersen asked about a spring Council Retreat date and said she was looking forward to hearing when that will be.

Councilmember Roark expressed appreciation for Councilmember Wright's role at the Cities and Towns meetings these past few years.

CURRENT BUSINESS:

1. TCI/AT&T Merger (cont. from 1/11/99 meeting).

City Clerk/Assistant to the City Administrator Swenson reviewed the agenda bill and proposed resolution in the packets, noting Lon Hurd (consultant) and Janet Turpin of TCI are available if anyone has questions. She pointed out in the resolution that if there is a change, the approval of Council could be rescinded under Section C.

Councilmember Leighan moved and Councilmember Dierck seconded to adopt Resolution 1913. Passed unanimously.

2. Project R9601; SR 528 (67th St. to 83rd St.) Road Improvements

Public Works Director Winckler reviewed the agenda bill, noting the request is for \$50,410 for Perteet Engineering to do an analysis of the total project including channelization possibilities, etc.

City Engineer Carter explained the total contract would be \$542,431 for value engineering, creating bicycle lanes, HPA permits, culverting the main channel of Munson Creek and Allen Creek (increasing culvert from 48" to 60"), new requirements for detention to be made. City Administrator Zabell explained the routes of the streams along 528.

There was considerable discussion about crosswalks, traffic analysis, supplemental contract, upgraded environmental detention and retention requirements, channelization changes/policy changes.

Public Works Director Winckler explained the analysis is to provide information to Council to make the final decision, eg. traffic analysis.

Councilmember Herman noted the choices the Council makes here have an effect on other issues and there are a lot of uses along 528 that need to be considered, eg. if there should be 3 lanes vs 5, different traffic dynamics, environmental issues, how 528 will interrelate with other arterials, crosswalks for pedestrians. He said he is opposed to increasing the number of lanes from 67th west and thinks the City should look at possibly improving other arterials, eg. Grove. He said he would like to see people have choices and to be able to use bicycle routes, pedestrian routes, etc.

Councilmember Roark said he concurred with Councilmember Herman's remarks but he also sees the availability of state funds for 528 which can be a major issue.

City Administrator Zabell explained the traffic study is going to look at level of service, recommendations as to whether it should be increased from 3-5 lanes; he said this is a design memorandum at the request of DOT and has been discussed at staff level. It will give the City a good idea of what is going on and possible future impacts, he added.

Councilmember Dierck asked if an MPDES permit would be required and City Engineer Carter said the City actually went through the JARPA(?) process and so doesn't need to go through the MPDES process; MPDES is for cities of at least 100,000 population, he said. He noted that the City has to follow MPDES requirements for the Wastewater Treatment Plant but not road projects.

Councilmember Dierck asked if this could change and Mayor Weiser said yes, they are looking to make all cities follow the MPDES.

There was discussion about holding off on the project, language in Bruce Tipton's document, contract with Perteet, the earliest the construction can start is June, 1999 for the channelization; overlay has been funded already by DOT.

Councilmember Wright moved and Councilmember Leighan seconded to approve the Professional Services Agreement with Perteet Engineering as recommended by staff.

Councilmember Herman asked who would award the final construction contract--the state or the City and City Engineer Carter stated it would be done by the City.

Councilmember Roark said he would like the crosswalk information to be included in the information/analysis.

The maker of the motion, Councilmember Wright, and Councilmember Leighan who seconded the motion, agreed to include this in the motion (information about possible need for additional crosswalk, eg. at Jennings Nature Park).

City Engineer Carter confirmed this additional information would be included in the negotiated fee of \$50,410 with Perteet Engrg.

The motion passed unanimously.

3. DGR Construction Request for Appeal Reconsideration; PA 98050271.

City Planner Hirashima reviewed the agenda bill and read the MMC dealing with reconsideration, which was inadvertently not included in the packets. She noted she has spoken with the applicant to clarify the appellant's request; the address was Pasadena, CA instead of Marysville originally but that was corrected and Mr. Seibert did address the Hearing Examiner. The code requires that

the applicant submit a list of names and addresses and the Planning Dept. office does go through and confirm them, she said. She added that Mr. Seibert did receive subsequent mailings, the property was posted, as well as at the post office, library, Globe, Public Safety Building, City Hall.

City Attorney Weed noted it appears if the request is granted, it would be up to the City Council to reverse/revise the findings.

Mayor Weiser asked if anything can be heard from the appellant at this time and City Attorney Weed said no, it cannot.

Councilmember Dierck moved to remand this matter back to the Hearing Examiner but the motion died for lack of a second.

Councilmember Pedersen noted Mr. Seibert did have the chance to go before the Hearing Examiner.

Councilmember Leighan said he believes Mr. Seibert's statement in the packets is saying that he could have had more time to raise more issues, however Councilmember Leighan said he doesn't think Council would have ended up in any different position as he believes all issues were brought up before the Hearing Examiner.

Councilmember Roark said he thinks Mr. Seibert did have ample opportunity, also.

Councilmember Dierck asked if the developer was interested in putting in a fence or trees and Councilmember Leighan pointed out that that is part of the Hearing Examiner recommendation.

Councilmember Roark moved and Councilmember Leighan seconded to deny reconsideration. The motion passed 5-1 with Councilmember Dierck opposed.

NEW BUSINESS:

1. Ash Avenue Park and Ride Expansion.

City Engineer Carter reviewed the agenda bill, showing visuals. He said he talked to DOT about making a linear park and ride lot along Ash and CT, Snohomish County and DOT have all indicated they would be in favor of the proposal. He said in order to present a more definitive schematic, he needs approval from City Council; this would be moving funds from 88th/State funds and with City Council approval, he would take the proposal to CT, DOT and Snohomish County.

Councilmember Pedersen asked where the nearest transit stop would be and City Engineer Carter said it is right within the park and ride; the most someone would have to walk is 500 to 600 feet to catch a bus.

Councilmember Herman noted this is part of an interim CT plan; he explained other things that have been discussed at the CT level.

City Engineer Carter explained the dump station would have to be moved from the current park and ride location to the Public Works parking lot and Ash Avenue would have sidewalks as well as two lanes, one going each way.

Councilmember Leighan noted the main use for the park and ride is for vanpools and with a proposed bus stop, the buses are going to have to go through residential areas plus you need to be concerned about the appearance of our City with the park and ride lot right next to the freeway.

City Engineer Carter pointed out there would be landscaping.

Councilmember Leighan said he doesn't feel this is a good area for this but can't think of a better one. He said he thinks 160 cars is a lot of traffic in that residential area.

There was discussion about whether or not CT will be making the commitment to have a bus stop there, gateway appearance, City Council needs to decide if they should send this to CT and TIB Board if that's the direction City Council wants to go.

Councilmember Dierck asked about public input and City Engineer Carter said he would first like to see how Council feels about it.

Councilmember Dierck said she would like to make sure the public gets input early on, eg. is there going to be a shelter? City Engineer Carter said there are no plans as yet, however he is sure that will be considered.

Councilmember Herman said he knows Marysville has an urgent need for a park and ride and we need to make some tough decisions here. He said he thinks City Council needs to make a commitment one way or the other tonight and if the site presented tonight is not agreed on, the City Council needs to come up with an alternative. He said he would be interested still in having Ash one way southbound and use the extra space for street trees and sidewalk from 8th Street south to 5th.

CORRECTED: SEE 2/1/99
MINUTES

There were further comments regarding having attractive landscaping, need to make sure property owners are included in the decision/public input process, Councilmember Herman stating he believed CT is having a board meeting Feb. 1. It was noted Marysville needs at least 4 more park and ride lots besides this.

Councilmember Roark moved to direct Public Works to continue with the predesign and public involvement process of the expansion of the Ash Avenue Park and Ride lot from 5th Street to 8th Street.

After further discussion and no second, Councilmember Roark withdrew his motion.

There was further discussion about an alternative location, with Councilmember Pedersen moving that the Public Works go ahead with their design, present it to the public, get a decision and send Councilmember Herman to the March CT Board meeting. Councilmember Wright seconded.

After further discussion, the motion was changed to send Councilmember Herman to the April CT Board meeting with the Council decision. Also to have an open house, public input and come back to Council at the March 21, 1999 meeting.

The motion passed 4-2 with Councilmembers Roark and Leighan against.

2. Traffic Revision Seaview Ridge.

City Engineer Carter reviewed the agenda bill.

After brief discussion, Councilmember Dierck moved and Councilmember Roark seconded to authorize by resolution the placement of stop signs at the intersections of 70th Ave. NE & 46th St. NE and 71st Dr. NE & 46th St. NE, as recommended by the Traffic Safety Committee. Passed unanimously.

3. Water Meter Study Consultant Recommendation; CHS Engineers.

Public Works Director Winckler reviewed the agenda bill, noting the request is for \$22,000.

There was considerable discussion on this item, with an explanation of the new technology, discussion about gradual replacement of meters, Bellevue just having had a similar study done. It was noted Marysville currently manually reads water meters. There was discussion about timing, trying to get a copy of the Bellevue study, replacing perfectly good meters, difficulty in comparing technology/cost when only part of the meters have been changed out.

Councilmember Herman moved to continue this matter until staff finds out Bellevue study results. Councilmember Roark seconded and the motion passed 5-1 with Councilmember Dierck against.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance Establishing a Special Purpose Fund to be Designated the "Ken Baxter Senior/Community Center Application Fund" Specifying the Purpose of the Fund and How Said Fund Shall be administered, and adding a New Chapter 3.99 to the MMC.**

Councilmember Leighan moved and Councilmember Roark seconded to adopt Ordinance 2227. Passed unanimously.

- 2. Resolution Granting Utility Variance for Celia Bergevin for Property Located at 16408 51st Ave. NE, Marysville.**

Councilmember Dierck moved and Councilmember Leighan seconded to adopt Resolution 1914. Passed unanimously.


ADJOURNED: 9:54 p.m.

EXECUTIVE SESSION: 10:00 to 10:30 p.m.


- 1. Pending Litigation** No Action

RECONVENED & ADJOURNED: 10:30 p.m.

Accepted this 1st day of February, 1999.



MAYOR



CITY CLERK



RECORDING SECRETARY