

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JANUARY 24, 2000**

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CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. January 8, 2000 Special Meeting 2. January 10, 2000 city council	Approved. Approved as corrected.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
ACTION ITEMS	
<b>REVIEW BIDS</b> None.	
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. City truck routes 2. Consultant team contracts for 116 <sup>th</sup> Street Master Plan	Continued to 2/14. Approved with changes.
<b>NEW BUSINESS</b> 1. Strawberry Festival proposal; Maryfest, Inc. 2. Lease agreement with Maryfest, Inc. for the caboose 3. Utility Variance, Boyden, Robinett & Associates, L.P.; 10719 60 <sup>th</sup> Avenue N.E., Marysville. UV 99-20 4. Utility Variance, Borseth Construction, Inc., 4617 120 <sup>th</sup> Street NE, Marysville. UV99-19. 5. Amend 2000 city operating budget (first reading) 6. Approval of final plat of Chatham Court	Approved Alternate Schedule of Events. Approved, subject to revision. Denied variance request. Directed staff to work w/applicant on surety bond. Tabled to 2/27. First reading, only. Approved.
<b>CONSENT AGENDA</b> 1. Approve JANUARY 24, 2000 claims in the amount of \$379,940.16 paid by check nos. 49933 through 50117 with check nos. 48678, 49207, 498844 and 49996 void. 2. Approval of Utility Variance subject to conditions, Dennis G. Carlson. 3. Approval of final plat, Whiskey Ridge Estates, PA9809049. 4. Approval of final plat, Ebey Landing, PA9806038.	Approved. Approved. Approved. Approved.
<b>LEGAL MATTERS</b> 1. Distribution easement, PUD NO. 1 of Snohomish County and GTE Northwest, Inc.	Approved.
<b>ORDINANCES AND RESOLUTIONS</b> 1. A Resolution of the City of Marysville adopting revisions to the City of Marysville Engineering Design and Development Standards.	Approved Resolution 1967.
INFORMATION ITEMS 1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN TO EXECUTIVE SESSION	10:30 P.M.
RECONVENE 1. Authorize resolution of litigation for the amount discussed in Executive Session.	Approved.
ADJOURN	10:58 P.M.

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JANUARY 24, 2000**

**CALL TO ORDER/FLAG SALUTE/ROLL CALL**

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the council chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:  
Dave Weiser, Mayor  
Mike Leighan, Mayor Pro Tem  
Shirley Bartholomew  
Jim Brennick  
NormaJean Dierck  
Donna Pedersen (late arrival)  
Suzanne Smith  
John Soriano

Administrative Staff present:  
Dave Zabell, City Administrator  
Mary Swenson, Assistant City Administrator  
Robert Carden, Chief of Police  
Gloria Hirashima, City Planner  
Grant Weed, City Attorney  
Ken Winckler, Public Works Director

Mayor Weiser advised that Councilmember Pedersen was giving a presentation at the PTSA meeting and would arrive late.

**MINUTES OF PREVIOUS MEETING**

CORRECTED: SEE 2/7/00  
MINUTES

1. City Council Special Meeting January 8, 2000

**MOTION** by Dierck, second by Brennick, to approve the minutes of the January 8 meeting as presented. Motion carried unanimously (6-0).

2. City Council Meeting, January 10, 2000.  
Councilmembers noted the following corrections:

- Page 5, 1. Utilities, should be Leighan, Bartholomew, Brennick.

**MOTION** by Bartholomew, second by Brennick, to approve the minutes of the January 10, 2000 council meeting as corrected. Motion carried unanimously (6-0).

**AUDIENCE PARTICIPATION**

None.

The Mayor reordered the agenda to address items 1 and 2 of New Business.

**NEW BUSINESS**

1. Strawberry Festival proposal; Maryfest, Inc.

Carol Kapua, 5930 74<sup>th</sup> Street NE, President of Maryfest, advised council that the organization had hired a professional advertising firm and surveyed businesses and the community regarding the festival. The result was a proposal to condense the festival into fewer days and stage the parade in the evening. It was felt that businesses would do better if the streets were more available during the day. There were many events and attractions to keep people in town and busy. One pub in town that traditionally benefited greatly from the day parade had expressed concern about the change, but most businesses preferred an evening parade so the streets would be open during the day. Many marching groups and parade participants had been contacted and had responded favorably to the proposed changes. The Salmon Ceremony would be on Saturday, June 10, not June 17 as listed in the agenda packet. A brochure had been prepared and would be placed on ferries and at tourist sites. The hotels were preparing weekend packages.

Ms. Swenson added that the city was required to advertise for those interested in putting on the annual festival. Maryfest's proposal was the only one received. Staff had driven the proposed parade route at night and felt comfortable that the vacant lots, inadequate lighting, etc. could be addressed. The problems associated with the festival could be anticipated and mitigated. The festival would be required to obtain a street

closure permit and to have signs on I-5 and 528. This would aid in informing the public of the change in time.

**MOTION** by Bartholomew. Second by Brennick, to approve the "Alternate Schedule of Events" for the Strawberry Festival, which included a shortened timeframe and an evening parade. Motion carried unanimously (6-0).

2. Lease agreement with Maryfest, Inc. for the caboose

Ms. Swenson stated the city was looking for ways to get information out on all community activities without an investment of staff time. Making brochures available was one of the proposed duties Maryfest would perform as their rent for the property. Mr. Weed added that he had reviewed the proposed lease and made some suggestions; those had been incorporated. It was legally proper to set a rent amount and offset that by services provided by the tenant. Payment of the leasehold tax was not addressed, but he would investigate that and make appropriate revisions.

Ms. Kapua added that the site would be more visible to the public. Maryfest was not in competition with the Visitor Information Center but had not contacted them.

**MOTION** by Bartholomew, second by Brennick, to approve the lease with Maryfest, Inc. for the caboose at 4<sup>th</sup> and Cedar, subject to the City Attorney revising certain aspects of the lease document. Motion carried unanimously (6-0).

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

None.

**ACTION ITEMS**

**Review Bids**

None.

**Current Business**

1. City truck routes

Mr. Winckler gave the staff presentation, noting that information regarding tonight's meeting had been mailed to 27 trucking companies. He reviewed a map of the proposed truck routes. Next, he reviewed the suggested changes for truck parking, noting council could either establish criteria or designate, by street, some truck parking areas.

Councilmember Pedersen arrived at this point in the meeting.

Mr. Winckler stated staff had not checked all the routes to verify they had an adequate turning radius. There would be no conflicts with any county designations because the county designated all roads as truck routes. If council designated certain streets for truck parking, they would be signed "overnight truck parking allowed." The city had joint jurisdiction on the surface of state highways but would have to get authorization to establish truck parking areas. Grove Street, across from city hall, did not meet the current criteria for parking. Once the routes and parking areas were designated, signage would be put in place and information sent to trucking companies and truck stops. The proposed changes would not apply to moving vans. Regarding the Coca Cola site, trucks were allowed to park there while doing business but not overnight.

Councilmember comments included:

- Citizens should be notified about the February 28<sup>th</sup> meeting.
- There was support for not allowing parking in residential areas.
- Consider restricting truck traffic on Beech until it was repaired.
- A concerted effort should be made to notify the trucking companies of the city's proposed changes.

The Mayor called for public comments.

Gary Gorder, 1927 3<sup>rd</sup>, supported making changes as trucks often parked helter-skelter on side streets, blocking the sight distance for motorists.

There being no one further wishing to speak, the Mayor closed the public comment portion of the meeting.

**MOTION** by Brennick, second by Leighan, to continue the discussion of truck routes until the February 14 meeting and direct staff to make a concerted effort to contact trucking companies about the proposed changes and the meeting. Motion carried unanimously (7-0).

## 2. Consultant team contracts for 116<sup>th</sup> Street Master Plan

Ms. Hirashima gave the staff presentation, stating staff requested a budget amendment to allow \$20,000 which had not been expended during 1999 to be carried over to this year's budget. The city sent out the scope of work to several firms; three made presentations based on that. She noted the consultants submitted proposals that were over the amount budgeted for the project; staff had negotiated it back to the original approved amount. The city had used this firm before for the downtown revitalization project and recently contracted with them to do the transportation plan that was approved. Mr. Zabell added that the city was precluded from utilizing a straight bidding process on these types of professional services. The firms submitted a proposal and the city chose the one it felt was most qualified then negotiated the fee. Ms. Hirashima added that the three firms were well qualified and staff felt confident they could deliver a product that met the scope of work. The Bucher firm was headquartered in Kansas, but had a Seattle office.

Councilmember Pedersen requested that Paragraph 3.3 "Time of Performance" be revised to have a period after "180 days." She felt the city was losing out on revenue by not having improvements in that area.

Councilmember Smith asked that community involvement be emphasized as this project affected the whole community. Effort should be made to interview community members and hear their comments at workshops and include them throughout the process, not just towards the end.

Councilmember Pedersen asked who would make the decision for the city on any extension of time to complete the work; Mr. Zabell responded that it would be he and Ms. Hirashima and the Mayor. Mr. Weed added that a request for an extension would be brought back to council.

Councilmember Soriano asked about the dollar figures from the other consultant teams; Ms. Hirashima responded that the money part was not negotiated until the selection of the consultant. It was understood that they would operate within the budget.

Councilmember Dierck asked about the Bucher firm's expertise in wetlands as new regulations like the 4D rule were going to be in place and it would be important that any work done be compliant with those. Ms. Hirashima responded that the firm was well recognized and had already done work for the city on some of its construction projects.

The Mayor called for audience comments.

Gary Petershagen, Belmark Industries, 505 Cedar Ave., Suite B1, asked that the contract be tightened to ensure the work was completed in a timely manner and not delayed. Ms. Hirashima replied that the consultants were very aware that this was on a critical path. The property owners in the affected area could expect a public workshop in March.

There being no one further wishing to speak the Mayor closed the public comment portion.

Councilmember Leighan asked if the city attorney had reviewed the contract; Mr. Weed responded in the affirmative.

Councilmember Smith asked if staff could do some of the work. Ms. Hirashima responded that staff would be performing some of the tasks; this was done to keep the costs within the budgeted amount. The newly created planner position would be focused on this work.

**MOTION** by Pedersen, second by Leighan, to approve the consultant contract on the 116<sup>th</sup> Street master plan, with the change in 3.3 of replacing the comma with a period after "180 days," and with the addition of increased community involvement, and authorize the Mayor to sign the consultant

team contracts subject to approval by the city attorney. Motion carried unanimously (7-0).

**New Business**

3. Utility Variance, Boyden, Robinett & Associates, L.P.; 10719 60<sup>th</sup> Avenue N.E., Marysville. UV 99-20

Mr. Winckler gave the staff briefing, noting applicant inadvertently omitted this property in its utility variance for Wind Dancer. A 6" side sewer had been run to the property in anticipation of serving it without frontage improvements. It had not been the city's practice to accept posting of a performance bond. He noted the land was vacant with a nearby ravine. Because most of the area was unbuildable, there would be no need to run a line to the east. A substantial portion of the land was wetland, so there was only room for one house.

Rick McCardle, Shockey Brent, 2924 Colby, Everett, testified that the water and sewer which fronted the property was located on 60<sup>th</sup>, the short dimension of the plat. The legal description of this property was inadvertently excluded in the request for the other 44 lots. He explained the topography of the area: east along 108<sup>th</sup> dipped down, the wetland was 200 feet wide, the good ground east of the wetland could be served by gravity sewer from further south, which was planned. That was one reason that the extension of 108<sup>th</sup> did not make sense. Also, 108<sup>th</sup> was the urban growth boundary, and it would be appropriate to keep utilities south of it.

No one further wished to speak, so the Mayor closed the public comment portion.

**MOTION** by Leighan, second by Dierck, to deny the utility variance request for relief of frontage improvements on 108<sup>th</sup> Street NE. Motion carried unanimously (7-0).

**MOTION** by Leighan, second by Brennick, to direct staff to work with applicant regarding a surety bond for the improvements on 108<sup>th</sup> because of problems with wetlands, etc. Motion carried unanimously (7-0).

4. Utility Variance, Borseth Construction, Inc., 4617 120<sup>th</sup> Street NE, Marysville. UV99-19.

Mr. Winckler presented the information from the agenda packet, noting applicant was seeking approval to connect to an existing system, the Marshall School Sewer System. There had been numerous requests to connect to that line and there was capacity there, but the line had been identified to serve a specific boundary. If properties lying outside that boundary, such as this one, were allowed to connect, there would be insufficient capacity for the planned service area in the future. The plan for the area under discussion at this meeting was to be served by a major LID. If the property were allowed to connect as requested, the impetus for a LID would be greatly reduced and that whole area would not develop properly. It was a sizeable area and there had been a lot of interest in it.

Tom Borseth, 64 Beech Ave., testified they could take their sewer service from an existing line which was granted as a variance 1-1/2 years ago and bring it up 400 feet but would prefer a temporary hookup for four duplexes, one house and an existing duplex. When the LID came through, he would vacate this line and go with the LID plan. He did not feel these eleven units would over-capacitate the line. Mr. Winckler repeated that if this request were granted it would be taking capacity away from the area the line was intended to serve. Mr. Borseth stated that if the request were denied he would reduce his plan to four lots, put in septic systems, and not support a future LID and the area would not support a LID without his property.

Councilmember Pedersen asked if staff had understood this was intended to be a temporary line and the applicant would sign an agreement to participate in a future LID. Mr. Winckler responded that he did not recall that the original request was for a temporary service. Mr. Borseth stated he had already signed the annexation covenant and would under-capacitate the line at such time as he disconnected. Mr. Winckler repeated his concerns about allowing service outside the planned service area.

Mr. Zabell suggested tabling action on this request for two weeks to allow time for additional information to be supplied to council and for a fuller update to the new councilmembers about how these boundaries were set. Councilmember Pedersen asked that council be supplied with copies of the RUSA Committee minutes earlier in the process.

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Councilmember Smith stated this was a dilemma because she wanted to see the area on sewer because of the potential environmental impacts from septic but she did not want to grant away the capacity of the line to the detriment of those who would be depending on it in the future.

**MOTION** by Smith, second by Pedersen, to table action on this matter until February 27. Motion carried unanimously (7-0).

5. Amend 2000 city operating budget (first reading)

The council briefly discussed the items in the proposal. Mayor Weiser noted this would be on the agenda for approval at the next council meeting.

6. Approval of final plat of Chatham Court

Mr. Zabell advised this matter had come in late in the week, but applicant had satisfied all the conditions for approval. Councilmembers repeated their requests for maps that showed development patterns.

**MOTION** by Brennick, second by Bartholomew, to approve the final plat of Chatham Court. Dierck voted nay; all others voted aye; motion carried (6-1).

**CONSENT AGENDA**

1. Approve JANUARY 24, 2000 claims in the amount of \$379,940.16 paid by check nos. 49933 through 50117 with check nos. 48678, 49207, 498844 and 49996 void.
2. Approval of Utility Variance subject to conditions, Dennis G. Carlson.
3. Approval of final plat, Whiskey Ridge Estates, PA9809049.
4. Approval of final plat, Ebey Landing, PA9806038.

**MOTION** by Bartholomew, second by Brennick, to approve consent items 1 and 2. Motion carried (6-0-1), with Councilmember Leighan abstaining as to item 1 and carried unanimously (7-0) as to item 2.

Councilmember Smith asked that future information regarding plats be provided to council earlier to allow sufficient time for study. She reported on her comments at an earlier hearing regarding one of the developments. Mr. Weed explained there was no conflict of interest as council was only making a decision that all requirements had been met.

**MOTION** by Bartholomew, second by Pedersen, to approve consent items 3 and 4. Motion carried unanimously (7-0).

**Legal**

1. Distribution easement, PUD No. 1 of Snohomish County and GTE Northwest, Inc.

Mr. Weed explained this easement was to allow power to be installed to the Edward Springs well system in conjunction with improvements being made there. Because the city was granting an easement, it was appropriate for the council to formally approve the action. Mr. Winckler added that the easement generally followed the roadway and the area was densely wooded.

**MOTION** by Bartholomew, second by Brennick, to approve the distribution easement to PUD No. 1 of Snohomish County and GTE Northwest, Inc. Motion carried unanimously (7-0).

**Ordinances and Resolutions**

1. A Resolution of the City of Marysville adopting revisions to the City of Marysville Engineering Design and Development Standards

**MOTION** by Bartholomew, second by Leighan, to approve Resolution 1967. Motion carried unanimously (7-0).

**DISCUSSION ITEMS**

None.

**INFORMATION ITEMS**

## 1. Mayor's business

- Reminded council of Chamber Breakfast on January 28, Cities & Towns meeting on January 27, and the ongoing Tulalip Tribe lectures.
- CT Board voted to change one part of the basis for Board makeup; now two members will represent cities with population between 10,000 and 30,000 and two will represent cities under 10,000. The overall number of representatives on the Board did not change, but this did affect the one man, one vote rule. The Board also elected new members.

## 2. Staff's business

## Chief Carden:

- The Graffiti Committee met and agreed on an emphasis of education and eradication. Some areas had already started cleaning up. Mr. Winckler added that Eagle Hardware had donated and delivered 42 gallons of paint for the program.

## Mr. Zabell:

- Would provide council with copies of H.B.2450 and encouraged councilmembers to read *What's Happening in Olympia*, which was put out by AWC.

## Mr. Weed:

- Reported on a successful DUI trial his firm prosecuted for the city.

## Ms. Hirashima:

- The West 54<sup>th</sup> Street petition had been received and been certified. It was under review by the Planning Commission.
- Staff met with DOE representatives regarding current issues, development review and grant opportunities. It had been a productive meeting and DOE staff had been very helpful.
- Met with Snohomish County planning staff regarding the Smokey Point plan.

## 3. Call on councilmembers

## Councilmember Pedersen:

- Would not be attending Cities & Towns.
- The Health District would be cutting 34 jobs between now and July in order to meet its post I-695 budget.

## Councilmember Dierck:

- Provided of list of which legislators served on the various committees in Olympia and suggested an organized approach to lobbying. The Mayor agreed to copy the list for all councilmembers.
- Wanted to change the TV meeting on February 3 due to a conflict. The Mayor agreed to follow up on this.
- She had been working with the land use committee regarding the Endangered Species Act. Work was being done on a tri-county basis in order to have a stronger position with National Marine Fisheries. Steve Holt, Snohomish County Planning Director, would be willing to attend a council meeting in February to make the full council aware of this work. Councilmember Leighan requested that this be coordinated through staff so invitations weren't being issued to special speakers without staff and council knowledge.

## Councilmember Brennick:

- Ask that the towing ordinance be reviewed, particularly as to out-of-town firms picking up vehicles and towing them out of town.
- Asked about the retreat; the Mayor responded that it had not been scheduled.
- Three new councilmembers heard attorney Steve DiJulio speak on legal issues.

## Councilmember Bartholomew:

- TVW had been down for several days due to a power surge or a tie-in that was not Y2K compliant. It was back up Saturday and on line.
- Parking enforcement was needed on 6<sup>th</sup>, between State and Columbia. Mr. Zabell agreed to follow up.

Councilmember Soriano:

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- At the Park Board meeting, Mr. Ballew had a tentative drawing of what the new park would look like. Council expressed an interest in seeing the drawing.

Councilmember Smith:

- Asked about the legislative day in Olympia; Mayor Weiser responded that it was important for councilmembers to coordinate their efforts and go there and make connections, not just have a social outing.
- Asked if the letters from Matt Gordon would be addressed.
- Asked if the city planned to review its PRD ordinance to ensure sensitive areas were not being used as created open space. PRD's were being allowed ostensibly to preserve space, but those spaces would be protected anyway because they were sensitive areas. Ms. Hirashima replied that the city reviewed its PRD ordinance 1-1/2 years ago; the city did not have a lot of the issues the county did. The city might grant a density bonus for improvements within a plat, such as park facilities or energy efficiency; the county gave an automatic 20% bonus. Councilmember Smith asked about the Whiskey Ridge PRD. Ms. Hirashima responded that there had been no bonus on this plat. She added that the PRD allowed alternative designs which made better use of the land but did not automatically allow a density bonus. Councilmember Smith noted that no park was being put in and nearly 100 homes would be built. The power line area had been given in lieu of park impact fees but the property owners didn't actually own that. Ms. Hirashima explained that the PRD ordinance provided that power line easements were taken out of the density calculation so no density would have been attributed to the development for the power line. The power line easement was on the city's Park and Recreation Plan as a corridor for park and recreation purposes. Councilmember Smith noted that was not property the developers could have used anyway which illustrated her point that the PRD ordinance needed to be reviewed.
- Asked if the plat going in across from the library would be cleaning up the blackberries; Ms. Hirashima responded that they had bonded for that work already.

**ADJOURN TO EXECUTIVE SESSION**

Council adjourned at 10:30 p.m. and into Executive Session at 10:36 p.m.

**RECONVENE**

Council reconvened at 10:57 p.m.

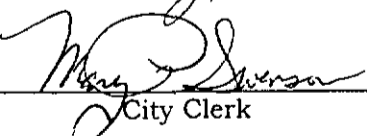
**MOTION** by Pedersen, second by Leighan, to authorize resolution of litigation for the amount discussed in Executive Session. Motion carried unanimously (7-0).

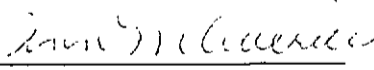
**ADJOURN**

Council adjourned at 10:58 p.m.

Accepted this 7<sup>th</sup> day of February, 2000.

  
Mayor

  
City Clerk

  
Recording Secretary