

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 26, 2000**

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| CALL TO ORDER/FLAG SALUTE | 7:00 p.m. |
| ROLL CALL | Soriano absent. |
| MINUTES OF PREVIOUS MEETING 1. June 12, 2000 city council | Approved as corrected. |
| AUDIENCE PARTICIPATION None. | |
| PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. 1999 Annual Report for Marysville Library - Dan Howard | |
| ACTION ITEMS | |
| REVIEW BIDS | |
| 1. Crack sealing project. | Awarded to Chandler Construction |
| 2. Replacement of lawnmower #869 and purchase of new budgeted mower for Parks | Awarded to Cascade Turf |
| PUBLIC HEARING | |
| 1. Six year Transportation Improvement Program (2001-2006) | Approved. |
| CURRENT BUSINESS | |
| None | |
| NEW BUSINESS | |
| 1. Professional services agreement, Trunk F to Trunk A intertie, Berryman and Henigar, Inc. | Approved. |
| 2. Interlocal agreement with Whatcom County for North West Mini-Chain | Approved. |
| 3. Mills Annexation, 10% Notice of Intent, PA 0006021 | Approved. |
| 4. Ray Annexation, 10% Notice of Intent, PA 0005017 | Approved. |
| 5. Establish siting criteria for Skateboard Park | Deferred to July 24. |
| CONSENT AGENDA | |
| 1. Approval of June 26, 2000 Claims in the Amount of \$934,479.47; Paid by Check Nos. 52798 through 53045 with Check Nos. 49818, 50657, 52361, and 52766 Void. | Approved. |
| 2. Approve and Authorize Mayor to Sign the Utility Easement for PUD Electrical Service to Edward Springs. | Approved. |
| 3. Approve and Authorize Mayor to Sign Water CAD Model Recalibration Professional Services Agreement; Hammond, Collier & Wade Livingstone Associates, Inc. | Approved. |
| 4. Approve and Authorize Mayor to Sign Professional Services Agreement; GIS for Pavement Management System; Harris & Associates. | Approved. |
| 5. Approve the Extension of the No parking Area 70 Additional Feet North of the Intersection 67 th Avenue NE & 67 th Place NE (125 Feet from the Crosswalk). | Approved. |
| 6. Approve Utility Variance for Bryce & Lianne Anderson; 14725 45 Road, Arlington, Washington. | Approved. |
| 7. Approval of New Liquor License Application; Emerald Coin Vending, 6810 84 th Street N.E., Marysville, Washington. | Approved. |
| 8. Approval of Fireworks Stand Permits for the Knights of Columbus (3 stands), Marysville Kiwanis (3 stands), and Marysville Tulalip Information Center (2 stands). | Approved. |
| 9. Change accounting position to Senior Accountant at PAN-G1-B. | Approved. |
| LEGAL MATTERS | |
| None. | |
| ORDINANCES AND RESOLUTIONS | |
| None. | |
| INFORMATION ITEMS | |
| 1. Mayor's business 2. Staff's business 3. Call on councilmembers | |
| EXECUTIVE SESSION Litigation and personnel issues. | No Action Taken. |
| ADJOURN | 11:25 p.m. |

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 26, 2000**

CALL TO ORDER/FLAG SALUTE

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

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| <p>Councilmembers Present: David Weiser, Mayor Mike Leighan, Mayor Pro Tem Shirley Bartholomew Jim Brennick NormaJean Dierck Donna Pedersen Suzanne Smith</p> | <p>Administrative Staff present: Mary Swenson, Assistant City Administrator Robert Carden, Chief of Police Grant Weed, City Attorney Eric Thompson, Planning Department Ken Winckler, Public Works Director Owen Carter, City Engineer</p> |
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Mayor Weiser advised that Councilmember Soriano was on vacation and unable to attend.

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, June 12, 2000.
Councilmembers noted the following corrections:
 - Page 2, under Motion Restated: "the city council would review the school district's capital facilities plan and the city's school mitigation fee ordinance on July 24."

MOTION by Brennick, second by Dierck, to approve the minutes of the June 12, 2000 meeting as corrected. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION

None.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

1. 1999 annual report for Marysville Library - Dan Howard

Mr. Howard distributed a handout, which listed data on circulation, reference questions, library programs and equipment, and plans for the coming year. He noted that the Marysville Library checked out more books than either Everett or Lynnwood. He gave examples of how the reference center assisted adults and students. Over three-fourths of the city of Marysville have library cards. An electronic book was shown. Mr. Howard introduced Dorothy Stanton, representing the Friends of the Library, and Valerie Stevens from Sno-Isle.

ACTION ITEMS

Review Bids

1. Crack sealing project

Mr. Winckler gave the staff presentation, noting information had been sent to ten companies but only one bid was received.

Councilmember questions and comments included:

- Did the city have the capability to perform this work in-house? Mr. Winckler stated the city did not have the container for hot asphalt and other specialized equipment; also, this work was done infrequently.
- Had this company done business with the city before? Yes, and their work was satisfactory.
- When would the work start? August.
- There were already several road projects, which impeded traffic. Mr. Carter responded that roads would not be closed for this process and the entire project would take two weeks or less.

- Was this a minority business? Mr. Carter responded that no federal dollars would be used in this project, so the city did not have a Women's Business Enterprise goal.
- What was the Limited Power of Attorney? Mr. Weed stated this indicated that the person representing CBIC Insurance Company had the authority to sign the bond for the contractor and issue the bond.
- The packet was a different format. Ms. Swenson explained that this was the complete bid package; council usually saw only the bid calculation sheet.

The Mayor called for public comments; there were none.

MOTION by Brennick, second by Bartholomew, to award the crack sealing project to Chandler Construction for the amount of \$14,250 plus sales tax. Motion carried (6-0).

2. Replacement of lawnmower #869 and purchase of new budgeted mower for parks

Roger Kennedy briefly reviewed the agenda materials, noting the low bidder did not meet the horsepower specifications.

Councilmember questions and comments included:

- Was a budget amendment needed? Mr. Kennedy said it was not; one mower had been budgeted for and funds for the second one would come from delaying the replacement of a Kubota tractor.
- The original budgeted amount of \$32,300 was for one mower and one trailer and now the city was getting two mowers for approximately \$34,000. What was the trailer valued at? Mr. Kennedy said staff had not gone out to bid when the budget was prepared and they had estimated high. They revised the specs to call for side discharge, which reduced the price, and purchasing two also reduced the price.

MOTION by Pedersen, second by Bartholomew, to award the bid for two front lawn mowers to Cascade Turf at \$33,974.80. Motion carried (6-0).

Public Hearing

1. Six-year transportation improvement program (2001-2006)

Mr. Carter gave a detailed slide presentation noted projects in the first three years had funding in place but those in the last three years were the "wish list," they needed to happen but funding had to be obtained. Much of the funding came from the Federal TEA21 program and there were issues surrounding that funding in the Puget Sound region. Because of I-695, \$119 Million of regular projects had to be funded from federal funds. This hurt local agencies. The city was actively protecting the funding for its projects and it appeared the Ash Avenue project and State Avenue-Ebey Slough to Grove Street project were secure.

Councilmember Dierck asked if information was available on grants received and where the funds were going. Mr. Carter responded that grant money was project specific and he reviewed some examples from the plan.

Mr. Carter advised that the other state funding programs was the TIB. The city planned on these funds for the Ash Avenue Park & Ride, State Avenue Ebey Slough to Grove, and State Avenue 116th to 136th. These funds were now limited because of the state's bonding capacity, which was a result of I-695.

Mr. Carter then extensively reviewed the projects. Those which councilmembers questioned were as follows.

TIP No. 1, 67th Avenue south city limits to Grove.

- Would this include curbs, gutters and sidewalk? Mr. Carter stated these funds would be put into an 8-foot shoulder improvement. If development occurred in that area, the curbs, gutters and sidewalks would be required as part of the development. The city would not seek reimbursement for funds spent on these improvements.

TIP No. 2, Ash Avenue Park & Ride. Mr. Carter noted the city planned for \$500,000 of federal funds in this project and that funding appeared to be secure. It would go to advertisement in the fall or early winter with construction starting shortly thereafter. It would be operational next summer.

- Had WSDOT approval been received? Mr. Carter said it had.

TIP No. 3, State Avenue 100th Street intersection. It was anticipated that construction would start this year, but this was included for 2001 because the project would carry over into next year.

- Did the city have the "hazard elimination" funds already? Yes.
- When the design was completed could construction begin immediately? Mr. Carter responded that the city had \$145,000; if the plan called for more, other sources would have to be found.

TIP No. 4, 47th Avenue NE and Grove. Construction would start on this project in October.

- Had there been opposition from property owners? The city purchased the right-of-way. The project was staked so the property owners knew how much land they would be losing. Both property owners signed.

TIP No. 7, 88th Street NE and 67th intersection. This project was to provide safe walking for school children. It met signal warrants. It had been moved up on the list because of safety concerns expressed by the school district and the neighborhood; construction was scheduled for 2001.

- Could this be accomplished before school started in the fall? Mr. Carter said it could not as the design process had not begun and a fast-track design project took approximately three months. It would probably be constructed summer, 2001.
- What was the source of the city's funds for this project? Real estate taxes and developer mitigation fees.

TIP No. 8, 152nd Street NE and State. The city was collecting mitigation fees for this intersection and it would be signalized.

- Had the city received any indication from the state that this would be an off-ramp instead of 136th? No.

TIP No. 12, 16th Street NE, I-5 to State. The state claimed this intersection was under their jurisdiction because of its proximity to the interchange. If that proved to be correct, the city would work through them to ensure a signal warrant analysis was done on this intersection.

- Would this project speed up or slow down the master plan? Mr. Carter said staff knew this needed to go to 5 lanes and it was planned for 2004; no funding was in place.
- Would construction be moved up if development occurred? Development could move this forward, but there would be no city funding if it were done before 2004.
- What was the "planter strip?" A planted strip between the curb and the sidewalk to heighten safety for pedestrians. It would not affect ingress or egress.
- Status of siting the intersection of 36th. Mr. Carter noted staff had requested the state to start working through its process to determine if the area was in its jurisdiction.
- Why was the state asserting jurisdiction at 116th when it hadn't at 88th? Due to its proximity to the interchange.

TIP Nos. 14 and 15, Sunnyside Boulevard.

- When would the city seek funding for these projects? The city did not have the matching funds to go after several of the large projects. It did apply for state funding for the Sunnyside projects but was not successful, due to the limited funds available as a result of I-695. This would probably be moved to the 2002 cycle.
- Did the tragedy on Sunnyside Boulevard bring it forward on the funding schedule? Mr. Winkler said that was included as part of the accident portion of the scoring criteria used by TIB and UATA. There was not a large traffic volume or congestion in that area so overall the scoring was not high enough yet.

TIP No. 19, State Avenue to Ebey Slough to Grove.

- Was there funding for this? Mr. Carter reported the majority of funds were assured; \$5 Million from TIB plus development mitigation, arterial and other city funds. Grants were also being pursued.
- Who would fund the undergrounding of the utilities? Mr. Carter stated staff was working closely with the PUD who assured them that the conduit containing the wires could be run to the same location as the overhead wires were and this would be relatively inexpensive. The cost of undergrounding would be borne by the project, not the PUD.

TIP No. 23, 88th Street extension.

- Had this design been started so as the area developed the city could obtain right-of-way? Mr. Carter responded that staff was working to adopt an alignment.
- Was there a state highway number yet? No.

TIP No. 25, State Avenue culvert replacement.

- Would federal bridge replacement funding be available for this since it was a culvert? Mr. Carter stated that because of ESA it would need to be replaced with a bridge.

TIP No. 26 SR 528, 67th Avenue NE to 83rd Avenue NE. This is underway now.

- Have heard that traffic was going both ways on the one-way lane. Mr. Carter said this was happening at night, when there were no flaggers. There had been excellent support from the Police Department at this site.

TIP No. 29, 88th NE, State to 51st Street.

- Were there development dollars for this area or any plans from 51st to 67th? Mr. Carter said the title should be changed to show it went to the city limits.

TIP No. 30, 51st Avenue, 84th Street to 88th NE.

- Would the city pay for this even though it was in the county? Yes.

TIP No. 31, 51st Avenue, 88th to 108th NE. This was on the list because it needed to be addressed but there was no funding.

- Has there been any discussion of making a connection between 172, 67th to Grove. Mr. Carter said 67th would be widened from 88th to 172nd but there had been no discussions with the county. If development occurred, widening the roadway would be required.
- Was the county represented on the Transportation Improvement Board? Mayor Weiser advised that Tina Roberts, Mayor of Lynnwood, chaired the Board.

Would any of the projects be subject to cut backs if I-722 were successful? Mr. Carter responded that the entire program would be tabled because there would be no local match for federal or state funds.

Mayor Weiser opened the public hearing.

Jeff Seibert, 5004 80th Street, asked about 116th Street. Mr. Carter noted it was on the TIP but was unfunded. The county was requiring development in the area to meet city standards, which included curbs, gutters and sidewalks. The city could negotiate with the county for a joint project in the area.

The Mayor closed the public comment portion of the hearing.

MOTION by Bartholomew, second by Pedersen, to approve the 6-year Transportation Improvement Plan with the change on No. 29 "to 67th." Motion carried (6-0).

The Mayor reordered the agenda to treat one Consent Agenda item at this point in the meeting.

6. Approve utility variance for Bryce and Lianne Anderson, 14725 45 Road, Arlington, Washington.

MOTION by Dierck, second by Smith, to approve item 6. Motion carried (6-0).

Current Business.

None.

New Business

1. Professional services agreement Trunk F to Trunk A intertie, Verryman and Henigar, Inc.

Mr. Winckler gave the background, noting several developments had taken place and it was time to prepare the final design to ensure the project was constructed properly.

Councilmember comments and questions included:

- The Navy issued an RFP for another 300 housing units. Had staff talked with them? Ms. Swenson responded that they were only aware of the housing development on 152nd.
- Would the Navy help pay for this project? Mr. Winkler said they would not.

CORRECTED: SEE 7-10-00
MINUTES 5/6 "unfunded"

- Would the project be funded from the 290 condos? Mr. Winkler noted that funding would not come directly from any projects already existing.

Councilmember Dierck expressed concern about the cost of the project and taxpayers having to pay for it. Mr. Winkler said it would be paid from utility rates, not taxes. Councilmember Dierck referenced a previous study and suggested the proposed scope of work would include a lot of duplication. Mr. Winkler said the engineering firm would make use of all previous work. Councilmember Dierck asked if anyone had spoken with the Department of Fish and Wildlife about this project because if they did not agree it would have to be re-routed. Mr. Winkler responded that he was unaware of any contact. The city would give its general route then the design firm would go through the process to establish the actual route. Contacting agencies would be part of their responsibility. Councilmember Dierck noted that Exhibit A showed an alternate route through a wetland, had that been cleared? Mr. Winkler stated that was in the county and he was not aware of what had been done.

Councilmember Smith noted the previous study was large in scope and the proposed one would be more site specific. She expressed the hope that one result of this study would be restoration. Councilmember Smith asked if anything was budgeted for construction; Mr. Winkler replied in the negative. Councilmember Smith asked if the \$2,000 for changes would be adequate; Mr. Winkler noted that was for managing the paperwork associated with changes. Councilmember Smith asked about de-watering. Mr. Winkler stated that was volatile, and could go from nothing to a huge quantity. Staff had used the median figure in its estimates.

Councilmember Leighan noted the \$403,500 was for engineering, only. He asked if construction would be funded from the utility construction fund. Mr. Carter said the city might look at a Public Works Trust Fund loan.

Councilmember Brennick asked if sewer existed on 51st, if an 18" main ran from 152nd to 51st. Mr. Winkler said the sewer ran through the school property then through Dues Berry. He added that the school owned two pieces of property on 152nd.

Councilmember Pedersen asked for clarification about the hold harmless "and defend" language. Mr. Weed explained that if a claim were filed the engineering firm would tender the defense to its insurance carrier, which would also defend the city. Councilmember Pedersen asked if the insurance were adequate. Mr. Weed replied that the Washington Insurance Authority favored higher levels. He added that he had reviewed the contract and it was a standard form and he had no other concerns.

Councilmember Brennick asked if this system would be able to serve future customer. Mr. Winkler replied in the affirmative, noting the language was from the comp plan. He added that the city had charged mitigation fees for the intertie for the past two years.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to approve the professional services agreement with Berryman and Henigar, Inc. in the amount of \$403,500 and authorize the Mayor to execute the agreement on behalf of the city. Dierck voted nay, all others voted aye; motion carried (5-1).

The Mayor adjourned the meeting for a short break at this point, then reconvened.

2. Interlocal agreement with Whatcom County for North West Mini-Chain

Commander Steve Winter presented the information on this inmate transportation service.

The Mayor called for public comments; there were none.

MOTION by Pedersen, second by Pedersen, to approve the continued use of this service by Whatcom County and authorize the Mayor to sign the interlocal renewal. Motion carried (6-0).

3. Mills annexation

Eric Thompson presented the information from the agenda packet, noting the Mills were required to annex per the utility code. The staff recommended acceptance and establishing the Alternate A circulation area. He noted they had signed annexation covenants. He explained the area was single family now; the city's comp plan showed it as multi-family. The maximum that could be built of medium density multi-family would be 30 units.

Councilmember Pedersen noted there had been trouble with septic systems in that area so the city allowed them to hook up to utilities on the condition they signed annexation covenants. This was filling the contract between the city and the property owner that had been sitting out there for some time. Mr. Weed reviewed the city's code covering annexation covenants.

MOTION by Brennick, second by Bartholomew, to accept the 10% Notice of Intent and establish an annexation area, Alternate A, for circulation of the 60% petition, said annexation being subject to the city's bonded indebtedness, comprehensive plan and zoning. Dierck voted nay because schools were at capacity, Smith voted nay; all others voted aye; motion carried (4-2).

4. Ray annexation, 10% Notice of Intent, PA 0005017

Mr. Thompson gave the background information, noting it was a new project behind the movie theater and behind 48th Street. If it was in the city a duplex would be allowed.

MOTION by Bartholomew, second by Leighan, to accept the 10% Notice of Intent and establishment of an annexation area for circulation of the 60% petition, Alternative A, said annexation being subject to the city's bonded indebtedness, comprehensive plan and zoning. Smith voted nay; all others voted aye; motion carried (5-1).

5. Establish siting criteria for skateboard park.

Mayor Weiser noted this had been placed on the agenda at the request of Councilmember Brennick. Councilmember Brennick noted there had been much discussion, but no criteria had been established. After discussion, it was suggested the topic be delayed until the Parks Department was represented.

MOTION by Bartholomew, second by Brennick, to defer this topic until the July 24 meeting. Motion carried (6-0).

CONSENT AGENDA

1. Approval of June 26, 2000 Claims in the Amount of \$934,479.47; Paid by Check Nos. 52798 through 53045 with Check Nos. 49818, 50657, 52361, and 52766 Void.
2. Approve and Authorize Mayor to Sign the Utility Easement for PUD Electrical Service to Edward Springs.
3. Approve and Authorize Mayor to Sign Water CAD Model Recalibration Professional Services Agreement; Hammond, Collier & Wade Livingstone Associates, Inc.
4. Approve and Authorize Mayor to Sign Professional Services Agreement; GIS for Pavement Management System; Harris & Associates.
5. Approve the Extension of the No parking Area 70 Additional Feet North of the Intersection 67th Avenue NE & 67th Place NE (125 Feet from the Crosswalk).
6. (Completed earlier).
7. Approval of New Liquor License Application; Emerald Coin Vending, 6810 84th Street N.E., Marysville, Washington.
8. Approval of Fireworks Stand Permits for the Knights of Columbus (3 stands), Marysville Kiwanis (3 stands), and Marysville Tulalip Information Center (2 stands).
9. Eliminate the Position of Accountant within the Finance Department and Establish the Position of Accounting Supervisor at a PAN-G1-B.

MOTION by Leighan, second by Bartholomew, to approve consent items 1, 2, 3, 4, 5, and 8. Motion carried (6-0).

Councilmember Pedersen asked about the location of Emerald Coin Vending; Ms. Swenson stated it was at Cedarcrest Golf Course. Councilmember Pedersen noted the proximity of a church and school. Ms. Swenson noted the Liquor Control Board had indicated approval. Mr. Weed agreed to check on the criteria regarding siting of new liquor licenses near churches and schools.

MOTION by Brennick, second by Dierck, to approve consent item 7. Pedersen voted nay, motion carried (5-1).

Regarding item 9, Ms. Swenson noted staff pulled this item to change the title to Senior Accountant, not Accounting Supervisor. They also wanted to review the job description. The department had a need for someone to do budgeting and forecasting.

MOTION by Pedersen, second by Brennick, to change the salary classification for the Senior Accountant to PAN-G1-B. Leighan voted nay, Dierck abstained, motion carried (4-1-1).

Legal

None.

Ordinances & Resolutions

None.

DISCUSSION ITEMS:

None.

INFORMATION ITEMS:

1. Staff's business

Mayor:

- Public Works was hosting Lead Man training sessions on Thursday. Up to 3 councilmembers were invited to attend and talk with the participants.

Chief Carden:

- A farewell to Commander Peterson was scheduled for July 6.

Ms. Swenson:

- The city received 5 applications for the golf course restaurant.

Mr. Winckler:

- Stated the work on truck routes had not been completed. He asked that the council direct the Traffic Safety Committee to spend some time reviewing it. Councilmember Leighan led a brief problem identification session and suggested the scope of work should be carefully.

MOTION by Pedersen, second by Brennick, to have the Traffic Safety Committee review the issue of truck routes for 60 days. Dierck and Leighan voted nay; all others voted aye; motion carried (4-2).

2. Call on councilmembers

Councilmember Leighan:

- Woodinville was doing a "now appearing" at grocery stores instead of town meetings.

Councilmember Pedersen:

- Asked if there still was a program where the city paid part of sidewalk projects. Mr. Winkler agreed to follow up on this.

Councilmember Dierck:

- Noted there was still truck parking at the waterfront.

Councilmember Brennick:

- The education in Spokane had been very good.

ADJOURN INTO EXECUTIVE SESSION

Council adjourned into Executive Session at 10:45 p.m. to discuss litigation issues and receive updates on two personnel issues.

At 11:00 p.m. Council reconvened into regular session. Motion by Dierck, second by Bartholomew to continue the Executive Session. Motion carried unanimously.

Council adjourned into Executive Session at 11:02 p.m. Councilmember Pedersen left the meeting at 11:04 p.m.

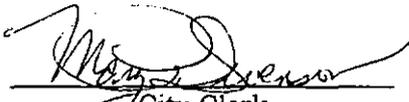
ADJOURN

Council reconvened into regular session at 11:24 p.m., took no further action and adjourned at 11:25 p.m.

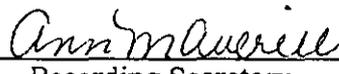
Accepted this 3rd day of July, 2000.



Mayor



City Clerk



Recording Secretary