

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
APRIL 2, 2001**

000157

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Pedersen absent.
MINUTES OF PREVIOUS MEETING 1. City Council Workshop, March 19, 2001. 2. City Council Regular Meeting, March 26, 2001.	Approved as corrected Approved as corrected
AUDIENCE PARTICIPATION 1. Bruce Tipton regarding buffering streams on the golf course. 2. Louise Alexander Way opposing the changes to State Avenue. 3. Marja Oosterwyk opposing the elimination of parking spaces downtown. 4. Larry Hanson submitted 850 signatures on petitions to keep parking on 3 rd . 5. Carol Kapua regarding the proposed changes on State. 6. Beverly Lambert in support of keeping parking spaces downtown. Motion to request staff to aggressively seek property in the downtown area to lease for parking and to work with the downtown business owners regarding the best location for that.	Approved.
PRESENTATIONS/PETITIONS/COMMUNICATIONS	
CONSENT AGENDA	
1. Approve April 2, 2001 claims in the amount of \$317,767.91 paid by check Nos. 58031 through 58170 with check Nos. 57750, 57792 and 57849 void.	Approved
2. Approve Interlocal Law Enforcement Mutual Aid Agreement with Snohomish County.	Approved.
3. Approve interlocal purchasing agreement with Pierce County.	Approved.
4. Approve final plat Ryan Court; PA 9810060.	Approved.
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Gribble Annexation; PA 0101004.	Accepted 10% Petition; set Expanded Boundary
NEW BUSINESS 1. Professional Services Agreement, Waterfront Park Design Services; Hammond Collier Wade-Livingstone Associates, Inc.	Tabled to April 9.
LEGAL MATTERS	
ORDINANCES AND RESOLUTIONS	
INFORMATION ITEMS 1. Mayor's business: 2. Staff's business 3. Call on councilmembers	
ADJOURN INTO EXECUTIVE SESSION	10:30 p.m.
ADJOURN	11:15 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
APRIL 2, 2001**

CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute.

A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Chief Administrative Officer
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Pedersen was ill and would not be attending.

MINUTES OF PREVIOUS MEETING

1. City Council Workshop, March 19, 2001.

Councilmembers noted the following corrections:

- Page 1, last sentence should read "Working with the DOE as lead agency and in cooperation with other agencies, the city needed to reduce...."

MOTION by Brennick, second by Dierck, to approve the minutes of the March 19, 2001 council workshop as corrected. Motion carried (5-0-1) with Bartholomew abstaining because she had not been present at the meeting.

1. City Council regular meeting, March 26, 2001.

Councilmembers noted the following corrections:

- Page 1, correction of minutes, tapes should be reviewed for Mr. Ballew's response to Mr. Seibert's comments about the fill. [Mayor Weiser advised that this portion of the tape was being transcribed.]
- Page 4, Grimm annexation, add to first paragraph: "If necessary the larger boundary could reduced at the 60% point in the process."
- Page 5, Grove Street traffic calming, add "Councilmember Dierck asked if the Fire Department had given comments on speed humps and traffic circles. Mr. Carter responded in the negative. Councilmember Dierck supported tabling action on the issue until those were in."
- Page 8, Dierck's comments : "Offered councilmembers copies of the booklet *The Cost of Sprawl*."

MOTION by Leighan, second by Bartholomew, to approve the minutes of the March 26, 2001 regular council meeting as corrected. Motion carried (6-0).

AUDIENCE PARTICIPATION

Bruce Tipton, 6308 100th Street NE, asked council to pass a motion to put buffers on the streams at the golf course equal to the buffers requested of developers. Mayor Weiser responded that staff would review the discussions that were held when they reviewed the remodel of the golf course. The city of Everett recently went through a similar review. Mr. Ballew would report back to council hopefully by the end of April.

Louise Alexander Way, 1628 2nd Street, stated she owned the RV-Marine Supply store and that the proposed changes to State Avenue would impact parking for her business and make it difficult for customers to access her business. Owen Carter, City Engineer, consulted the plans for that area and said a planted boulevard was planned with no left turn pocket. Mayor Weiser added that the design work for State Avenue had been done last year and presented to businesses at several workshops.

Marja Oosterwyk, 6428 49th Dr. NE, spoke on behalf of several downtown merchants in opposition to removing the parking spaces from State. She felt that old, established businesses in town should receive more support from the council and the city should be actively working to find alternatives including parking at the mall or enforced one-hour parking. Councilmembers Dierck and Smith expressed support for the speaker but noted they could not make a motion on this issue as they had not been on the prevailing side of the council's previous action. Councilmember Brennick asked about the cost of undergrounding utilities. Mr. Carter said the Transportation Improvement Board would provide up to 3% of the total grant for landscape, streetscape and undergrounding of utilities. That amounted to approximately \$150,000. The PUD would prepare an estimate on the cost of relocating its poles to behind the new sidewalks. That would be their share. If that was \$200,000, then the city would have approximately \$350,000 for undergrounding; any additional costs would be city funded, if council chose, or the property owners would pay. Councilmember Bartholomew asked how much of the design for State was driven by what the state was doing on the Ebey Slough bridge and the new I-5 off ramp. Mr. Carter said that State was currently sub-standard and needed to be widened; the design was done to carry the volume that would be coming from the state's improvements. He noted that in March of 2000 staff did an occupancy study of the downtown parking spaces. Of the 131 stalls available, 17 were full all day from either employees or commuters. The highest occupancy was 53% and that included the 17 full-day parkers. The average occupancy of the parking stalls was 42%. Staff's conclusion was that there was still a significant amount of parking in that corridor. Councilmember Brennick stated he shared the speaker's concerns and suggested the question of parking should be resolved before any funds were spent on the value engineering study unless the parking issue would be answered by the value engineering study itself. Mr. Carter stated that even if the street-scaping were removed from the design, the parking would have to be eliminated in order to achieve five standard-width lanes: 12' outside travel lane, 11' inside travel lane, 12' turn lane, 11' inside lane, and 12' outside lane. Mr. Weed added that it would be difficult for the city to defend against claims when engineering standards existed but were intentionally disregarded. Mr. Winckler noted that a substandard sidewalk of only 3.5 feet would be hazardous because a car door and a business door could not be open at the same time. Mayor Weiser said that when the design was presented to the downtown merchants, the merchants agreed to create a map to show the location of all the parking stalls in the area and to provide that map to all the merchants. Ms. Oosterwyk said that had not been done.

Gary Way 1628 2nd Street, asked about moving the signs. Mr. Carter responded that if the signage was within the city's right-of-way and the city needed that right-of-way the business would have to move it. If it was in an area where the city had to buy additional right-of-way, the cost of moving signs would be negotiated with the property owner. Mr. Way asked about the undergrounding of utilities. Mr. Carter responded that those would probably run under the sidewalk. If they went on private property, the utility would have to purchase easement. Mr. Way spoke in opposition to losing parking room for large vehicles.

Larry Hanson, 8627 167th PL NW, Stanwood, submitted 850 signatures on petitions to keep parking on 3rd Street. He stated that more traffic did not equate to more shopping unless there was parking. He also requested that the city offer alternatives for the lost parking.

Carol Kapua, 5930 74th Street NE, asked about the proposed width of sidewalks. Mr. Carter said he had not come prepared to discuss design specifics because this was not an agenda topic, but the design could be

CORRECTED: SEE 4-9-01
MINUTES s/b State St.

achieved without the demolition of any buildings. Sidewalks would go on existing right-of-way or purchased right-of-way. Ms. Kapua said she was a frequent downtown shopper and appreciated the accessible parking but also appreciated the proposed improvements.

Beverly Lambert, 11820 84th NE, Lake Stevens, said she had a successful business on 3rd Street. She agreed with the previous speakers about retaining parking and requested the city to offer alternatives.

Ms. Swenson noted that staff had checked with the TIB about substandard sidewalks and was informed that the city would lose its grant funding if substandard sidewalks were included in the design. Mr. Winckler added that the design engineers would refuse to place their stamps on drawings that did not meet standards and codes.

MOTION by Dierck, second by Smith, to request staff to aggressively seek property in the downtown area to lease for parking and to work with the downtown business owners regarding the best location for that. Councilmember Bartholomew recounted how the taxpayers in Everett had to subsidize that city's parking garage. Bartholomew voted nay, Soriano abstained, all others voted aye; motion carried (4-1-1).

CORRECTED: SEE 4-9-01
AMENDS s/b purchase

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approve April 2, 2001 claims in the amount of \$317,767.91 paid by check Nos. 58031 through 58170 with check Nos. 57750, 57792 and 57849 void.
2. Approve Interlocal Law Enforcement Mutual Aid Agreement with Snohomish County.
3. Approve interlocal purchasing agreement with Pierce County.
4. Approve final plat Ryan Court; PA 9810060.

MOTION by Bartholomew, second by Brennick, to approve consent agenda items. Motion carried (6-0) as to items 1,2,3; Dierck voted nay on item 4; motion carried (5-1).

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business

2. Gribble annexation, Notice of Intention 10%, PA 0101004

Ms. Hirashima presented the background information, noting staff had researched covenants for the surrounding area and found 75 valid annexation covenants. This would allow the annexation area to be expanded to approximately 38.8 acres in size. Staff recommended establishing the expanded

boundary but waiving the higher filing fee because the original petition had been for less than ten acres.

The mayor called for public comments. There were none, so the public comment portion was closed.

Councilmember Smith asked if the Police Department had reviewed the proposed annexation and if sufficient staff was available to police the area. Chief Carden responded that he had read the agenda material and believed they could police the area. They would do a thorough review of the staffing issues and the number of calls and report back.

Councilmember Soriano asked what additional revenue this annexation would bring to the city. Ms. Hirashima responded that there was a formula but she did not have it available at this meeting. She added that because the original annexation petition had been for such a small area it had not been routed to all departments for review and comment. The area had only recently been enlarged and had not been routed.

Mr. Weed noted that this petition was at the 10% level. The purpose of this meeting by law was to set the boundary and authorize circulation of the 60% petition. If the city obtained the 60% petition, then council would conduct a full public hearing to assess all impacts, including police, fire and finance. At that time council would receive staff input and public input and weigh and evaluate whether it wanted the annexation.

MOTION by Bartholomew, second by Leighan, to accept the 10% Notice of Intent and establish the Expanded Boundary for circulation of the 60% petition, waive the required annexation filing fee for annexations greater than 10 acres, and prepare the legal description for the proposed expanded boundary; said annexation to be subject to the city's bonded indebtedness, comprehensive plan and zoning.

Councilmembers Dierck and Smith expressed opposition, stating they would prefer tabling action on the petition until a thorough review by all departments had been conducted.

Dierck and Smith voted nay; all other voted aye; motion carried (4-2).

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

New Business

1. Professional Services Agreement, Waterfront Park Design Services; Hammond Collier Wade-Livingstone Associates, Inc.

Jim Ballew, Park and Recreation Director, reviewed the scope of work covered by the proposed agreement.

Councilmember questions and comments included the following:

Was any site work contemplated under this contract? Mr. Ballew said it was for park design and permitting assistance through all the appropriate agencies.

Asked about soil testing. When the dredging of the slough was done that would be tested; when the asphalt was lifted, monitoring wells would be put in.

Expressed concerns about possible soil contamination. A big report had been supplied to councilmembers without adequate time for its review before they were asked to take action. Mr. Winckler stated that part of the scope of work was to determine what needed to be done; the city went through the same process on any project, particularly where there was dredging.

Had the city had received confirmation of the bridge location? The stated preference was for the eastern location but that was not 100% certain.

Would a fee be charged for boat launching? The Parks Department would likely recommend charging the state average, which was between \$3 and \$5 plus an

annual fee. The cost of maintaining the park would be approximately \$8200 per year. Councilmember

Would the restroom require a foundation set down into the ground? Staff thought it would be built on a slab.

Who made the decision that the entire site should be stripped 12". The city's engineers and the consulting engineers.

Was the environmental documentation confidential or was it in the public domain?

Mr. Weed responded that he would have to check the Public Records Act, who requested the report, who it was addressed to, and how much time had passed since the property transaction closed. Councilmembers had a legal obligation to keep the city's confidential information confidential.

Had the project gone through SEPA review? Ms. Hirashima said the Parks Department prepared a SEPA checklist but a determination had not yet been issued.

The Mayor called for public comments.

Bruce Tipton asked if soil would be moved prior to completion of the SEPA process. Ms. Hirashima said no work would be commenced prior to SEPA. The contract under discussion was only for design services, not actual construction. Mr. Tipton requested copies of all documents pertaining to the site under the Freedom of Information Act. Mr. Weed said there was a given process to make those requests.

Gary Way, asked if there had been testing regarding leaching into the slough. Mr. Ballew said the site had gone through Level 1 and 2 site assessments. He did not know if leaching into the slough had been identified or shown as a finding. Mr. Way asked if the slough would be navigable after the project was done; Mr. Ballew said it would.

Mike Papa, 8127 54th Dr. NE, asked about the fee for launching. Mr. Ballew said it would likely be an honor system. Mr. Papa asked if there would be finger docks to accommodate deeper-draft boats. Mr. Ballew explained the proposed docking layout.

There being no one else wishing to comment, the Mayor closed the public comment portion of this topic.

Mr. Ballew noted that staff had given a very sincere effort on this project with the goal of achieving construction during 2001. The project had a very extensive permitting process.

MOTION by Dierck, second by Smith, to table action on this topic until the April 9 meeting. On roll call vote, Bartholomew and Leighan voted nay; all others voted aye; motion carried (4-2).

Legal

None.

Ordinances & Resolutions

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

- Staff was still working on retreat topics, including reviewing previous minutes.

2. Staff's business

Chief Carden:

- The assessors were here and would start April 3. Council would be invited on Wednesday.

Ms. Swenson:

- The Finance Department was getting its new staff up to speed, preparing for the audit regarding 528, and completing the Annual Report. The final budget would be ready by the end of May.
- There was a vacancy on the Planning Commission and interviews were being scheduled with interested persons. Mayor Weiser had asked the City Clerk to assist with initial interviews.
- Staff needed to know council's wishes regarding retreat topics so the appropriate people could prepare and block out the time.

Ms. Hirashima:

- The federal census had been received.

Bob Noack, Interim Finance Director:

- Provided council with copies of all ordinances and resolutions since November 13th which affected the preliminary budget.

3. Call on councilmembers

Brennick:

- Asked when councilmembers would have Mr. Weed's opinion on the documents regarding the waterfront park. Mr. Weed said he would issue a short written opinion soon.

Dierck:

- Regarding downtown parking, requested that councilmembers and staff attend the downtown meeting in support of coordination. Mr. Winckler said he planned to attend the next meeting; staff rotated to cover all regular meetings. Mr. Weed suggested it was prudent to have only three or fewer councilmembers at any meeting to avoid the risk of an improper public meeting.
- When would the televising of council meetings begin? Ms. Swenson said staff was gearing up for that and tests would be run in May. Councilmember Bartholomew asked Mr. Weed to research the issue of candidates appearing in the media because four council seats were up for election this fall.
- Reported on the Fireworks Committee and her efforts to seek donations for advertising. The next step was a survey to ask citizens what they wanted. Mayor Weiser noted that would go out in the city's newsletter.
- Regarding the discussion on Trunk D, Phase 2, asked that staff research alternate methods of calculating assessments. Mr. Weed noted that developers were paying 100% of the costs; that formula could not be improved upon. Ms. Swenson asked if there was consensus on the council to direct staff to do this research because there had been several discussions in the past about whether one councilmember could direct staff to do research. It had been council's request that a determination be made regarding consensus in such instances. Regarding this topic, a majority of councilmembers indicated support.
- Regarding the golf course,
 - MOTION** by Dierck, second by Smith, to direct staff to prepare information on buffering the creeks on the golf course to the same level that would be required of a developer.
 - Mayor Weiser repeated that staff was already planning to review the information that had been prepared when the golf course was designed.
 - Councilmember Leighan noted there had been a recent memo from Mr. Robinson about the changes in herbicides and fertilizers. He

asked that any additional information be provided as an information packet only, not an agenda item.

VOTE ON MOTION: Leighan, Soriano and Bartholomew voted nay; all others voted aye; motion failed (3-3).

Smith:

- Noted the county had changed its PRD ordinance so that sensitive areas could no longer be transferred. Ms. Hirashima noted the Planning Commission had held deliberate discussions on this topic. They wanted to protect sensitive areas but did not want to lose housing density.

MOTION by Smith, second by Dierck, to direct the Planning Commission to review the Sensitive Areas Ordinance and density calculations towards the purpose of following the county's ordinance. After discussion, Dierck withdrew her second. The motion died.

Leighan:

- Staff had done a good job of interacting with the downtown merchants. He recounted numerous examples, particularly when he was President of the Downtown Merchants Association.
- Asked if an account had been set up for donations for the water tower; Mr. Rohla stated it had.

ADJOURN INTO EXECUTIVE SESSION

Council adjourned into Executive Session at 10:30 p.m. to discuss personnel, real estate, and an update on pending litigation.

Council reconvened into regular session at 11:00 p.m.. Motion by Dierck, second by Brennick to extend the meeting to 11:05 p.m. Motion carried 5-1 with Leighan against.

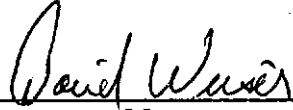
Council adjourned into Executive Session, and reconvened at 11:07 p.m. Motion by Dierck, second by Brennick to extend the meeting to 11:12 p.m. Motion carried 4-2 with Leighan and Bartholomew against.

Council adjourned into Executive Session.

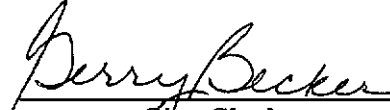
ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:15 p.m.

Accepted this 9th day of April, 2001.



Mayor



City Clerk



Recording Secretary