

October 27, 2003

Marysville City Council
7:00 p.m.

000 51

City Hall

ORIGINAL

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
Approval of October 9, 2003 City Council Workshop Minutes.	Approved
Approval of October 13, 2003 City Council Meeting Minutes.	Approved
Approval of October 20, 2003 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of October 27, 2003 Claims in the Amount of \$582,665.78; Paid by Check No. 10615 through 10875 with Check No. 10281, 10565, And 10294 Void and One Electronic Transfer.	Approved
Approval of October 20, 2003 Payroll in the Amount of \$469,353.53; Paid by Check No. 11574 through 11639 with Check No. 11574 Void.	Approved
Approval of Liquor License Renewals for Cristiano's Pizza, Etc., Alfy's Pizza and Pasta, Buzz Inn, Danny's Midway Pub & Grill, Mary's Grocery and Deli, Haggen Food & Pharmacy #77, and Cedarcrest Family Restaurant & Grill.	Approved
Authorize Mayor to Sign Customer Service Contract with Snohomish County PUD for Utility Relocation in the Amount of \$14,258.	Approved
Authorize Mayor to Sign Contract for Deferred Construction of Curbs, Gutters and Sidewalks; Ron Bauer – Body Craft.	Approved
Authorize Mayor to Sign First Amendment to the Interlocal Agreement with Community Transit Regarding Ash Avenue Park and Ride, Project T9805.	Approved
Authorize Mayor to Sign Law Enforcement Assistance Agreement with the City of Lake Stevens.	Approved
Dale Gribble – Center Construction Annexation; PA 0101004.	Approved
Review Bids	
Award Contract to Award Construction for Edward Springs Treatment Facility.	Approved
Award Contract to Kellogg Marsh Reservoir Demolition to Western Refinery Services.	Approved
New Business	
Approve Consultant Agreement with Entranco for State Avenue Street Improvement, Grove Street to First Street.	Approved
Approve Agreement with Verizon Associated with State Avenue Street Improvement Project; Work Order No. 9405.	Approved
Approve Professional Services Agreement; Gray & Osborne, Inc. for Wastewater System Comprehensive Plan.	Approved
Approve Grove Street Pedestrian Safety Recommendations.	Approved
Approve Supplement No. 6 to Professional Services Agreement with Tetra Tech/KCM, Inc.	Approved
Ordinances and Resolutions	
Approval of Ordinance Amending the 2003 Budget.	Approved Ord. No. 2494
Adoption of the Transportation Element of the Comp Plan.	Approved

October 27, 2003

Marysville City Council
7:00 p.m.

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City Hall

	Ord. No. 2495
Adoption of the Water Comprehensive Plan Element of the Comp Plan.	Approved Ord. No. 2496
Affirm the Decision of the Hearing Examiner and Rezoning Properties Owned by Craig and Barbara Nilson.	Approved Ord. No. 2497
Approve Resolution for Gribble-Center Construction Annexation.	Approved Res. No. 2108
Approve Resolution Declaring Need for the Housing Authority of Snohomish County to Operate within the Boundaries of the City of Marysville.	Approved Res. No. 2109
Adjournment	9:29 p.m.

MARYSVILLE CITY COUNCIL MEETING

000 53

October 27, 2003

7:00 p.m.

City Hall

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Mayor David Weiser called the October 27, 2003 Marysville City Council meeting to order at 7:00 p.m. He then led those present in the Pledge of Allegiance. There was no invocation.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, Donna Wright, and Lisa Vares.

Staff: Ralph Krusey, Police Commander; Sandy Langdon, Finance Director; Mary Swenson, Chief Administrative Officer; Cheryl Beyer, City Attorney; Dave Ostergaard, Development Services Manager; Doug Buell, Community Information Officer; Jim Owens, Public Works Director; Jeff Massie, Assistant City Engineer; Dave Lervik, Project Manager; and Laurie Hugdahl, Recording Secretary.

COMMITTEE REPORTS

Councilmember John Soriano reported on the **Public Safety** meeting last Thursday. At the meeting, they observed FX simulation training put on by the police department. Commander Krusey further explained this type of training for the Council.

Councilmember Lisa Vares reported that the **Image and Identity** committee is doing research with architects in Stanwood. They are also continuing discussion on other image and identity issues. They will be coming forward soon with suggestions for Council.

PRESENTATIONS

A. Employee Service Award.

Karolyn Baker – 20-Year Award.

Ms. Baker was not able to attend the presentation due to sickness, but Police Commander Robb Lamoureux reviewed her history with the city. She was hired as a police dispatcher in 1983. She was described as dedicated and hardworking. She has many outside interests,

one of which is that she enjoys traveling with her husband in their fifth wheel. She has a very strong spiritual life and is a cancer survivor. Her coworkers appreciate Ms. Baker for her kindness, friendship and devotion.

B. Introduction of New Commanding Officer of the USS Ingraham; Commander Mark Colby.

Community Information Officer Doug Buell introduced the new commanding officer of the USS Ingraham as Commander Mark Colby. The USS Ingraham returned to Everett on September 9, 2003.

Commander Colby presented the city with a new picture plaque of the USS Ingraham on behalf of him and his ship. He noted that on December 6 his shipmates would be honored to be part of the city's electric light parade. He went on to say that the ship is in incredible shape. He described in some detail the deployment of the USS Ingraham and thanked the city for the wonderful homecoming celebration. Mayor Weiser thanked him and his naval comrades for their service. Commander Colby received a standing ovation from those present.

Mr. Buell explained that the city would be sponsoring a spaghetti feed dinner for 250+ service members and their families. The service members will be the guests of honor and will be the grand marshals in the electric light parade.

AUDIENCE PARTICIPATION

Mayor Weiser pointed out that the city has notified businesses and residents along SR 528 about upcoming construction and the need for a noise variance. He asked if there was anyone in attendance who wished to address that matter. There was no one. He then solicited comments on other items not on the agenda.

Howard Visser, 7008 66th Drive NE, Marysville

Mr. Visser explained that he had come to discuss heavy vehicle parking on 47th. He said this has been an ongoing issue since 1997. He drives a tour bus and has had difficulty locating a spot to park it. Originally, he had it in his driveway, but was told he needed to move it to a gravel pad. He built a gravel pad, moved the bus, and then was told that the Council had removed the clause that allowed the bus to be parked on his property. Since then he has been parking on 47th, but has had windows broken and the bus set on fire at that location. In addition, he has difficulty finding parking on the street because of limited available parking area for large vehicles. He stated that he wants to conduct business legitimately in Marysville, but is very frustrated. Another issue he brought up was his inability to dump sewage at the public works RV dump station. Mayor Weiser indicated that he would get in touch with him regarding the dump station issue. He said the parking issue has been ongoing and he will try to get back to him regarding that matter.

Mark Graven, 17628 39th Drive NE, Arlington, WA

000 55

Mr. Graven introduced himself as an Expect a Miracle Healing member. The group has a goal of achieving world peace within one year. He stated that 90% of politics is local. He referred to the bitter teachers' strike and spoke in favor of community support of public education. He advocated:

1. Educators' Appreciation Month in December
2. Volunteers in expanded Educational Assistance Program
3. Resource Bank of goods and services flowing to the schools

He stated that the Council can take leadership in solving the problem. He urged Council to name the month of December Educators' Appreciation month. He felt this would benefit educators as well as the community.

Councilmember Smith indicated that she was in favor of declaring December Educators' Appreciation month to honor all those involved in education. There were no further comments.

APPROVAL OF MINUTES

A. October 9, 2003 City Council Workshop.

Councilmember Seibert pointed out that on page 3, the first sentence in the Discussion section should refer to *the 1% property tax*, not *utility tax*. Likewise on page 4, also should refer to *property tax* and not *utility tax*.

Motion made by Councilmember Seibert, seconded by Councilmember Smith to approve the minutes as amended. **Motion** passed unanimously (7-0).

B. October 13, 2003 City Council Meeting.

Motion made by Councilmember Jon Nehring, seconded by Councilmember Mike Leighan to approve the minutes as presented. **Motion** passed unanimously (7-0).

C. October 20, 2003 City Council Work Session.

Motion made by Councilmember Lisa Vares, seconded by Councilmember Donna Wright to approve the minutes as presented. **Motion** passed unanimously (7-0).

CONSENT AGENDA.

Mayor Weiser solicited public comment on any of the consent agenda items. There was none. Councilmember Soriano asked to remove Item A for further discussion.

- B. Approval of October 20, 2003 Payroll in the Amount of \$469,353.53; Paid by Check No. 11574 through 11639 with Check No. 11574 Void.**
- C. Approval of Liquor License Renewals for Cristiano's Pizza, Etc., Alf's Pizza and Pasta, Buzz Inn, Danny's Midway Pub & Grill, Mary's Grocery and Deli, Hagen Food & Pharmacy #77, and Cedarcrest Family Restaurant & Grill.**
- D. Authorize Mayor to Sign Customer Service Contract with Snohomish County PUD for Utility Relocation in the Amount of \$14,258.**
- E. Authorize Mayor to Sign Contract for Deferred Construction of Curbs, Gutters and Sidewalks; Ron Bauer – Body Craft.**
- F. Authorize Mayor to Sign First Amendment to the Interlocal Agreement with Community Transit Regarding Ash Avenue Park and Ride, Project T9805.**
- G. Authorize Mayor to Sign Law Enforcement Assistance Agreement with the City of Lake Stevens.**
- H. Dale Gribble – Center Construction Annexation; PA 0101004.**

Motion made by Councilmember Smith, seconded by Councilmember Nehring to approve Consent Agenda Items B-H. **Motion** passed unanimously (7-0).

- A. Approval of October 27, 2003 Claims in the Amount of \$582,665.78; Paid by Check No. 10615 through 10875 with Check No. 10281, 10565, And 10294 Void and One Electronic Transfer.**

Councilmember Soriano referred to the claims list stating that the demolition and removal cost was \$7,595 at the driving range. He asked if that was all that would be required. Chief Administrative Officer Mary Swenson replied that it was all that was contracted. The balance was completed in-house.

Motion made by Councilmember Soriano, seconded by Councilmember Leighan to approve Consent Agenda Item A. **Motion** passed unanimously (7-0).

REVIEW BIDS

- A. Edward Springs Treatment Facility.**

Public Works Director Owens pointed out that this was a revised agenda bill. Councilmember Seibert excused himself from deliberation on this due to a possible conflict of interest with his employer.

Jim Gebrardt, Strider Construction, 4323 Cordero Drive, Bellingham, WA

Mr. Gebrardt thanked Council for the opportunity to speak. He believed that that the low bidder's bid was non-responsive at the time of opening due to the fact that it did not include technical specifications. This is despite the fact that the bid documents were clear about this requirement. He urged Council to review the letters he has written. There were no comments or questions. Mayor Weiser thanked him for his comments.

John Dippold, Carney Badley Spellman, 701 5th Avenue, Suite 5800, Seattle, WA, 98104.

Mr. Dippold was representing Mr. Todd Vasey of Award Construction. He commented that the specs provide that the City can waive any minor irregularity. He agreed that the technical specs were not included at the opening of the bid, but it is their position that their company is still bound.

Councilmember Nehring asked why they did not include the specifications. Mr. Dippold stated that it was an inadvertent error, but that they were included by incorporation by reference. City Attorney Cheryl Beyer added that their office has provided information on this in the form of a memo. Councilmember Leighan asked if the City or the contractor generated the technical specs. Mr. Owens stated that the City generates them so they were already aware of what they were.

Motion made by Councilmember Wright, seconded by Councilmember Vares to dismiss the bid protest, and award the contract to Award Construction for the Edward Springs Treatment Facility in the amount of \$1,335,730. **Motion** passed 5-1 with Councilmember Leighan voting against and Councilmember Seibert abstaining.

B. Kellogg Marsh Reservoir Demolition.

Motion made by Councilmember Leighan, seconded by Councilmember Soriano to authorize the Mayor to sign the Kellogg Marsh Reservoir Demolition contract with Western Refinery Services in an amount not to exceed \$31,000 plus tax and a management reserve for a grand total not to exceed \$37,000. **Motion** passed unanimously (7-0).

NEW BUSINESS**A. Consultant Agreement with Entranco for State Avenue Street Improvement, Grove Street to First Street.**

Jim Owens commented that this is an excellent firm. They have done business with the City before. There were no comments or questions.

Motion made by Councilmember Lisa Vares, seconded by Councilmember Nehring to authorize the Mayor to sign the Standard Consultant Agreement with Entranco in the amount of \$786,922.50. **Motion** passed unanimously (7-0).

B. Agreement with Verizon Associated with State Avenue Street Improvement Project; Work Order No. 9405.

Assistant City Engineer Jeff Massie responded in detail to Councilmember Seibert's concern about costs associated with the removal of existing aerial facilities. Councilmember Seibert thanked him for the explanation. There was no further comment regarding this item.

Motion made by Councilmember Nehring, seconded by Councilmember Wright to authorize the Mayor to sign the Agreement between the City and Verizon Northwest, Inc. Associated with the State Avenue Street Improvements Project, Work Order #R9405, in the estimated amount of \$513,800.00. **Motion** passed unanimously (7-0).

C. Professional Services Agreement; Gray & Osborne, Inc. for Wastewater System Comprehensive Plan.

Councilmember Seibert expressed appreciation for the explanation of how extra work would be handled and the notation of changes in the agreement.

Motion made by Councilmember Wright, seconded by Councilmember Soriano to authorize the Mayor to sign the Professional Services Agreement with Gray and Osborne, Inc. in an amount not to exceed \$189,857.00. **Motion** passed unanimously (7-0).

D. Grove Street Pedestrian Safety Recommendations.

Project Manager Dave Lervik summarized that this is the wrap up of a process started long ago to resolve pedestrian safety issues between 67th and 83rd. He reviewed the recent history of the issue and outlined the steps they have followed to reaching a solution. The main problem has been people crossing Grove at 72nd Street. He reviewed possible solutions including installing a crosswalk, advisory signage and street painting. The Citizens Advisory Committee (CAC) has recommended installing a crosswalk at the east side of the intersection. Staff is recommending an incremental approach including advisory signage, roadway painting and a newsletter, perhaps by the school district.

Councilmember Nehring brought up the issue of false perception of safety at uncontrolled intersections. In light of this, he asked why citizens were still asking for a crosswalk. Mr. Lervik explained that citizens had the hope that it would be helpful.

Councilmember Smith referred to 71st and Grove. She asked if the City was moving the crosswalk. Mr. Lervik explained that it has been moved. Mr. Massie added that a wheelchair ramp has been installed and it will be marked soon. Councilmember Smith

then asked about 72nd near the library. Ms. Swenson explained that the standard thought is that you should not put a crosswalk mid-block due to a false sense of security.

Councilmember Vares requested a law enforcement perspective. Sergeant Doug Lee agreed that a crosswalk would pose a false sense of security. He noted that there is a school bus stop there and there have been no reported incidents. He said that the children generally cross from the intersection even though it is not marked. There was discussion about the visibility in the line of sight at that location. Mary Swenson strongly recommended no mid-block crosswalks due to safety and city liability. Councilmember Mike Leighan thanked Mr. Jim Brennick and Mrs. Irene Gordon for the fortitude to stick with this process. He commented that he believes people will cross wherever they want. He felt the hedge was more of a sight issue than the curve in the road. He agreed that there was a false sense of security associated with crosswalks.

Irene Gordon, 7207 Grove Street, Marysville.

Ms. Gordon was a member of the Citizens Advisory Committee. She clarified that there was no major disagreement between what they had recommended and what staff was recommending. She stated that this has been a very positive experience and she accepts their expertise in not wanting a crosswalk there. She had high praise for the public works department staff. Mayor Weiser thanked her for her comments.

Motion made by Councilmember Leighan, seconded by Councilmember Vares to follow staff recommendations of an incremental approach. There was some discussion about whether this included a flyer to schools. Councilmember Smith said she wanted to encourage the school district to do this as an annual event. Councilmember Vares pointed out that she already did receive such a flyer from the school district as well as safety precautions. **Motion** passed unanimously (7-0).

E. Supplement No. 6 to Professional Services Agreement with Tetra Tech/ KCM, Inc. for Construction Management Services for the Wastewater Treatment Plant Upgrades and Expansion – Phase II, Effluent Transfer Pipeline.

Motion made by Councilmember Soriano, seconded by Councilmember Leighan to authorize the Mayor to sign the Professional Services Supplemental Agreement No. 6 with Tetra Tech/KCM for construction management of the Wastewater Treatment Plan Upgrades and Expansion – Phase II, the Effluent Transfer Pipeline – Contract A, and the Horizontal Directional Drill – Contract B for an additional amount not to exceed \$70,000. **Motion** passed unanimously (7-0).

ORDINANCES AND RESOLUTIONS

A. An Ordinance of the City of Marysville, Washington Amending the 2003 Budget.

Councilmember Smith asked about why the subelement ordinances were included in this. There was some discussion about this. Ms. Smith asked if the Transportation Element could be addressed first. There were no objections.

B. An Ordinance of the City of Marysville Adopting the Transportation Element of the Marysville Comprehensive Plan.

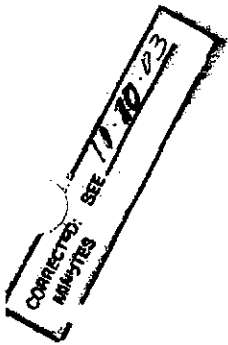
Councilmember Smith referred to her concerns about the establishment of lower LOS standards. She wanted them changed from LOS D to LOS C. She said she also wanted to see the I-5 overpass on the 6-year TIP. Mr. Massie explained that it is on the 6-year TIP. Ms. Smith expressed concern that the Comp Plan and the TIP are not coordinated. Mr. Massie concurred with her. Ms. Smith then referred to the 20-year project list outside the City (page 11, Chapter 1). She had questions about the 67th Avenue: 44th to Soper Hill project. Mr. Massie referred her to a map that showed the alignment of the project.

Councilmember Seibert commented that there is a duplex currently there and the City will need to look into right of way. Mr. Seibert further stated that he had hoped they would do a tiered system for roadways and not average the LOS. His opinion was that the projects should be identified first and the cost determined later, not the other way around. He would like to revisit this. There was discussion about how this would impact the 2003 Budget Amendment. Mayor Weiser pointed out that there may be some intersections, which may not have solutions.

Councilmember Leighan asked if the corridor scenario allows the City to collect mitigation fees on the corridors that can then be used on any projects to improve the LOS. Mr. Massie indicated that he was correct. Mr. Leighan asked about the impact fees. Mr. Massie responded that the fee would remain the same. Mr. Leighan inquired what intersection exemption means in terms of fees. Mr. Massie explained the options available if an intersection does not meet concurrency requirements.

Dave Ostergaard explained that the 6-year plan is reviewed each year based on the growth patterns and the needs of the City. He said their hope is to get this on the books so that updates can then be made. Councilmember Nehring commented that traffic is a very big concern to citizens as indicated by the citizens' survey.

Motion by Councilmember Seibert to postpone this until January for further discussion.
Motion seconded by Councilmember Smith.



Discussion:

Councilmember Wright said that the engineers have recommended this. She is in favor of passing this now and working toward other goals at a different time. Councilmember Leighan agreed with her. He said this should be a living document to be reviewed on an annual basis. He also stated that he felt all new councilmembers should take the time to read through the different comp plans. He felt that changing the LOS would take significant analysis. Councilmember Soriano asked if this could be subject matter for the next retreat. Ms. Swenson indicated that it could.

Motion failed 3-4 with Councilmembers Vares, Wright, Soriano and Leighan voting against.

Motion made by Councilmember Wright, seconded by Councilmember Leighan to approve Ordinance No. 2495 adopting the transportation element 2003 update 6/24/03 draft as a subelement of the Marysville Comprehensive Plan. **Motion** passed 4-3 with Councilmembers Smith, Seibert and Nehring voting against.

A. An Ordinance of the City of Marysville, Washington Amending the 2003 Budget.

(Continued from above)

Motion made by Councilmember Mike Leighan, seconded by Councilmember Lisa Vares to adopt Ordinance No. 2494 amending the 2003 budget; providing for the increase of certain expenditure items as budgeted for in 2003; and confirming adoption of the 2003 transportation element and 2002 water system plan updates to the Marysville Comprehensive Plan. **Motion** passed 4-3 with Councilmembers Smith, Nehring and Seibert voting against.

C. An Ordinance of the City of Marysville Adopting the Water Comprehensive Plan Element of the Marysville Comprehensive Plan.

Motion made by Councilmember Leighan, seconded by Councilmember Wright to adopt Ordinance No. 2496 adopting the water comprehensive plan element of the Marysville Comprehensive Plan. **Motion** passed unanimously (7-0).

D. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Craig and Barbara Nilson Amending the Official Zoning Map of the City.

Motion made by Councilmember Vares, seconded by Councilmember Leighan to adopt Ordinance No. 2497 affirming the decision of the hearing examiner and rezoning properties owned by Craig and Barbara Nilson amending the official zoning map of the City. **Motion** passed unanimously (7-0).

E. A Resolution of the City of Marysville Stating Its Intention to Annex Certain Unincorporated Area, Known as the Gribble – Center Construction Annexation, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.

Motion made by Councilmember Leighan, seconded by Councilmember Soriano to adopt Resolution No. 2108 stating intention to annex the Gribble – Center Construction Annexation into the City, and transmitting the matter to the Snohomish County Boundary Review Board for approval. **Motion** passed unanimously (7-0).

F. A Resolution of the City of Marysville Declaring the Need for the Housing Authority of Snohomish County to Operate within the Boundaries of the City of Marysville.

Motion made by Councilmember Wright, seconded by Councilmember Leighan to adopt Resolution No. 2109 declaring the need for the Housing Authority of Snohomish County to operate within the boundaries of the City of Marysville. **Motion** passed unanimously (7-0).

INFORMATION ITEMS

A. Mayor's Business.

Mayor Weiser referred to the Finance Committee's exit conference on Wednesday, October 29 at City Hall at 3:00 p.m. He asked if any other councilmembers were interested in attending. No one was. Mayor Weiser then noted that he would be out of town on Tuesday, October 28 on personal business.

B. Staff Business.

Ralph Krusey notified Council that the second Citizens Academy would begin on Tuesday, October 28. He was pleased that there were 26 people signed up.

Sandy Langdon had no comment.

Mary Swenson had no comment.

Cheryl Beyer had no comment.

Dave Ostergaard had no comment.

Jim Owens had no comment.

Jeff Massie had no comment.

C. Call on Councilmembers.

Mike Leighan said he attended the Make a Difference project where they planted 2500-3000 bulbs. He also attended a small business forum held by Representative McCoy. He noted that although it was not very well attended, it was a good attempt.

Lisa Vares had no comment.

Suzanne Smith referred to the Marysville Athletic Department letter regarding the cross-country program at the golf course. She said it sounds like it was a success. Mary Swenson agreed and noted that comments have been very favorable.

Ms. Smith then asked if the Mayor had gotten hold of the Lake Stevens Family Center. He said he had and that there needed to be more discussion.

Next, Ms. Smith asked about Mr. Visser's concerns regarding parking his bus. She said she would like to revisit the ordinance to see if he could be assisted. Mayor Weiser addressed some of the complications of this issue.

Councilmember Smith then referred to the resolution discussed earlier by Mark Graven. She felt that a resolution declaring December as Educators' month would help to heal the community. Mayor Weiser said he liked the idea of calling it Educators' Appreciation Month as opposed to Teachers' Appreciation Month. Councilmember Leighan suggested calling it Education in Marysville Appreciation Month. Ms. Smith felt it needed to be broader. Councilmember Leighan asked about a proclamation. Mayor Weiser agreed and said they could bring it back. Councilmember Soriano said he liked the idea of rebuilding bridges, but he wondered if this might be premature considering there is no contract. Councilmember Smith said it was not and that they still need to honor the teachers regardless of their stance.

John Soriano then asked about obtaining tickets for the Kids' Future Summit. Some of the other councilmembers had tickets they were willing to share with him.

Jon Nehring thanked the citizens and the public works department for their hard work on the Grove Street Citizens Advisory Committee. He then asked about the State Avenue project. Mr. Massie indicated that work has begun. Mary Swenson added that there will be a groundbreaking scheduled and that they will let business owners know what to expect. Councilmember Nehring asked for an updated timeframe for each of the segments. Jeff Massie referred to a flyer they have been working on.

Jeff Seibert referred to Cedar Avenue work being done and closed to one lane in each direction. He noted that this might be a conflict with detour routes for the State Avenue project. There was some discussion about conflicts in the timing of various projects. Mr. Owens explained the details of the timing of the different projects. Councilmember Seibert asked if Mr. Visser had a City of Marysville business license. Mayor Weiser was

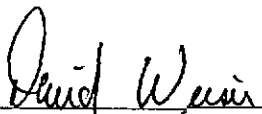
not sure. Jim Owens commented on the sewage dumping issue. Councilmember Seibert then stated that he agreed with Councilmember Leighan that reviewing the comprehensive plans was invaluable for new members to the Council.

Donna Wright referred to reader boards at SR 528 and 80th that recommend alternate routes, but directions are not given. She asked if this would change. Mayor Weiser indicated that it would.

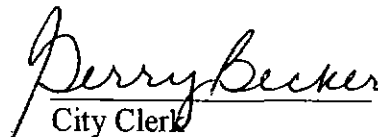
ADJOURNMENT

Seeing no further business, Mayor Weiser adjourned the City Council meeting at 9:29 p.m.

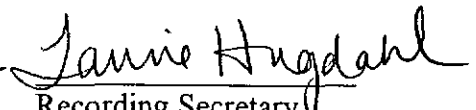
Approved this 10th day of November, 2003.



Mayor
David Weiser



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl

October 20, 2003

7:00 p.m.

City Hall

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Mayor David Weiser called the October 20, 2003 work session of the Marysville City Council to order at 7:00 p.m. He then led those present in the Pledge of Allegiance. There was no invocation given.

ROLL CALL

The recording secretary called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, Donna Wright, and Lisa Vares.

Staff: Grant Weed, City Attorney; Jim Owens, Public Works Director; Kevin Nielsen, City Engineer; Jeff Massie, Assistant City Engineer; Gloria Hirashima, Community Development Director; and Sandy Langdon, Finance Director.

COMMITTEE REPORTS

Councilmember Jeff Seibert reported on items the **Public Works Committee** discussed:

- Update on salmon habitat map
- Cleaning of Smokey Point channel
- Update on State Avenue: 100th to 116th Street Sewer Project
- Comprehensive Transportation Plan options – tiered fee system

DISCUSSION ITEMS

A. Transportation Comprehensive Plan.

Mayor Weiser explained the focus of the discussion on the Transportation Comprehensive Plan. Public Works Director Jim Owens added that this might necessitate another public hearing depending on the action taken by Council.

Councilmember Mike Leighan asked about the opportunity to amend the Plan next year. Community Development Director Gloria Hirashima explained that there would be an opportunity to change the Plan during the 2004 update. Councilmember Leighan commented that they have spent a lot of time and money on this document already and he

hates to go back. He said he was in favor of saving it for the new Council to discuss next year.

Councilmember Seibert commented that any new development between now and next year would be affected by not making changes. He further explained his concerns about averaging the Level of Service (LOS) of the intersections. He was in favor of being proactive about this. Councilmember Leighan commented that the City is still collecting the impact fees for the corridor. He had concerns about making the impact fees too high, which might affect the economic development that the City is trying to make happen. Councilmember Seibert explained that that was the rationale behind the tiered fee system.

Councilmember Suzanne Smith detailed her concerns about lowering the standards for the Level of Service along the corridors. She referred to the Transportation Element and noted that currently 19 of 24 intersections are operating at LOS D or better. In 6 years, only 11 of 24 are expected to operate at LOS D or better. In 20 years, only 8 of 24 intersections are expected to operate at LOS D or better. This was not acceptable to her. She urged Council to find some way to make improvements. She added that she could not support any plan that did not move in that direction.

Mayor Weiser commented that the Plan assumes only the projects currently planned. As the City adds new projects, the LOS will improve. City Engineer Kevin Nielsen concurred. Mayor Weiser went on to say that the LOS would go down only if nothing additional is done. The responsibility will be on future councils as it has been with this one to plan and implement improvements. Councilmember Smith responded that she understood that, but that she does not want to give the latitude to lower the LOS. Councilmember Donna Wright stated that the 6-year and 20-year plans are not in concrete, but are always changing. Accepting this Plan does not lock the City into anything.

Councilmember Seibert asked how long it would take to gather some of the information regarding alternative solutions they had talked about to bring back to Council. Jeff Massie, Assistant City Engineer, replied that they would meet tomorrow to discuss it. City Engineer Nielsen added that they could probably figure it out within three months, but then there would be a need for a public hearing so it would probably be January or February.

Councilmember Jon Nehring inquired how mitigation fees related to the actual impact of new businesses. Mayor Weiser explained that the mitigation fees are based on what new traffic is generated by a new business. Community Development Director Hirashima added that theoretically the sales tax would also help with improvements. Councilmember Nehring then asked about the tiered rate system. Councilmember Seibert explained this further. Ms. Hirashima explained the basis for this. She added that they are considering having different zones – downtown and external areas. Mr. Nielsen briefly explained how the city of Duvall has implemented this.

Councilmember Smith referred to "mitigation payments, which have not yet been enacted" referred to in the Transportation Element. Assistant City Engineer Massie said he would check on this. Councilmember Leighan suggested that it might mean fees not yet collected. Mr. Massie thought this was likely.

Councilmember Lisa Vares said she would like to continue working on a tiered rate system and other issues. In terms of the corridor LOS issue, she stated that improving these corridors would be cost prohibitive and she does not see how they are going to get around that now. While they are waiting to get it done right, she is in favor of adopting the Plan and revisiting it next year.

Councilmember John Soriano asked about the estimates for TIB and federal grants. Mr. Massie responded that they are conservative estimates. Councilmember Soriano asked what could be done to get more of them. Mr. Massie said that the matching funds are critical.

Councilmember Nehring asked how staff views the lower LOS. He asked why options for increasing fees were not included in the information given to Council. Mr. Massie replied that when they were working on this they took into account the current economic environment. Ms. Hirashima explained that the cost of those corridors would be so enormous that it would have been prohibitive to consider right now. Referring to Everett, she added that downtown areas typically have lower LOS than other areas of cities.

Councilmember Leighan commented that if a particular intersection falls into a LOS F there would be a moratorium on development. If taken as a corridor this would not be an issue. Councilmember Seibert stated that they have already exempted some of the intersections. He was in favor of trying to address it now so money could be collected for it now without hampering development. There were no further comments. Mayor Weiser said they would bring this back on Monday.

B. Resolution of the City of Marysville Urging Labor Issues between Marysville Education Association and Marysville School District Be Resolved.

City Attorney Grant Weed distributed a draft for Council to review. He suggested some possible changes. Mayor Weiser said he received a call from an anonymous person asking why this was being considered now. Councilmember Seibert suggested saying that they had hoped it would not get this far. Mr. Weed suggested changing the wording of the title and throughout the document to "settlement of labor issues" rather than "settlement of strike." There was general agreement about this. Councilmember Leighan discussed adding the impact of not having children in school. He suggested saying that community leaders are role models for students. Saying they won't resolve issues without a contract may be sending the wrong message. Councilmember Vares said she agreed with Councilmember Seibert and Mr. Weed's suggestions.

Mark Graven, 17628 – 39th Drive NE, Arlington

Mr. Graven claimed responsibility for the strike. He apologized for not coming up with the answer sooner. He stated that the answer is for the community to come together to solve the problem. He suggested two things. First, he suggested that Council could declare November Educators Appreciation Month. The Chamber could suggest to businesses that they give discounts to school employees. He stated that this has had a big effect on the economy. Mr. Graven added that public education is the backbone of democracy. He urged the community to help create a spirit of generosity.

The other suggestion he had was to expand the Education Assistants Program so more people could be involved from the community. This would be a big benefit to teachers who already have many demands on their time. He suggested mobilizing senior citizens and other volunteers in the community.

Council Discussion

Councilmember Smith commented that these are good ideas, but implementing them was the hard part and would take some time to figure out.

Motion made by Councilmember Jeff Seibert, seconded by Councilmember Lisa Vares to adopt Resolution 2107 with the changes discussed and to authorize signature after the changes are made. **Motion** passed 6-1 with Councilmember Leighan voting against.

CONSENT AGENDA ITEMS

C. Approval of Liquor License Renewals for Cristiano's Pizza, Etc., Alf's Pizza and Pasta, Buzz Inn, Danny's Midway Pub & Grill, Mary's Grocery and Deli, Haggan Food & Pharmacy #77, and Cedar Crest Family Restaurant & Grill.

There were no comments or questions regarding this item.

D. Authorize Mayor to Sign Customer Service Contract with Snohomish County PUD for Utility Relocation in the Amount of \$14,258.

There were no questions regarding this item.

E. Authorize Mayor to Sign Contract for Deferred Construction of Curbs, Gutters and Sidewalks; Ron Bauer – Body Craft.

Councilmember Leighan asked if Mr. Bauer was going to be asked to contribute. Ms. Hirashima explained that he would and that this was just a deferment. Councilmember

Seibert asked what type of business this would be. Ms. Hirashima replied that it would be an auto body shop.

F. Authorize Mayor to Sign First Amendment to the Interlocal Agreement with Community Transit Regarding Ash Avenue Park and Ride; Project T9805.

Councilmember Soriano asked when they would install the camera system. Mr. Massie explained that this is just an opportunity for Community Transit to install the conduit system now for the future if they decide to do it. They do not have plans now to install a camera system. There were no further questions.

G. Authorize Mayor to Sign Law Enforcement Assistance Agreement with the City of Lake Stevens.

Councilmember Nehring asked if this was for profit or if it just covered costs. Mayor Weiser explained that it just covers the costs. Councilmember Soriano asked if SnoPac is no longer providing services. Mayor Weiser was not sure, but said he would try to get clarification. Councilmember Leighan asked if this would be used as a reason to hire a new person in the future. Mayor Weiser said that it is not expected to require much time.

REVIEW BIDS

A. Edwards Springs Treatment Facility.

There was some discussion about the requirement to submit the technical specifications.

B. Kellogg Marsh Reservoir Demolition.

Councilmember Smith asked what would be done with this site. Mayor Weiser said it would be a storage facility for the north end.

NEW BUSINESS

A. Dale Gribble – Center Construction Annexation; PA 0101004.

There were no questions regarding this item.

B. Consultant Agreement with Entranco for State Avenue Street Improvement, Grove Street to First Street.

There was discussion about the cost of construction management.

C. Agreement with Verizon Associated with State Avenue Street Improvement Project; Work Order No. 9405.

Councilmember Smith inquired if this was part of the budget. Mr. Massie replied that it was all budgeted. Public Works Director Jim Owens commented that it is an extremely complex project and that Verizon is especially complex to work with. Councilmember Seibert had concerns about the City being charged for costs associated with removal of existing aerial facilities since they would need to be removed anyway. Mr. Massie said he would discuss this with Verizon for clarification.

D. Professional Services Agreement; Gray & Osborne, Inc. for Wastewater System Comprehensive Plan.

Public Works Director Owens noted that they changed consultants for this project. He reviewed the merits of the new consultants. Councilmember Smith asked about a management reserve. Mr. Owens replied that there is no management reserve since it is a professional services agreement.

E. Grove Street Pedestrian Safety Recommendations.

Councilmember Seibert referred to the slide show and asked if options would be discussed before then. Mr. Owens said they would be presented at the slide show.

F. Supplement No. 6 to Professional Services Agreement with Tetra Tech/KCM, Inc. for Construction Management Services for the Wastewater Treatment Plant Upgrades and Expansion – Phase II, Effluent Transfer Pipeline.

Mr. Owens explained how the construction management services would be funded primarily by the surplus already approved for design fees that came in under bid.

ORDINANCES & RESOLUTIONS

A. An Ordinance of the City of Marysville Amending the 2003 Budget.

There was no discussion on this item.

B. An Ordinance of the City of Marysville Adopting the Transportation Element of the Marysville Comprehensive Plan.

See Discussion Items above.

C. An Ordinance of the City of Marysville Adopting the Water Comprehensive Plan Element of the Marysville Comprehensive Plan.

There was no discussion on this item.

D. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Craig and Barbara Nilson Amending the Official Zoning Map of the City.

Councilmember Smith said she lives in that area and did not get a notice. Ms. Hirashima said this was brought to Council at the last meeting. She was not sure why Ms. Smith did not receive a notice, but a mailing did go out.

E. A Resolution of the City of Marysville Stating Its Intention to Annex Certain Unincorporated Area, Known as the Gribble – Center Construction Annexation, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.

F. A Resolution of the City of Marysville Declaring the Need for the Housing Authority of Snohomish County to Operate within the Boundaries of the City of Marysville.

Mayor Weiser commented that this has been done before. This is a site-specific type resolution.

INFORMATION ITEMS

A. Mayor's Business

Mayor Weiser informed Council that they would be holding exit interviews with the State Auditor's office on October 29. Finance Committee is scheduled to meet with the auditor at 3 p.m. If any other Councilmembers would like an interview they should notify the Mayor to arrange for a time.

He then stated that the State Department of Community Trade and Economic Development had received the Buildable Lands Analysis given to them by the planning department. They had commended the work done on it. Mayor Weiser congratulated Gloria Hirashima on a job well done.

Finally, Mayor Weiser said that they need a motion to approve the action discussed at the last Executive Session regarding remodeling the old city hall.

Motion made by Councilmember Vares, seconded by Councilmember Seibert to approve that action. **Motion** passed unanimously 7-0.

B. Staff Business

Gloria Hirashima had no comment.

Sandy Langdon had no comment.

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Jeff Massie had no comment.

Kevin Nielsen had no comment.

Jim Owens responded to an issue brought up by Councilmember Leighan who had asked at the budget workshop if the patch truck could accommodate a tar pot. Bill Spies, Fleet/Facilities Manager, had researched this matter and determined that it would not work on the patch truck. It would need to be mounted on a flatbed truck.

Mr. Owens then referred to the Information Item on State Avenue Improvements / Grove to First Street Nighttime Work. He stated that a noise ordinance variance is required. There was some discussion about the shifts to be worked.

Grant Weed said he had three matters for Executive Session: One potential litigation and two real estate matters.

C. Call on Councilmembers

Donna Wright had no comment.

Suzanne Smith asked if the matter regarding Lloyd McAfee's water meter had been resolved. Mayor Weiser said they are still researching this. Ms. Smith then referred to a letter she had received from residents regarding traffic in the alley. Mayor Weiser explained that there was no money in the alley rehabilitation account and that, speaking from experience, this would only increase the speed and traffic. Councilmember Smith then discussed a Family Center in Lake Stevens where a friend of hers volunteers. The City of Lake Stevens provides a house plus free utilities and \$5000/year to the program. There are quite a few activities going on there for the community and all classes are free. Her friend would be willing to come speak to Council about this if anyone is interested in learning more.

Jeff Seibert requested a list of electrical contractors used for Edward Springs so he could determine if there is a conflict of interest because of his employer. Public works staff said they could get that for him.

Jon Nehring had no comment.

John Soriano had no comment.

Lisa Vares confirmed that the Image and Identity meeting would be on Wednesday, October 22 at 4:00 p.m.

Mike Leighan had no comment.

D. State Avenue Improvements/Grove to First Street Nighttime Work.

See above under Staff Business: Jim Owens.

ADJOURNMENT

The Work Session was adjourned into Executive Session at 8:28 p.m.

EXECUTIVE SESSION

Council met in Executive Session at 8:35 p.m. to discuss one pending/potential litigation issue and 3 real estate issues.


Council reconvened into regular session at 9:05 p.m.

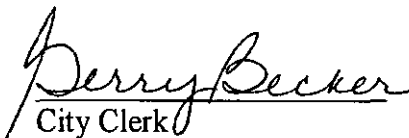
Motion by Councilmember Seibert, second by Councilmember Soriano to authorize the Mayor to sign the purchase and sale agreement for property as discussed in Executive Session: **Motion** passed unanimously (7-0).

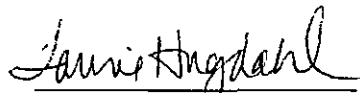
ADJOURNMENT

Mayor Weiser adjourned the October 20, 2003 City Council Work Session at 9:07 p.m.

Approved this 27th day of October, 2003.


 Mayor
 David Weiser


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl