

MINUTES RECAP

ORIGINAL

0202

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MARYSVILLE CITY COUNCIL MEETING

FEBRUARY 23, 1998

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Mayor Weiser excused

MINUTES OF PREVIOUS MEETINGS:

City Council 2/19/98
Approved

AUDIENCE PARTICIPATION:

Suzanne Smith

CONSENT AGENDA:

Approved:

1. Approval of Liquor License Renewals for Fanny's Restaurant and 7-Eleven Food Store #29536.
2. Affirm Hearing Examiner's Decision to Approve Rezone Request Subject to Conditions; Krenz Office Building; PA9710045.
3. Authorize Mayor to Sign the Final Plat Mylar for The Hill; PA9504023.
4. Approval of 2/23/98 Claims in the amount of \$242,477.87; paid by check nos. 37868 through 38081.
5. Approval of Utility Variance with Conditions; Peter/Cathy Smith; 11617 55th Ave. NE; UV 98-004.
6. Approval of Utility Variance with Conditions; Luis/Michelle Romero; 11611 55th Ave. NE; UV 98-003.
7. Approval of Utility Variance Extension with Conditions; Gary Ball/John Robinett; 2988 188th St. NE, Arlington; UV 96-004.
8. Moved to New Business.
9. Approval of Supplement to Perteet Engineering Agreement #1 for Asbery Field Park and Ride.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION:

1. Cedarcrest Restaurant Proposal LeSourd & Assoc. to make presentation to Golf Facility Committee next

REVIEW BIDS:

1. Edward Springs Flow Control Approved - Gott Const.
2. 88th St. Sewage Lift Station Continued to 3/2/98

CURRENT BUSINESS:

1. Util. Var. Extension Request; Pacific Coast Feather Co. Approved with slight modifications

NEW BUSINESS:

1. Professional Services Contract with ECS; Water Telemetry Upgrade (from Consent Agenda) Approved
2. Proposed LID No. 69; Parkside Drive Sanitary Sewer Continued to 3/2/98
3. City of Msvl. Access Management Plan Ordinance to be drawn up
4. 88th St. Access Management Plan Ordinance to be drawn up
5. Professional Services Agreement for Photogrammetric Mapping of Service Area; Hammond, Collier, Wade Approved
6. Professional Services Agreement for Value Engineering Study on SR 528; Engineering Management Services Approved

ORDINANCES & RESOLUTIONS:

None

ADJOURNMENT:

11:16 p.m.

EXECUTIVE SESSION:

11:30 to 12:03 a.m.

1. Litigation (No Action)
2. Personnel (No Action)

RECONVENED & ADJOURNED:

12:03 a.m. 2/24/98

MARYSVILLE CITY COUNCIL MINUTES

0203

FEBRUARY 23, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (excused)
Donna Wright, Mayor Pro Tem

Councilmembers:

John Myers
Normajean Dierck
Donna Pedersen
Mike Leighan
Otto Herman
Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Robert Carden, Police Chief
Owen Carter, City Engineer
Jim Ballew, Parks & Recreation Director
Wanda Iverson, Recording Secretary

CORRECTED: SEE 3/2/98
MINUTES

CALL TO ORDER:

Mayor Pro Tem Wright called the meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting of 2/9/98.

Councilmember Herman noted on page 2 in the second paragraph, each jurisdiction has liability for its own employees (this was confirmed by the Police Chief). On page 6, 4th paragraph from bottom, the first sentence should read: "Councilmember Herman suggested a lighting alternative for street crossing or making the crossing begin to the west of the library and ending just to the east of the library entrance as his guess....."

Councilmember Pedersen noted on page 6, 4th paragraph from the top, it should read, "Councilmember Pedersen said she would encourage looking at where the pedestrians are from, with the elimination of the bus stop." (Delete the rest of the sentence.)

There being no further corrections, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the 2/9/98 City Council Meeting minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Suzanne Smith, 4821 75th Ave. NE, addressed Council. She stated her husband and she have submitted an appeal to the Hearing Examiner's recommendation. They have submitted a statement to the Planning Commission and would like the City Council to each have a copy of their letter, also.

City Attorney Weed stated this is on the agenda for next week and will be part of the record; Councilmembers are welcome to read the letter this week or next week in their packets.

Councilmember Herman noted the appeal process involves a closed record hearing. City Attorney Weed said yes, it would be expected that the Council would be able to review it also and next week's Council packets will contain a statement from the Planning Dept., a statement from the Hearing Examiner, as well as the statement from the applicant appealing the previous decision/recommendation.

Councilmember Herman asked if City Attorney Weed could give a short summary of HB 1724 regarding closed record appeals, for the audience's information at the next Council meeting and City Attorney Weed agreed to do this.

Ms. Smith noted it was a hard decision for them to appeal but due to the sensitive nature of it, they felt they had to go through with this.

CONSENT AGENDA:

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8. Moved to New Business.
9. Approval of Supplement to Pertect Engineering Agreement #1 for Asbery Field Park and Ride.

Councilmember Pedersen moved to approve Consent Agenda Items 1, 2, 4, 5, 6, 7 and 9. Councilmember Leighan seconded and the motion passed unanimously.

Councilmember Pedersen moved to approve Consent Agenda Item #3 and Councilmember Herman seconded the motion. It passed 6-0 with Councilmember Leighan abstaining. Councilmember Leighan also abstained from voting on check #38070.

STAFF'S BUSINESS:

Police Chief Carden noted there has been an increase in car prowls and the police dept. is looking at a more aggressive method of handling this. He did not wish to divulge how, just that they would be more proactive in this area, he said.

City Engineer Carter announced two upcoming open houses: Thursday, Feb. 26 at the MJHS Cafeteria regarding the Asbery Field Park N Ride and Wed., 3/4/98 at Allen Creek Elementary regarding the 60th Drive Extension.

Regarding the pedestrian crossing at the Library, he reported on a trip he made to Kirkland to further check out the lighted crosswalk they have there. He said it has lights 1.5" above the pavement and he explained how they are activated by pedestrians and the traffic stops. It cost about \$15,000 and Kirkland is so pleased with the effectiveness, they are going to put in another 10 crosswalks just like this one over this next year. Marysville could possibly get the same contractor to come up and put one in here before September, he said. Also, there are a number of installations in California and Florida; they have had no problems with sun blocking the lights, he said. They did have one accident because of the sun in a lady's eyes where she ended up hitting a pedestrian at 25 mph (this was in Calif.). He said he had more handout information; the State is also considering these types of pedestrian crosswalks.

Councilmember Myers asked about the life expectancy of the lights and City Engineer Carter said the bulbs have not burned out in the year since the crosswalk was installed in Kirkland; bulbs are quite easily changed when they do. He added that there would also be wheelchair accessibility and he would recommend the push button system, which he had his 8 year old son try out, without any problems. He said he would still like to speak with the insurance authority but Kirkland is part of the same risk management group as Marysville.

Councilmember Pedersen said she would like to see this project dovetailed in with other projects so it could be installed in Marysville prior to the summer.

City Administrator Zabell partially read a letter from the County Executive regarding adoption of the ordinance that will protect the Quilceda/Allen Creek Watershed. The document is being reviewed and will be going through the GMA review and adoption process, he said.

He thanked Owen Carter and Dean Rohla for researching grant monies that were reported overpaid to the City of Marysville; the money was not in fact paid to the City and so we do not have to pay any money back now. Efforts are underway to get the auditor's report corrected that reported this overpayment; City Administrator Zabell said the auditors were up against a 1/31/98 deadline and didn't give the City adequate time to respond. There is a press release going out on this now, he said.

CALL ON COUNCILMEMBERS:

Councilmember Dierck spoke about a meeting involving the Tribes today where they are trying to get the chinook salmon placed on the endangered species list. She said there will be a 12-18 month comment period before this goes through.

Councilmember/Mayor Pro Tem Wright also spoke about this issue and the committee that is working on similar issues in Central Puget Sound.

Councilmember Myers asked about an organization that is aggressively doing door to door solicitation that a senior group spoke to him about.

Chief Carden said this has become a problem, especially in mobile home parks and he is of the understanding these groups need to have a business license.

Councilmember Myers said he would like to see groups get permission to solicit and tell what area they plan to target.

Councilmember Leighan suggested they could also wear ID.

Councilmember Pedersen said she would like to hear from the City Attorney on this and doesn't want it to cause staff extra work for issuing business licenses or ID tags.

Councilmember Bartholomew asked about the interjurisdictional team work and Chief Carden said the PACE program was tried in Lake Stevens and Arlington; there were a number of traffic warnings/citations given in school zones. They also had several inquiries about jurisdictions (eg. an MPD officer writing a ticket in Lake Stevens) but the general impression seems to be positive overall, he said. He added he anticipates MPD will be working with PACE on another project soon.

Councilmember Bartholomew mentioned liability issues, eg. fire-fighters being sued for \$55 million for the way they fought the Twin City Foods fire. Chief Carden said he would look into the interjurisdictional issues further.

Councilmember Leighan reported the block watch people are putting out flyers regarding the car prowling activities, there will be neighborhood meetings, etc. and it is nice to see the MPD being proactive, he said. He spoke about the Tribes meeting today.

Councilmember Pedersen asked about the library pedestrian crossing and how soon this can be started on. City Administrator Zabell said it would be brought back as an agenda item, once more information has been gathered.

PRESENTATION:

1. Cedarcrest Restaurant Proposal - Chris LeSourd, LeSourd Assoc.

Parks & Recreation Director Ballew introduced Chris LeSourd who has put together a 100 page document researching feasibility of a restaurant/food services at the golf course.

Chris LeSourd, Consultant, 6324 145th Ave. NE, Redmond, used the overhead to review his very comprehensive report. He noted the four goals as he sees it:

1. To satisfy the needs of the golfers.
2. Good quality food and service.
3. Reasonable profit.
4. Banquet facilities.

He showed statistics and graphs on Market Analysis, Retail Sales, Population Growth, Convenience Snack Bar alternatives, Surrounding Golf Course Facilities, Existing Restaurants in Marysville, Demographics, need for Banquet Facilities. He spoke about off season and on season needs, year round needs, Class H liquor license more popular/profitable, projected Cedarcrest Golf Course business, how its location plays an important role in serving the surrounding residential area.

He came up with an average projection of 60,000 to 70,000 annual rounds of golf, multiplied by an average of \$7.00 to \$9.00 per person/round paid to buy food, which calculates out to an annual food and beverage income of about \$520,000 or so.

He said in order to be competitive, he felt Cedarcrest needs to have banquet facilities (not very large), a large kitchen in order to accommodate 110 persons inside seating and 120 on the covered patio plus catering and banquet services. He recommended targeting an upscale family market (something like a Black Angus Restaurant as far as price range of food and beverages) with utilization of the view of the golf course to make people feel like they are part of the outdoors and the most important thing is to have an experienced, motivated restaurant operator, he said.

He explained his concept of movable walls and partitions for flexible design between luncheon, dinner and banquet events. He spoke about a reasonable rental figure of about 5.7% to 7.4% of total projected sales (about \$40,000 per year paid to the City by the restaurant). He stressed a recommendation for a Class H liquor license as opposed to just serving beer and wine. He said he would be available to work with the facility committee, to help find a qualified restaurant operator, put on a presentation to other interested groups.

There was considerable discussion about Mr. LeSourd's presentation including how to increase parking by restriping the parking lot, eg., getting preliminary architectural plans for a restaurant facility and then getting the operator involved in the final design, a decision has to be made about changing the configuration of the kitchen, whether catering services should be included, etc.

There was discussion about the many changes that have occurred over the years (Mr. LeSourd did a brief comparison to national standards of golf courses 20 years ago for the City of Marysville), everything from establishments going to non-smoking to beautifully upgraded golf courses, a lot of competition for the "dining dollar" and how to be most effective in this area. He spoke about Everett's remodelling and how they are only going to serve beer and wine--they are spending \$6 million and will only bring in \$500,000 total income a year. He said the mark of a good operator is their motivation, creativity, ways to promote "special nights", advertising, etc.

Councilmember Leighan asked about the profitability of smaller snack bars and Mr. LeSourd explained how some golf courses are away from the general population and can't do the restaurant business Cedarcrest can.

He spoke about the possibility of having a barbecue grill out on the patio for busier times and/or to directly serve the golfer in a hurry. He said his estimate of kitchen improvement costs was based on \$100 per square foot. He noted the Class H license would be held by the restaurant operator, not the City.

The consensus was for Parks & Recreation Director Ballew to schedule a presentation to the Golf Facility Committee.

REVIEW BIDS:

1. Edward Springs Flow Control.

Public Works Director Winckler reviewed the agenda bill and stated it is recommended the bid be awarded to Gott Construction (apparent low bidder) in the amount of \$36,525 plus sales tax. He offered his one copy of the bid tabulation for the Council to review, if they wished.

After brief discussion, Councilmember Myers moved and Councilmember Bartholomew seconded to award the bid to Gott Construction as outlined. Passed unanimously.

2. 88th Street Sewage Lift Station.

Public Works Director Winckler reviewed the agenda bill, noting 9 bids were received with SRV Construction the apparent low bidder at \$308,460 plus sales tax which is \$73,754 over budget, however it's almost 100% recoverable within this next year. SRV is currently doing a project for the City and there have been no problems with them, he said.

Councilmember Pedersen said she would like to see the other bids (bid tabulation sheet), background check, having an attached budget amendment request and so would prefer this be continued to next week's Council meeting.

Councilmember Bartholomew agreed and said she would also like to see something about what fund the \$74,000 is coming from.

Councilmember Herman asked about the next lowest bids and Public Works Director Winckler read these from his only copy of the bid tabulation.

Councilmember Bartholomew then moved and Councilmember Pedersen seconded to continue this to next week's meeting, subject to the above information being available in the Council packets. Motion passed unanimously.

CURRENT BUSINESS:

1. Utility Variance Extension Request; Pacific Coast Feather Co.

Public Works Director Winckler reviewed the agenda bill with 7 recommendations if variance extension is granted. He said he wished to modify the termination date to:

"At such time as Pacific Coast Feather Co. capital improvements are made and subject to MMC 14.20 or at such time as Pacific Coast Feather Co. flows are reduced as per paragraph 3 hereto."

There was discussion about present sewer lagoon capacity (we are at approx. 50% use now), calculation of Pacific Coast Feather's flow, DOE requirements.

City Administrator Zabell suggested in case DOE makes any requirement changes to the City, language should be changed under the agreement with Pacific Coast Feather in paragraph 3, adding the word "permitted" capacity.

Public Works Director Winckler said he would recommend changes as above and would like to have this signed tonight as the temporary variance terminates 2/28/98 and the DOE needs a copy by 2/28/98 of the extension.

Mayor Pro Tem Wright asked if the applicant wished to make any comments.

Joe Crawford, 5509 104th Pl. SW, Mukilteo, representing Pacific Coast Feather, addressed Council. He said he is in favor of Mr. Winckler's comments and the recommendations; they would be staying within the guidelines. He thanked Council for pointing out the improvement in BOD & TSS that Pacific Coast Feather has made; they have worked very hard to make a lot of progress and overall he said he thinks it's good for everybody: The wording of the extension makes Pacific Coast Feather happy and gives the City leeway also, as necessary, he concluded.

Councilmember Pedersen moved and Councilmember Myers seconded to grant the extension with the two changes as noted and to authorize the Mayor Pro Tem to sign the document. Passed unanimously.

NEW BUSINESS:

1. Professional Services Contract with ECS; Water Telemetry Upgrade. (from Consent Agenda)

Public Works Director Winckler reviewed the agenda bill, noting this project is within the long term plans of the City, it has been budgeted for and ECS are the only electrical engineers that appear on the internal roster. \$25,000 was budgeted for and it is recommended the contract be signed at \$10,720; this contract is the format the City Attorney has recommended, Public Works Director Winckler said. He gave an outline of the selecting process for engineers for the roster for consultant selection, reviewed qualifications, etc.

Councilmember Bartholomew moved and Councilmember Herman seconded to authorize the Mayor Pro Tem to sign the contract with ECS as recommended. Passed unanimously.

2. Proposed LID No. 69; Parkside Drive Sanitary Sewer.

Public Works Director Winckler explained the resolution has not been received from Lee Voorhees, the City's Bond Counsel, yet and so this matter should be brought back to next Council meeting.

City Attorney Weed advised that Councilmembers Wright & Pedersen do not have to step down on this issue.

Public Works Director Winckler reviewed the agenda bill in the event there was anyone in the audience who would not be able to come back next week for this and wished to make comment on it. It was noted 14 out of 23 property owners are interested in participation in the LID; 5 homes would have to provide their own sump pumps.

City Attorney Weed explained the process of having the resolution prepared and formation of the LID. There was no one in the audience wishing to make comment and the matter was continued to 3/2/98.

3. City of Marysville Access Management Plan.

There was discussion about Councilmembers Wright and Pedersen having to step down for the 88th Street Access Management Plan (next item on the agenda) but not for this item.

City Planner Hirashima reviewed the agenda bill and City Engineer Carter showed some overheads. He explained there had been a number of workshops and meetings at the Planning Commission level, and the main consideration was posted speed of the roadway in

order to determine spacing between driveways, stopping distance, sight distance, adjacent intersection control.

There was considerable discussion about the comparison of other jurisdictions, right turn in-right turn out only if there is not enough sight distance, variance considerations, appeal process, administrative process, grandfathering in existing driveways, etc.

Public Works Director Winckler pointed out there are some situations where there are safety concerns, where access has to be limited. City Attorney Weed added that the courts acknowledge the authority of a jurisdiction to put up a C-curb, or limit access to right in-right out movements only but eliminating accesses comes down to safety vs. necessity to have reasonable access to property. He said it's a matter of degree and balancing the issues, eg. having a reasonable policy such as the Access Management Plan in place.

Shirley Luse, 8627 36th Ave. NE, addressed Council. She asked about the limited access under the "A" example shown on the overhead and how this would affect her father-in-law's property.

City Engineer Carter explained the City has the right to limit access on arterials only, eg. 88th. He said they would have to apply this rule to Grove St., eg., if a big plat came in they would want driveways consolidated in order to minimize driveways on Grove. He emphasized that no one would be landlocked.

The process was discussed, eg. adopting an ordinance, being a sub-part of the Comprehensive Plan, two separate ordinances for this Access Management Plan and the 88th St. Access Management Plan, time line, advertising for the 2/11 public hearing, at least 200 notices sent out and no one wished to testify on the general Access Management Plan (this one).

Councilmember Herman moved and Councilmember Bartholomew seconded to withhold action on this item until after it is decided what to do on the 88th Street Access Management Plan (next agenda item). Passed unanimously.

4. 88th Street Access Management Plan.

Councilmember Pedersen and Mayor Pro Tem Wright stepped down and left Council Chambers at 9:32 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to appoint Councilmember Leighan Mayor Pro Tem in Mayor Pro Tem Wright's absence. Passed unanimously.

City Engineer Carter explained the review of the west side and east side of Quilceda Creek and how WSDOT actually bought access rights at 36th & 88th with 130' of right of way. On the north side, he explained there will be a lot of turns in and out; driveways need to be separated by 180'. On the south side full accesses need to be aligned and they can only have right turn in and right turn out because of the traffic volume.

There was considerable discussion he said at the workshops about competing businesses, that residents do not want to share driveways, both developments have access to 36th, that 36th is not an arterial so doesn't have the restrictions 88th does. He said there would be full access off 36th, partial access onto 88th. He gave a detailed explanation of the calculations that led to the right turn in and right turn out only restrictions on the north side of 88th, including sight distance, speed (posted at 35 mph). He said when the south side develops, they may change the speed based on a speed study, eg. and that would have an affect on accesses. He noted the City would like to see the two driveways at the railroad tracks eliminated in the future as they are too close to the railroad tracks but that is the only access to the respective properties. He referred to Appendix A regarding channelization, queuing of cars, changing the flow and turning movements depending on completion of State Avenue.

Art Mailloux, 15308 Forty-Five Rd., addressed Council. He said he would like to voice his concern over limiting access to 40th NW, that he bought 2.5 acres north of the intersection and uses 40th for access. He said the county already took 1.25 acres because of wetlands and this new limitation will really decrease use of his property.

Rocky Hoaglund, 3819 97th Pl. NE, addressed Council. He pointed out that the City is proposing limiting access both on the north and south sides of 88th onto 36th; he has picked up copies of the proposed development and they are going to have a real detrimental affect on 88th. For those people who live north and south of that, there are no other options, he said and those developments are going to cause a lot of impact.

He noted there are two Councilmembers (Pedersen and Wright) who have stepped down and there are a vast number of actions that they need to review, as members of the Council as well as committees and he said he would like to have those two prohibited from making any decisions concerning the 88th St. Access Management Plan. He said it should be called a "mandate of fairness" not just an "appearance of fairness" and those two Councilmembers should not be allowed to participate in any matters that pertain to this. He said he thinks it only fair that they continue to be excluded and asked the City Attorney for a guarantee in this regard.

Councilmember Herman said it should be noted all Councilmembers are very careful about stepping down whenever there is a conflict of interest and he asked Mr. Hoaglund for his suggestion for an alternative for access to 36th.

Mr. Hoaglund said he would of course, prefer no development, but failing that, the City should take responsibility for adequate access for people who have to transverse. He said Barclay North has submitted plans and their accesses are going to create a free for all; they have two accesses proposed and he said he sees where they should be limited to one access on 36th which he thinks is all they need, he said because they are creating a huge problem. He said he knows 36th is not an arterial but he sees a liability issue there on 36th.

Councilmember Bartholomew asked how long 36th is and City Engineer Carter said one block and then it turns into 35th.

Mr. Hoaglund pointed out that 36th is probably going to be the only way in and out forever and would really like limited access on 88th. He asked again about a commitment from the City regarding Councilmembers Pedersen and Wright. He said he would like this addressed once and for all.

Lance Brown, 9114 State (Pilchuck Rentals), addressed Council. He said he would like the Access Management Plan for the north side and the 88th St. corridor handled together as well as the taking issue, how these issues are going to be addressed, access, exits, how viable his property will be if he is limited to right turn out, right turn in only, changing of speed. He said he doesn't want to have to go through a slow variance process and would like some common sense applied by the Council in these matters. He said he thinks the Council is capable of looking at the area as a whole and would like to have a viable business.

Councilmember Bartholomew asked about his daily in and out traffice and Mr. Brown said about 60 a day on a Saturday, with quite a lot of that traffic being their own trucks. He noted the trucks come from all over, the reservation, Smokey Point, Getchell Hill. During the week, there are about 30 in and out trips a day, he said.

Councilmember Bartholomew asked City Engineer Carter how that compares with proposed traffic volume on 88th and he said they would look to the engineer's traffic report/proposal.

Shirley Luse, 8627 36th Ave. NE, addressed Council. She asked what determines an arterial from a rural street. She noted the applications the City has received are from a gas station, hotel, etc. and so there are going to be some major commercial properties on 36th.

City Engineer Carter gave as an example, 528 would be a principal arterial, 88th would be a minor arterial (required to move people to a principal arterial) and 36th would be called a collector and used for access for the local area, he said.

Mrs. Luse said with the right of way and driveway issue at 36th & 88th on the south side, it's her understanding there is to be a gas station at that corner and she heard they were going to put a driveway right on the property line and her father-in-law is going to have a hard time getting in and out of his property.

Distances were discussed and City Planner Hirashima said she thinks there is some confusion: There is a proposed Chevron & BP and this is not a public hearing fro these developments. She said the Planning Dept. has a full size copy of those proposals for anyone's information; their driveway would be adjacent to the Luse property. She said the public hearing will be in about 120 days.

Mrs. Luse said with regard to speeds, she and her husband are here from Alaska to represent Mr. Luse and in 2 years the traffic has multiplied fifteen times; there is not enough room if you are on 36th, i.e. you have to wait for a green light to turn left and that person holds up everyone who wants to turn right, so the City needs to widen 36th so the residents can get on and off and into the residential area.

Philip Luse addressed Council, stating Clyde Luse is his father. He said they have to return to Alaska so are trying to get information for his deaf father.

City Planner Hirashima suggested they leave their name and address and they will be put on the mailing list. She also suggested they stop by and look at the site plans referred to earlier.

City Engineer Carter added that as this moves forward the City will be doing a traffic study to determine what needs to be done; 36th was only a 2-way roadway when it came into the City from the county.

Mr. Luse noted 36th has already been widened some and his dad lost 15' when the City water came in and he never received any compensation for that.

Greg Wright, 4802 76th St. NE, addressed Council. He said he likes the intent of the plan but there are several issues he feels were not given importance, particularly on the north side of 88th, east of the creek, the railroad tracks, the usability of the land due to the creek being there, GMA mandates, land owners (he said he represents Mrs. Braschler). He said another issue is how this plan affects local business, eg. Pilchuck Rentals who are having to relocate from State. These people need to be considered, their land values need to be considered and the City needs to support them, he said. He added that the best way to move traffic on 88th needs to be addressed; a balance needs to be found with the needs of the property. On 88th with the different lanes of traffic (referred to the overhead)--left turns, U-turns, right in and right out, these are all very real concerns, he said. He said it has been recommended that the City's plan be denied but he thinks it should be reviewed first, also he would like to see the appeal to the Council rather than to the hearing examiner. On the variance process, he said he would also like to see someone that has a compelling interest be allowed to come forward and help with the decision making process. He added that he would like to see Pilchuck Rentals get left hand turns into their property, maybe not left turns out, or only during certain times of the day allow left turns out, eg.

CORRECTED: SEE 3/2/98 MINUTES 5/6 "for"

Councilmember Bartholomew asked about access onto 36th and Mr. Wright said they would have to build another bridge over the creek which is way too expensive a proposition.

Suzanne Smith, 4821 75th Ave. NE, addressed Council. She said she sees the intent of punching 88th through as a way to get new people out of town, an access to the freeway only for commuters. The main goal she thought was to relieve congestion on 4th. Pilchuck Rentals is an existing business and 88th was not to help out a bunch of commercial (expanding) businesses, but to help the residents who have been in this area forever. She said she thinks the Council should take care of the people who were here and Pilchuck Rentals, that the Council should use their discretion here.

Denise Baker, 8305 83rd Ave. NE, addressed Council. She said she agrees with Suzanne, that 88th was designed to move people in and out of town, to relieve congestion. Left turns with tons of congestion, Pilchuck Rentals trucks and trailers trying to turn left, that's horrible, she said. Until lights were put in, in Lynnwood, she said they had to have right turn in and right turn out only; traffic has to be moved before you put more businesses in. She said she thinks the City has a good plan; there is access and allowing left turns in and out is going to make a big mess.

Dean Doffenbaugh, 4208 Grant, Everett, addressed Council. He said they have been dealing with Gary Wright Realty and Pilchuck Rentals for some time and agree with Lance Brown, that the City should move forward expeditiously with this. There have been many public hearings and workshops with a lot of input and whether it should be commercial, residential, turn left, turn right and the City needs to make a decision, he said. He said he has a couple concerns with the plan blocking the access--that's the only access that lies to the north and if that's closed it opens a Pandora's Box as to how they can access 88th St., he said. He added that they would like to move forward with this, Pilchuck Rentals needs to move forward as well.

Councilmember Bartholomew asked about making changes by way of remanding this back to the Planning Commission or by having a public hearing.

City Planner Hirashima explained it would be a longer process if it went back to the Planning Commission; 3/23/98 would be the earliest public hearing date.

Councilmember Herman asked about existing driveways on 88th and City Planner Hirashima explained they may stay for the time being but in the event these properties are redeveloped, which is quite possible, at that point they would be subject to the recommendations in the Access Management Plan. She added that a temporary access using the existing driveway could be allowed but they would like to see a short access put in, widening, etc.

Councilmember Herman spoke about Pilchuck Rentals' development with right in and right out only turns, whether left turns in would be prohibited or allowed under a variance or with a traffic study.

City Engineer Carter clarified that left turns would be allowed if it came before Council with a credible engineering study, for example.

Councilmember Herman noted he originally didn't think that corridor was appropriate for commercial but it was designated as such and now the City's obligation is to make this community livable for everyone: Those who have been living her for a long time and people who move in, in the future, he said.

Mayor Pro Tem Leighan asked about the variance process and the time frame involved.

CORRECTED: SEE 3/2/98
MINUTES 5/b "here"

City Engineer Carter referred to page 6 of the Access Management Plan, noting anybody who uses 36th, 48th Dr., 40th NW would be able to submit comments during the 15 day comment period, with appeal to the hearing examiner.

Mayor Pro Tem Leighan asked what ability the neighbors have to give input regarding specific projects and City Planner Hirashima said there has been a neighborhood meeting, a few months ago, notice of application has been posted, the SEPA process is still to come, but there are several opportunities for direct public comment. She said there are 5 or 6 proposed projects in the area that have to go through the process; the rezone would have to be approved before they get a building permit and road widening is part of the rezone process.

Mayor Pro Tem Leighan asked about the appearance of fairness issue and City Attorney Weed stated an inquiry would be made at each meeting and that Councilmember would be made to step down. Some of the hearings come before the hearing examiner and not the Council, he pointed out.

Mayor Pro Tem Leighan asked what would happen if the Councilmember had an interest next to the project and City Attorney Weed said it would have to be reviewed on a case by case basis.

Councilmember Bartholomew asked whether the Marysville Access Management Plan would be approved prior to the 88th St. Access Management Plan and City Attorney Weed said that would be his recommendation.

Mayor Pro Tem Leighan asked about the correct process of the ordinance being adopted and City Attorney Weed explained he would prepare the ordinance, it would then be approved or adopted to become part of the Comprehensive Plan.

Rocky Hoaglund asked whether a building committee that a Councilmember serves on would be a quasi judicial hearing and Mayor Pro Tem Leighan explained that type of committee would be for construction of City facilities only.

Mr. Hoaglund said he feels there is potential conflict with at least two Councilmembers and unfair burden is being put on the people to keep watching for this.

City Attorney Weed said the two Councilmembers have excused themselves and if the issues come back for site specific parcels, they would be compelled not to participate again and actually, the rezone will be heard before the Hearing Examiner, rather than Council. The hearing examiner is an individual person and in the event of a closed record appeal before City Council, he said he would recommend they be excused again.

Mr. Hoaglund asked if he had the City Attorney's assurance the two Councilmembers (Pedersen and Wright) do not participate in any way about this plan, executive session or any other meeting.

City Attorney Weed said yes, he will advise the Councilmembers to not participate.

Councilmember Herman reiterated that the City Council is very consistent and members do step down if there is any conflict of interest and should not be penalized for stepping down.

Councilmember Bartholomew added that the Council just went through a very extensive training and it focused on appearance of fairness --the training was put on by several attorneys.

Councilmember Herman then moved to direct the City Attorney to draft an ordinance adopting the 88th St. Access Management Plan, incorporating recommendations by the Planning Commission. Councilmember Myers seconded and the motion passed 5-0.

Councilmember Pedersen and Mayor Pro Tem Wright returned to Council Chambers at 11:05 p.m.

Councilmember Bartholomew moved and Councilmember Dierck seconded to direct the City Attorney to draft an ordinance adopting the Marysville Access Management Plan, to become part of the Comprehensive Plan. Passed unanimously.

5. Professional Services Agreement for Photogrammetric Mapping of Service Area; Hammond, Collier, Wade-Livingstone Assoc., Inc.

Public Works Director Winckler reviewed the agenda bill, recommending the Mayor Pro Tem be authorized to sign the agreement with Hammond, Collier, Wade-Livingstone to do the work.

Councilmember Myers left Council Chambers at 11:07 and returned at 11:09 p.m.

Public Works Director Winckler explained Hammond Collier Wade have extensive experience to perform the survey and Walker & Associates would be their subcontractor for the balance of the work. He explained \$120,000 has been budgeted and the agreement is for \$117,337. He thoroughly explained the whole survey process and how it's going to be put into a GIS system.

Councilmember Dierck left Council Chambers at 11:11 p.m.

Councilmember Leighan asked if the City Attorney had reviewed the contract and City Attorney Weed said yes, it is on the standard form that he has drawn up for the City to use for all contracts.

Councilmember Leighan moved and Councilmember Myers seconded that the Mayor Pro Tem be authorized to sign the contract with Hammond, Collier, Wade-Livingstone as recommended. Passed 6-0.

6. Professional Services Agreement for Value Engineering Study on SR 528; Engineering Management Services.

Public Works Director Winckler reviewed the agenda bill.

Councilmember Dierck returned to Council Chambers at 11:13 p.m.

City Engineer Carter listed the people on the engineering team.

Public Works Director Winckler said this is a project that is very high on the list for federal funding; the City needs to do the project now in order to take advantage of grant monies. He said he recommends approval of the contract with Engineering Management Services.

Councilmember Bartholomew moved and Councilmember Herman seconded to authorize the Mayor Pro Tem to sign the contract with Engineering Management Services as recommended. Passed unanimously.

LEGAL MATTERS:

1. Recovery Contract - Harvey R. Jubie.

Councilmember Leighan moved and Councilmember Herman seconded to approve/adopt Recovery Contract #205. Passed unanimously.

ADJOURNED: 11:16 p.m.

EXECUTIVE SESSION: 11:30 p.m. to 12:03 a.m. (2/24/98)

1. Personnel. (No Action)
2. Litigation. (No Action)

RECONVENED & ADJOURNED: 12:03 a.m. (2/24/98)

Accepted this 2nd day of March, 1998.

David Weiser

MAYOR

Mary D. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY