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**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
SEPTEMBER 13, 1999**

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present; Roark departed at 8:44 p.m.
MINUTES OF PREVIOUS MEETING 1. September 7, 1999 council meeting	Approved as corrected.
AUDIENCE PARTICIPATION	None.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Watershed Plan – Janet Carroll, Senior Planner, Snohomish County Public Works, Surface Water Management. 2. Proclamation – Constitution Week, September 17 – 23, 1999.	Treated as “New Business.” Motion passed directing staff to prepare a motion of concurrence.
CONSENT AGENDA 1. Approval of August 1999 payroll in the amount of \$831,696.91 paid by check Nos. 35987 through 36264 with check Nos. 36192 and 36263 void. 2. Approval of September 13, 1999 claims in the amount of \$193,930.35 paid by check Nos. 47747 through 47840 which check No. 46347 void. 3. Memo from Finance Director Ed Erickson – clarification of voids. 4. Authorize acceptance of 67 th Avenue & Grove Street Traffic Signal Project and begin 45 day lien filing period. 5. Authorize handicap parking stall on the east side of Columbia Avenue and north of Fourth Street.	Approved Approved; Leighan abstained. Acknowledged Approved. Approved.
ACTION ITEMS	
NEW BUSINESS 1. 72 nd Drive NE neighborhood traffic management “Pilot Project”	Approved alternate action by staff with recommendations due back to council in 3 weeks.
REVIEW BIDS 1. Jennings Park Bridge Replacement	Approved award to Janicki Logging & Construction Co.
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Resolution adopting an annexation policy	Approved
ORDINANCES AND RESOLUTIONS	
1. An ordinance of the City of Marysville enacting a new Chapter 18 B of the Marysville Municipal Code relating to traffic impact fees and mitigation of transportation impacts and providing for the amendment of the city’s Comprehensive Plan by the adoption of a revised Street Capital Facilities Plan as a sub-element of the city’s Comprehensive Plan. 2. An ordinance of the City of Marysville amending MMC Chapter 19.24 relating to sensitive areas management.	Approved Ordinance 2279. Approved Ordinance 2280.
LEGAL MATTERS In Executive Session.	
INFORMATION ITEMS	
1. Mayor’s business 2. Staff’s business 3. Call on councilmembers	
ADJOURN	11:05 p.m.
EXECUTIVE SESSION	To discuss litigation.
RECONVENE Authorize settlement of litigation as discussed in Executive Session.	Authorized.
ADJOURN	11:09 p.m.

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
September 13, 1999

CALL TO ORDER/FLAG SALUTE

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

Councilmembers Present:
 Dave Weiser, Mayor
 Donna Wright, Mayor Pro Tem
 Shirley Bartholomew
 NormaJean Dierck
 Otto Herman, Jr.
 Mike Leighan
 Donna Pedersen
 Brett Roark

Administrative Staff present:
 Dave Zabell, City Administrator
 Robert Carden, Police Chief
 Ed Erickson, Finance Director
 Gloria Hirashima, City Planner
 Grant Weed, City Attorney
 Ken Winckler, Public Works Director

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, September 7, 1999.

Councilmembers noted the following corrections:

- Page 2, middle of page under Regarding item 3, "gone to city hall" should be "gone to the Planning Department." Same paragraph "appeared the State recommended a 125' buffer . . ." should read "appeared the State recommended a 250' buffer, was willing to compromise to 125' and accepted 100'."
- Page 5, third paragraph, "within the RUSA boundary" should be "within the TWSP boundary."
- Page 5, fifth paragraph, "contacted by an attorney, Mr. Tyler" should be "contacted by Ernie Taylor."
- Page 7 under Ordinances and Resolutions, second paragraph, fifth line "did not specifically name the election officials" should read "did not specifically name the elected officials."
- Page 8, Councilmember Bartholomew comments, "status report with" should be "status report within;" "Bendl" should be "Vendle."

MOTION by Roark, second by Pedersen, to approve the minutes of the September 7, 1999 city council meeting as corrected. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

None

PRESENTATIONS/PETITIONS/COMMUNICATIONS

1. Watershed Plan – Janet Carroll, Senior Planner, Snohomish County Public Works, Surface Water Management.

Councilmember Pedersen asked which councilmember had placed this topic on the agenda; Mr. Zabell responded that Councilmember Dierck had done so. Councilmember Dierck acknowledged that she had prepared the Agenda Bill from information contained in the Quilceda/Allen Watershed Plan. Mr. Zabell noted that the recommended action on the Agenda Bill – "recommend adoption and implementation of plan" – was Councilmember Dierck's recommendation.

Janet Carroll spoke at length on the Quilceda/Allen Watershed Plan, noting it had been compiled by a Watershed Committee made up of parties of interest to manage an area that covered 50 square miles. She listed the studies which had been done, including the stream gauge data collected by citizens. The computer modeling showed that none of the scenarios brought stream flows to pre-development levels, which was required by Snohomish County Title 24. Recommendations to address this included forest acquisition, land use changes, and use of site design to reduce impervious surface. Increase in instream sediment came from erosion control not being used, improperly installed, or lacking maintenance during all phases of a project. To combat this, the plan recommended a "no clearing" ordinance which would phase clearing and maintain a percentage of trees on site, training on erosion control, and no clearing during the rainy season on steep hillsides. The third problem was high nutrient and bacteria

levels. In several places the low dissolved oxygen level acted as a biological barrier to fish. The fecal coliform bacteria exceeded state standards at eight of nine water quality sites and came from waste material - livestock, human, and pet wastes. Recommendations directed at these problems included improved implementation of farm plans, replanting stream banks and fencing animals out of streams. The Snohomish Health District was also reminding homeowners to maintain their septic systems. She then spoke about the concerns regarding aquatic habitat degradation, noting the recommendations in this area included identification and repair of fish blockages, which had already been started. To address wetland loss and degradation, the plan recommended wetland acquisition (six or seven had been identified as important), technical assistance to wetland landowners, and use of Ecology's model wetland ordinance which provided for stronger regulation. The management recommendations to address groundwater contamination and depletion included designation of the Marysville trough area as a critical aquifer recharge designation, land use changes, and no development in the zone of influence of ground water along streams. She closed by noting that the Implementation Committee was in the process of being formed. This committee would help local plan implementers get funding, work on proposals with the community, and assist in coordinating interested parties in doing various projects.

Councilmember Dierck noted she had received information from the Department of Ecology regarding funding which might be available from the Centennial Clean Water Act and the State's Revolving Fund. Ms. Carroll added that two grants had already been received from the Centennial Clean Water Fund.

Councilmember Pedersen asked for further information on site designs to reduce impervious surfaces and on farm plans. Ms. Carroll responded that the Conservation District worked with farmers to develop farm plans to manage fish and wildlife and reduce pollution. One farm plan had been completed and another was in process in the Allen basin. The plans set out specific things which needed to be done, such as establishing a sewer lagoon, covering things, and no spraying of fertilizer during the rainy season. As to site designs to reduce impervious surfaces, one option was pervious pavement.

The Implementation Committee would be appointed by the Watershed Management Committee. Notices had been placed in newspapers and sent to her mailing list. 20 applications had been received. Ten members would be appointed and would serve with representatives of jurisdictions, Fish and Wildlife and the Health District, for example. She noted that once the watershed plan was developed jurisdictions found it easier to get funding.

Councilmember Roark asked if the plan would be adopted as a development ordinance, superseding the city's current code. Attorney Weed responded that in order for the watershed plan to be considered part of the city's development regulations it would have to be adopted consistent with GMA and made a part of the comprehensive plan. The city's existing code would have to be audited for consistency, so there would be no questions regarding superseding. That review had not been done.

Councilmember Roark questioned if the adoption of the plan would require a public hearing and formal adoption. Ms. Hirashima responded that the Quilceda/Allen Watershed Plan had been written as a planning document and was not intended to be an ordinance. Mr. Weed added that if the plan were adopted as a development regulation, it would have the force of law and would need to be reviewed by staff, the Planning Commission, be considered at a public hearing, then adopted by the council. GMA required regular public input. Ms. Carroll noted the County Council had supported the plan by a motion of concurrency.

Councilmember Herman commented on the no clearing ordinance. Ms. Carroll noted the purpose of the plan was to suggest solutions, not tell jurisdictions what to do. Councilmember Herman pointed out that Marysville had already sent a letter of concurrence. He asked if the County Council's motion of concurrence was the only action at the county level; Ms. Carroll responded in the affirmative.

Councilmember Leighan asked about the replanting of buffer areas. Ms. Carroll noted that blackberries and grass were not good; a mixture of shrubs and trees that would occur naturally were better. She added that the county had applied for two grants, one to work on erosion control and one for stream gauging and training citizens to do restoration.

Councilmember Leighan asked if the city had adopted a grading ordinance. Ms. Hirashima read from Ms. Cheryl Dungan's August 25, 1999 memo which detailed the implementation items which had been completed by the city; adoption of a Clearing and Grading Ordinance was listed. She detailed additional things staff was pursuing to

address this such as additional training, working with code enforcement, signing off on grading plans, sediment tracking, and lot breaking.

Regarding the cutting of trees, Councilmember Bartholomew commented that DNR required a permit for cutting over 5000'. Ms. Carroll agreed, but noted that sometimes trees were cut anyway. Ms. Hirashima added that with a regulated buffer tree cutting would be considered a violation.

Councilmember Bartholomew asked about the plan's economic impact on area dairy farmers, who were already hard pressed. Ms. Carroll did not have any data, but noted that the Conservation District worked with farmers on any type of pollution or water resource issue.

Mr. Weed reiterated that if the council wanted to adopt the plan and give it the force of law, that is, have it considered as development regulations and part of the comprehensive plan, it must go through the process dictated by the Growth Management Act. That was why the county council took action to concur rather than adopt the plan as regulation. The motion contained recitals that the county might look at adoption in the future, subject to the docketing requirements of GMA.

Councilmember Dierck felt the plan contained many solutions and adopting it would be a simple matter, as no actions could actually take place until grant funds were acquired; funding was tight in the city and made tighter still by the decision regarding dispatch. She requested that there be no opposition to allowing the speakers who had come to speak on this topic to do so.

Councilmember Herman asked about the agenda, noting this topic was listed under presentations, only, and not as an action item. He asked if councilmembers were to treat it as "new business;" Mayor Weiser responded in the affirmative.

Councilmember Herman expressed concern about what adoption would mean, noting that tonight was council's first opportunity to see examples of what was being done elsewhere and the background. It would be a tragedy to either place it on a shelf or find that "adoption" meant treating a management plan as development regulations and have them supersede the city's code that was written to be development regulations. He suggested that the council pass a concurrence motion similar to the county's; this would validate the importance of the work that went into the plan and avoid the potential problems from an undefined adoption of the plan.

Ms. Carroll remarked that the most important thing was for council to recognize the plan and its value, including water resources, water quality and habitat in the watershed. A motion that would sanction the plan would be appropriate.

Councilmember Dierck asked to hear from others in the audience who had come to speak on this topic. Councilmember Roark questioned the lack of proper procedure regarding this agenda item; the Mayor declared himself at a loss as to the procedure in this instance, noting the council could treat it as current business or new business and continue with public input at its pleasure. Councilmember Roark suggested it would be appropriate for the council to make a determination on how it would proceed because the topic had been listed as a simple presentation but had evolved to discussions regarding adoption. The majority of the other councilmembers expressed support for allowing the other speakers to continue.

Councilmember Roark repeated his concerns about the lack of direction on this topic; he suggested tonight's meeting process was both ridiculous and humiliating - it remained unclear what council was hearing and what the expected outcome was. Councilmember Leighan agreed.

MOTION by Leighan, second by Roark, to treat the presentation topic "Quilceda/Allen Watershed Management Plan" as new business and continue with public input. Motion carried unanimously (7-0).

Rick Larson, 3000 Rockefeller, Everett, Chairman of the Snohomish County Council, advised council that he been invited to speak but was unclear about what was expected of him. He noted that council had a copy of the County's Motion No. 99-097, wherein in they voted 5-0 on March 10th to concur with the plan. The regulations in WAC 400-12 asked jurisdictions to either concur or establish a letter of non-concurrence. The council did consider whether there was authority to adopt rather than concur, but concluded that the regulations establishing watershed plans only allowed them to concur. He went on to detail what Snohomish County had done, specifically the \$380,000 received in grant funds since the beginning of discussions on a watershed plan. \$35,000 had be utilized for an education kiosk, \$280,000 for training in the Planning Department, and \$64,000 was received this year for volunteer training. He added that the county had adopted a new water quality ordinance, amended its

stormwater ordinance, repaired fish blockages in two locations and applied for State funds (2496 funds) for fish blockages. Education had been implemented, including volunteer training, watershed keeper classes, and a school program. He emphasized that this was a watershed management plan, not a requirement, and without it the county would not be able to apply for grant money, which is why they crafted their motion the way they did. The plan was voluntary and community driven, not regulatory or mandatory. The county's motion kept the authority to take action with the legislative body; a lot of what got done was based on the financial ability to do it.

Councilmember Pedersen pointed out that the city sent a letter of concurrence on December 1, 1998; in view of that would an additional ordinance be needed? Mr. Larson responded that the county passed a motion, not an ordinance. He noted that the referenced letter was from staff, not the council.

Mayor Weiser asked if the grant money which the county had received had been specifically for Quilceda/Allen or had it been used for training throughout the county. Mr. Larson responded that it had been used throughout the county. He emphasized that having a plan in place made it easier to apply for funds.

Councilmember Wright asked if the city's letter of concurrence accomplished the same thing as the county's motion of concurrence. Mr. Weed noted that many agencies wrote letters of concurrence, but the county council provided concurrence in a more formal fashion. Their motion was a step beyond simply concurring as it made some findings that forecasted where they intended to go with this in the future. The three paragraphs in the body of the motion talk about looking to future comp plan updates through the docketing process, annually updating their capital facilities plan and incorporating recommendations from the watershed plan in the budget process. Most of the letters of concurrence from other jurisdictions did not go to the level of detail and formality that the county did in its motion.

David Brock, Department of Fish and Wildlife, stated he was a habitat biologist in this area. He asserted that the plan should be recognized as a valuable tool in managing the watershed. The councilmembers were watershed managers and the guidance they provided would be what staff followed. The Quilceda/Allen Watershed Management Plan provided current scientific information and was a valuable early action tool for managing the area's natural resources. He mentioned the Stillaguamish River plan, noting it had been in existence five or six years and was still being implemented. He added that most granting agencies required that a plan be in place that the jurisdiction was attempting to follow. He stated he issued hydraulic approvals in the watershed and would refer back to this plan to guide him on the types of requirements and mitigation because it represented the best available science. He briefly recapped the process that had taken place to produce the plan, emphasizing the comprehensive evaluations and representation. He noted he had been working with city staff on a project on a branch of Collins Creek and would be pursuing funding opportunities for that. It would be a benefit if the city had a plan in place. Councilmember Dierck asked if the city needed to apply in December; he responded that that was one funding opportunity.

Councilmember Herman asked if a motion such as the county's carried appropriate weight or if the city should consider other actions. Mr. Brock responded that he was not that familiar with what Snohomish County had done but it had afforded them the opportunity to use the plan in securing funding and in providing direction to staff. No jurisdiction had gone so far as to adopt the plan. He emphasized that the plan was not a regulation and was not written that way. The document was written as a plan and contained recommendations to provide guidance to the council and staff in effective watershed management. He added that it did not meet the requirements of a regulatory document, but was a management tool.

Mr. Weed explained what formal adoption of the plan would mean. He emphasized that the county's motion of concurrence was purposely written to comply with the requirements of WAC 400-12. He stated he would want to carefully review the ramifications of adoption prior to any such action, and would recommend the city follow the same lines as the county, which was to concur. Since that had already been done by staff, the council could formalize that by motion or resolution. If the council desired that the recommendations in the plan have the force of law and be treated as development regulations, then council would have to adopt those portions in the form of an ordinance after having gone through the processes described in GMA. If council passed a motion to concur, the plan would be used as a recommendation or guideline. There would be no criminal penalty or enforcement action. Before they could be imposed on a developer as development regulations, they would have to be adopted in ordinance form. Staff had received no indication that the plan was intended to be adopted in that fashion.

Councilmember Roark expressed continued frustration with the structure and conduct of the meeting and requested that council move on to the other business that was on the agenda.

Councilmember Pedersen commented on the implementation sequence on pages 180 and 181 of the plan.

Councilmember Roark excused himself from the council meeting at 8:44 p.m.

Bruce Tipton, 6308 100th Street NE, encouraged the council to adopt the plan, noting the Kitsap County Resolution used the word "adopt."

Suzanne Smith, 4821 75th Avenue NE, felt some form of action was required and suggested council pass a motion of concurrence then proceed with the process of having it reviewed by the Planning Commission. It could be used as a guide now as the city worked on implementing it into law. Ms. Hirashima noted her department would recommend that it be reviewed in parts, because much of the language was general and not pertinent - some were budget issues, some were road based, and some recommendations would result in capital projects. Because the plan was not intended to be a regulation, not all the language was pertinent to development.

Councilmember Herman suggested it would be shortsighted to adopt the plan as a regulation to supersede existing development code and thus invite litigation. He suggested taking the right actions, even if that appeared slower. He recommended that staff and the city attorney bring back a resolution which was an adaptation of the county's motion 99-097, including the three paragraphs dealing with intended future land use regulations, consideration of issues for the comprehensive plan and how implementation would be accomplished. He recommended the addition of an additional point to direct city administration and staff to work with the county and other jurisdictions in the watershed towards an interlocal agreement that would aid in the implementation of the plan.

MOTION by Herman, second by Pedersen, to direct staff to prepare a resolution as set forth above. Motion carried unanimously (6-0).

Mayor Weiser noted the discussion of this topic had begun at 7:10 p.m. and concluded at 9:00 p.m. He called a five minute recess in the meeting.

2. Proclamation - Constitution Week, September 17 - 23, 1999.

Mayor Weiser read the proclamation.

CONSENT AGENDA

1. Approval of August 1999 payroll in the amount of \$831,696.91 paid by check Nos. 35987 through 36264 with check Nos. 36192 and 36263 void.
2. Approval of September 13, 1999 claims in the amount of \$193,930.35 paid by check Nos. 47747 through 47840 which check No. 46347 void.
3. Memo from Finance Director Ed Erickson - clarification of voids.
4. Authorize acceptance of 67th Avenue & Grove Street Traffic Signal Project and begin 45 day lien filing period.
5. Authorize handicap parking stall on the east side of Columbia Avenue and north of Fourth Street.

MOTION by Bartholomew, second by Pedersen, to approve items 1 through 5. Motion carried unanimously (6-0) as to items 1, 3, 4 and 5, and 4-0-1 as to item 2, with Leighan abstaining.

ACTION ITEMS

To accommodate people in the audience who wished to speak to the item of new business on the agenda, council re-ordered the agenda to move that forward.

New Business

1. 72nd Drive NE neighborhood traffic management "Pilot Project"

Mr. Carter gave the background presentation, noting the Safety Committee recommended utilizing the draft *Neighborhood Traffic Management Program* to address the concerns. This would get the citizens involved. The first level would be low cost

actions: enforcement, striping, signing and education. The second level involved physical devices such as chokers and neckdowns at intersections. The third level would include speed humps, traffic circles and chicanes. At each step, there would be meetings with the neighborhood and a report back to the council. He noted that three studies had already been conducted: 500' north of Grove, south of 78th and up around the corner at the 81st intersection. The formal process would begin by the neighbors filling out a *Neighborhood Action Request Form* and bringing it to Public Works. Additional studies would be done, the Level One actions taken, then a report would be made to council.

Councilmember questions and comments included:

- Questioned the requirement on page 8, paragraph 2, that 90% of all affected persons must sign the petition or Request Form. This would make it very difficult for any neighborhood to proceed with this process. Mr. Carter responded that this would let the council know that the people in the neighborhood supported traffic changes.
- Had planted medians been considered for traffic calming? Mr. Carter responded that they did provide some improvement. In this neighborhood it would create a problem for driveways and would eliminate parking. He noted the plan could be implemented here, then modified for use in other neighborhoods. Next year's Public Works budget contained \$30,000 for traffic calming efforts, which was the equivalent of two speed tables. With such a small budget available, neighborhoods with problems would have to be rated, or prioritized, for help.
- Mr. Carter added that the Fire District had been consulted regarding the program itself, but not about implementing it specifically in this neighborhood. Further discussions would have to occur before implementing fixes from Level 2 or above. He would propose having a representative from the Fire and Police Departments at the neighborhood meetings. Mr. Winckler noted that a representative from the Police Department sits on the Traffic Safety Committee, but there was no representative from Fire.
- The intent of the proposal was good, but requiring further traffic studies each time an improvement was sought would slow down the process of implementing corrective actions. Mr. Carter responded that staff would need to verify volumes and speeds. They may buy their own counters in the future; now they contract this out.
- Asked if Snohomish County was utilizing this process; Mr. Carter replied in the affirmative but had no information on public reaction. They had hired a full-time person to run their program and budgeted \$70,000 for supporting devices, not salaries. Bellevue and Portland had implemented similar programs.
- Asked about claims as a result of speed bumps. Mr. Carter noted that speed tables were comfortable at 25 mph and Portland had implemented them on a two-lane arterial that carried 30,000 cars per day.
- Asked about the size of the petition area. Mr. Carter stated they would work with the contact person and the neighborhood to determine this. For this neighborhood, the area could be quite large.

Joe Duckes, 7212 78th Street NE, stated he was the community coordinator for NARP. He emphasized they did have a problem in their neighborhood and what was needed was zero tolerance for speeding in the area. He requested a stop sign going south at 78th and 72nd Drive and another going north at 72nd and 78th Street. This would create a three-way stop and would be effective in slowing traffic down. The cost of implementation would be minimal - two posts and two stop signs. He averred the proposed pilot program would only confuse the issue as many of the people who used the roads did not live in the immediate area. There were 55 homes on the horseshoe on 72nd Drive up to 74th, so many more than 80 residents were using this corridor as a thoroughfare.

Mayor Weiser asked if the intersection met the requirements for a three-way stop. Mr. Carter explained warrants and responded that it did not meet any warrant criteria. Mayor Weiser asked if the traffic volumes were close to the warrant criteria; Mr. Carter stated they had been checked a year ago, and were not at that time.

Councilmember Herman expressed his frustration regarding the necessity of meeting warrant criteria and questioned if an alternative policy could be drafted that went beyond the standards in the warrants. Mr. Carter responded that he was unaware of any city with such a policy.

Mr. Weed added there was nothing which legally prohibited the city from adopting another policy but cautioned that such a policy would need to be based on sound engineering principles. The warrants had been adopted as a guide or standard in most cities because they had been tested and had validity in terms of engineering principles. He was aware of several personal injury cases where failure to adhere to warrants had resulted in persuasive arguments for the plaintiff.

Councilmember Pedersen suggested that since other traffic slowing measures, such as chicanes and speed bumps, did not need to meet warrants, relief could be given to this

neighborhood without slowing down the process. She suggested finding solutions which were quicker than the entire program as proposed.

Charles Dionne, 7301 78 Street NE, gave some history of his involvement during the past year and a half, noting he was the Block Captain for his neighborhood Watch Program. There were 20 children in the area under discussion, and concern for their safety was the driving force to get some action on the problem. He stated the neighbors could help gather data which could be accomplished within a week. He did not support a lengthy paperwork process and encouraged the city to take some immediate corrective action.

Teresa Haldorson, 7207 78th Street NE, testified her kitchen window overlooked the intersection of 72nd and 78th. Her observation was that people did not stop at the intersection now and would not stop even if there were additional stop signs. Parked cars on 72nd caused decreased visibility. Excessive speed in the neighborhood was well documented. She suggested that a round-about at the base of 78th would help the two houses which had received vehicles in their yards.

Tim Shay, 7816 72nd Drive NE, added that of the 20 children in the area, most were under ten years of age and lived within six houses in any direction of this dangerous intersection. There was no painted crosswalk for them to use to cross the street. The topography of the area was such that if you drove down 72nd there was a steep hill which leveled off then dropped down again. If you were coming up on 72nd, you could not see another car. He asserted that being able to see oncoming traffic must be part of the warrant consideration. At the bottom of 78th, a driver must get out into the intersection before oncoming traffic could be spotted. He stated the current speed limit was 25 mph, but there was ample data indicating that was ignored. He suggested the city had a higher liability by not addressing the issue than by putting in traffic control devices that did not meet warrants. He had personally observed police cars utilizing 72nd as a thoroughfare between Grove and Getchell Hill Road, going very fast without their warning lights on.

Jerry Mains, 7608 72nd Drive NE, asserted that speeding was a constant problem; he did not believe stop signs would slow drivers dramatically. He added there used to be a stop sign by the golf course at 71st and Grove; since that had been removed speeding on Grove had increased dramatically. He cited an example of children playing in their yards and still being in danger from speeding cars.

There being no one further wishing to address council, the Mayor closed the public input on this topic.

Councilmember Herman felt the proposed plan would be onerous for a neighborhood seeking a solution. A certain level of neighbors expressing concern, such as the testimony at tonight's meeting, should be adequate. Following a protracted process could take more time and expense than just implementing a fix. He suggested finding an expedited way of addressing this neighborhood's problems without ignoring concerns about the city's liability.

Councilmember Dierck felt the proposed pilot project put the burden and the work onto the citizens, although she supported citizen involvement. She supported adding the stop signs at 78th and 72nd.

Councilmember Leighan stated he drove the roads in question every day and it was one of many cases of cul de sacs versus through-streets. He suggested the Traffic Committee review the situation, especially the sight problem on 78th, noting these should be taken into account to justify stop signs there. In addition to the parked cars which create a blockage, there was a jog out caused by a rockery on the adjoining property. He had personally observed just this morning the problem encountered by a school bus at this intersection.

Councilmember Bartholomew asked about marking a crosswalk. Mr. Carter responded that this had been shown to give pedestrians a false sense of safety, particularly at mid-block. Even though the law stated that motorists must yield, accidents occurred because they did not. He stated something could be done with striping, pursuant to the Engineering Design Standards: every 300' to 400' the lanes would shift to the other side of the street, curbs could be extended out, parking could be eliminated on the west side, a traffic circle could be installed in the intersection to slow people down. He asserted that problems with sight distance were related to speeding. The school and fire districts would have to be contacted regarding the use of traffic circles.

Councilmember Leighan noted that the house on the southwest corner was probably not complying with the new ingress/egress codes.

MOTION by Pedersen, second by Herman, to request Mr. Carter to check sight distances at this location, meet with the neighbors on site, discuss the options that would be avail for solving the problem, such as stop signs, speed tables or traffic circles, call a special meeting of the Traffic Committee to review the information and bring recommendations back to council within three weeks. Motion carried unanimously (6-0).

Review Bids

1. Jennings Park Bridge Replacement

Jim Ballew, Parks and Recreation Director, gave the staff presentation. The bidding company had been carefully checked; they had a great deal of experience in installing bridges over creeks, particularly in Skagit County. He noted that the increased cost of the project was a result of the desire to lengthen the bridge and strengthen the abutments. There were sufficient funds in reserves to cover the cost.

MOTION by Bartholomew, second by Wright, to award the Jennings Park bridge replacement project to Janicki Logging and Construction Company for \$37,166.70 including sales tax, and bring back the budget amendment at the next meeting. Motion carried unanimously (6-0).

Public Hearing

None.

Current Business

1. Resolution adopting an annexation policy
Ms. Hirashima gave the staff presentation.

Councilmember Pedersen noted that in the minutes of March 23, page 6, consensus was to delete the word "small" from No. 4 of the resolution. The proposed resolution, in No. 5, stated the city would consider smaller annexations on a case-by-case basis. She recommended that "smaller annexations" needed to be defined. Mr. Zabell noted that when read with the previous paragraph, the council had more latitude in requiring aggregation of parcels. Ms. Hirashima added that she had seen annexations as small as a single parcel. Councilmember Pedersen emphasized the importance of defining now what the council intended regarding small annexations, rather than at the time someone proposed one.

Councilmember Wright questioned paragraph 1 of the proposed resolution noting that some city-owned pieces were outside the city's urban growth area.

Councilmember Dierck suggested the intent had been to stop "leap frogging" annexations and that property owners needed to annex before they could receive utilities. Ms. Hirashima responded that the annexation policy had been reviewed at the same time as amendments to the utility code to address developments in unincorporated areas and ensure they were done to city standards. Council had considered it appropriate to require annexation if the development was contiguous or within two parcels.

Councilmember Herman recollected that the council's March discussion had addressed concerns that the old policy no longer reflected the current standard, which was to discourage smaller annexations. He suggested the city would be better served if council had the flexibility to consider single parcel annexations or aggregation where that would be a better option.

Mr. Zabell suggested revising paragraph 5 to read "The City will consider smaller annexations, including single parcels, on a case-by-case basis . . ." This would clarify council's intent.

MOTION by Bartholomew, second by Leighan, to approve Resolution 1939, with the addition of the above language in paragraph 5. Dierck voted nay; all others voted aye; motion carried (5-1).

Ordinances & Resolutions

1. An ordinance of the City of Marysville enacting a new Chapter 18 B of the Marysville Municipal Code relating to traffic impact fees and mitigation of transportation impacts

and providing for the amendment of the city's Comprehensive Plan by the adoption of a revised Street Capital Facilities Plan as a sub-element of the city's Comprehensive Plan.

MOTION by Bartholomew, second by Herman, to approve Ordinance 2279. Motion carried unanimously (6-0).

2. An ordinance of the City of Marysville amending MMC Chapter 19.24 relating to sensitive areas management.

MOTION by Herman, second by Leighan, to adopt Ordinance 2280. Dierck voted nay; all others voted aye; motion carried (5-1).

LEGAL MATTERS

Mr. Weed noted this would be discussed during Executive Session.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

Mayor's business.

- Reminder regarding the meeting with Snohomish County on September 15 at 10:30.
- Reminder of City and Towns meeting on September 16 in Sultan.
- Open House on September 20 at the Senior Center regarding the water tower. Mr. Winckler added that staff would have pictures there and stickers that citizens could use for "voting."

Chief Carden gave a brief update on several topics from previous meetings.

Mr. Zabell reminded council of the Utility Committee meeting on the 16th at 7:30 p.m.

Ms. Hirashima reported that the 116th Street Master Plan RFP had been distributed and calls were being received.

Mr. Winckler

- Public Works was bringing a truck to Allen Creek Elementary for "show and tell" so children could see what parents work on.
- The air quality in this meeting room had been addressed. The ducts were very clean, but service was overdue and would be done on September 14th.

Councilmember Herman stated he had a schedule conflict and could not attend the open house on the 20th on the water tower.

Councilmember Wright noted a memo had been received regarding the new Director of Emergency Management. A mock disaster had been staged several years ago; she questioned if another one was planned. Mr. Zabell responded that the city was in the final stages of updating its master plan and before the end of the year would do at least a "table top" exercise, but this would not be with Emergency Management.

Councilmember Pedersen added that the Health District had also considered airborne disasters and anthrax.

ADJOURN TO EXECUTIVE SESSION

MOTION by Bartholomew, second by Wright, to continue the meeting beyond 11:00 p.m. to allow for an Executive Session. On roll call vote, Herman and Pedersen voted no; all others voted aye; motion carried (4-2).

Council recessed into Executive Session at 11:05 p.m. to discuss a legal matter.

RECONVENE AND ADJOURN

Council reconvened into regular session at 11:08 p.m.

MOTION by Herman, second by Pedersen, to authorize settlement of litigation as discussed in Executive Session. Motion carried unanimously (6-0).

Council adjourned at 11:09 p.m.

Accepted this 27th day of September, 1999.

David Weiss
Mayor

Mary Pedersen
City Clerk

Jimmy McQuinn
Recording Secretary