

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
AUGUST 14, 2000**

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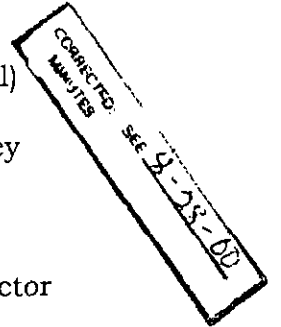
CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING	
1. August 7, 2000 city council regular meeting	Approved as corrected.
AUDIENCE PARTICIPATION	
None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS	
None.	
CONSENT AGENDA	
1. Approve August 14, 2000 claims in the amount of \$137,260.04 paid by check Nos. 53729 through 53833.	Approved.
2. Approve professional service agreement supplement #2 with Skillings-Connolly, Inc. for 47 th Avenue and Grove Avenue traffic signal project.	Approved.
ACTION ITEMS	
REVIEW BIDS	
1. 47 th Avenue & Grove and 51 st Avenue and Grove traffic signal projects award.	Approved.
PUBLIC HEARING	
None.	
CURRENT BUSINESS	
1. Marysville School District's Capital Facilities Plan and school mitigation fees (continued from July 24, 2000)	After executive session, moved to hold public hearing on CFP, mitigation fees, and vesting on September 11
2. Professional services agreement, Trunk F to Trunk A sewer intertie	Approved
NEW BUSINESS	
1. Jennings Memorial Park caretaker agreement	Approved contract with Parks Department employee, Paul Kinney.
2. Grove Street vehicle speed	Approved Option 1, to be implemented after notice and neighborhood meeting.
LEGAL MATTERS	
None.	
ORDINANCES AND RESOLUTIONS	
None.	
INFORMATION ITEMS	
1. Mayor's business	
2. Staff's business	
Gave council an update on Marie Vickers matter.	
3. Call on councilmembers	
ADJOURN	11:00 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
August 14, 2000**

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:

<p>Councilmembers Present:</p> <p>Dave Weiser, Mayor</p> <p>Mike Leighan, Mayor Pro Tem</p> <p>Shirley Bartholomew</p> <p>Jim Brennick</p> <p>NormaJean Dierck</p> <p>Mike Leighan</p> <p>Donna Pedersen</p> <p>Suzanne Smith</p> <p>John Soriano</p>	<p>Administrative Staff present:</p> <p>Dave Zabell, City Administrator</p> <p>Robert Carden, Police Chief (late arrival)</p> <p>Gloria Hirashima, City Planner</p> <p>Thom Graafstra, Assistant City Attorney</p> <p>Ken Winckler, Public Works Director</p> <p>Owen Carter, City Engineer</p> <p>Robin Nelson, Assistant City Engineer</p> <p>Jim Ballew, Parks and Recreation Director</p>
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MINUTES OF PREVIOUS MEETING

1. City Council Meeting, August 7, 2000.

Councilmembers noted the following corrections:

- Recap and Page 2, Audience Participation, George Dukes should be Joe Dukes.
- Page 8, Mayor's business regarding workshop on skateboard parks add "Councilmember Dierck, as maker of the motion on July 24, stated her intention was that cost estimates be developed; she stated she was uncomfortable with the administrative decision to have a workshop versus the legislative decision to develop cost estimates for the two locations. She felt a boundary had been crossed."

Recorder's Note: Upon review of audio tapes for August 7, 2000 under Mayor's Business, Mayor Weiser asked Council to set August 21, 2000 aside as a possible workshop date to tour skateboard parks. Only comments by Council were concern for the Parks Director's health and Councilmember Soriano asked what time the workshop might be.

- Page 8, revised motion: "Motion by Bartholomew, second by Leighan, to re-order council seating..."

MOTION by Bartholomew, second by Dierck, to approve the minutes of the August 7, 2000 meeting as corrected. Motion carried (7-0).

AUDIENCE PARTICIPATION

None.

Mayor Weiser advised that a reporter from the *Marysville Globe* would take pictures of the council; the pictures were taken.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approve August 14, 2000 claims in the amount of \$137,260.04 paid by check Nos. 53729 through 53833.

2. Approve professional service agreement supplement #2 with Skillings-Connolly, Inc. for 47th Avenue and Grove Avenue traffic signal project.

MOTION by Pedersen, second by Bartholomew, to approve consent agenda items 1 and 2. Motion carried (7-0).

ACTION ITEMS

Review Bids

1. 47th Avenue & Grove and 51st Avenue and Grove traffic signal projects award

Councilmember Pedersen advised she was the President of the congregation of Bethlehem Lutheran Church located on the corner of 51st and Grove. She asked the city attorney if there was a conflict that would prevent her from participating in this vote. Mr. Graafstra said there was not.

Mr. Winckler gave the staff presentation of the agenda materials, noting that the project was anticipated to carry over into 2001 but sufficient funds had been anticipated for that. Staff had checked the references of the last five projects done by the low bidder, Moose City Service Electric, Inc., and they received high marks; also, the company had done work for the city before and had a good record with the city.

Councilmember Bartholomew asked about the start and completion dates for the project. Mr. Nelson said the project would not commence until all the materials had been received from the state lab. He anticipated construction would actually begin in November and be completed in February. He emphasized that the equipment-testing phase took approximately three months.

Councilmember Brennick asked if the rights-of-way had been acquired. Mr. Nelson stated they had. Councilmember Smith asked if right-of-way reimbursement was part of the budgeted amount; Mr. Nelson replied in the affirmative, noting the amount paid was within the budgeted amount. Councilmember Dierck asked how many rights-of-way had been purchased. Mr. Nelson answered that three had been purchased and one donated.

MOTION by Bartholomew, second by Smith, to award the 47th & Grove and 51st & Grove traffic signal project to the low bidder, Moose City Service Electric, Inc., in the amount of \$359,638.41 and to authorize the Mayor to execute the contract documents on behalf of the city.

The Mayor asked if there were any bidders in the audience wishing to address council; there were none.

VOTE ON MOTION. Motion carried (7-0).

Public Hearing

None.

Current Business

1. Marysville School District's Capital Facilities Plan and school mitigation fees (continued from July 24, 2000).

Mayor Weiser stated that staff had informed him this morning that there was no record of public notice having been given for the meeting of July 24, 2000, where this topic was discussed. There had been a public notice for the Planning Commission hearing and for the SEPA hearing of non-significance. All copies of the *Marysville Globe* from June 12 through July 24 were checked,

but no notice of the July 24 meeting was found. This was significant because the topic was referred to as a public hearing in the agenda and also in the minutes. Mayor Weiser noted that at the close of public comments on the 24th the city attorney had stated there had been a lack of notice and the session was not a public hearing but simply public comments.

Mayor Weiser then advised that the Assistant City Attorney recommended a short executive session to discuss this issue. Council thereupon adjourned into executive session at 7:15 p.m. and left the room to discuss potential litigation. Mayor Weiser came back into the meeting at 7:30 and again at 7:45 to announce the executive session was continuing. Council re-adjourned into regular session at 8:02 p.m. and Mayor Weiser thanked the audience for its patience.

Mayor Weiser stated he had received four requests from members of the audience to speak on this matter. He noted that public comment on the two proposed ordinances had been closed at the July 24th meeting so no public comments would be taken at this meeting. He opened the topic for council discussion.

MOTION by Dierck, second by Smith, to give due notice and conduct a public hearing on August 28 to hear testimony on the school district's Capital Facility Plan and the proposed mitigation fee ordinance.

Councilmember Leighan noted that the county would be reviewing the Capital Facility Plan on September 6; he suggested delaying this council's review until the September 11 council meeting. The maker and seconder of the motion declined to allow the amendment.

MOTION TO AMEND by Leighan, second by Pedersen, to change the date of this council's public hearing to September 11. Dierck, Smith and Soriano voted nay; all others voted aye; motion carried (4-3)

MOTION RESTATED: to give due notice and conduct a public hearing on September 11 to hear testimony on the school district's Capital Facility Plan and the proposed mitigation fee ordinance. Motion carried (7-0).

Mayor Weiser stated the third element of this topic was the question of vesting. He stated council would receive public comments this evening but limited to whether or not the council should hold a public hearing on the vesting ordinance, and if a hearing was to be held the timing of it.

Dr. Richard Eisenhauer, Superintendent of the Marysville School District, stated the district had discussed the matter of vesting and was prepared to offer recommendations. He suggested it might be clearer to address all three elements at the same time.

Bruce Tipton supported a separate public hearing on September 11 to discuss the matter of vesting.

Don Hatch supported a public hearing regarding vesting on September 11.

Mr. Graafstra advised there was no problem with holding three public hearings in one evening as long as the notification requirements were satisfied.

MOTION by Dierck, second by Bartholomew, to give due notice and conduct a public hearing on the issue of vesting, Marysville Municipal Code 18C, on September 11. Motion carried (7-0).

The Mayor recessed the meeting for five minutes then called it back to order.

2. Professional services agreement, Trunk F to Trunk A sewer intertie

Mr. Winckler gave the background information, noting he had reviewed the details of the project with some of the councilmembers. The map showed a general route, but the actual route would be studied and recommended by the consultants. He added that the Navy's contribution had been to pay for the portion of the line that went to their property; they would not be participating in an upgrade to the trunk line. He added that if the city needed to replace a portion of Trunk F, the work would affect traffic on 152nd.

Councilmember Smith asked if the 18" section to be contractor-installed was sized appropriately. Mr. Winckler responded that it was sufficient for future expansion, as was the city's 18" line. The contractor would actually be paying for a 10" line, as that is what was usually put in, then the city was paying for the upsizing. Councilmember Smith asked if the contractor needed the intertie in order to complete its task; Mr. Winckler said no.

Councilmember Smith stated she had moved to bring this back for council review because of her concerns regarding the northern part of the city. The aquifer was very sensitive and the city's Sensitive Areas Ordinance was not adequate to protect it. To approve the proposed sewer line work gave the green light to development before certain processes were in place, including an updated Sensitive Areas Ordinance. Although this project would probably not generate many impact fees because it was commercial development, she wanted to see the matter of school impact fees completed first. She understood the city was to have a park trail system in that area and that had not been addressed. She wanted to see a similar planning process to the 116th Master Plan for this area. Such a process could consider the value of utilizing building height in order to avoid sprawl and the amount of impervious surface that was currently allowed. She stated she was not opposed to the intertie but wanted to put it on hold until the concerns she had mentioned were addressed. She expressed concern about growth in that area, noting two more annexations were looming. There was not much open space left or land to protect. She did not support spending \$400,000 for the study.

Mr. Winckler noted that a biological assessment would be performed and a nationwide permit would be required from the Corps of Engineers. That meant the project would be scrutinized very thoroughly in addition to the work done by the consulting firm. These additional reviews would not be based solely on the city's requirements and were one reason the project would take so long. He added that the contract was for engineering and design only; there was no funding for construction.

Ms. Hirashima stated a joint planning effort with the county was being pursued in this area. Also, the city had received a grant to do a stream and wetland analysis and prepare a stream restoration plan for the Smokey Point area. That would be part of the technical information used for making new land use recommendations. A coordinated plan for the area was needed, particularly as to drainage ditches, and whether they should be meandering rather than channelized. Council would see that scope of work and contract within a few weeks.

Councilmember Brennick asked if the majority of the project was in the city limits; Mr. Winckler stated that it was, except for the south end. He added that the map showed a general location, only.

Councilmember Brennick asked if there were other areas with undersized lines, similar to the problem with the Navy base that would have to be upgraded. Mr. Winckler responded there were other areas, but this line would not be able to adequately handle additional growth in that area. The Navy's portion of the line had actually been oversized. Mr. Zabell added that 88th and State was an example of an area in need of upgrade. The Trunk F bottleneck had been identified in the last two comprehensive plans as not being adequate for buildout. There was no crisis, but if development occurred quickly, the line's capacity would be very limiting. The flows would be such that if council did not give relief to the system it would have to put a moratorium in place. By taking action on the proposed agreement, council would be starting the process of solving the problem.

Other councilmember questions and comments included:

- *When would this line need to be updated again?* Mr. Winckler stated this was a permanent solution; it would be sized pursuant to the city's urban growth area and the Sewer Comprehensive Plan.
- *Would this run through the school district's property?* Yes, on the south part of their property. This was pursuant to an agreement with the school district, and they had granted the easement for it. The advantage to the district was that when they did future development, which they were planning on, the line would be in place and paid for by the developer, not the school. The connection would not be free, only the installation of the line.
- *Under the scope of services, June 20, page 2, it mentioned the line would cross two drainage ditches. Would the presentation by consultants show council how that would occur?* Mr. Winckler said that was part of what the firm would be designing. If council desired, there could be a presentation. Crossing of streams would be accomplished by boring; paralleling streams would be done according to the requirements as listed by the city and the Department of Fisheries. Mr. Nelson added that once the design process got into the biological assessment and the environmental review using the Quilceda Allen Creek Watershed Plan, and with input from the Corps, it would become more detailed. Mitigation would be based on stream classifications. Mr. Zabell added that the zoning code called for paving at 85%. If sensitive areas were involved, then the Sensitive Areas Ordinance kicked in and reduced impervious surface.

Chief Carden arrived at this point in the meeting, 8:50 p.m.

- *When was Trunk F built?* The late 60's, early 70's.
- *How was stormwater handled in that area?* The water table was high and the land fairly flat. A creative stormwater solution was used at the self-storage. Mr. Carter added that on-site treatment was being done as required by the DOE manual.
- *What control did the city have over the land north of 164th?* That area was in the city of Arlington. Mr. Graafstra added the city's obligations were covered in the interlocal agreement with Arlington; there were two elements, private landowners and the city of Arlington.
- *If there was conflict between the study done for 152nd, the watershed plan, and this consultant, how would the city determine which was correct?* Mr. Nelson responded that a wetland specialist would be utilized to identify streams, clarify and verify the watershed plan, and check the categories. The city would ensure that Fish & Wildlife did a complete analysis to ensure it was complying with what was in effect today.
- *How long would the study take?* Mr. Nelson said the scope of work was 18 months. Concurrent with the environmental process there would be right-of-way acquisition for easements. Staff anticipated budgeting for construction during the summer of 2002, per the city's six-year utility plan. Ms. Hirashima added that construction permits would be pursuant to the Sensitive Area Ordinance that was in place at that time.

The Mayor called for public comments; there were none.

MOTION by Smith, second by Dierck to put this matter on hold for three months to allow time to study impervious surface-aquifer relationship, to receive a report on the joint planning effort with the county, ascertain how the trail system would be integrated, and begin updating the SAO.

Councilmember Pedersen noted that updated SAO protections would be in place by the time constructions occurred. Councilmember Leighan suggested that a three-month delay would delay construction until 2003, which would likely put the city in a moratorium situation, like Arlington.

Councilmember Dierck felt the city's action was precipitous; it should wait until higher school mitigation fees were in effect, park fees reviewed, and to address the SAO using the best available science.

She advocated slowing the process to preserve the area north of the city.

Smith and Dierck voted aye; all others voted nay; motion failed (2-5).

MOTION by Pedersen, second by Bartholomew, to approve the professional services agreement with Berryman and Henigar, Inc. in the amount of \$403,500 and authorize the Mayor to execute the agreement on behalf of the city. Smith and Dierck voted nay; all others voted aye; motion carried (5-2).

New Business

1. Jennings Memorial Park caretaker agreement

Mr. Ballew presented the agenda materials, noting Mr. Kinney was an employee of the city's Parks and Recreation Department. He was a groundskeeper, familiar with all the facilities, and trained in risk management assessment and emergency responses. Snohomish County Parks had hired employees as caretakers and had been pleased with the arrangement. The city attorney had reviewed the contract.

Councilmember Brennick asked if bid laws governed this process to ensure that all parties had a fair chance. Mr. Graafstra responded that since the employee was serving as a caretaker the normal bid requirements did not apply; there was no requirement to go out for bid.

The Mayor called for public comments; there were none.

MOTION by Dierck, second by Bartholomew, to authorize the Mayor to sign the Contract for Caretaker Services Agreement with Paul W. Kinney. Motion carried (7-0).

MOTION by Dierck, second by Pedersen, to move the "Update on Marie Vickers matter" from Information Items to this point in the agenda. Motion carried (7-0).

INFORMATION ITEMS

Staff Business: update on Marie Vickers matter.

Mr. Winckler distributed updates. Ms. Hirashima briefly reviewed the update she had prepared, noting she had been mistaken regarding access - Mr. Cruzen was utilizing 42nd as access from the site during business hours. Her office had received a noise complaint regarding the air compressor and a complaint about the lights. Mr. Cruzen installed a temporary noise buffer around the compressor until he could obtain a noise measurement from an environmental consultant he engaged. He would consider installing some shielding on the lights, but had addressed the problem now by not turning them on. If the noise and lights did not exceed state and municipal codes, there was no basis for the city to require further action. She noted that Mr. Cruzen had paid for both halves of the vacated street; the east half had been vacated to the church. He was not required to make improvements to 42nd except to replace the utility cut that was made for the water line and that work was scheduled to be done this week. One issue with this area was that Ms. Vickers' property was similarly zoned, general commercial, and the noise code differentiated between residential and commercially zoned property.

Mr. Winckler added that Mr. Cruzen's uses on his property were allowed. Staff had spent considerable time talking with both parties and he believed concessions had been made. Unless the noise or lights exceeded code, they were issues to be dealt with between private property owners. The Fire Department determined that they could access the area through Mr. Cruzen's property, so no hammerhead turnaround was required.

Councilmember Pedersen agreed it was not the city's position to get involved in property alignment disputes between private property owners; that was a civil matter.

Councilmember Dierck asked for copies of the information on noise and lighting criteria.

New Business (Continued)

2. Grove Street vehicle speed

Mr. Carter presented the background information, including a detailed slide presentation, noting the Traffic Safety Committee's recommended action was continued enforcement and education. He added that traffic calming measures were not anticipated as Grove was an arterial and arterials were intended to move traffic. Also, emergency access routes were under discussion with the Fire Department to ensure that response times were not lengthened.

A lengthy discussion ensued regarding the current situation and what measures might or might not be effective for the area.

MOTION by Dierck, second by Pederson, to accept Option 1 from the Traffic Safety Committee: to restripe Grove Street to narrow lanes, remove parking from one side of Grove, add bike lanes on both sides, and narrow travel lanes, said changes to take place after notification to the affected neighbors and after research regarding the street crowning issue.

Mr. Winckler suggested holding a neighborhood meeting after the plan was devised then bringing the matter back to council before the actual work was done. Mr. Carter added the plan could be ready in two to three weeks and then the neighborhood meeting could be held. That would put implementation toward the end of September, which was a good time for painting. Councilmember Dierck thought the matter did not need to come before council again unless there was major neighborhood opposition. Councilmember Brennick suggested notifying not just the 5 or 6 homes that would lose their parking, but the 100 to 150 homes that use 71st. Notification should be done before any work was started. Councilmember Bartholomew noted this was vacation time and a neighborhood meeting would get better attendance if it was held after school started.

Motion carried (7-0).

3. Columbia Avenue C curbing

Mr. Carter gave the staff presentation, noting there were several access problems, particularly regarding the drop box by the post office. The Traffic Safety Committee had recommended "C" curbing, but Frontier Bank sent a letter of objection.

Councilmember Pedersen agreed the traffic pattern in that area was not good, but she did not support the "C" curbing. Councilmember Bartholomew added that with the post office's addition of a northern facility, even though it was not retail, the post office might be able to move its drop boxes back onto its own property, which would improve the traffic problem.

MOTION by Brennick, second by Bartholomew, to table the Columbia Avenue "C" curbing until an unspecified future date to allow time to consult with the post office about moving the drop boxes onto its property. Motion carried (7-0).

Ordinances & Resolutions

None.

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

- The AWC Legislative Update was scheduled for October 26; councilmembers needed to RSVP by September 11.
- The workshop on skateboard parks would be a tour on August 21 to view Everett and Lynnwood sites.
- The legal opinion regarding use of public facilities for political forums would be ready by September 8.

2. Staff's business

Chief Carden stated he had attended the Homegrown festival and gave it high marks.

Mr. Winckler reminded councilmembers of the Utility Committee meeting on August 17 at 7:30 a.m.

3. Call on councilmembers


ADJOURN

Council adjourned at 11:00 p.m.

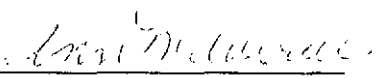
Accepted this 28th day of August, 2000.



Mayor



City Clerk



Recording Secretary