

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
SEPTEMBER 25, 2000**

000305

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. September 11, 2000 city council	Approved as corrected.
AUDIENCE PARTICIPATION	
PRESENTATIONS/PETITIONS/COMMUNICATIONS	
<b>CONSENT AGENDA</b> 1. Approve September 25, 2000 claims in the amount of \$1,216,959.33 paid by check nos. 54266 through 54477 which check Nos. 54134, 54132 and 54131 void. 2. Approve liquor license renewals for Bella Luna Café Bistro, 4 <sup>th</sup> Street Market, 7-Eleven Store 2306-18861J, Noble Palace, and Taqueria La Jaliscience. 3. Acceptance of 2000 crack sealing project and begin 45-day lien filing period.	Approved  Approved  Approved
<b>ACTION ITEMS</b>	
<b>REVIEW BIDS</b> 1. None	
<b>PUBLIC HEARING</b>	
<b>CURRENT BUSINESS</b> 1. Grove Street vehicle speed - Re-stripe Grove per Alternate 1, adding the raised markers to identify the bike lanes; - Add stop signs all ways on Grove and 71 <sup>st</sup> ; - Install two "handicapped child" signs, one in front of 7310 Grove, and one across the street, subject to receipt of permission from the parents of the child to do this; - Add striping on 71 <sup>st</sup> , 73 <sup>rd</sup> and 74 <sup>th</sup> .  - Obtain information about the cost of islands, with and without landscaping, determine if funding is available in the budget, and grants that might be available; - Research if fines could be raised for speeding in the area and what they would be; - Obtain information about the cost of installing safer crosswalks at 71 <sup>st</sup> and 72 <sup>nd</sup> . - Have speed cushions installed for a trial period and determine if the Fire Department approved; - Determine if MSAC was interested in the speed gun option; - Direct staff to re-check speeds after the traffic calming measures had been installed and after 528 was re-opened.	Approved             Approved. Information to be provided to council in four weeks.
<b>NEW BUSINESS</b> 1. Golf fees proposal  Obtain information from three firms on the cost of an MAI appraisal of Cedarcrest Golf Course and its structures, as a golf course.  2. SR528, 55 <sup>th</sup> Drive to 83 <sup>rd</sup> Avenue NE, road improvement project, change order No. 9.  3. Marysville access television Channel 29 character generator policies and procedures.  4. Professional Services Agreement, State Avenue, 116 <sup>th</sup> Street-136 <sup>th</sup> Street, right-of-way acquisition services.	Approved Resolution 1999.  Approved. Information to come back to council on October 9.  Approved  Approved Resolution 2000  Approved

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
SEPTEMBER 25, 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:

<b>Councilmembers Present:</b>	<b>Administrative Staff present:</b>
Dave Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Police Chief
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennicks	Grant Weed, City Attorney
NormaJean Dierck	Ken Winckler, Public Works Director
Mike Leighan	Owen Carter, City Engineer
Donna Pedersen	Jim Ballew, Parks and Recreation Director
Suzanne Smith	
John Soriano	

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, September 11, 2000.

Councilmembers noted the following corrections:

- Page 2, second paragraph, revise to read "...responsibility of the district for any refund..."
- Page 2, third paragraph, revise to read "...the District had agreed..."
- Page 5, revise Kathy Ruhns to Kathy Roon.

**MOTION** by Dierck, second by Smith, to approve the minutes of the September 11 meeting as corrected. Motion carried unanimously (7-0).

**AUDIENCE PARTICIPATION**

None.

**PRESENTATIONS/PETITIONS/COMMUNICATIONS**

None.

**CONSENT AGENDA**

1. Approve September 25, 2000 claims in the amount of \$1,216,959.33 paid by check nos. 54266 through 54477 which check Nos. 54134, 54132 and 54131 void.
2. Approve liquor license renewals for Bella Luna Café Bistro, 4<sup>th</sup> Street Market, 7-Eleven Store 2306-18861J, Noble Palace, and Taqueria La Jaliscience.
3. Acceptance of 2000 crack sealing project and begin 45-day lien filing period.

**MOTION** by Bartholomew, second by Brennicks, to approve consent items 1 through 3. Motion carried (7-0).

**ACTION ITEMS**

**Review Bids**

None.

## Public Hearing

None.

## Current Business

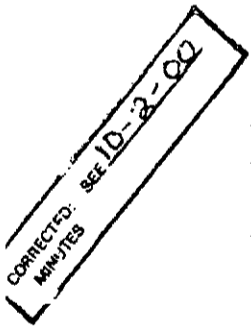
### 1. Grove Street vehicle speed

Mr. Carter gave a detailed slide presentation reviewing the background of the problems on Grove Street, 67<sup>th</sup> to 83<sup>rd</sup>. 376 notices were mailed for the September 14 public meeting and it was also extensively advertised. 33 people signed in. He reviewed the options, which were supported by those attending the meeting. Public Works recommended the following configurations: on the 38' section - 5' bike lane, two 10' travel lanes, a 5' bike lane, and an 8' parking lane; on the 44' section - 6' bike lane, two 11' travel lanes, a 6' bike lane and a 10' park lane.

Councilmember comments and questions included:

- *What was the cost for center islands, with and without landscaping?* Mr. Carter responded that simple asphalt islands were less expensive than those with trees, but the neighbors liked trees. He did not have the cost of the islands available.
- *With striping and bike lanes, would there be enough room for islands?* No, in order to have islands, parking would have to be completely removed.
- *Could fines for speeding be raised in this area?* Mr. Weed responded that the state had a specified schedule of fines. Fines could be doubled in certain areas, such as schools and road construction areas, but the city could not single out one street and arbitrarily double the fines there.
- *What would the city's liability be if stop signs were installed that did not meet warrants.* Mr. Zabell cautioned council regarding the installation of stop signs that did not meet warrants.
- *There was a letter in the packet from a family in the area with a Downes Syndrome child; was there a sign that could be posted?* Mr. Carter said a sign could be prepared that said "handicapped child."
- *On 72<sup>nd</sup> chicanes were used to slow down traffic, was that approach considered for this street?* No, 72<sup>nd</sup> was done under the traffic management program, which did not address arterials such as Grove.
- *Former Councilmember Herman lived in the area under discussion, had attended the public meeting, and suggested re-installation of the stop sign at 71<sup>st</sup>, left-turn c-curb at 72<sup>nd</sup> to channel and slow all lanes, and planted center islands.*
- *Were speed cushions required to meet warrants?* No.
- *What was the cost of the speed cushions?* It would cost approximately \$3,000 to install them every 400'.
- *What was the cost of safer crosswalks, such as the one by the library?* Approximately \$15,000.
- *Did the Fire Department approve the speed cushions?* Mr. Carter responded that he had not discussed these with the Fire Department yet, but they were approved by the Fire Department in Ft. Worth, Texas. They were made of recycled rubber and the company was willing to bring them in for a trial if council chose to pursue that. Councilmember Soriano added that he had spoken with Chief Corn, and his concern about speed tables was not damage to vehicles but the slower response times.

Mr. Winckler noted that several people at the public meeting felt that volumes and speeding were at this level because of the construction of 528. He recommended striping as an interim option that would slow down traffic considerably as it had on 72<sup>nd</sup>. This would afford the city an opportunity to study the area after 528 was reopened and traffic resumed its use of that route. At that time, if the city felt more permanent options like center islands were called for, then those could be installed. Mr. Carter added that 528 was ahead of schedule and was anticipated to be completed in October. He reiterated this would take the pressure off the side streets.



Councilmember Brennick said he lived at the corner of 71<sup>st</sup> and Grove and the speeding issue had been there in 1997, '98 and '99. It had become worse because of the construction on 528, but when that was completed he felt the speeding and traffic problems would still be there. He expressed concern about the comprehensiveness of the notices for the public meeting, as he had checked around the neighborhood and many had not been informed.

Chief Carden reported that 42 citations had been issued in the area under discussion since January 1. Of those, 13 were for speeds over 40 mph, 9 were accidents (1 an injury accident). 19 times during the last 9 months, the radar trailer had been placed in that area to highlight speeds. Manpower had been reallocated to the area as available. He added that 60% of the citations issued were for people who lived along Grove or in that immediate area.

The Mayor called for public comments.

Mark Tucker, 7328 Grove, supported use of speed tables, re-installation of the stop sign at 71<sup>st</sup>, and an additional stop sign at 74<sup>th</sup>. Removal of parking was not a concern because most residents did not utilize on-street parking because of the potential for damage to their vehicles and it blocked the view of children playing.

Ken Bujnowski, 7208 Grove, suggested re-grading to reduce the steepness of the hill. Putting his vehicle in neutral at the top of the hill, it reached 50 mph at the bottom. The re-opening of 528 would not cure the problem because motorists knew that Grove went to 83<sup>rd</sup>. Mr. Winckler said the cost of re-grading would be very high and would impact access to driveways. Mr. Bujnowski noted there were no businesses beyond 67<sup>th</sup> except the church and the golf course and he questioned why it was designated an arterial in a residential neighborhood.

Matt Gordon, 7207 Grove, reported on his research on an inexpensive and effective method that had worked in other parts of the country. Volunteers were recruited and trained and were stationed in groups of four; one held the speed gun, one recorded the information, and two served as witnesses. The information was given to the Police Department, which sent letters to the registered owners of the vehicles. He mentioned the limit lines on 72<sup>nd</sup>. When a motorist stopped at the limit lines, he could not see the traffic on Grove. Mr. Winckler said the limit lines were set back to protect pedestrians, with the idea that the motorist would then creep forward until they had visibility.

Bud Darling, 1916 Grove, advised that when a 4-way stop was installed at 47<sup>th</sup> and Grove the problems diminished.

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

Chief Carden said the department had six radar guns; three go out. Another gun would have to be purchased for approximately \$2,000 to implement Mr. Gordon's suggestion. The department had used non-commissioned people to give out warnings regarding illegal use of handicapped spots and suggested MSAC, Marysville Seniors Against Crime, was the proper group to take on such an effort. The department was allowed to use non-commissioned people to undertake educational efforts such as this. He noted the Police Advisory Committee would be discussing traffic at its meeting on September 26.

**MOTION** by Dierck, second by Brennick, to implement the following:

- Re-stripe Grove per Alternate 1, adding the raised markers to identify the bike lanes;
- Add stop signs all ways on Grove and 71<sup>st</sup>;
- Install two "handicapped child" signs, one in front of 7310 Grove, and one across the street, subject to receipt of permission from the parents of the child to do this;
- Add striping on 71<sup>st</sup>, 73<sup>rd</sup> and 74<sup>th</sup>.

Councilmember Brennick stated the options followed in 1996 of lowering the speed limit and removing the stop sign had not worked. The traffic study indicated that more than eight people per day drove over 70 mph. His concern was public safety and taking action before there was a fatality. The speed trailer was not a good solution

because as soon as it was removed speeds went back up. He mentioned additional areas that posed safety concerns. He suggested a friendly amendment of adding speed cushions at 74<sup>th</sup>. Councilmember Dierck declined.

Councilmember Leighan expressed concern about installing stop signs at intersections that did not meet warrants. He noted there were several problem areas like this in the city and felt council should take a more global approach, not site specific because a councilmember lived there. He questioned if the speed limit would be raised back to 30 mph.

**MOTION** by Dierck to cut off debate. Motion carried (7-0).

**VOTE ON MOTION:** Leighan voted nay; all others voted aye; motion carried (6-1).

**MOTION** by Dierck, second by Smith, to direct staff to:

- Obtain information about the cost of islands, with and without landscaping, determine if funding is available in the budget, and grants that might be available;
- Research if fines could be raised for speeding in the area and what they would be;
- Obtain information about the cost of installing safer crosswalks at 71<sup>st</sup> and 72<sup>nd</sup>.
- Have speed cushions installed for a trial period and determine if the Fire Department approved;
- Determine if MSAC was interested in the speed gun option;
- Direct staff to re-check speeds after the traffic calming measures had been installed and after 528 was re-opened.

All information to come back to council in four weeks for further consideration.

Councilmember Bartholomew expressed concern that one small area was being addressed; a more global approach was needed.

Councilmember Pedersen objected to staff being forced to produce a volume of information on one small part of a larger problem within a short time period, four weeks.

**MOTION** by Dierck to cut off debate. Pedersen voted nay; all others voted aye; motion carried (6-1).

**VOTE ON MOTION:** Pedersen and Bartholomew voted nay; all others voted aye; motion carried (5-2).

The Mayor called for a five-minute recess, then reconvened the meeting.

### **New Business**

1. Golf fee proposal

Mr. Ballew reviewed the agenda materials and proposed fees, noting this was an attempt to fill up empty slots during the winter months.

Councilmember comments and questions included:

- *Would the city still get a cart fee from the vendor?* Yes, the same percentage but not the same fee.
- *When would the fees go into effect?* Mr. Weed advised the city's code allowed council to adopt these fees by resolution, so they could become effective immediately upon council passing that resolution.
- *Would lower fees bring in golfers when there was no restaurant?* Mr. Ballew responded that Cedarcrest's lower fees during the week would be an incentive and increase utilization. Advertising was very expensive and would quickly use up whatever the city gained from increased use. Staff

intended to rely on the access channel, the newsletter, signs on the golf course itself, and newspaper coverage from a press release.

- *Did I-695 impact the city's ability to raise these fees?* No, when the fee schedule was set in December, a 50% increase was anticipated and built in.

**MOTION** by Leighan, second by Bartholomew, to approve Resolution 1999 implementing the fee schedule as proposed.

Councilmember Brennick offered an amendment to include directing staff to obtain an appraisal on the golf course and its structures. Councilmember Leighan declined.

Motion carried (7-0).

**MOTION** by Brennick, second by Dierck, to direct staff to obtain information from three firms on the cost of an MAI appraisal of Cedarcrest Golf Course and its structures, as a golf course, and to bring the information back to council on October 9.

Councilmember Bartholomew stated she might have a conflict of interest, so excused herself from discussion of this topic and left the room.

Councilmember Pedersen suggested this be set aside until after the executive session. Councilmember Brennick withdrew his motion. The seconder did not agree. Mr. Weed advised that if the maker of a motion wished to withdraw it, that did not require the permission of the seconder.

Councilmember Brennick put his motion back on the floor. He said he was interested in the value of the golf course, its debt, and the additional funds which would need to be borrowed to build a restaurant.

Councilmember Soriano said he would not support the motion absent a discussion of what the benefit would be of.

Mayor Weiser said there had been concern about the General Fund loaning the golf course money three times over the last two years, but those loans had already been paid back. The Interim Finance Director advised there would be a cash carryover by the end of the year. The debt on the golf course, while large, was structured to be paid off over 20 years; that's the way the bonds were structured.

**VOTE ON MOTION:** Leighan and Soriano voted nay; all others voted aye; motion carried (4-2).

Councilmember Bartholomew returned to the meeting.

2. SR528, 55<sup>th</sup> Drive to 83<sup>rd</sup> Avenue NE, road improvement project, change order No. 9.

Mr. Carter backgrounded council, noting the contractor had been unable to utilize the native material. This change order covered hauling that material away and purchasing gravel.

Councilmember comments included:

- *Why wasn't this done to begin with?* Mr. Carter explained that WSDOT knew of the marginal soils and glacial til. The project could have been designed with removal of that and bringing in new, but the Value Engineering Team recommended trying to use what was there. That had not worked out, but the city had actually received a better bid on the gravel than if it had been done originally. Mr. Winckler added that if the project had gone out for bid with the inclusion of the gravel and then it had been canceled because the native materials were useable, the city would have had to pay a penalty.

- *Would the partners in this project pay their fair share?* Yes, the \$400,437.50 was the total amount, of which the city would pay approximately 20%, or \$80,000.
- *Who was supplying the gravel?* Kevin Reed from Pertect Engineering said it was a local source. Councilmember Brennick advised that he had received campaign contributions from two gravel companies in the area; Mr. Weed advised this did not constitute a conflict of interest.

**MOTION** by Pedersen, second by Brennick, to approve Change Order No. 9 in the amount of \$400,437.50. Motion carried (7-0).

3. Marysville access television Channel 29 character generator policies and procedures.

Mr. Zabell gave a brief background presentation. Councilmember Bartholomew stated this was an important document and Doug Buell should receive high recognition for the great deal of time he spent putting it together.

The Mayor called for public comments; there were none.

**MOTION** by Dierck, second by Brennick, to approve Resolution 2000, the Marysville Access Television Channel 29 Character Generator Policies and Procedures as presented. Motion carried (7-0).

4. Professional Services Agreement, State Avenue, 116<sup>th</sup> Street-136<sup>th</sup> Street, right-of-way acquisition services.

Mr. Weed noted there were 11 separate acquisitions over 9 parcels of property.

Councilmember Dierck asked if the work could be done in-house. Mr. Carter advised that there was no one on staff with the requisite credentials. Since federal funds were being used, federal and WSDOT procedures must be followed.

Councilmember Smith asked if this authorized condemnation. Mr. Weed advised it did not; at a future meeting, council would consider a blanket authority which could be used if needed.

**MOTION** by Bartholomew, second by Pedersen, to approve the professional services agreement with Macaulay & Associates in the amount of \$13,000.00 along with the agreement with Lane and Associates in the amount of \$17,600.00 and authorize the Mayor to execute the professional services agreement on behalf of the city. Further, authorize staff administrative settlement authority of up to 10% increase to the original settlement amount offered. Motion carried (7-0).

### Ordinances & Resolutions

1. An Ordinance of the City of Marysville Amending Section 12.04.065 of the Marysville Municipal Code Relating to the Street name of "State Avenue".

**MOTION** by many, second by Brennick, to adopt Ordinance 2333. Motion carried (7-0).

2. A Resolution of the City of Marysville Granting a Utility Variance to Lakewood School District for Property Located at 16216 11<sup>th</sup> Avenue N.E., Arlington, Washington.

**MOTION** by Pedersen, second by Soriano, to adopt Resolution 2001. Motion carried (7-0).

3. A Resolution of the City of Marysville Amending Resolution No. 1901 and 1962 Granting a Variance for Emerald Land Development, L.L.C. for Property Located South of 108<sup>th</sup> Street N.E. at the 57<sup>th</sup> Drive N.E. Alignment

(58XX-108<sup>th</sup> Street N.E.), Marysville, Washington, by Extending the Duration Thereof.

**MOTION** by Bartholomew, second by Leighan, to adopt Resolution 2002. Dierck voted nay; all others voted aye; motion carried (6-1).

4. A Resolution of the City of Marysville Granting a Utility Variance for Michael Mulligan for Property Located at 6207 70<sup>th</sup> Street N.E., Marysville, Washington.

**MOTION** by Bartholomew, second by Leighan, to adopt Resolution 2003. Motion carried (7-0).

5. A Resolution of the City of Marysville Granting a Utility Variance for Darling Investment, LLC for Property Located at 71<sup>st</sup> Avenue N.E., Soper Hill Road, Marysville, Washington.

**MOTION** by Dierck, second by Smith, to deny. Dierck and Smith voted aye; all others voted nay; motion failed (2-5).

**MOTION** by Pedersen, second by Bartholomew to adopt Resolution 2004. Dierck and Smith voted nay; all others voted aye; motion carried (4-2).

### **LEGAL MATTERS**

None.

### **DISCUSSION ITEMS**

None.

### **INFORMATION ITEMS**

#### 1. Mayor's business

Mayor Weiser presented Mr. Zabell with his 20-year award and thanked him for his service to the city. Mr. Zabell advised he was resigning his position with the city effective October 20 and had accepted a post with the City of Bothell. He stated it had been an honor to work with and serve the citizens of Marysville.

#### 2. Staff's business

#### 3. Call on councilmembers

Councilmember Smith:

- Expressed a desire to attend a workshop. The Mayor said he would give the information to Lillie, who would make arrangements.
- Explained she voted yes on one resolution because that action had taken place before she came on the council and she had not participated in the original action. She voted no on the second resolution because she had opposed the action when it was before council.
- Did the city incur any cost when it extended the time allowed for connection and should it charge a small fee? Mr. Zabell replied that it was a routine matter, the work and analysis occurred up front. Mr. Weed added there was some cost in the preparation of the resolution.

### **ADJOURN TO EXECUTIVE SESSION**

Councilmember Bartholomew left the meeting at 10:10 p.m. Council adjourned into executive session at 10:15 p.m. to consider real estate matters.



**RECONVENE AND ADJOURN**

Council reconvened into regular session at 10:59 p.m. **Motion** by Brennick, second by Smith to extend the Executive Session to 11:30 p.m. Motion passed 5-1 with Leighan against.

Council reconvened into regular session at 11:29 p.m. **Motion** by Dierck, second by Brennick to extend the Executive Session to 11:35 p.m. Motion passed 5-1 with Leighan against.

Council reconvened into regular session at 11:35 p.m. **Motion** by Dierck, second by Brennick to extend the Executive Session to 11:45 p.m. Motion passed 4-2 with Leighan and Pedersen against.

Council reconvened into regular session at 11:43 p.m. **Motion** by Brennick, second by Smith to approve the settlement agreement as discussed in Executive session. Passed 5-1 with Dierck against.

Mayor Weiser adjourned the September 25, 2000 City Council meeting at 11:44 p.m.

Accepted this 2<sup>nd</sup> day of October, 2000.

David Weiser  
Mayor

Debbie Levin  
Deputy City Clerk

[Signature]  
Recording Secretary