

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
SEPTEMBER 10, 2001**

ORIGINAL

000115

I. Call to Order	7:00 p.m.
II. Pledge of Allegiance	
III. Roll Call	Dierck absent
IV. Presentation: Outstanding Volunteer-Vic Seaforth	
V. Public input on items not on the agenda	
None.	
V. Approval of Minutes	
1. City Council regular meeting, August 27, 2001	Approved as corrected.
2. City Council work session, September 4, 2001	Approved as presented.
VI. Consent agenda	
A. Approve September 10, 2001 claims in the amount of \$461,369.36; paid by check Nos. 61098 through 61355 with check Nos. 60715 and 61100 void.	Approved
B. Approve the August, 2001 payroll in the amount of \$1,039,142.79; paid by No. 41364 through 41592 with check No. 41592 void.	Approved
C. Approve Professional Service Agreement for signal design at 88 th Street and 67 th Avenue.	Approved
D. Approve Snohomish County P.U.D. easement at Cedarcrest Golf Course.	Approved
E. Approve contract for manhole adjustment/water valves; MLS Construction.	Approved
F. Approve Contract for Deferred Construction of curbs, gutters, and sidewalks; Robert Paz.	Approved.
VIII. Review Bids	
A. Self-contained, single operator, truck-mounted roadway paint striping machine	All bids rejected.
B. Police motorcycles	All bids rejected.
IX. Current Business	
A. Sunnyside Trunk D Sewer Extension Phase II Developer Contract for Sewer Service and Recovery.	Approved.
B. Facility use policy	Approved.
X. New Business	
A. Golf course driving range clean up and interim use: Clean up of poles, netting; turf work; requested public meeting.	Approved.
B. Potential committee to discuss traffic issues in areas of city	Not approved.
C. Supplemental Agreement No. 1 for Professional Services for Comprehensive Transportation Plan; Bucher, Willis, Ratliff.	Approved.
D. Engineering Standards update	Postponed to 9-24.
E. Engineering Design Report on 51 st Avenue, Grove-88 th .	Information purposes only.
XI. Ordinance and Resolutions	
A. A Resolution of the City of Marysville stating its intention to annex certain unincorporated area, known as the Orr Annexation, into the city, and transmitting the matter to the Snohomish County Boundary Review Board for approval.	Approved Resolution 2042.
B. A Resolution of the City of Marysville which sponsors the employees of the Snohomish County Public Transportation Benefit Area Corporation (Community Transit) to participate in the AWC Employees Benefit Trust.	Approved Resolution 2043.
XII. Information items	
XIII. Executive Session	No action taken
XIV. Adjourn	10:58 p.m.

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
SEPTEMBER 10, 2001

000116

I. Call to Order

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers.

II. Pledge of Allegiance

The assemblage joined in the flag salute.

III. Roll Call

A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Chief Administrative Officer
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Sandy Langdon, Finance Director
Jim Brennick	Robin Nelson, City Engineer
Donna Pedersen	Grant Weed, City Attorney
Suzanne Smith	Ken Winckler, Public Works Director
John Soriano	

Mayor Weiser advised that Councilmember Dierck had a family health problem and would not be attending.

IV. Presentation: Outstanding Volunteer - Vic Seaforth

Mayor Weiser listed the many services performed by Marysville Seniors Against Crime, read the Certificate of Recognition, and presented it to Vic Seaforth. The audience, which included a large contingent of MSAC volunteers, applauded. Mr. Seaforth read a prepared statement thanking his co-workers in MSAC and the city. Chief Carden noted that Mr. Seaforth was a charter member of MSAC and thanked him for his services to the department and the city.

V. Public input on items not on the agenda

None.

VI. Approval of Minutes

A. August 27, 2001 City Council Meeting

Councilmembers noted the following corrections:

Page 10, 11th line, revise to read "...that had been set up with the Mayor."

MOTION by Bartholomew, second by Leighan, to approve the minutes of the August 27, 2001 city council meeting as corrected. Motion carried (5-0-1) with Councilmember Pedersen abstaining because she had not been in attendance.

B. September 4, 2001 city council work session

MOTION by Leighan, second by Bartholomew, to approve the September 4, 2001 city council work session minutes as presented. Motion carried (5-0-1) with Councilmember Smith abstaining because she had not been in attendance.

VII. Consent agenda

- A. Approve September 10, 2001 claims in the amount of \$461,369.36; paid by check Nos. 61098 through 61355 with check Nos. 60715 and 61100 void.
- B. Approve the August, 2001 payroll in the amount of \$1,039,142.79; paid by No. 41364 through 41592 with heck No. 41592 void.
- C. Approve Professional Service Agreement for signal design at 88th Street and 67th Avenue.
- D. Approve Snohomish County P.U.D. easement at Cedarcrest Golf Course.
- E. Approve contract for manhole adjustment/water valves; MLS Construction.
- F. Approve Contract for Deferred Construction of curbs, gutters, and sidewalks; Robert Paz.

MOTION by Pedersen, second by Soriano, to approve consent agenda items A thru F. Motion carried (6-0).

VIII. Review Bids

A. Self-contained single operator truck-mounted roadway paint striping machine

Mr. Winckler presented a brief backgrounding, noting that all bids received exceeded the budget estimate of \$67,000. Staff's estimate had not included approximately \$8,000 for shipping, handling and set-up. Staff recommended council reject all bids and direct that the machine be re-bid in 2002. Staff planned to review its specifications, particularly as to the size of the machine, and to ensure adequate funds were budgeted.

MOTION by Bartholomew, second by Brennick, to reject all bids received for the self contained, single operator, truck mounted roadway paint striping machine and direct staff to re-bid the item. Motion carried (6-0).

B. Police motorcycles

Ms. Swenson asked that council reject the bids, which had been received. The specifications and call for bids had been written for one supplier only, Harley-

Davidson. The specifications and call for bids needed to be rewritten and re-issued so that other manufacturers could respond. In order for the city to request a certain make, there would have to be a showing that Harley-Davidson was the only provider. There was a possibility the city could piggyback on another city's purchase order for motorcycles. If not, the call for bids would be advertised next week. This action should not delay putting the units in operation.

MOTION by Bartholomew, second by Pedersen, to reject all bids received for the Police Department motorcycles and re-bid the item. Motion carried (6-0).

IX. Current Business

A. Sunnyside Trunk D Sewer Extension Phase II Developer Contract for Sewer Service and Recovery

Mr. Winckler noted that the agenda packet included names of the property owners adjacent to the trunk line and other information that had been requested.

Councilmember Brennick asked if the 11 property owners that were listed would receive a connection to the line. Mr. Weed explained that as part of the compensation to each property owner giving an easement to the city, there would be the assurance of a connection for each existing single-family residence. The property owner would still have to pay all the usual fees, including the connection fee. No fees would be waived.

Councilmember Brennick asked about the Letter of Credit. Mr. Weed responded that the banks for both developers had issued a generic Letter of Credit stating that the funds had been loaned and were committed. The city would also request an agreement that called out three things: 1) that the developers had the funds via an irrevocable commitment by the bank, 2) that the funds were irrevocably committed to this project, only, and 3) that the funds would be released only when requested by the city as payment to the contractor. There was no net impact to city from using a Letter of Credit so long as the funds were committed to being there and money was paid to the developer as the construction occurred. If the city received the whole amount up front it would collect some interest, but there was no practical reason why the city needed the entire amount up front when the project would take several months to build. Staff did not feel that agreeing to the Letter of Credit was a significant issue. Mr. Winckler added that the Line of Credit was simply a mechanism for payment and had no bearing on how the city did the project or whether or not the city went forward with the project. Mr. Weed noted that there had not been similar situations in the past. This was a project the city had committed to build in its Comp Plan. Because the project would benefit the developers, they had agreed to front the money for the project so it could begin now. There could be other projects like this in the future.

Councilmember Smith stated that Councilmember Dierck had called her before meeting and asked to convey her position on this matter to the council. She did not believe that all of the names of property owners had been provided in the

agenda material. She did not support using the Letter of Credit. The GMA stated that infrastructure such as schools and roads should be in place first. There was only one elementary school in the area and it was overcrowded. Roads in the area could not handle the volume. Mr. Winckler responded that the 11 property owners listed were the only ones the city needed easements from.

Councilmember Smith noted an error on page 2 of the contract; the correct Resolution numbers were 2009 and 1926. She questioned whether a homeowner would have to pay for the decommissioning of the interim lift station. Mr. Weed said the city's agreement was with the two developers; it would be their responsibility to decommission the interim station and connect to the permanent system whenever that time might be. Even when the houses sold, they would be the contracting parties and would be committed to these obligations. For any temporary improvements, such as the lift station, the developers would not be able to seek recovery. For permanent improvements they would be entitled to recovery on a per lot basis. The property owners who benefited from the permanent improvements would have to pay a recovery fee to the developers. The collection of the recovery payment would be when the house was connected to the line.

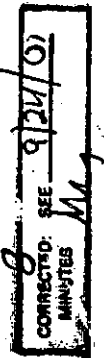
Councilmember Smith expressed opposition to using the Letter of Credit, suggesting it would set precedence. She asserted that Phase 1 had cost the city \$1.1 Million per the March 12, 2001 Recovery Contract No. 232. Only \$250,000 of that would be recoverable, so the balance was a subsidy by the city to get that line out there. Those funds, together with the money the city would front for this project, would be better spent on upgrading the existing system. \$350,000

Councilmember Soriano asked if this was a progressive way of providing utilities in the city's RUSA. Mr. Weed responded that this was not the first time cities had done a project where they paid part and the developers paid part. There had been statutes on the books since the 60's that allowed cities to provide utilities outside the city limits by contracts with property owners. Those contracts could take many forms. This process was not new, but it was the first one like it that Marysville had done.

Councilmember Leighan noted that the city had never before received a commitment of this magnitude from developers and they would be bearing costs such as interest.

Mayor Weiser called for public comments.

Chris Knapp, Anderson Hunter Law Firm, spoke on behalf of the developers. The proposed agreement was a "win" for the city because this was a facility that was planned for in its Comp Plan and would have been paid for completely by the city, probably through an LID or some type of bonding. Now the developers would be using their credit and extending their risk to supply those funds. To the extent the developers were funding the project, the city's funds were not being used. The "win" for the developers was time. This agreement would allow the project to go forward now. Other entities had funded projects in a similar fashion, an example being Lift Station 14 for the Lake Stevens Sewer District where a developer used



his funds to build the facility two years earlier than district had been prepared to do it.

MOTION by Pedersen, second by Bartholomew, to approve the contract for utility main construction for Sunnyside Trunk D Sewer Extension Phase II.

DISCUSSION ON MOTION. Councilmember Pedersen expressed surprise that Councilmember Dierck was not supportive of this project because her recently distributed campaign literature specifically mentioned *the importance of public-private partnerships*, which this was.

VOTE ON MOTION. Smith voted nay; all others voted aye; motion carried (5-1).

B. Facility use policy

Councilmember Smith noted that Councilmember Dierck had expressed her preference that the policy be re-written to emulate the one for the Everett Library so that non-partisan political functions could take place. Mayor Weiser responded that those would be allowed. Ms. Langdon said the Everett Library was a city facility and the City of Everett set the policy for it. Sno-Isle set the policy for the Marysville Library.

Councilmember Smith's input was that political fund raising should be allowed. Snohomish County's policy was that the right of people to assemble was constitutionally protected. Mr. Weed responded that Paragraph 3 stated that rental would be on an equal basis "without regard to the purpose for renting." This meant the city would not get into the details of whether or not it was for political fund raising or what speech was being given. The purpose of the Resolution was to make the facilities available without regard to the intended use.

Councilmember Pedersen recalled a situation from three years ago where the Fire Department was running an EMS levy and use of the city's facilities for that campaign had not been allowed. Mr. Weed noted that the city may have made its own policy on that, but it was not statute-driven. Under the Resolution, that use would be permitted as long as the rental fee were paid.

Councilmember Brennick asked about the restriction of 12 uses per calendar year. Mr. Ballew, Parks and Recreation Director, responded that a church group had been requesting use of a facility every Sunday.

The Mayor called for audience input.

Merle Bunn, 6226 46th St NE, asked if the city would have a provision for free use of any facility for public use organizations. He was an instructor for the Everett Power Squadron, one of the premier boating organizations. They put on 6-week courses for general public at no charge, except for the class materials. They were a 501c3 tax-exempt organization. Mr. Ballew responded that the city used to have a policy which allowed community service organizations like Search & Rescue to use

its facilities for classes at no charge, but that policy had been changed by the Park Board.

There being no one further wishing to speak, the public comment portion was closed.

Councilmember Bartholomew suggested it was important that the rental rates be reviewed so the city was assured of covering the PUD costs, as well as janitorial. She mentioned a U.S. Supreme Court decision, which dealt with the use of public facilities for political fundraisers and thought it was a First Amendment issue and the city could not put constraints on it. Mayor Weiser noted that the language of Paragraph 3 meant that any use that was lawful and in compliance with federal, state and local regulations would be allowed, and the uses might change over time as those laws and regulations changed. Ms. Swenson added that this would be reviewed by staff and reported to council; it did not require further council action beyond approval of this Resolution.

MOTION by Bartholomew, second by Brennick to adopt Resolution 2041.

DISCUSSION ON MOTION. Councilmember Smith asked that the motion be amended to include further review by the council. Councilmember Bartholomew declined, stating the council's role was to set policy, not act as an administrative body.

VOTE ON MOTION. Smith voted nay; all others voted aye; motion carried (5-1).

X. New Business

A. Golf course driving range clean-up and interim use

Ms. Swenson introduced topic and mentioned the costs to do this work. Mr. Buell noted that staff did not anticipate offering any uses beyond November. The Boy Scouts had agreed to paint the clubhouse, but someone had broken in last week and thrown the paint around, so the carpeting was now ruined. The primary focus was to get the facility cleaned up. Staff sought direction on interim uses.

Consensus of the council was that the most important matter was to clean up the property. Concern was expressed about allowing interim uses because of the difficulty of stopping them at the end of the interim period.

The Mayor called for comments from the audience.

Mike Young, 5203 73rd Place NE, thanked city for buying the property and supported getting it cleaned up because it was an eyesore. He also expressed concern about the abutting property to the north, which was overgrown.

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

MOTION by Leighan to proceed with the removal of the poles to 16', turf and facility renovation for \$31,100 and authorize a \$20,000 budget amendment to cover the costs.

NO SECOND. The motion died for lack of a second.

MOTION by Brennick, second by Smith, to remove the netting, cut the poles down to 16', and do no further improvements until a public meeting was held regarding interim uses. Brennick voted aye; all others voted nay; motion failed (1-5).

MOTION by Pedersen, second by Brennick, to proceed with the netting and poles, and proceed with the turf renovation up to \$7,500, and schedule a public meeting to obtain further public input on the citizens' wishes regarding interim uses. Motion carried (6-0).

The Mayor recessed the meeting for a short break, then reconvened.

B. Potential committee to discuss traffic issues in areas of city

MOTION by Brennick to direct staff to prepare a Resolution adding four citizens to the staff committee which meets to discuss traffic issues, said new committee to serve as a Traffic Advisory Board.

SECOND by Pedersen for purposes of discussion.

Mayor Weiser noted that citizens already had access to neighborhood traffic discussions via the Neighborhood Traffic Calming Program. Mr. Winckler explained the staff makeup of the in-house traffic committee and questioned what council would expect citizen members to do. Councilmember Leighan agreed, suggesting that if a citizen-board brought a recommendation to council for a stop sign that did not meet warrants, council would not know what weight to give their recommendation. The professionals on staff were better able to address traffic issues.

VOTE ON MOTION. Brennick and Smith voted aye; all others voted nay; motion failed (2-4).

MOTION by Leighan, second by Pedersen, to have traffic issues be the topic for Winter Quarter of Marysville U. Motion carried (6-0).

MOTION by Smith, second by Brennick, to direct staff to form a temporary Traffic Advisory Committee made up of five Grove Street residents, two councilmembers and no more than three staff members. Brennick and Smith voted aye; all others voted nay; motion failed (2-4).

C. Supplemental Agreement No. 1 for Professional Services for Comprehensive Transportation Plan; Bucher, Willis, Ratliff

Mr. Nelson presented the background information, noting four intersections were being added for evaluation in the study: 3rd & Liberty, 19th and 172nd, 27th and 172nd and 67th and 3rd Street. This would be the regular six-year review of the city's 20-year transportation plan. The additional \$73,176 that was needed was available because several projects would not go to construction phase this year.

MOTION by Bartholomew, second by Leighan, to approve the Supplemental Agreement for \$73,176 with Bucher, Willis & Ratliff Corporation. Motion carried (6-0).

D. Engineering Standards update (postponed to September 24)

Mayor Weiser noted this topic was being postponed until September 24.

E. Engineering Design Report on 51st Avenue from Grove – 88th Streets.

Mr. Nelson noted this was in council's packet for information purposes only. The purpose of the pre-design study was to identify potential impacts from the through-connection of 51st Street, including the property owners that would be impacted.

XI. Ordinances and Resolutions

A. A Resolution of the City of Marysville stating its intention to annex certain unincorporated area, known as the Orr Annexation, into the city, and transmitting the matter to the Snohomish County Boundary Review Board for approval.

MOTION by Pedersen, second by Bartholomew, to adopt Resolution 2042. Motion carried 6-0.

B. A Resolution of the City of Marysville which sponsors the employees of the Snohomish County Public Transportation Benefit Area Corporation (Community Transit) to participate in the AWC Employees Benefit Trust.

MOTION by Bartholomew, second by Soriano, to adopt Resolution 2043. Motion carried (6-0).

XII. Information items

A. Mayor's Business
None.

B. Staff's Business

Swenson:

- The RFQs on the economic analysis and strategy were due on the 17th; to date there had been 10 inquiries.

Winckler:

- Reminded of the Utility Committee meeting on September 13.
- Advised of an upcoming road closure on State, north of 100th, for water line installation.

C. Call on Councilmembers

Leighan:

- Municipal Research showed there had been a change in street vacation rules and the compensation required.

Pedersen:

- Would not be attending Cities and Towns.
- Suggested the new grant writer and program manager be invited to a council meeting so councilmembers could meet them.

XIII. Executive Session

The meeting adjourned at into Executive Session at 10:15 p.m. to discuss two personnel matters, one litigation matter and possibly one real estate matter.

XIV. Adjourn

The meeting adjourned into regular session, took no further action, and adjourned at 10:58 p.m.

Accepted this 24th day of September, 2001.

David Weiser
Mayor

Lucie Lein
City Clerk Deputy

Ann M. Averie
Recording Secretary

ORIGINAL

000108

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**Minutes of Marysville
City Council Work Session**

September 4, 2001

Public Safety Center

I. Call to Order

Mayor Weiser called the meeting to order at 7 p.m.

II. Pledge of Allegiance

The assemblage joined in the pledge of allegiance to the flag.

III. Roll Call

A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:

Dave Weiser, Mayor
Mike Leighan, Mayor Pro Tem
Shirley Bartholomew
Jim Brennicks
Donna Pedersen
John Soriano

Administrative Staff Present:

Sandy Langdon, Finance Director
Mary Swenson, Chief Administrative Officer
Ken Winckler, Public Works Director
Bruce Keithly, City Attorney
Roberta Stevens, Recording Secretary
Robin Nelson, City Engineer

Mayor Weiser noted that Councilmember Dierck was ill; Councilmember Smith may not be here due to a family commitment.

IV. Discussion

A. Golf Course Driving Range Clean-Up and Interim Use.

Mary Swenson reported that the City purchased the old driving range in April or May and some clean up has been done, but the rest of it will need to wait until the council decides what to do with the property. Prisoners have done rough cleaning. There have been bids requested to take the poles down \$20K was the lowest bid Ms. Swenson had seen; Staff needs input from the Council on what to do with the property. The neighborhood survey results were revisited. Councilmember Bartholomew asked if they would leave the poles up if the turf was re-seeded; Ms. Swenson noted the poles should come down but they would keep the lighting. Jim Ballew said that he had received a lower bid today of \$14.3K to drop the poles to 16' in height, leave, or replace needed netting, existing lighting would be re-affixed 10' lower; currently the grass is dormant. There are undulating areas on the property that need to be graded, leveled, and seeded by the second week in October if the City intends to use it next year. All of the poles cut off can be used as parking barriers at Strawberry Fields. Departmental recommendation is for, \$7500 additional money if city equipment and personnel are used and Parks would rent a seeder. Signage needs to be posted clearly stating that this is Interim Use, and not long term. Councilmember Pedersen asked where the City is on the facility use process, and if it would be done by year-end. Ms. Swenson responded the report would finished by the end of the year and the City is probably looking at a bond issue and quite a few years out. If it is turned into soccer fields now and several year from now it is closed to build a jail the Council isn't going to be very popular. Councilmember Pedersen asked Mr. Ballew to check with Planning to see what is happening near there. Councilmember Leighan asked if any of those poles were suitable for Cedarcrest. Mr. Ballew responded that a couple of them are and said there was room for four modified soccer fields for a 5 vs. 5 league for adults. The Boy Scouts have painted the outside of the building. He noted that with not a lot more lights

than are out there now it could be used at night and not have a negative impact on the neighborhood. At one time they had an over-netting to keep the glare down into the neighborhood. The current lighting can be reset and redirected to accomplish that. The lateral support poles will be pulled, the rest left at 16'. Overall maintenance is a concern. Mayor Weiser asked if any of the netting was usable at the golf course. Mr. Ballew said that some of it would last for 2-3 years and existing netting could be augmented with the shorter panels. Councilmember Bartholomew asked if the WSR inmates were working there, Ms. Swenson said they were with good results. Jim Ballew said he was looking into using the Sea Bees or the Junior Army Corp of Engineers, a unit out of Oak Harbor does the work; if Council would like to proceed, Mr. Ballew will exhaust every resource available to get the job done as economically as possible. Councilmember Pedersen asked how many parking spaces would be needed if it was made into soccer fields. Mr. Ballew said that not all adult players would be there at the same time, perhaps 40 spaces would be needed, usually two fields at a time would be in use, he is unsure how many parking spaces are out there presently. Councilmember Pedersen asked about the compatibility of evening soccer games with the neighborhood. Mr. Ballew hopes that the games will end by around 9 p.m. Councilmember Brennick asked if it would be cost effective for the City to use it as a driving range. Mr. Ballew said that would be the easiest thing to do, however, he doesn't think the community would welcome it. Softball league generates a lot of revenue for Parks, and Jim Ballew would expect that the soccer fields would as well. Ms. Swenson said that there were problems with the community when the old driving range was there. Councilmember Bartholomew asked what could be attracting rats, Mr. Ballew said there lots of food was left there, and they had a water supply. Since cleaning and clearing, the food is all gone. Councilmember Soriano asked if there was any type of sports field that the school would be short on, softball perhaps. Mr. Ballew responded that he was unaware of any and there is not enough space to house a regulation softball field. Councilmember Leighan mentioned that Planning has had plans submitted for a driving range at the north end of town, this could be in competition. Mr. Ballew reiterated the need to act quickly on turf renovation.

B. *Community Transit Request.*

Community Transit is asking for universal support from all AWC member cities as sponsors to obtain insurance from AWC, and this would not place Marysville in any liability situation.

C. *Potential Committee to discuss Traffic Issues in Areas of City.*

Councilmember Brennick inquired about establishing a citizen committee to see about slowing down traffic. Councilmember Pedersen asked if there wasn't already one and how often does it meet? Ken Winckler responded that the City did have a committee and it meets on a bimonthly basis unless there is something that needs to be discussed in which case it meets monthly. It is chaired by the City Engineer with Police, Engineering, Maintenance and Public Works members, but no Councilmember or citizen representation. He said that the Traffic Committee still investigates and acts. Councilmember Leighan asked Councilmember Brennick if his idea was for a city wide task force and not just Grove St., if so, he would support the idea. Councilmember Brennick said that if there was one already in place with Staff, then the Committee needs to add councilmembers and citizens to the current committee.

Mayor Weiser noted that one thing the council has to remember is that deliberate changes were made to put it in the hands of Engineering, taking it out of the political arena, which make the actions more defensible. Ms. Swenson mentioned that WCIA recommended that the traffic signals be the responsibility of the City Engineer. Mr. Nelson gave some background on the traffic-calming program which mirrors other programs in other cities. Actions taken are predicated on the citizens notifying the Traffic Safety Committee/Robin Nelson. Ken Winckler noted that Grove St. has an arterial street status, did some adjustments of lanes, typically not done on an arterial streets. Councilmember Brennick has 14 letters since June regarding lost parking spaces, and narrowing lanes that was supposed to slow traffic down. Possibly citizens could be part of the committee, and then they could have a feeling of ownership with the recommendations. Councilmember Leighan said he would like to see a city overall committee rather than street specific, then he can support the concept. Councilmember Soriano would like to keep the issue before the Council.

- D. *Supplemental Agreement No. 1 for Professional Services for Comprehensive Transportation Plan; Bucher, Willis, and Ratliff.*
Ken Winckler said this is a supplement to the plan they had last year. Councilmember Pedersen noted it included an additional four intersections, and inquired where they were. Robin Nelson will provide that information at next City Council meeting. Councilmember Soriano asked about the hearing on August 30 for BNSF to close the 156 St. crossing, he was advised that the hearing was postponed, and no new date has been set yet.

V. Other Items Scheduled for September 10, 2001

- A. *Approval of Minutes.*
1. August 27, 2001 City Council Meeting.
2. September 4, 2001 City Council Work Session.
- B. *Approval of September 10, 2001 Claims.*
C. *Approval of August, 2001 Payroll.*
D. *Approval of Professional Service Agreement for Signal Design at 88th St. and 67th Ave.*
No discussion.
- E. *Approval of Snohomish County P.U.D. Easement at Cedarcrest Golf Course.*
Councilmember Leighan asked if the council hadn't already discussed this issue, Ms. Swenson said that last time it was a gas easement. Robin Nelson mentioned that it would be in the same area, a common trench. Councilmember Brennick asked the cost to the City for the PUD upgrade. Robin Nelson said that the City's cost was to pay for the original trench only.

F. *Approval of Contract for Manhole Adjustment/Water Valves; MLS Construction.*

Ken Winckler said that with so many manholes outstanding, this is the most cost effective way to do deal with them, and funding is available. Councilmember Bartholomew asked Bruce Keithly about the liability of the City with the contract. Mr. Keithly noted that liability is covered under the insurance requirements. Mr. Winckler noted that this is the standard contract used for construction projects for the city. Councilmember Leighan asked who puts in the survey monuments. Robin Nelson responded that the City does not have a professional licensed surveyor on staff; normally the agency providing the service has the responsibility of paying for the surveyor and putting in the monuments. Councilmember Brennick asked if there was something the City could do prior to Snohomish County black topping over the manholes. Mr. Winckler replied that it is almost impossible to adjust manholes before, it is a difficult timing process and causes a number of problems, then the City has to go back to do a more finite adjustment, it is much easier and more cost effective to send someone out after the paving. Councilmember Brennick asked where the areas were located, Mr. Winckler said they were generally scattered, Snohomish County tries to do areas and do a number in those areas. Councilmember Soriano asked if there was less risk having the manhole in a depression than having it raised, and the answer was yes. Councilmember Bartholomew asked if the County ever settled up over the 88th St. project when they dumped about 2000# of blacktop down a manhole, Mr. Winckler said yes they paid about \$67K, all of our expenses plus overhead.

G. *Approval of Contract for Deferred Construction of Curbs, Gutters, and Sidewalks; Robert Paz.*

No discussion

H. *Review Bid*

1. Self-Contained Single Operator Truck-Mounted Roadway Paint Striping Machine.

Ken Winckler reported that this is replacing one that is archaic, but there was no money budgeted for this year. Due to the lateness of the season, he is requesting all bids be rejected and go back and look at it again later.

2. Police Motorcycles.

Councilmember Bartholomew asked why there was only one bid? Roger Kennedy responded that he sent it out to seven different Harley Davidson dealers. The question was posed why only one manufacturer, Mr. Kennedy responded that the police feel very strongly about having the Harleys, that the buy back amount far exceeds other manufacturers, and the officer training is provided by Harley. He said that he had spoken to the State Purchasing department regarding the issue. Councilmember Bartholomew asked about a possible conflict of interest. Mr. Kennedy said he felt comfortable with it. Mr. Keithly wondered how they got the specs that were restricted enough to only include one manufacturer. Councilmember Soriano noted the bid price looked good, he called and the average Joe buying at Cycle Barn would pay \$17,300. without options, and the Harleys have safety items that other manufacturers do

not offer. Councilmember Brennick said that the Police Advisory Committee had discussed this several months ago and that the value, and plusses were there and that convinced the Advisory Board. Mr. Kennedy said he mailed out seven requests from Bellingham to Tacoma. Harley Davidson has a guaranteed buy back of \$10.5K for two year old bikes and \$9K for three year old bikes. Councilmember Pedersen asked about needing three strobe lights. Mr. Kennedy responded that enforcement motorcycles need to be as conspicuous as possible and the three strobes make them much more visible. Councilmember Leighan asked if the bikes are going to have opticom on them. Mr. Kennedy said that they haven't pursued it at all, it takes a special power pack separate from the other power packs.

I. Current Business

1. Sunnyside Trunk D Sewer Extension Phase II Developer Contract for Sewer Service & Recovery.

This has the new wording that Grant Weed talked about last week. Mayor Weiser said that he would make sure that the resolutions are part of the packet for the next meeting. Councilmember Pedersen asked what three things were addressed; the response was an irrevocable bond, interim station that would serve the immediate needs of the developer, and cost overruns. Councilmember Pedersen asked that on page 3 1. (b) the missing word "at" be inserted. Councilmember Brennick asked about the letter of credit, and was not aware of that having been done in past. Ms. Swenson said she didn't recall not requiring a letter of credit in past, it is be much like a construction loan, draw on as built and interest paid on amount of money drawn instead of the whole amount from the beginning. Councilmember Leighan noted it is cheaper for the developer and has no effect on the City. Mr. Nelson said the City is involved because the line is laid relative flat, has high ground water, and a large size pipe, the Staff felt this project needed extra control over the developer. Since it is under their department review authority he felt it was incumbent upon the City to meet every requirement needed.

2. Facility Use Policy.

Mr. Ballew stated that the rates are included in the report that are being charged for use of the various facilities. Councilmember Bartholomew asked Mr. Ballew if there had been any problems over the last year on rentals. He responded that there hadn't, and there were no major changes in the policy, except that a particular facility can't be used over 12 times a year by the same party or group. Renters are required to sign an indemnification agreement, and WCIA has been approved this in the past. Ms. Swenson noted that WCIA has a special mechanism for people that can't get event insurance, and the cost is reasonable. Councilmember Pedersen noted that a couple of years ago we had difficulty in determining which groups could use a facility; under this policy anyone can rent publicly owned buildings as long as they aren't breaking the law. Campaign funds cannot be raised in public buildings.

J. *New Business*

1. Engineering Standards Update.

Mr. Winckler said this had been the result of a six month review and that local engineering firms had been contacted. Councilmember Leighan said it looks like the City is getting more stringent, Mr. Nelson disagreed. Councilmember Pedersen asked which engineering firms had been contacted and were they sent a copy of the standards update for comment or just sent a letter, and how do we monitor these design standards. Eric Thompson responded that Peak Engineering was one of two that responded with comments, he couldn't recall the other firms the letter was sent to. The packet was not sent out to the engineering firms; a letter saying it was under review asking for their comments was sent. Mr. Nelson responded that the design standards were looked at when Planning reviews the plans. He noted that there was a change in shrubbery setback from the corner from 30' to 50', enforcement is an issue for the code enforcement officer. Councilmember Pedersen will give addresses for some that are not in compliance now. Councilmember Brennick asked about gathering input and if local contractors or construction firms that do the installation are ever contacted, the answer was no. There was a general discussion of street sign posts. Councilmember Leighan asked if Peak's comments were addressed in the document. Mr. Nelson said it is the final draft, and contains the input supplied by various people. Councilmember Pedersen asked if they were sending out notices to the people involved. Ms. Swenson said that they can do that. A short general discussion about this subject ensued.

2. Engineering Design Report on 51st Ave. from Grove to 88th Streets.

Mayor Weiser noted that this was an informational item only and did not require Council action. Councilmember Pedersen asked if the City couldn't get the County to go further. Mr. Nelson said that the County may eventually go 108th St. and the City is coordinating with them. Councilmember Pedersen asked when the flashing red lights on 47th & 51st Streets and Grove are going to be replaced by red, yellow and green lights. Mr. Nelson said he anticipates they will be turning them on this week. Councilmember Bartholomew asked if there was any kind of timetable on this Engineering Design Report. Mr. Nelson said they have budgeted funds next year to do an EIS and that will take all of next year. It is in the 2005-2007 TIP and has no funding at this time. The City is taking the lead on this. Councilmember Leighan asked what the County's role was in this and have the City annexed this property? Mr. Nelson said the City has not annexed the property, it is in Snohomish County, however, the County will not lead this project, the City will.

VI. **Information Items**

Mr. Nelson had an update on the 2002 trust fund loan application for the treatment plant. They have recommended our project for funding to the 2002 Legislature. The City has made the cut and will be on the list, the \$1M loan has already been approved and the City is on the list for the remaining \$10M. Councilmember Bartholomew stressed the need for backing by our delegation, urging the people to contact them and it needs to be done this week or next by week end at the latest.

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A. Mayor's Business
None

B. Staff Business
None

C. Call on Councilmembers

Councilmember Leighan asked about the Tulalip Business Park analysis. Ms. Swenson replied that the RFP is out with a deadline of the end of September. Councilmember Pedersen asked how many new grants has the City applied for since the new grant writer was hired. Sandy Langdon responded that at this time we haven't applied for any specific grants, but the background work is being done.

Meeting adjourned at 9:25 p.m.

Accepted this 10th day of September, 2001.

David Weini
Mayor

Lillie Lein
City Clerk (Deputy)

Robert Stenness
Recording Secretary