

Marysville City Council Work Session Minutes**April 21, 2003****7:00 p.m.****Public Safety Center****Call to Order / Pledge of Allegiance / Invocation**

Mayor David Weiser called the work session to order at 7:00 p.m. He then proceeded to lead those present in the Pledge of Allegiance. There was not a pastor in attendance so an invocation was not given.

Roll Call

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

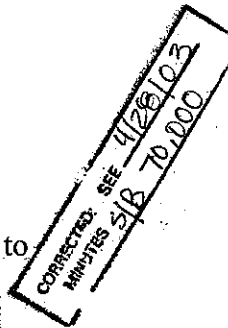
Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, Donna Wright, and Lisa Vares.

Staff: Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Randy Brower, Surface Water Program Engineer; Kevin Nielsen, Interim Assistant City Engineer; Doug Buell, Community Information Officer.

Committee Reports

Councilmember Lisa Vares gave a **Public Works** update.

- ◆ She informed councilmembers that the tour of the Public Works facility is tentatively scheduled for May 17th. The councilmembers were asked to contact Public Works Director Jim Owens and let him know if they would be able to attend.
- ◆ She then discussed the bio-solids contract. The punch list is still incomplete and the contractor is delaying finishing the project. They are holding \$170,000 as an incentive to finish.
- ◆ There was a West Nile Virus update from Jim Owens. He had noted that it is a cyclical issue. Snohomish County and Snohomish County Health District have put together a plan that will benefit the City.
- ◆ There was also an Edwards Springs update with a discussion of 11 criteria that need to be met.
- ◆ Right of way acquisitions for State Avenue, from 1st to Grove, were also briefly discussed.



Presentations

North Marysville Area Regional Stormwater Detention Facility Feasibility Study.

Public Works Director Jim Owens noted that this presentation was in response to Council's request for information on possible facility sites and costs. He noted that the study boundaries included 950 acres with 460 acres of developable land. The study concluded that regional detention is feasible in the north end and is the desirable option. Otak looked at two engineering approaches: Pipe & Pond and In-Stream concept.

Mr. Owens then went on to discuss the four various alternatives.

- ◆ Alternative 1: Piped Conveyance to Multiple Ponds
- ◆ Alternative 2: In-line Channel & Overbank Storage
- ◆ Alternative 3: Developer's Proposal – Pipe to Single Pond
- ◆ Alternative 4: Alternative 3 with Additional Pond

The recommendations from the study were to:

- ◆ Adopt the Surface Water Management Plan and Surface Water Utility Rate Study.
- ◆ Start preliminary design process of Master Drainage Plan immediately which would provide the potential for 6 to 12 months time-savings in development of regional detention facilities.
- ◆ Master Drainage Plan will provide a comprehensive approach for the entire sub-basin in order to achieve regional surface water objectives.
- ◆ Discuss proposed alternatives with regulatory agencies as soon as possible.
- ◆ Create adequate, equitable and effective funding mechanisms, including partnering with neighboring agencies, developers, and landowners, through interlocal agreements.

Councilmember Mike Leighan inquired about the difference in acreage in Alternatives 2A and 2B. Joe Simmler of Otak explained the reason for the difference between the two.

Councilmember Lisa Vares asked what detention would cost the developer if the City did nothing. Jim Owens said he did not know that, but noted that the City would save money in the management of the ponds as opposed to managing multiple sites. Mary Swenson added that she has heard from developers that the cost is typically prohibitive.

Councilmember Jeff Seibert clarified the breakdown of the costs. He suggested that the City might build in some sort of recovery system. Jim Owens said he didn't know if a developer even could build on his own. Councilmember Seibert then referred to the 10,000-foot pond restrictions from the airport. He asked how a pond could be placed in that restricted area. Mr. Owens referred to a map in the packet. He noted that there would be vegetation in the ponds and that they would be shallow, wide, and pebble-filled in order to discourage bird populations. He felt they could be constructed in an acceptable fashion to meet the requirements. There was discussion of the issues with crossing the channel. Mr. Owens explained that they would prefer not to cross the streams and would like to do away with some of the channelized streams.

Councilmember Leighan then referred to Alternative 1. He noted that Pond 1 serviced the north end of the City limits. He asked if Pond 2 could serve the northern area and have Pond 1 built at a later date. Mr. Owens said that they would have to have the total conveyance done, but that they could probably sequence the ponds. Mr. Leighan then noted that Alternative 3 didn't appear to fit the City's needs considering the State Avenue project. Mr. Owens agreed that Alternative 4 would serve needs better than Alternative 3.

Councilmember Suzanne Smith noted that the diameter of the conveyance pipes in Alternative 3 was 5 feet. She asked what size pipe would be used on Alternatives 1 and 2. Mr. Owens did not have that information. Randy Brower, Surface Water Program Engineer, informed her that it would depend on demand and that would be determined at a later date. Councilmember Smith noted that Arlington's southern UGA is in Marysville's watershed. She suggested bringing their portion into this plan. Jim Owens explained that they hope to do that and that they have been meeting to discuss that. Mr. Brower added that there was a defined boundary to do this study. Councilmember Smith had concerns about the study not including other areas. There was discussion about Arlington's status in this process and their needs for drainage. Councilmember Smith was concerned that there might be challenges from Arlington about the ponds within the 10,000-foot radius of the airport. She didn't think they would want to allow any ponds in that area. Jim Owens stated that this is a preliminary look at the issue. He agreed that the airport would be a challenge and would need to be properly managed to avoid issues with birds.

Councilmember Smith then asked for clarification about Alternative 2. She asked if the individual ponds had berms or dikes around them. Jim Owens indicated that they did. He also noted that this combination approach would address detention, conveyance and groundwater infiltration. Councilmember Smith asked if the ponds could be phased in individually. She commented that the report indicated it would be difficult to phase. Mr. Owens said the problem would be how the area would be forced to develop if that were the case. Councilmember Donna Wright noted that Issaquah did something like Alternative 2 and got an award at PRC because it was a combination. Randy Brower said there was a similar facility at Crown Distributing off 172nd in Arlington. Snohomish County and the City of Seattle have also done similar projects.

Councilmember John Soriano asked if there were any stretches where the pipe requirement was so long that it would cause a problem with gravity. Mr. Owens explained that Bill Binford of Venture Pacific Land Corporation has studied this and determined that there is enough fall.

Mr. Soriano then asked if the costs could elevate. Mr. Owens could not speculate on that. Mary Swenson added that Council needed to keep in mind how the funding would happen. Mr. Binford's public-private partnership approach would help the City get the project done quicker.

Sandy Langdon, Finance Director, discussed some financing options such as:

- ◆ Recovery LIDs
- ◆ Rate structure to help pay back any amount financed
- ◆ Possibility of financing through water and sewer – the benefits of doing this were discussed.

Councilmember Seibert inquired whether or not the rate study had taken into account a project of this magnitude. Mr. Brower indicated that it had taken into account one smaller pond, but that additional funding would definitely be needed. He reminded Council that they had recommended revisiting rates in three years. Councilmember Seibert then referred to Otak's maps. There was discussion about the boundaries. Mr. Brower said that the city limits were included, but that an additional pond might be necessary to accommodate annexed area. Councilmember Seibert suggested a partnership with Arlington to do a pond in that area.

Jim Owens noted the possibility of capturing some of the water that runs off roofs, which would provide a potential reduction of needs there. He then informed Council that there is a Drainage District #5 up in that area. There is a possibility that it still exists, but is non-functioning. It would be a separate legally established with governing authority under state law to create, preserve, and enhance drainage facilities with the ability to tax for revenue-raising possibilities. This could result in cost-savings, timesavings, and a simpler permitting process. City Attorney Grant Weed said that this could benefit the City through an interlocal agreement. The City could partner with them to take advantage of their benefits. He believed the statutes that define their authority are pretty broadly drawn although this would need to be investigated further.

Councilmember Seibert asked if Arlington's plan met DOE standards. Councilmember Leighan indicated that it did not. There was discussion about whether or not it was substantially equivalent. Councilmember Smith requested information on the status of the project, especially with regard to how DOE is finding the project. Ms. Swenson said she could check into that.

Councilmember Lisa Vares asked how long the project would take once Council approved it. Jim Owens said it was difficult to say because of differences in permitting requirements between the alternatives. There was discussion about the Binford proposal being possibly completed by October 2005 in a best-case scenario.

Consent Agenda Items Discussed

C. Authorize Mayor to Sign Renewal Annual Maintenance Contract for Telemetry and SCADA System.

There were no comments or questions on this item.

D. Authorize Mayor to Sign Second Amendment to Interlocal Agreement with the City of Lake Stevens for Jail Services.

There were no comments or questions on this item.

- E. Approval of Liquor License Renewals for Albertson's #471 (301 Marysville Mall); G.A. Maxwell (1204-3rd St.); Home Plate Pub (9317 State Avenue #B & #C); The Great Northern (8421 State Avenue); Chevron #1103 (1206-4th Street); and Soap and Such Gifts (7511-77th Drive N.E.)**

There were no comments or questions on this item.

- F. Authorize Mayor to Sign Agreement with Choicepoint Business and Government Services, Inc. for Access to Public Record Data Services.**

Councilmember Seibert inquired about use limitations stated in the contract. He had concerns about this impacting the Police Department's efforts. City Attorney Weed thought it shouldn't be a problem, but said he would research it further. Councilmember Leighan asked about the price per usage. Mary Swenson said they would find that out.

Review Bids

57th Place Improvements.

Councilmember Smith asked for confirmation that this included sales tax. Jim Owens indicated that it did.

Public Hearings

- A. Surface Water Comprehensive Plan, Surface Water Utility Rate Study and Hydrologic Modeling/Master Drainage Basin Planning Study.**

Public Works Director Jim Owens outlined the risks of adopting the plan as it relates to development. He noted that there were very few changes. This hearing was held in order to address concerns from Council that adopting this would potentially hamper development. Mr. Owens said that the main priority of the Surface Water Management Plan (SWMP) is regional detention. He noted that the SWMP is based on the DOE 2001 Stormwater Management Manual for Western Washington and the 2000 Puget Sound Water Quality Stormwater Management Plan (PSWQMP). He commented that if the SWM Plan is approved it would provide for a continuous revenue stream.

Key Points of the SWM Plan were:

- ◆ "Forested or Existing"
- ◆ County DNR Study recommended single detention facility for "flow attenuation"
- ◆ City's Feasibility Study addresses requirement for "on-site detention"
- ◆ Downstream conveyance enhancements also recommended in the County's DNR were the culverts under 136th Street NE and under BNSF R/R tracks.
- ◆ Infiltration of roof drainage on-site to recharge ground water may reduce costs.
- ◆ Need to evaluate downstream.

- ◆ Drainage District #5
- ◆ Otak's feasibility study should greatly help in reducing the time and cost for the proposed Marysville Master Drainage Basin Plan for the Smokey Point Area.
- ◆ Lower long-term maintenance costs would be achieved with a regional detention solution.

Councilmember Seibert wondered if adopting the Plan would help the City move forward with development. Jim Owens indicated that it would. He noted that the DOE Manual is embedded in the Plan with increased requirements, but he added that implementation is the key, not necessarily what is in the manual. He noted that if the rates are adopted, the necessary funds will be provided to do the required upgrades. Councilmember Seibert next asked about the roof drainage criteria. He didn't think that every roof would qualify. Jim Owens agreed. He said that membrane or steel roofs would probably qualify, but not any roof containing petroleum products such as asphalt.

Councilmember Suzanne Smith asked if they would be approving the rates if they approved the Plan. Mr. Owens indicated that she was correct. He then referred to a graph in the packet comparing Marysville's rates with other communities. Councilmember Smith then inquired about funding. Mr. Owens commented that the rate study was built looking at the Capital Improvements Study as a standard. The rate increases would not accommodate the full amount. Mary Swenson then added that the public-private partnership would be desirable for that reason. Randy Brower noted that the Master Drainage Study also looked at ways to fund. Councilmember Mike Leighan brought up the issue of areas that are exempt in the County such as schools and mobile home parks. Randy Brower noted that they would need to reevaluate the issue in three years to decide how to address those issues. In the meantime, adoption of the Plan will adopt the County's current standards.

Councilmember Smith discussed her prior concern about citizens funding development in the north end because she felt that growth should pay its own way. She commented that she was more comfortable with this than with the earlier plan.

B. Stormwater Code Revisions.

Gloria Hirashima, Community Development Director, discussed the proposed revisions. She noted that the three key changes were the setback provision; the background computations for sizing drainage facilities; and using 3 feet instead of 5 feet. She said that the basis for making the changes was a compromise in providing for more stringent standards and regulations while making provisions to allow projects to progress.

Councilmember Seibert had questions about:

- ◆ Page 3, #17 – What does the slower rate become? Ms. Hirashima said that it was only a definition change and the rate was determined elsewhere.
- ◆ Page 4, #27 – What is the definition of "effective impervious"? Randy Brower explained this.

- ◆ Page 9, 14.15.030 – Applicability – Who will be approving? Ms. Hirashima indicated that it would be a joint review by Public Works and/or Community Development as appropriate, the “Public Works Director designee”.
- ◆ Page 14, #7 – Excavation – Safety issue with piling dirt on the uphill side of trench.
- ◆ Page 2 and Page 10 – Inconsistencies in whether the Manual or the Chapter would apply. Ms. Hirashima said she would look into that.
- ◆ Page 32, #3 – Suggested adding verbiage saying that this would not set a precedent and should be viewed on a case-by-case basis. Mr. Weed thought this would be a good idea.
- ◆ Make it clearer that the applicant would still need to meet requirements by other agencies.
- ◆ Adjustments – Not comfortable with the broad discretionary decisions by the director. He felt this might not be appropriate in the future and that Council should be notified and other staff members should need to sign off.

Councilmember Leighan then commented on the following:

- ◆ Page 1, 14.15.050 – He had concerns about saying they would be adopting the Manual as a technical reference manual. Gloria Hirashima concurred and said it should say “2001 Manual”.
- ◆ Council should be notified. Staff should not be allowed to administratively adopt amendments. There was discussion about the process for staff to make recommendations for changes.
- ◆ Page 10, 14.15.040 – Section 1:1. Felt this was too vague and should be stricken. Kevin Nielsen, Interim Assistant City Engineer, explained the intent of this portion of the Manual.
- ◆ Page 10, 2B, Item 1 – Discussion about the definition of “replaced” and whether or not this would cover a building which had been burned down. Ms. Hirashima thought it was a good point. She said she would look at redevelopment thresholds.

Mayor Weiser thanked everyone from the Public Works Department for attending the work session.

Current Business

Council Support for PEG/I-Net Fee in Conjunction with Cable Franchise Renegotiations.

Mary Swenson introduced Bob Duchon who is helping with negotiations with Comcast. Mr. Duchon discussed what the cable companies are willing to do and not willing to do. He noted they are less willing to give capital grants to cities. They are willing to come in to negotiate per subscriber amount that the cable company can line item on a customer account. This amount would then be remitted to the City to be used to fund the project. The amount of this fee would depend on the needs of the individual city. He noted that Doug Buell, Community Information Officer, has come up with a necessary equipment list. Mr. Duchon noted that these fees would apply to capital only, not operational fees. He

said I-net would provide the platform for the City to build communication projects to serve its future needs. Mr. Duchen continued that Comcast has agreed to a per subscriber fee. The City needs to decide if it wants to do this. If it's not agreed to, rates will likely still go up. He asked if the City wanted to take advantage of this opportunity. He said that the fee is very common and noted that Everett does it. They could start out at \$1/month and then bring it down later if desired. Council would have control over this.

Councilmember Leighan asked if part of the cable agreement was that Comcast would supply the City with dark fiber. Mr. Duchen said that this would be at an incremental cost. The City would be responsible for buying the equipment to light up the fiber.

Councilmember Seibert clarified that the dollar could not be used for operational needs. He then said he felt it was important to make sure the City publicizes the fact that the schools will benefit from this. He had a concern that only cable subscribers would be paying for this. Ms. Swenson explained that cable customers do get a direct benefit from the city channel. She expressed concerns that if the fee was not approved by Council, the City's existing equipment would be outdated and it would be dependant on the general fund to fund it.

Motion by Councilmember Wright, second by Councilmember Soriano to extend the meeting by 30 minutes. **Motion** passed unanimously.

Councilmember Seibert then asked if they could install the dark fiber without having the dollar authorized. Bob Duchen said they would, but asked how the City would fund it. Councilmember Seibert next asked about the sites to be included. Mary Swenson indicated that they were looking at ten sites. Doug Buell listed some of them as: Public Works, fire departments, golf course, library, and the new City Hall (Allstate).

Councilmember Smith asked if the City had to collect the dollar if authorized. She suggested some sort of public hearing. Ms. Swenson indicated that there would be a problem with that as they are in the midst of negotiations. Grant Weed explained that Council could authorize up to a dollar in the franchise ordinance, but make it subject to further council action. Bob Duchen agreed that it could be done. He said it could go anywhere from zero to a dollar, however, he had concerns about this capital equipment being needed now at the commencement of the franchise.

Councilmember John Soriano asked if high tech businesses tend to site in cities that have this type of I-net. Mr. Duchen said that he was not sure about that, but he did note that there is a high sensitivity among competitive cities to be wired.

Mayor Weiser asked if residents could tap into the I-net. Mr. Duchen said that does not usually happen because of the sensitivity of the data being transmitted.

With a couple exceptions, the consensus of opinion among the councilmembers seemed to be that the City should authorize the dollar.

Adjourn

Mayor Weiser adjourned the regular meeting at 9:43 p.m. He noted that there was a pending legal issue, a possible real estate matter and a possible personnel issue.


Executive Session

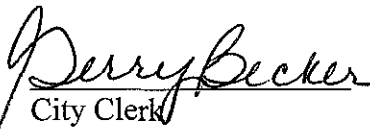
Council went into Executive Session at 9:47 p.m. to discuss one potential litigation, one personnel, and one real estate issue.

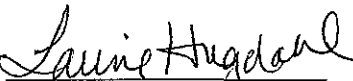
Council reconvened into Regular Session at 10:00 p.m. Motion by Councilmember Seibert, second by Councilmember Nehring to continue the meeting to 10:15 p.m. Motion carried 6-1 with Councilmember Vares against.

Council continued in Executive Session at 10:01 p.m. until 10:12 p.m. at which time they reconvened into Regular Session and adjourned taking no further action.

Approved this 28th day of April, 2003.


 Mayor
 David Weiser


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl