

## MARYSVILLE CITY COUNCIL MEETING

April 23, 2007

7:00 p.m.

City Hall

### CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the April 23, 2007 meeting of the Marysville City Council to order at 7:00 p.m. The invocation was given by David Luster of the Turning Point Community Church. Mayor Kendall led those present in the Pledge of Allegiance.

### ROLL CALL

Chief Administrative Officer Mary Swenson gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Dennis Kendall

**Council:** Mayor Pro Tem Jon Nehring, Lee Phillips, Carmen Rasmussen, Jeff Seibert, John Soriano, Jeff Vaughan, and Donna Wright

**Staff:** Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; Gloria Hirashima, Community Development Director; Rick Smith, Chief of Police; Kevin Nielsen, City Engineer/Assistant Public Works Director; and Laurie Hugdahl, Recording Secretary.

### COMMITTEE REPORTS

Councilmember Rasmussen reported on the Parks Advisory Board meeting that was held on April 11. Their newest member was in attendance. Topics discussed included the following:

- Jennings Park – irrigation underway, Belmark donation for pergolas, Rotary donation for new picnic tables and benches
- Healthy Communities project presented with action steps
- Discussion of the future of the cannon at Jennings Park
- Update on proposed dog park
- Parks and Recreation Activity Guide has been mailed out
- Marysville Pilchuck High School has submitted additional information
- Jim Ballew and Doug Buell attended the National Livability Summit in Atlanta, GA
- Suggestion to start a kickball league and hold a Gaelic Football national tournament

Councilmember Seibert reported on the Finance Committee meeting:

- New city clerk starting on May 1
- Paperless agenda modifications
- Passport services update
- Traffic Impact Sales Tax Rebate discussion
- Annexation Sales Tax (new state bill)
- Auditors coming – Performance Audit and SAS 112
- Utility Billing Update – surface water, looking at exempting city-owned property
- Technology Update – 2 computer techs will be starting May 1
- Lockbox started last week and is going well
- Online and automated call services starting June 1

Sandy Langdon explained that the Performance Audit will likely be postponed altogether in light of new information given to the auditors.

Councilmember Phillips stated that the TV Advisory Committee met and discussed the final motion from Council. On May 9 they will have a mini-charette to plan out what people would like to see on the station. The public will be invited.

Councilmember Seibert reported on the April 13 Public Works Meeting. Topics discussed included the following:

- Stillaguamish Water Filtration Plant ribbon-cutting
- Ingraham Blvd public meeting next month
- Transportation Update – 156<sup>th</sup> overpass/triangle
- Presentation on work program – tracking city employees' projects
- School District surface water curriculum
- City-owned property surface water rates

## **PRESENTATIONS**

### **Proclamation: White Cane Days**

Mayor Kendall read the Proclamation designating May 5<sup>th</sup> and 6<sup>th</sup> as Lions White Cane Days. He presented the proclamation to a Phil Thorleifson, President of the Lions Club.

#### **A. Employee Service Awards.**

Employee Service Awards were presented to the following employees:

- Travis Ballou, Solid Waste Collector – 5 years
- Tim King, Heavy Equipment Operator – 10 years

## AUDIENCE PARTICIPATION

Kurt Beffert, 6221 47<sup>th</sup> Avenue NE, Unit 3B, Marysville, expressed concern about the lack of legal consequences following an attempted break-in by his daughter to his house. He requested communication with Chief Smith. Chief Smith immediately made himself available to privately discuss the matter.

Amanda Hollis, 4021A 168<sup>th</sup> Place NE, Arlington, spoke as a representative of the Navy Wives Clubs of America, Chapter 277. They are hosting a walkathon at the Naval Station Everett Memorial Day weekend to raise money for a monument honoring Navy sacrifices on D-Day.

Van Berkbigler, 6114 83<sup>rd</sup> Avenue NE, spoke regarding dead trees in wetland areas that are untended. He was concerned that they pose a dangerous situation by hanging over the street.

## APPROVAL OF MINUTES

### 1. Approval of April 9, 2007 City Council Meeting Minutes.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the minutes as presented. **Motion** passed unanimously (6-0) with Councilmember Soriano abstaining since he did not attend the meeting.

### 2. Approval of April 16, 2007 City Council Work Session Minutes.

Councilmember Rasmussen had the following amendments:

- Page 1 – The last sentence of the second paragraph under Committee Reports should read: *He stressed the importance of . . . middle-school gang activity and prevention.*
- Page 3 – The second sentence in the second paragraph under item 7 should note that City Engineer/Assistant Public Works Director Nielsen was speaking to the overlay project and not the project that Councilmember Rasmussen had asked about (3<sup>rd</sup> and 47<sup>th</sup>).
- Page 4 – The second sentence in the last paragraph on the page should read: *Public Works Director Roberts . . . , and Councilmember Rasmussen asked at what point the fee is much greater **in percentage as compared to the median home price***"

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano to approve the minutes as amended. **Motion** passed unanimously (7-0).

**CONSENT AGENDA**

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, to approve the following Consent Agenda items 3, 4, 14, 15, and 5 though 8:

3. **Approval of April 4, 2007 Claims in the Amount of \$925,705.42; Paid by Check No. 28133 through 38254 with Check No. 37634 Void.**
4. **Approval of April 11, 2007 Claims in the Amount of \$1,463,601.68; Paid by Check No. 38255 through 38491 with Check No. 38077 Void.**
14. **Approval of April 18, 2007 Claims in the Amount of \$321,220.68; Paid by Check No. 38492 through 38659 with Check No. 38186 and 38486 Void.**
15. **Approval of April 5, 2007 Payroll in the Amount of \$1,054,393.95; Paid by Check No. 17678 through 17744 with Check No. 17732, 17730, 17727, and 17728 Void.**
5. **Acceptance of the Regan Road Lift Station Improvements Project as Complete and Begin 45-Day Lien Filing Period.**
6. **Approve and Authorize mayor to Sign Supplemental Agreement No. 2 with Gray & Osborne, Inc. for Construction Management Services on the Edward Springs 327 Zone Reservoir Project.**
7. **Approve and Authorize Mayor to Sign Interlocal Agreement with Snohomish County for 2007 Overlay Program.**
8. **Affirm the Hearing Examiner's Recommendation to Approve the Woods/Snyder Rezone and Preliminary Plat with Conditions; PA 06016.**

**Motion** passed unanimously (7-0).

**REVIEW BIDS**

None.

**PUBLIC HEARING**

9. **Planning Commission Recommendation to Approve Comprehensive Plan Amendment Adopting a Subarea Plan for the East Sunnyside/Whiskey Ridge Area, Development Regulations and**

**Areawide Rezone of the Subarea, and Updating the Calculation for Transportation Impact Fees Collected within the City of Marysville.**

The hearing was opened at 7:31 p.m. The staff report was delivered by Gloria Hirashima as detailed in the Executive Summary for Action, the Key Master Plan Concepts, and the preliminary draft plans in Council's packet.

City Engineer/Assistant Public Works Director Kevin Nielsen then delivered a PowerPoint presentation covering the Traffic Impact Mitigation Fees as contained in Council's packet. The staff recommendation was a discounted impact fee of \$2,000 for commercial (represents an 86% discount) and \$6,300 for residential (56% discount).

Chief Administrative Officer Swenson commented that loans have been taken out for finishing city streets projects which is very unusual. This was done in order to fund some of the Smokey Point projects. The City views this as money well spent due to escalating costs. She noted that it is also unusual for cities to dedicate a portion of sales tax revenue to road improvements. Marysville has been very progressive in this regard.

Councilmember Rasmussen asked City Engineer/Assistant Public Works Director Nielsen if there would be a review of the fee after the Comprehensive Plan update and the vote on RTID. Mr. Nielsen confirmed that there would be.

Gloria Hirashima pointed out two clarifications/amendments to the proposed plan:

1. One of the key concepts refers to undergrounding utilities. This requirement to underground power lines was intended to refer to distribution lines, not transmission and feeder lines.
2. The text references for density and dimension will be clarified regarding the two different multifamily zones (low and high).

Public Testimony:

Mark Hagen, 4421 67<sup>th</sup> Avenue NE, expressed concern about lack of pedestrian walkways in the area. He complained that people regularly cut across his property in order to avoid dangerous pedestrian conditions on the street.

Cookie Prather, 4007 Sunnyside Blvd, recommended new road plans, especially at the corner of 40<sup>th</sup> and Sunnyside. She is at risk of losing a large portion of her property to street widening. She requested that Council consider the petition submitted to Council from Sunnyside Homeowners for Rational Development. The petitioners requested that Council "consider improving existing roads including improving the corner at 67<sup>th</sup> and 44<sup>th</sup> Street NE and the corner at 44<sup>th</sup> Street NE and 71<sup>st</sup> Street."

David Toyer, Vice President Government Affairs, Barclays North, 10515 20<sup>th</sup> Street SE, Everett, WA 98205, spoke in opposition to increased fees in Marysville. He discussed fee increases over the last 18 months in Marysville. He expressed concern about dramatic increases in costs and how this impacts the builders' ability to provide affordable housing. He urged the Council to strike a balance between commercial and residential fees and recommended stepping the fee in.

Councilmember Seibert asked him if he was in favor of \$14,000 or \$6,300. Mr. Toyer replied that neither was acceptable. He stated that state law says you can't charge the maximum fee. He suggested looking at additional ways to take the burden off this type of development.

Wendy Alt, 6605 40<sup>th</sup> Street NE, Sunnyside Homeowners for Rational Development, spoke on behalf of Tim and Rebecca Nixon, 4024 71<sup>st</sup> Avenue NE, who were not able to attend. She read a letter from them into the record expressing their concerns about the decreased value of their home and encouraging the Council to strongly consider improving existing roads.

Ms. Alt then reiterated the Nixon's letter. She commented that her property has been in the family since 1923. She and her husband moved here four years ago to build their dream home. She is very concerned about the notification process since she was not aware of what was happening. She urged the Council to consider the people who live there.

Jim Short, 6917 40<sup>th</sup> Street NE, distributed to Council his conceptual plan for an alternative road. He questioned the reasoning for the proposed road alignment stating that he thought that the study was skewed. He suggested that there was a false count as a result of people cutting through their area to get to the freeway. He recommended taking away the proposed road alignment in order to save \$17 million.

Chris Bandoli, Government Affairs Manager, Barclays North, 10515 20<sup>th</sup> Street SE, Everett, WA 98205, concurred with David Toyer's comments. In addition, he encouraged Council to keep the 6.5 density in the expansion area.

James Shuller, 6704 50<sup>th</sup> Pl. NE, expressed concern about existing noise levels on 67<sup>th</sup>. He stated that with increased traffic this will only get worse.

James Alt, 6605 40<sup>th</sup> Street NE, suggested that Council is not ready to vote on this. He expressed concern about the validity of the engineering study. He stated that areas of the traffic plan cause him concern because the City plans to drive people through his neighborhood, not around it. He thinks extending 40<sup>th</sup> to Sunnyside will only exacerbate a problem. He commented that development has doubled the amount of water on his land to make it a class II wetland. He did not believe the City had considered how it would address that.

Jeri Short, 6917 40<sup>th</sup> Street NE, read into the record the letter from Sunnyside Homeowners for Rational Development which recommended improving the existing roads including the corner at 67<sup>th</sup> and 44<sup>th</sup> Street NE and the corner of 44<sup>th</sup> Street NE and 71<sup>st</sup> Street. This was signed by 23 homeowners in the neighborhood. Ms. Short was very concerned about the notification process. She stated that this plan will dramatically impact what she can do with her property.

Ken White, 3303 87<sup>th</sup> Avenue NE, spoke in opposition to the 40<sup>th</sup> Street extension to Highway 9. He stated that traffic is also very bad in that area. This would bring much more traffic to the area. The City needs to reconsider this decision. He appreciated the Planning Commission bringing up the issue of sharing the costs with developers and throughout the city.

Kathy Johnson, 927 Quinn Avenue, was very upset about the lack of notification of property owners. She was opposed to the multi-family zoning in the area. She supported the increase in mitigation fees and expressed hope that this would be used for not just new roads, but also public transit options and bike/pedestrian trails. Regarding Mr. Toyer's argument about affordable housing, she stated that there are other places that the money can come from. She suggested that the builders build smaller homes and take less of a profit.

Gerald McKinney, 422 71<sup>st</sup> Avenue NE, concurred with Jeri and Jim Short. She was opposed to the proposed new roads.

Don Andrews, 6727 40<sup>th</sup> Street NE, spoke in opposition to the extension from 67<sup>th</sup> to 71<sup>st</sup>. He thought that this was not very well thought out. It was his opinion that existing roads could serve the same purpose. Also, since most homeowners are not considering moving, the City would need to purchase the land. He suggested that by widening existing roads, the City could save money and also preserve the quality of life of the people who have lived there a long time.

Barbara Miller, 303 91<sup>st</sup> Street, Everett, stated that she has been involved in this process for almost two years with the City. She has attended many Planning Commission meetings and workshops. She has spoken with the planning department and the Mayor's office numerous times. She commended the City staff as being very thorough, diligent, informative, and open. She felt that the information was widely available and she disagreed with the arguments about lack of notification. She said she spoke on behalf of the Proctors, DeGroots, Haugans, Sharkeys, Laceys, Roses, Hazes, Hollands in stating that they felt the City has done thorough research and planning. She urged the Council, on behalf of herself and those families, to approve the proposed plan.

Heather Izzard, 4726 87<sup>th</sup> Avenue NE, concurred with Ms. Miller's comments. She said she had and her husband had been aware since they purchased the property nine years ago that this was a possibility. They have followed the process for the last

two years. She felt that she had been very well notified and well informed. She urged Council to make a decision.

Jeff Coon, 4003 83<sup>rd</sup> Avenue NE, stated that the proposed new road would take the majority of his property away. He requested clarification of how this would affect him.

Mike Pattison, Master Builders Association, concurred with the comments by Barclays North regarding higher densities. This would help further GMA goals and is a very modest approach. He spoke in support of discarding the secondary impact fee, but urged a review of the disparity between commercial and residential fees.

Seeing no further public comments the hearing was closed at 8:56 p.m.

Councilmember Nehring asked staff for clarification regarding road improvements. Community Development Director Hirashima responded that the City had identified where connections should be and that development would construct the roads. This could take many years because it would be developed parcel by parcel, but the City already has received dedication of 40<sup>th</sup> Street connection from 71<sup>st</sup> to 83<sup>rd</sup>, which is a significant section.

Chief Administrative Officer Swenson talked about how this property came into the City and the commitments to make sure the road fees and the mitigation fees are sufficient to reflect a holistic master plan. The congestion that exists now is a result of lack of planning by the County in the past. The City is master planning this area to ensure that it gets done right.

Kevin Nielsen discussed the engineering that went into the proposal. He explained why simply widening the existing roads would not be an ideal solution for the volume of traffic in the area. He commented that they have worked with Perteet to meet the best engineering solutions for the development into 2025.

Councilmember Rasmussen emphasized the importance of bike/pedestrian paths for non-motorized transportation. She also commented that since this area is largely in the Lake Stevens School District, the City has an obligation to give them better access to their schools and related activities. The connection to 92 is important for this. She stated that the goal would be to get people to travel on 67<sup>th</sup> rather than Sunnyside which would require it to go to five lanes.

Councilmember Seibert asked about interim improvements at 44<sup>th</sup>. Kevin Nielsen replied that they could look at it, but they would need to work with property owners regarding right of way. They may be able to do some minor safety issues, which would help the situation.



Councilmember Seibert discussed how a poor working relationship with the County and lack of planning in the past created some of the transportation issues that are being dealt with now.

He then asked about plans for the 5-leg intersection at 40<sup>th</sup> and 67<sup>th</sup>/71<sup>st</sup>. Mr. Nielsen commented that this would probably not be a 5-leg intersection. This is still conceptual, but 67<sup>th</sup> would probably be tied in a little further to the north of the intersection.

Councilmember Seibert asked how they could make sure people are properly notified as things progress. Gloria Hirashima stated that as development applications come in, public notification will occur. The City will continue to work on overall alignment with engineering. This will be posted on the website. People can also request to be placed on the planning commission group list.

Councilmember Seibert commented that growth would have occurred in this area even if they had not been annexed. The difference would have been that the careful consideration of traffic flow would not have occurred. He noted that the City is stuck with trying to do the best they can with the area that is left.

Councilmember Soriano referred to the Perteet study traffic volume count. He asked if there was a possibility that the state would share in that cost. City Engineer/Assistant Public Works Director Nielsen said yes for TIB, but no for WSDOT.

Councilmember Soriano asked why they couldn't go straight through to 83<sup>rd</sup> from SR92. Mr. Nielsen explained that requirements from WSDOT limit the City's options. There are restrictions about the distance from Highway 9 to the next nearest intersection. Councilmember Soriano asked about 83<sup>rd</sup> and 528. Mr. Nielsen explained that the difference is that the City is asking for a break in access at Highway 9.

Councilmember Seibert asked about other options such as using 87<sup>th</sup> or 83<sup>rd</sup> for the north-south collector. Gloria Hirashima explained that they had considered these. Perteet reviewed both of those options and determined that they would not be feasible.

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert to approve the Planning Commission's recommendation to adopt the East Sunnyside/Whiskey Ridge subarea plan, development regulations and areawide rezones, to accept the staff's recommendation regarding the citywide traffic impact fee and to direct staff to make the necessary revisions to the plans prior to adoption by city ordinance on May 14, including the clarifications from the Community Development Director. **Motion** passed unanimously (7-0).



Gloria Hirashima thanked the Council for the good questions and for their support of the plan.

Mary Swenson thanked Gloria Hirashima, Paul Roberts, Kevin Nielsen, Grant Weed, all staff members who worked hard and the Council for making the difficult decisions.

Chief Smith explained that the City is having a hard time getting academy slots. They hope that additional funding from the legislature and plans for a north county academy will help with this.

### **CALL ON COUNCILMEMBERS**

Jeff Vaughan thanked staff for their hard work on the master plan. He expressed his support of master planning.

Donna Wright concurred. She discussed an issue brought to her by citizens regarding intersection backups at 88<sup>th</sup> and 36<sup>th</sup>. Chief Smith indicated that they would look into this. Councilmember Wright announced that she would be out of town for the rest of the week and would be unable to attend the Public Safety Committee meeting.

Jeff Seibert thanked staff for their hard work. He discussed the impact of the annexation tax. He also commented on the implications of the rebate of traffic impact fees. They are looking at modifying this or making the threshold higher so that this is available to some of the larger stores because this pays for itself within a year's time and appears to be valuable to the City.

Carmen Rasmussen reported that she attended the Washington Recreation and Parks Association Conference. One of the classes she attended was regarding transportation and active living, by David Tanner with WSDOT Bicycle and Pedestrian Transportation. This was very informative and she invited him to come to Marysville for a presentation. Ms. Rasmussen was very encouraged by what she heard in the class.

Lee Phillips thanked staff for their hard work. He expressed concern about the complaints heard at the hearing regarding lack of notification. He wondered how they could encourage more public participation. He announced that he is engaged with a date in October still to be determined.

John Soriano thanked and complimented the staff who manned the Earth Day celebrations.

Jon Nehring thanked staff for all the work done on the plan. He also thanked Judy and staff for the volunteer reception. He commented that the sales tax rebate and

other things Community Development have done have had a huge impact on Marysville's image as friendly to business.

Jeff Seibert added that the Firemen's Banquet was excellent.

Mayor Kendall said he also attended the groundbreaking at the new school on Saturday. He thanked staff for a job well done and thanked Council for their continual support.

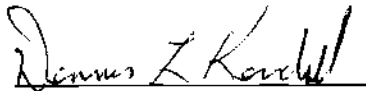
### INFORMATION ITEMS

None.

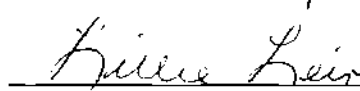
### ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the meeting at 10:00 p.m.

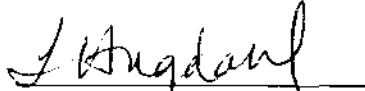
Approved this 4<sup>th</sup> day of May, 2007.



Mayor  
Dennis Kendall



Deputy City Clerk  
Lillie Lein



Recording Secretary  
Laurie Hugdahl