

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

JUNE 22, 1992

00251

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETING:

6/8/92 Approved

STAFF'S BUSINESS:MAYOR'S BUSINESS:CALL ON COUNCILMEMBERS:AUDIENCE PARTICIPATION:

Rex Walker

PRESENTATION:"Last Wave" Print by  
Michael GentryPETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

None

CONSENT AGENDA:

- |   |          |
|---|----------|
| 1. Auth. Mayor to sign Agreement for Msvl. Area Map/Informational Guide Grant | Approved |
| 2. (4) Liquor License Renewals  | Approved |
| 3. Auth. Mayor to sign GTE Maint. Contract for E911 System                    | Approved |
| 4. Auth. Mayor to sign Emerg.Veh. Operation Training Agreement                | Approved |
| 5. Acceptance of WWTF Lagoon Improvement Construction, Phase I                | Approved |
| 6. 6/22/92 Claims - \$191,818.48  | Approved |

REVIEW BIDS:

- Jennings Nature Park Restroom Bldg. - Approved - Bid awarded to Amtech Corp.

CURRENT BUSINESS:

- |   |  |
|---|--|
| 1. Utility Variance MSD, continued              | Approved   |
| 2. Northpointe LPI Binding Site Plan PA 9001004 | Approved Div. I w/vertical curbs                                       |
| 3. SR 528 Improvements; I-5 to Columbia         | Committee to discuss further at mtg. 6/25/92 2 PM (D. Zabell's office) |

NEW BUSINESS:

- |  |                           |
|--|---------------------------|
| 1. Utility Variance Request Wm. Carle, 15309 51st Av. NE | Approved                  |
| 2. Educational Incentive Policy                          | Approved effective 1/1/93 |

ORDINANCES & RESOLUTIONS:

- |  |                    |
|--|--------------------|
| 1. Special Resolution Honoring Bob Kissinger's Service/Employment                      | Res. 1557 Approved |
| 2. Ord. annexing Johnson Property  | Ord. 1895 Approved |
| 3. Ord. annexing Quil Ceda Auto  | Ord. 1896 Approved |
| 4. Ord. relating to condemnation of necessary R/W for const. & widening of 80th St. NE | Ord. 1897 Approved |
| 5. Res. re Stillaguamish Center Utility Variance                                       | Res. 1558 Approved |

LEGAL MATTERS:

- |                               |                          |
|-------------------------------|--------------------------|
| 1. Recovery Contract - Zelmer | Rec. Cont. #163 Approved |
|-------------------------------|--------------------------|

ADJOURNMENT INTO EXECUTIVE SESSION:

11:00 p.m.

- |                |                       |
|----------------|-----------------------|
| 1. Real Estate |                       |
| 2. Personnel   | 3. Pending Litigation |

RECONVENED & ADJOURNED:

12:20 a.m. 6/23/92

CORRECTED: SEE 7/6/92  
MINUTES

MARYSVILLE CITY COUNCIL MINUTES

JUNE 22, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman

CORRECTED: SEE 7/6/92  
MINUTESAdministrative Staff:

John Garner, City Administrator  
 Grant Weed, City Attorney  
 Steve Wilson, Finance Director/City Clerk  
 Dave Zabell, Public Works Director  
 Jim Ballew, Parks & Recreation Director  
 Eric Thompson, Associate Planner  
 Bob Kissinger, Utilities Superintendent  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Wilson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Pedersen referred to page 1 of the 6/8/92 minutes and noted under Minutes of the Previous Meeting, that Councilor McGee and not she and Councilor McGee, received the phone calls referred to.

There being no further corrections, Councilor Wright moved and Councilor McGee seconded to approve the 6/8/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner reported that Harry Britton has submitted his letter of resignation, with his last day to be 7/31/92; the City Council Workshop is still on for 6/29/92 from 4-8 p.m. at the Village Motor Inn; the City Administrator's City vehicle is in the shop because paint has been flaking off of the vehicle.

City Attorney Weed reported he recently attended an Assn. of City Attorneys meeting in Olympia and some very significant land use decisions and regulatory matters were discussed and this information should be passed along to the City Council and/or Planning Commission as soon as possible. He will attempt to accomplish this in the near future, he said.

Associate Planner Thompson reported 3 Comp Plan public hearings were held last week, with 250-300 people in total attending and 72 people speaking on the record.

Public Works Director Zabell reported the WWTF Outfall plan has been approved by DOT; improvements behind LaJoy are being started (71st) with the first step being to remove resident fish out of the stream; GTE/PUD coordination needs to be completed on pipeline project; no dirty water calls so far this year; peak water

JUNE 22, 1992

Page 1

MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 2

consumption was 6 million gallons per day, with the Cedarcrest Reservoir being maintained to date.

City Attorney Weed then read a special resolution honoring Robert "Bob" Kissinger who has been employed with the City since 1963.

Councilor Baxter moved and Councilor Pedersen seconded to adopt/ approve Resolution #1557 honoring Bob Kissinger and the motion was passed unanimously. Utilities Supt. Kissinger thanked everyone for their kind words and his almost 30 years with the City.

Councilor Baxter commented on the other 90% of Utilities Supt. Kissinger's accomplishments that went on "behind the scenes" and noted this is the kind of employee that should not be allowed to retire!

MAYOR'S BUSINESS:

Mayor Weiser advised that he is looking for nominations for the Snohomish County Health District Board. After Councilor Pedersen indicated she would be interested in the position on the board, Councilor Baxter moved and Councilor McGee seconded to nominate her. Passed unanimously.

With regard to the interim annexation policies and UGB interlocal agreement with the County, Mayor Weiser reported that Councilor Wright attended the last Snohomish County Tomorrow meeting on his behalf. Councilor Wright stated there's another meeting scheduled for next Wednesday night and there's a movement to push back the 7/1/93 date for approval of all Comp Plans, with 15/19 cities in Snohomish County thus far having approved their urban growth boundaries. Mayor Weiser noted Monroe went with their present city limits; Stanwood, Marysville and Arlington have not settled as yet.

Councilor Wright commented that Snohomish County Tomorrow will be meeting more often and will be moving right along on the interim annexation policies. Mayor Weiser added they are trying to get as many interlocal agreements as possible signed.

Councilor Pedersen noted that at the AWC Convention, Jim Compton (TV commentator) accidentally referred to the Growth Management Act as the "Gross" Management Act!

CALL ON COUNCILMEMBERS:

Councilor Wright reported on workshops she attended at the AWC Convention, one of which was to do with designing of communities, another regarding the American Disabilities Act.

Councilor Pedersen reported on a workshop she attended that stressed getting the community involved and some ideas given were televising City Council/Planning Commission/Parks Board meetings; having the local boy/girl scouts lead the flag salute at the beginning of the City Council meetings; three times a year go out in the community with the City Council meeting. She asked about the progress of the Ash St. Park & Ride.

Public Works Director Zabell stated the adjacent property owner still needs to finalize plans/participation in the project.

Councilor Pedersen asked about IST funds for bridges and Public Works Director Zabell said he would follow up on this.

Councilor Pedersen asked about handicapped parking during the

MARYSVILLE CITY COUNCIL MINUTES  
 JUNE 22, 1992  
 Page 3

Strawberry Festival Parade and if the Public Safety Bldg. parking lot could be used for people with special parking permits, eg. She asked about the City staff making any decision on using purchase orders.

Finance Director Wilson said he is still looking at this; he is in the process of doing the annual report right now.

Councilor Baxter reported he visited the pipeline project and with the exception of coordination by GTE, the project is substantially complete.

Councilor Myers asked about stenciling of storm drains in the streets to indicate a danger to fish if hazardous waste is discarded. Public Works Director Zabell said he would follow up with this in Councilor Myers' neighborhood.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Rex Walker, 7214 67th Pl. NE, addressed Council with regard to following up on the tree cutting in Munson Creek. He said he was wondering about the park meeting to be held.

Parks & Recreation Director Ballew stated the City is awaiting final clearing and once they meet with the Dept. of Fisheries, the community will be involved with the next phase of reclamation. He stated DOF should be up here in the next couple weeks and the Parks Dept. will meet with the neighborhood at that time, after sending out notices of the meeting to all who have indicated an interest.

PRESENTATION:

City Administrator Garner presented a print, "The Last Wave" donated by local artist, Michael Gentry. It was noted that some of Gentry's originals are valued at \$42,000 or more, with the value of this print being about \$200.

Councilor Baxter moved and Councilor Herman seconded the acceptance of the print from Michael Gentry, to be framed and mounted in the Public Safety Bldg. and with a letter of thanks to be sent to Michael Gentry. Motion passed unanimously.

CONSENT AGENDA:

1. **Authorize Mayor to sign Agreement for Marysville Area Map/ Informational Guide Grant.**
2. **Approve Liquor License Renewals for Foodworks Cafe, Market & Deli; Jim's Texaco & Grocery; Maxi's Restaurant; Smokey's Cascadia.**
3. **Authorize Mayor to Sign GTE Maintenance Contract for E911 System.**
4. **Authorize Mayor to sign Emergency Vehicle Operation Training Agreement.**
5. **Acceptance of Construction; Wastewater Treatment Facilities Lagoon Improvement, Phase I, Internal Treatment.**
6. **6/22/92 Claims in the Amount of \$191,818.48.**

Councilor Pedersen questioned the boundary of 148th indicated in the Marysville Area Map and Councilor Herman stated this is an update of a previous map. He asked about the financial makeup between the grant and budget monies.

City Administrator Garner explained that there was \$9,000 set aside under the tourism budget and what isn't covered by the grant, would come out of that.



MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 4

Councilor Pedersen said she would hope there is some provision for proofing the document in the event of wrong phone numbers, etc.

Councilor Leighan asked about the funding source and the hold harmless agreement with regard to Item #4.

City Attorney Weed explained this program has been in place for some time and put on by the county sheriff's dept. He noted there would be a very small liability, if any, for the City to assume and there is no charge for the event.

Councilor McGee moved and Councilor Myers seconded to approve Consent Agenda Items 1 through 6. Passed with Councilor Leighan abstaining on Item #6.

REVIEW BIDS:

**1. Jennings Nature Park Restroom Building.**

Parks & Recreation Director Ballew referred to the agenda bill, noting the low bid came in from Amtech Corp. at \$29,228.64 including tax and this would be for a completely assembled building, ready to put on a slab, which is the preferred situation, he said. He noted the monies are from an IAC grant and the building would also house storage for the park.

Councilor Baxter moved and Councilor McGee seconded to award the bid to Amtech as recommended by staff. Passed unanimously.

CURRENT BUSINESS:

**1. Utility Variance; Marysville School District; continued from April 6, 1992 City Council Meeting.**

Ward Sayles, representing the Marysville School District, addressed Council, noting that the Snohomish County Conditional Use Permit hearing will be 7/7/92. He stated the completion date for the school is targeted for 1994 and the need is there--they currently have 72 portables in the Marysville School District and the last 2 schools have been opened with portables. He noted this school doesn't take into consideration any increases in population because of the Navy, just projected normal growth within the community.

Councilor McGee noted this school would house 500 students, out of the 2000 presently housed by the portables.

Mr. Sayles agreed, noting the school district would not be opposed to a force main as they have at Sunnyside.

Mayor Weiser referred to Dave Zabell's memo with regard to a No Protest Agreement and City Attorney Weed said that would be discretionary by the City Council.

Councilor Pedersen asked about a letter of support from the Tribes and whether the City should have something like that, as the county will be getting. City Attorney Weed said yes, in view of it being outside of RUSA.

Mr. Sayles said the school district has a letter of support from the Tulalip Tribes that went to the county.

Councilor Herman said he feels a No Protest Agreement is not as significant in the case of a school district as it would be in the case of a homeowner and also in view of it being on reservation land.

MARYSVILLE CITY COUNCIL MINUTES  
 JUNE 22, 1992  
 Page 5

Mr. Sayles pointed out that the property is actually on private property, not tribal land, but it is on the reservation.

Mayor Weiser said he knows there have been concerns in the past and that Dave Zabell has been in touch with the Tulalip Tribes on other matters.

Public Works Director Zabell said he feels strongly that the City should maintain control of the water line.

Discussion followed about the use of the water for the school only, future ownership of the pipeline, Councilor Baxter having some concerns about the agreement and referring to a confidential memo from City Attorney Weed.

Councilor Herman said he felt it's clear there's an extreme need on the part of the Marysville School District and Councilor Baxter noted the City has extended sewer to the Lakewood School only they are not on the Tulalip Reservation and Lakewood is in the CWSA.

Public Works Director Zabell stated it would take a half mile extension to get to the school; Marysville West is in RUSA.

Councilor Baxter said everyone needs to understand the problems the City has gone through with the extra sewer hookups over the past 2 years and going outside of RUSA with this line puts the City in a position of being criticized again, but because it is for the school, Councilor Baxter moved to grant the variance with the 5 findings of fact from City Attorney Weed's memo, with the City having the right to retain the ownership of the line. Councilor McGee seconded and the findings of fact were outlined:

1. Necessary and appropriate to prevent unreasonable hardship (extreme overcrowding in the Marysville School Dist)
2. Exceptional and extraordinary circumstances - size of school;
3. Necessary for the preservation of the property rights of the school district. They would not be able to build the school without sewer and water.
4. The variance would not be materially detrimental and incremental discharge would not be of an amount detrimental to the capacity of the sewer, with it being limited to the school's use.

It was noted the use of a force main was to be included in the motion. A roll call vote revealed all Councilmembers in favor of the motion and it passed 7-0.

**2. North Pointe L.P.I. Binding Site Plan; PA 9001004.**

Associate Planner Thompson reviewed the agenda bill and put the site plan on the board. He stated that with the exception of the road cross-section, staff finds the binding site plan to be in compliance and would recommend the Mayor be authorized to sign off on the binding site plan.

Councilor Pedersen asked about this matter being remanded back to the hearing examiner.

Associate Planner Thompson explained the applicant would like to revise their request tonight to vertical curbs and have Division I approved, with the rolled curbs matter then to go back to the hearing examiner, with subsequent possible modifications as a result of the hearing examiner recommendations.

MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 6

Councilor Baxter asked about the 1.4 acres being dedicated to the City and Associate Planner Thompson explained the applicant has left the old growth conifers because of their uniqueness.

Councilor Leighan asked about the impact to Brookwood IV with regard to ingress and egress and Public Works Director Zabell explained it was designed for ingress and egress and there is another stub road in Brookwood IV that's been put in to help, also.

Bill Binford, Kirkland, addressed Council and stated with regard to the trees, they are actually on a buildable lot but it's old growth and Mike Corcoran originally suggested the applicant get the City involved.

Mayor Weiser asked about vertical vs. rolled curbs and Mr. Binford explained vertical curbs are more expensive and they are planning to pursue this issue with the hearing examiner but tonight they would just like approval for the binding site plan with vertical curbs.

Councilor Baxter noted there is a sizable amount of acreage to be deeded to the City which is wet, open field.

Public Works Director Zabell stated they had a staff meeting today with the applicant and the City would get a blanket easement for the field; the timbered portion has been discussed and some of the trees may be taken out before it's dedicated to the City.

Councilor Baxter referred to the Centex dedication with a good public use. He asked about the use of this dedication when all it's got on it is tress. He pointed out that this could result in a fire hazard in the dry weather, it needs to be maintained and it's a liability to the City overall.

Councilor Herman said he disagreed, that he feels the trees can be left in there and the City should responsibly encourage the protection of the open space which he said he feels can be done best when the municipality owns the open space.

Mr. Binford said he would suggest the Parks Dept. take a look at it and if there's no interest, the applicant could develop it.

Councilor Pedersen noted the whole thing has already gone through the hearing examiner process.

Councilor Baxter said he would like to take a look at the stand of timber before Council makes any decision either way.

Mr. Binford pointed out the applicant has been trying to get this property developed for two years and they would like to get it approved, with the final decision being made on the open space at a later date. He noted the open space is not part of Division I.

City Attorney Weed agreed that it can wait until the final phase of the plat.

Public Works Director Zabell stated that if the developer wants to develop the open space, it would have to go back to the hearing examiner.

Councilor Herman said he still has a concern with the curbing and Public Works Director Zabell explained it can be approved with vertical curbs and then the applicant is hoping for the possibility that the hearing examiner may approve rolled curbs

prior to construction.

Councilor Herman moved to authorize the Mayor to sign the binding site plan for Division I with the vertical curbs change. Councilor Wright seconded and the motion passed 6-1 with Councilor Leighan opposed.

**3. SR-528 Improvements; I-5 to Columbia Avenue.**

Public Works Director Zabell explained the difference in the Downtown Merchants' position and the City's position regarding parking on 4th between State and Columbia, the C-curbing and turns onto Delta. He referred to memos in the packets.

Rick Mitchell, Project Engineer, WSDOT, addressed Council and stated they are planning C-curbing all the way to Columbia with signalization north and south on Columbia.

Mayor Weiser asked about phasing east and west bound traffic and Mr. Mitchell responded that this was not within his field of expertise.

Councilor Pedersen asked about the two traffic studies and Mr. Mitchell said the major difference is Gibson recommends a signal at Delta but WSDOT feels it is not feasible because of the other signals on 528, with traffic on State and Cedar becoming more congested and the signal will prove to be a detriment, he said.

Public Works Director Zabell noted that is basically staff's position also, because the 4th & Delta intersection only meets 3 out of 11 warrants.

Ed Mulhausen, representing Jack In The Box, addressed Council and apologized for his lateness of response. He read a letter to DOT and in it noted Jack In The Box disagrees with DOT's position, being deeply concerned with the adverse impacts the no left turn onto Delta will have and keeping the safety issues in mind, he said it must be realized people will not travel out of their way to come to a fast food place of business. He stated they have contacted their legal department regarding this and would like City Council to reconsider their position. He noted that there aren't many times you are going to find Jack In The Box and Burger King representatives in the same room but they are on this! This is going to have a serious impact--40-50% of Jack In The Box business can be lost through the DOT curbing plan, he explained and he noted that their plan has defeated the main reasons for JITB being in business, the three main considerations: location, visibility and accessibility. He noted that their customers are not going to try and find JITB more than once and JITB is going to have to let employees go, with the potential impact being disastrous, especially combined with the Tulalip offramp at 88th being put in in the near future. He also noted that JITB has a lot of money invested in Marysville--anywhere from \$500,000 to \$1,000,000 and he asked how his customers are supposed to know how to find them because no signage has been included in the DOT plan and Marysville's sign ordinance probably won't allow directional signs. Another concern he said he has is August is the biggest month of the year for fast food restaurants and that is when DOT has the construction planned, which is most probably going to increase traffic on 5th, 6th and Cedar. He noted there are a lot of issues here and as far as accidents, he asked how many have been specifically left turn accidents. That was not information included in the DOT traffic study and the accidents could be people changing lanes, for example, he said. He noted there are a lot of other merchants being impacted and he asked what the DOT/



## MARYSVILLE CITY COUNCIL MINUTES

JUNE 22, 1992

Page 8

City is really solving by spending \$600,000 because all he can see is a "shift" of the problem/accidents.

Mayor Weiser asked if Mr. Mulhausen was aware of the traffic study that was done 3 years ago and Mr. Mulhausen said yes, they were involved in the opportunity to improve the offramp at 4th & I-5.

Public Works Director Zabell pointed out that it was stated at that time that if total accidents did not reduce, the City would have to put in a C-curb but Mr. Mulhausen pointed out there is more traffic now and still the same total number of accidents.

Tom Grady, 1244 Patricia Lane, Burlington, Manager of Marysville Albertson's, addressed the Council. He presented a petition to City Council signed by over 50 people, petitioning for a 4-way light to be installed at 4th & Delta, a 4-way light to be installed at 4th & Columbia and to provide parking on the south side of 4th between State and Columbia. He further presented a letter from the Greater Marysville Chamber of Commerce in support and strongly endorsing the stand taken by the petition. In conclusion, he pointed out that his job is to do business, Mr. Mitchell's job is to move traffic and this is now a City Council issue and not the WSDOT's total issue. He said the City Council needs to make sure that the vitality of the downtown area is not seriously violated and asked if there isn't another solution other than C-curb.

Ron Beams, 945 2nd St., Mukilteo and owner of a business at 1515 3rd St., Marysville, addressed City Council, stating he is the new president of the Downtown Merchants Assn. He stated he sees the need to move traffic, safety issues, etc., but he sees some severe problems with a lot of small business going out of business. He said he has no expertise in traffic studies but there is a depth of expertise when it comes to running a business, represented by all the merchants here tonight and others who have signed the petition and come before Council. He explained the merchants have hired someone that can talk WSDOT's language, even though he doesn't see anyone from WSDOT looking at the retail problems in Marysville. He referred to a retail business in Everett that closed down because of a lack of parking and noted that people go to the mall because there's parking there and that's what's going to happen in Marysville. He asked what the intent is here and said he would like to work this out, because the City of Marysville has no parking problem, no government agency seems to have a parking problem but the revenue for that parking comes from property and sales tax revenues. He said they did some research on just 30 small businesses in Marysville and discovered that there is a total of \$278,750 total taxes paid to the City by those 30 small businesses in a year. He asked what kind of planning has been done in Marysville with regard to increased retail sales when the population reaches 50,000 and he pointed out that the downtown corridor is divided by 4th St. and these merchants are a very important part of the community. He introduced Mike Riggs of Gibson Traffic Consultants who has been hired to look at the City and State's proposal.

Mike Riggs, P.E., addressed Council and stated some of the conclusions they have reached are that at least 2 warrants have been met for a signal at 4th & Delta and this signal is feasible, even with one at every block. He pointed out that WSDOT is saying a signal won't work in the year 2015 and in the meantime, engineering judgment has to come into play, he said. He pointed out the pros and cons of going strictly by the design manual and how the whole traffic study was based on two 15 minute periods of peak hour traffic a day. Further, he said DOT seems to be overbalancing

the problem by not allowing turns onto Cedar and Delta, when in fact there's a 5:1 differential and they have not allowed for that, they feel. He said the mistake, they feel, that is being made by DOT is that they are strictly going by the design manual and another point was well made--where is the traffic going to go? He pointed out also that left hand turns without signals are going to cause a lot of congestion and Gibson Traffic Consultants see C-curbing as a quick fix and feel that signalization at Delta is very doable. The C-curbing would be very difficult to remove, he pointed out, because it's pretty permanent and will tie everyone's hands and have a very lasting effect on other interesections as well, he said.

Councilor Baxter asked about Beach and Mr. Riggs stated they did not include Beach in the study. He added that Delta is a big concern--it's important to keep it a through street and further, the accidents were not as a result of left hand turn movements.

Mayor Weiser asked him about traffic counts and he gave some figures, noting that Columbia & 4th only met one warrant. On Delta the total volume is 2005 vehicles per hour in the peak hour for both directions, he said, with the left turn volume being 140 vehicles per hour onto Delta. Public Works Director Zabell also listed some traffic counts.

Gus Schairer, owner of Davis Stationery, 1508 3rd St., addressed Council. He asked if there is a plan to close Delta between 5th and 6th for City Hall.

Mayor Weiser stated that's one of the scenarios that's been discussed.

Mr. Schairer asked about TIP 3 and Public Works Director Zabell explained the benefit area, the need to improve the I-5/4th St. offramp, modification of the City's 6 year street plan to include opening of 5th St.

Mr. Schairer noted it is virtually impossible to turn left on the side streets and he used the metaphor that DOT is the water line and the merchants are just trying to water their gardens.

Chuck Sill, Vice President of Burger King Corporation and Western Regional Manager, addressed Council. He noted that accessibility is a very key feature for a franchise and most franchises are signed up for a 15-20 year period. Sales can drop 60% with a median like this, he noted and traffic is critical to the success of the business. He said he is from L.A. and appreciates the opportunity to address the group because this is very important to the future of Burger King and to the future of the community.

Jeff Pratt, attorney for Gordon Peterson, Marysville Burger King Manager, addressed Council, stating he has represented about 40 other franchises as well. He noted that Mr. Peterson first found out about this plan in March of 1992 and it apparently had been planned for some time prior to that. The C-curbing plan has since been extended to Columbia, he noted and he said they understand the safety concerns and met with DOT. They were surprised to learn that out of 28 accidents at Delta & 4th there was only one accident that was as a result of a left hand turn, he said and he stated they proposed an alternative of a left turn onto Delta only, however Mr. Mitchell did not concur with this solution, but he said in practicality, the storage lane for the left turn lane is never full, which was DOT's argument, he said. Further, he noted that he is not saying Marysville doesn't have a problem, but it's at a very defined period of time and DOT's solution is

MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 10

overkill they feel. The signal at Delta makes sense, it would solve the accident problems, a stop sign at the Mall exit (at Delta & 4th) would help also, he said. He added that the main concern is not safety any more, it's traffic flow and congestion needs to be relieved from I-5 to Cedar because 70% of the accidents occur in these 2 blocks. He said the signal can be timed, you can work out storage and the main advantage is you don't hurt the businesses. The light may even help to slow down the traffic, he said, and reduce accidents. He added that he thinks the DOT plan is acting as a funnel with traffic being funneled on to State and planning for the year 2015 is very iffy with the possibility of the 88th St. Interchange going in and the timing is critical, he said. Surviving the short term in preparation for the long term is what is needed here, he said and he noted it's been done in the past and he said he thinks DOT will work with the City on this. He said he believes the City can develop a consensus on this in line with the merchants and he concluded their recommendation would be limiting C-curbing with signalization at Delta in deference to the local citizens.

Curt Leady of Seafirst, on behalf of Blake Gregory, addressed Council. He stated they agree with what's been said and he noted that earlier, Council had been talking about practicality--you have safety issues, you have compromises, but City Council has to consider the vitality of the businesses and he said he would hope that City Council considers not allowing the DOTs program to go forward.

Alan Strand, Terranomics, addressed Council and noted that at last meeting they asked the Council to go along with the Downtown Merchants' traffic study and he said he would ask that the Council direct the Mayor to do this.

Tony Bundy, owner of Bundy Carpets, addressed Council, saying he feels like the little flea that's being threatened by the elephant gun. He said he comes off the freeway every day and has no problem. He has lived here 30 years and the only time he has trouble is with the train, he said. He urged Council to please remember the small business because he remembers when he worked for J. C. Penney and the head office took away the local authority so that the local J. C. Penney had to ask head office's permission for where to put display tables. He said he sees some of that happening in this case and the local people know the local community best and with a curb down the center there will be no turns and there are going to be more problems caused on the side streets, he said. He added it's going to make things a lot worse.

Mia Mueller Van Horn, representing the new owners of the Marysville Mall (effective July 1st), addressed Council. She stated the Mall at this point has 35 merchants and is fighting for its survival. They also employ a great number of Marysville people and the concern is lack of accessibility, she said. If people can get in, it's another problem for them to exit and all the traffic will be put on to State, she said. She added that putting up another barrier for the merchants is going to make it very very difficult for them; they are already having a tough time, she pointed out.

Mayor Weiser noted it's WSDOT's duty to consider safety, it's the merchants' concern to keep business alive in the City and the City Council's responsibility to balance the two. He said another plan was discussed today and it was to leave an opening between the C-curbing to allow left turns onto Delta and as far as the parking on 4th, the property the City was negotiating on is going to be turned into offstreet parking now so that situation has been en-

hanced, he said, at 4th & Columbia. Another idea discussed was "porkchops" so that you could not turn west out of the Mall nor south into the Mall, he said. He noted that 3rd was originally to be the main entrance and exit and that's why 1st was improved. He noted that perhaps some merchants have been given the wrong idea about the City making commitments regarding the Mall in the past.

Mr. Mitchell of DOT said he appreciates the Downtown Merchants' views and as far as WSDOT's proposals go, from I-5 to State has been listed as a high accident corridor and the plan has to do with the safety in that corridor, he said. He noted also that any time you have a break in a curb you have violations and they are looking for positive channelization. It's signed for 25 mph and that provides for movement in and out of the Mall, etc., he said. He added that nobody likes change and with the growth in the area it will be more difficult to make the changes later than it is now. There has been a lot of money spent on the improvement, safety and capacity issues, he pointed out.

Councilor Baxter said it was unfortunate that the DOT has not taken into account the local businesses for the sake of a 3% population growth. He added that there are a lot more people using the highways but you need to consider the local merchants, too.

Mr. Mitchell said one of his first considerations when he goes shopping is that he wants to go to the safest place and not somewhere he is likely to get into an accident.

Councilor Baxter argued that he drives that area all the time and doesn't find it a problem to get in and out, with the present lights. He said crossing at Delta and Beach is more dangerous but he said he doesn't agree with closing these streets off altogether. State St. is really an obstacle right now, 4th & State is a real mess, he commented.

Mr. Mitchell said that the current project would address that and Councilor Baxter asked that with the normal increase in population if the increase in holding lanes would last for more than two years.

Mr. Mitchell said he strongly agrees with the merits and designs of the WSDOT proposal for the current problems.

Councilor Baxter noted his business is south of 4th and it won't affect him as much as someone on 4th, but it's still going to affect him.

Mayor Weiser asked about the August timing and Mr. Mitchell said their ad date is 7/13 so construction could start mid August or later, it depends on the construction office. He said they may phase the whole project. He added that the contractor would provide the signals, not DOT.

Mr. Schairer said back when the Mall was developed there were commitments made with full turning to be preserved at Delta & 4th and proper signalization. He quoted from a letter and he said he still has a concern with the "safety issues" when this project is actually going to cause more problems at the 4th & I-5 off ramp, with two parallel right hand turn lanes, eg.

Councilor Herman said he has heard a lot of good arguments for and against and agreed the traffic is a mess but business concerns are legitimate, too.

MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 12

Councilor McGee asked when the 88th St. Interchange is planned to be constructed and Public Works Director Zabell said 1994-95.

Councilor Baxter talked about lights on Everett Avenue being synchronized with traffic being able to go across town without stopping and Councilor Myers talked about modifying the original plan with allowance of left hand turns onto Delta, with a light at Delta.

Councilor Baxter mentioned previous agreements.

Mr. Beams noted that with a stop light at Delta, several merchants would help with the financial responsibility; he has just been authorized to convey this message to City Council, he stated.

Public Works Director Zabell estimated the traffic signal costs would run from \$120,000 to \$150,000.

Mr. Mulhausen noted the merchants want to work with the City, that they don't think this is an end all solution but neither is DOT's --reducing sales tax revenue is not going to help the City, he pointed out.

Mayor Weiser said this would be an interim step and several years ago C-curbing was talked about and the signal would only be interim, he warned.

There was discussion about exiting from Burger King safely, the merchants being willing to help solve the problem.

Councilor Pedersen suggested getting some Downtown Merchants, DOT, City staff together for further solutions/options.

City Attorney Weed noted this is a state owned highway and even if the City came up with alternatives and/or funding, he asked what the state's reaction would be to that and if the City could override the state's action.

Cliff Richardson, Project Engineer, DOT, responded that they would not turn down the money, they would want to cooperate with the local jurisdiction and certainly, if the project makes sense, they would go along with the City, but he noted DOT would have to have final approval.

Public Works Director Zabell noted that a similar left turn and signal request was rejected by DOT on another occasion.

Mr. Richardson said the merchants' solutions are not good long term solutions and he talked about some of the short falls of the merchants' proposal on the board. He noted there is an obvious safety problem, there is a high accident record and something needs to be done.

Councilor Baxter pointed out that if it wasn't for the businesses, there would be no problem and Mr. Richardson said DOT understands the concerns and in working with the City over the last 4-5 years, they feel they have come up with the best solution/compromise.

Councilor Baxter said he feels the City may be paying for DOT's mistakes because if in 2 years from now, with most of the businesses out of business, there is nothing you can do to reverse a mistake of that magnitude. He said the merchants feel they have an idea that is practical and if the DOT turns it down, it's too bad. He added he doesn't feel there's anything that can be done for the short term that's going to last for the long term but the

MARYSVILLE CITY COUNCIL MINUTES  
 JUNE 22, 1992  
 Page 13

merchants want to go all the way at this time--at least a 5 year plan would help for the "now", he said.

Mr. Richardson said they can take another look and see if they can get more than 5 years out of it.

Councilor Pedersen moved that the Mayor select a group to be comprised of staff, City Council, Downtown Merchants and representation from DOT to reevaluate the options discussed tonight, to come back before Council by 7/6/92. Councilor McGee seconded.

Mr. Richardson explained DOT wants to go to ad 7/10 and the proposal on the board can be accommodated/modified. There was more discussion about time line, DOT not having flexibility, Mike Riggs pointing out that the side street treatments and C-curbing are not permanent and can be removed, if necessary. It was also noted that DOT would not be in favor of opening the C-curbing at only one intersection, they would need to open it for all intersections--Beach, Cedar and Delta. Councilor Herman suggested having a special session of City Council 6/29/92.

A roll call vote was taken and the motion passed 7-0. Mayor Weiser appointed the following committee: Councilors Pedersen and Leighan, Ron Beams, Tom Grady, Dave Zabell and Rick Mitchell of DOT.

It was decided that the committee would meet this Thursday, 6/25/92 at 2 p.m. in Dave Zabell's office, 80 Columbia.

NEW BUSINESS:

**1. Utility Variance Request; William L. Carle; 15309 51st Av. NE.**

Public Works Director Zabell referred to the agenda bill and noted the residence was connected to a water district but it has been failing for several years. A similar request due to failing wells has been granted to others in the area, he noted and added that the property is outside RUSA and CWSA but it's in an area of interest to both Marysville and Arlington.

Councilor Herman asked about precedent setting for allowing all of the Sunshine Water District to come in for variances but City Attorney Weed said each case would be reviewed on a case by case basis, according to the MMC.

Public Works Director Zabell said he understands that Marysville has the option to make the decision with regard to accepting other water district customers; we have no contest with PUD, he said.

William Carle, the applicant, addressed Council and noted that the Sunshine Water District was formed in 1949 and it was an artesian well, the lines from which have since rusted and the water is not drinkable. He said if he were to extend the lines it would cost him \$10,000 and he would need to get permission from BN to drop a well and would like to get onto Marysville water as their line runs right past his house. He said he has signed permit applications with the City of Marysville. He added his property is 120' x 200' deep.

Public Works Director Zabell noted that the Sunshine Water District did not participate in the Coordinated Water Study and is not considered a bonafide water district; Arlington has no objection to Marysville serving this property and can issue a letter to that effect; Mr. Carle has no drinkable water at this point, he concluded.

MARYSVILLE CITY COUNCIL MINUTES  
 JUNE 22, 1992  
 Page 14

Councilor Wright moved and Councilor Myers seconded to grant the variance on the condition Mr. Carle get a letter from the City of Arlington saying they have no objection to Marysville providing Mr. Carle water. Motion to include findings of fact as outlined in the agenda bill. Passed unanimously.

**2. Educational Incentive Policy.**

City Administrator Garner referred to the agenda bill and noted there are 3 different policies at this time, with staff recommending that there be one common one. He noted negotiations for the unions would be next fall, non-union policy would not be effective until next year. He noted that one police officer has 127 credits in law enforcement but can't get an educational incentive because he doesn't have an AA--this proposal would allow him to receive the incentive. He also reviewed present non-union employees with and without degrees and noted there would only be about 6 employees that would be affected. He stated the major changes would be in the Police Dept. as well as the 8% for non-union employees.

Councilor Herman moved to adopt the recommended policy changes to be effective 1/1/93. Councilor McGee seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Annexing Certain Unincorporated Area Known as the Johnson Property into the City of Marysville.**

Councilor Baxter moved and Councilor McGee seconded to approve/adopt Ordinance 1895. Passed unanimously.

**2. Ordinance Annexing Certain Unincorporated Area Known as the Quil Ceda Auto Property into the City of Marysville.**

Councilor Baxter moved and Councilor Wright seconded to approve/adopt Ordinance 1896. Passed unanimously.

**3. Ordinance Relating to and Providing for the Condemnation of Necessary Right of Way for the Construction and Widening of 80th St. in the City of Marysville and Declaring the Acquisition of Said Right of Way to be in the Public Interest.**

Councilor Baxter moved and Councilor Herman seconded to approve/adopt Ordinance 1897.

City Attorney Weed clarified that a final offer has been presented to the property owners and the ordinance would only be effective if the property owners don't accept the City's final offer.

The motion passed with Councilor Leighan opposed.

**4. Resolution granting Stillaguamish Senior Center Utility Variance.**

Councilor Myers moved and Councilor Baxter seconded to approve/adopt Resolution 1558. Passed with Councilor Herman abstaining.

LEGAL MATTERS:

**1. Recovery Contract; L'Esther M. Zelmer.**

Public Works Director Zabell explained that this had been recalculated from before, excluding the side sewers, etc.

MARYSVILLE CITY COUNCIL MINUTES  
JUNE 22, 1992  
Page 15

Councilor Wright moved and Councilor Pedersen seconded to approve/  
adopt Recovery Contract #163. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:00 p.m.

1. Personnel.
1. Real Estate.
2. Pending Litigation.

RECONVENED AND ADJOURNED: 12:20 a.m. 6/23/92

Accepted this 6<sup>th</sup> day of July, 1992.

David Weiser

MAYOR

Mary P. Sverson

CITY CLERK

Manda A. Sverson

RECORDING SECRETARY