

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	OCTOBER 11, 1993	
<u>CALL TO ORDER:</u>	7:00 p.m.	00 03
<u>ROLL CALL:</u>	Councilor Wright - excused	
<u>MINUTES OF PREVIOUS MEETINGS:</u>	10/4/93 Approved	
<u>AUDIENCE PARTICIPATION:</u>	None	
<u>STAFF BUSINESS:</u>		
<u>MAYOR'S BUSINESS:</u>		
1. Safety Fair Proclamation		
2. No Waste Recycle Week Proclamation		
<u>CALL ON COUNCIL:</u>		
<u>PRESENTATIONS:</u>	None	
<u>PETITIONS & COMMUNICATIONS:</u>	None	
<u>PUBLIC HEARINGS:</u>		
1. Blackburn Annexation; PA 9305017	Approved	
<u>REVIEW BIDS:</u>	None	
<u>CURRENT BUSINESS:</u>	None	
<u>NEW BUSINESS:</u>		
1. Rezone & Preliminary Plat; State Avenue East; PA 9212066	Approved	
2. Shoreline Conditional Use Permit Starcom Service Corp; PA 9305018	Approved	
3. Contract for Engineering Services Perteet Engineering; State Ave. Improvements	Approved	
<u>CONSENT AGENDA:</u>		
1. September, 1993, Payroll	Approved	
2. October 11, 1993 Claims	Approved	
3. Liquor License Renewals for Fred Meyers, G.A. Maxwells, Strawberry Lanes	Approved	
<u>ORDINANCES & RESOLUTIONS:</u>		
1. Approve Preliminary Plat and Site Plan; Verde Ridge	Ord. #1967 Approved	
2. Approve Preliminary Plat and Site Plan; Johnson Acres; Subject to Cond.	Res. #1640 Approved	
3. Northpointe Segregation Resolution	Res. #1641 Approved	
4. Denying w/o prejudice variance for frontage requirements for sewer for Tony Flett	Res. #1642 Approved	
<u>LEGAL MATTERS:</u>		
1. Snohomish County Council's Establishment of Interim Urban Growth Boundaries	No Action	
<u>ADJOURN:</u>	8:48 p.m.	
<u>EXECUTIVE SESSION:</u>	No Action	
1. Litigation		
2. Real Estate		
<u>RECONVENE & ADJOURN:</u>	9:31 p.m. & 9:32 p.m.	

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, MayorCouncilmembers:

Donna Pedersen, Mayor Pro Tem

Dave Mc Gee

John Myers

Ken Baxter

Donna Wright (excused)

Mike Leighan

Otto Herman

Administrative Staff:

Gloria Hirashima, City Planner

Dave Zabell, City Administrator

Ken Winckler, Public Works Director

Grant Weed, City Attorney

Steve Wilson, Finance Director

Lillie Lein, Recording Secretary

CORRECTED: SEE 10/25/93
MINUTESCALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Herman noted in the October 4, 1993 minutes, on page 4, under Staff Business, 1st paragraph, it should read Monte "Mechling's" not "Mecklin's". Also, on page 6, under Call on Council, 6th paragraph, "GMCC meeting" should read "Comp Plan workshop".

Councilor Pedersen noted on page 2, last paragraph, "the projected population of 79,000 to 80,000" refers to "in the library district". Also, on page 6, under Call on Council, second paragraph, last sentence, she asked that the phrase "asked if the police budget anything for this" be changed to "asked how much the police budget for this". She knows they include this in their budget but did not know how much.

There being no further corrections, Councilor Mc Gee moved and Councilor Myers seconded to approve the October 4, 1993 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None

October 11, 1993

Page 1

OCTOBER 11, 1993

Page 2

STAFF BUSINESS:

City Administrator Zabell noted the Councilor Wright had asked at the last meeting about the "Rat on a Rat" program and that he had checked and that program is still in effect. He will let her know. Secondly, he announced that the Steamboat Slough outfall project will be awarded the American Society's Civil Engineers Outstanding Local Civil Engineering Project for the Seattle section. Both the City and Hammond Collier Wade will be given a plaque and a certificate to commemorate the event.

City Planner Hirashima reported that the next Growth Management Coordinating Committee meeting will be next Monday at the Library at 7:00 p.m. They will be discussing commercial and investor policies as well as a discussion of the area called Mar 1 that was excluded for 60 days pending discussion (the Poortinga/Sunnyside Area).

Public Works Director alerted Council of a lengthy road closure on Getchel Hill (84th Street N.E.) in connection with construction of the Cedar Grove Apartments being built by the Housing Authority of Snohomish County. He asked City Engineer Ernie Berg to address Council regarding this road closure and referred to a packet distributed to Council tonight.

City Engineer Ernie Berg referred to the vicinity map in the Council's packet noting the area of the road closure as the N.E. corner of Cedarcrest Golf Course noting that the shoulders of the road at this point are virtually non-existent with the vertical alignment like a roller coaster. He also noted that there are several utilities involved. In reviewing the project, it was determined that the access point chosen by the Cedarcrest Apartments would produce a severe sight distance problem. Had the apartments not been built there would still be this problem. Through studies they have conducted, they have determined that for the speeds traveled on Getchel now (approximately 42 m.p.h.) a stopping sight distance of 280 ft. minimum. The sight distance now is 120 ft. It was felt that with the development of this area, now was the time to correct the problem. They have asked the Developer to fix the problem with the City also participating in a portion of that correction. City Engineer Berg showed the corrections to be made noting that they will be cutting approximately 3 1/2 ft. of the grade. He is meeting with the State tomorrow regarding signing to have the major signing on Highway 9 and SR 528 to divert most of the traffic away from that area. They are coordinating with the local utilities, fire department, school, and transit. The road will be open to local traffic.

Councilor Leighan asked if the one wall was to be a stone retaining wall? City Engineer Berg said they were looking at several options including keystone or ecology blocks. Councilor Leighan asked if at some point on the other side of the project it will be widened. Public Works Director Winckler explained that the South side of the project is adjoins the golf course and is why the City is funding the South side of the project. The cost of the project to the City will be \$10,000 plus the cost of the retaining wall. Initially, their contractor estimated the City's portion of the project would be \$70,000 but after negotiations it was determined that the City's cost would

OCTOBER 11, 1993

Page 2

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 11, 1993

Page 3

be \$10,000 plus the retaining wall affronting the golf course. Councilor McGee asked what he estimated the cost of the retaining wall to be and Public Works Director said 3-7 thousand dollars. It was noted that the closure was expected to be 36 days if they do not work week-ends and 26 days if they do.

Councilor Herman asked if there would be some subsequent improvement that might require the retaining wall to be move. Public Works Director Winckler said that the retaining wall would have to be move for that but they don't anticipate any development in the near future due to the fact that it affronts the golf course.

City Administrator Zabell noted that this portion of the road will have a fairly secondary importance when 88th is eventually developed to make it connection with Getchell at 83rd.

Mayor Weiser asked if there will be curb, gutter, and sidewalk on the North side and City Engineer Berg said there would. Councilor Baxter asked if the drainage will be covered. City Engineer Berg said yes and Public Works Director Winckler said there would be a fairly wide open channel because there is a stream that runs through there and is why there is a retaining wall with a handrail that goes along the sidewalk. They are working with Fisheries but they cannot enclose that section.

Tom Bailey, 7131 52nd Street N.E., addressed Council. He asked City Engineer Berg if he would be able to cross Highway 9 and take a left at Hunter's Corner and go to SR 128. City Engineer Berg said yes and that the road will be open to local traffic and the only place you could not go would be the 200-300 feet of the project.

Public Works Director Winckler noted that they will be notifying the public through the press and by going door to door. Either representatives of the city or the developer will be notifying neighbors in the area.

Next Public Works Director Winckler notified Council that he is in the process of updating the interlocal agreement with the County for traffic signals. Now that the City has hired a traffic signal technician, they would like to assume a majority of the maintenance responsibility of all signals within the City with the exception of one signal on Fourth Street which is a state signal. The City will still need some engineering consulting from the County on an on call basis and they will be available if the City signal technician is out of town. The City is set to take over responsibilities for these signals November 1.

The third item Public Works Director Winckler had was in reference to the Chrysalis project which has been completed. He said they did a very commendable job in a much shorter time than expected. The cost was \$5100 and they feel that was an excellent process to get the job finished.

The fourth item brought forward by Public Works Director Winckler was in reference to change order No. 4 for the wastewater treatment plant project. This is for reinforced concrete pile systems. The change involves 232 pile section ends. The

October 11, 1993

Page 3

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 4

net resulted in a change of an additional \$7,247 for the project. What is not reflected in this change order is that these new pilings will not have to be driven as deep resulting in a savings of \$17,150 for a net decrease of \$9,903. It will not show up in the change order but will be less payment that will be needed to be paid. Public Works Director Winckler is also working on change order No. 5 involving electrical cross ties which he plans to present to Council at their next meeting.

Finally, Public Works Director Winckler wanted the Council to know that the next Traffic Advisory meeting has been changed to November 4, 10:30 a.m., in the Fire Training Room of the Public Safety Building.

Councilor Baxter noted that he did not receive notices of the meeting with the Tribes regarding the 4th Street by-pass. City Administrator Zabell noted that the meeting with the Tribes was a Chamber of Commerce meeting not a City meeting.

MAYOR'S BUSINESS:

Mayor Weiser gave special thanks to Cheryl Nicolai of the Police Department and Joyce Savage of the Fire District for the many hours they have put into organizing this year's Safety Fair. The Mayor then read a "Safety Fair" proclamation proclaiming October 16, 1993 as Safety Fair Day.

Mayor Weiser also read a proclamation proclaiming October 16-24, 1993 as "No Waste Recycle Week" encouraging all citizens to participate in recycling and waste reduction activities and buying recycled products.

The Mayor noted that he has asked Councilors Leighan and McGee to serve on this year's budget committee. The date of the committee's first meeting has not been set but is expected to be the end of next week.

Mayor Weiser wanted the Council to know that the Snohomish County Tomorrow's Steering Committee will be having their annual assembly on November 10 at the Edmonds Community College and they will be getting an invitation to attend. They will be talking about the progress that has been made this past year and have an overview of the project for the last three years. It is a special evening as 4 members of the group are retiring because they are leaving office and there will be special recognition for those four at that time.

CALL ON COUNCIL:

Councilor Pedersen reported that the Library Building Committee held their first meeting. They met with the architect and discussed overall design. In addition, they appointed a sub-committee to review interior design. The Health District meets tomorrow; the Fire Board meets tomorrow night; and RUSA meets Thursday.

Councilor McGee asked for a copy of the Signal Traffic Technician job description. He also noted that he will be out of town October 12-19th. He asked the Mayor about the status of the Golf Board. Mayor Weiser said he would let him know.

October 11, 1993

Page 4

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 5

Councilor Herman asked if the Council could have a budget workshop after the Budget Committee meets so that the Council could have a better understanding of the budget process. Also, Councilor Herman noted that he had the opportunity to observe one of the new garbage trucks. He was concerned that the configuration of the dumpster on the front of the truck was causing impaired lighting and wondered if there was something that could be done about that. In addition, on Sunday morning, Councilor Herman went down by the boat ramp and observed that there were quite a few cars with empty boat trailers parked and wanted the Council to be aware that there seemed to be a high level of usage there.

Councilor Herman asked Public Works Director Winckler about information in the weekly briefing on the Grove Street project. He noted that there was a reference to both 11 ft. and 12 ft. length widths and asked which was correct. Public Works Director Winckler explained that the 11 ft. width was along the creek bed and that there is a culvert section there with a retaining wall and no parking across the bridge. The travel lane will still be the same. Once past that structure, the road will be the normal 12 ft.

Councilor Herman also expressed his appreciation for the information received on cable tv and asked how the rates compares with the locally with the benchmark that was established for comparison purposes of rates. City Administrator Zabell said he would find out and let him know.

Councilor Leighan referred to the signs for the Grove Street project stating that they were impossible to read. Public Works Director Winckler assured him that he would check on the signs.

PUBLIC HEARING:**1. Blackburn Annexation PA 9305017.**

City Attorney Weed swore in all those wishing to give testimony. City Planner Hirashima reviewed the agenda bill noting that it involves 9.64 acres and two properties owned by Evelyn Blackburn and Pam Klein-Bosh. She said that Mrs. Blackburn's signature represented 64.9% of the annexation area. City Planner Hirashima also noted that this annexation went before the Boundary Review Board about two years ago. At that time, the annexation area was much larger it was declined. At the public hearing for the 60% annexation petition Mrs. Klein-Bosh came before Council to oppose the annexation. The reason her property is included is because without it, it would create an unincorporated island and to maintain regularity of boundary. This area was included and approved in the Interim Growth Boundary.

Gary Petershagen, Belmark, Industries, 505 Cedar, Marysville, addressed the Council stating that they were proponents of the annexation. He wanted to say that they felt it was a very logical extension of the City and would like to encourage approval.

OCTOBER 11, 1993

Page 5

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 6

Tom Bailey, 7131 52nd Street N.E., Marysville, addressed the Council noting that he lives directly across the street from Mrs. Blackburn. He stated that he had spoke with Mrs. Blackburn last week and that she had said if she had known they were going to annex her property into the City she would never have signed anything.

am Klein-Bosh, 7114 52nd Street N.E., Marysville, addressed the Council stating that she owned the one acre parcel in the annexation area. She bought her property from Mrs. Blackburn who assured her that she would never sell her property, it would never be developed. Mrs. Blackburn later stated at a public hearing that she would only sell her property for \$2 million but she sold out for \$400,000. She is very much against the annexation, mostly as a vote of no confidence against the City Council feeling that they don't manage the City well enough to be adding any land to it. She said she would be asking the County Council and the Boundary Review Board to hold a public hearing on this; mostly because she felt that her testimony here wouldn't be heard and the Council would just rubber stamp it anyway. She felt they only way they got the 64% was by having the land reappraised and because of two sewers touching Mrs. Blackburn's property, it should be assessed higher. It may be legal but she did not feel it was ethical. She noted that, in the past, Mrs. Blackburn had spoke against annexation.

Ms. Klein-Bosh asked if the Council could reduce the annexation area. The Mayor said they could and she asked that her property be taken out of the annexation, letting Mrs. Blackburn do with her property what she'd like. She noted that after she spoke at the last public hearing she was very impressed that two water people came out and boosted her water pressure. She also thanked City Attorney Weed for taking her property off the annexation covenant and thanked City Planner Hirashima who she said is always nice and willing to answer her questions.

Ms. Klein-Bosh's ended by requesting that the Council take her property our of the annexation and turn down the rest. s/b out

s/b or

Councilor Leighan referred to the minutes of the September 13, 1993 asking for clarification of her reference to a playground. Ms. Klein-Bosh stated that they have put in a swing, slide, and sandbox on her property because her children cannot get to other area playgrounds. There has been no access or trail for them to safely get to any other playgrounds.

Mayor Weiser asked if she realized that if her property was left out of the annexation it would create an island. Ms. Klein-Bosh responded that she would rather be an island than be in the City. She referred again to the roads and no safe place to walk feeling that if annexed into the City it would be 10-15 years before the roads would e improved.

Councilor Herman asked if the Boundary Review Board could add or take out portions of an annexation. City Attorney Weed responded that they can do either and often do. Councilor Herman noted that the Boundary Review Board can approve or deny and annexation and that he felt they prefer squared off sections.

OCTOBER 11, 1993

Page 6

CORRECTED:
MINUTES SEE 10/25/93

October 11, 1993

Page 7

Ms. Klein-Bosh stated that Belmark only wanted about eight acres. She said another option is to take both her and Mrs. Blackburn out of the annexation and just annex the eight acres that Belmark wants. Mayor Weiser pointed out that they would still be surrounded by the City on three sides and Councilor Pedersen noted that Mrs. Blackburn would have to make that request. Councilor Baxter did not think Mrs. Blackburn would make that request because he felt that \$400,000 changed her mind.

Councilor Leighan referred to a short plat number and City Planner Hirashima explained that, at one time, Mrs. Blackburn owned both hers and Mrs. Klein-Bosh's property.

Councilor Herman noted that one question that keeps occurring is a matter of improvements such as curb, gutter, & sidewalks. He feels there is a need for a City-wide policy regarding mitigation for improvements. Current policies are not consistent and it makes it tough for the City to make all improvements. Councilor Baxter noted that there has been a policy in place for years. Councilor Herman said he was referring to the cost incurred by new developments, i.e., street improvements not adjacent to a development but needed due to traffic increase from new developments. Councilor Baxter felt that the improvements the City has already make were due to the current policies. He does not feel the cost of improvements should be put on those who don't own the property. Councilor Herman felt 67th Avenue was a better example; where a new development creates a greater demand on traffic. Councilor Baxter felt there is a vast difference between major improvements on major arterials and other properties. He added that many people get taken by neighbors who make promises never to annex until they are made a large enough offer to entice them to sell. It is a shame but that is what happens.

Councilor Baxter moved and Councilor McGee seconded to adopt the Blackburn Annexation with the subject to the assumption of the City's bonded and indebtedness and adoption of the Comprehensive Plan designation of suburban 1-4 dwelling units per acre. Passed 5-1 with Councilor Leighan opposed.

NEW BUSINESS:

1. **State Avenue East; Rezone & Preliminary Plat;
Okada/Darling/Roberts; PA 9212066.**

City Planner Hirashima reviewed the agenda bill noting that the applicant is requesting approval of a rezone from General Commercial to RS-7,200 to allow the preliminary plat of "State Avenue East", which would create 21 single family lots on approximately 5.46 acres. The City of Marysville's Comprehensive Plan designates the subject property as Single Family Residential (4.5-6 d.u./acre). The average lot size will be 8,683 square feet. The minimum lot size for this zone would be 7200.

The Hearing Examiner recommended approval with conditions. A public hearing was held and they did receive an appeal by the residents of Wadehaven on October 5, 1993. Their appeal was based on height on lots 1-9. They felt that these lots should be

OCTOBER 11, 1993

Page 7

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 8

ramblers to be consistent with their subdivision. The Planning Department has since received a withdrawal of the appeal based on an agreement between the applicant and residents of Wadehaven that they will limit construction on lots 1-9 to single story construction and that they will pay \$300 for fencing on three of the lots.

Councilor McGee asked if that was \$300 per lot and City Planner Hirashima said that the agreement just stated \$300 and she noted that unless the City Council amended the Hearing Examiner's decision and attached the agreement as a condition, it is only an agreement between the owner of the property and the residents of Woodhaven.

Mayor Weiser asked if the Council can accept a limit to the structure type when there is no such provision in Marysville's codes? City Planner Hirashima said that the only limitations that could be made according to code is for height. City Attorney Weed recommended that private agreements should stay as private agreements.

Mayor Weiser asked what would happen 15 years down the road if ownership changes? Councilor Pedersen felt that maybe the Council could request them to form covenants. City Attorney Weed stated that the agreement could be recorded and stay with the property.

Bill Roberts, 4129 76th Street N.E., Marysville, addressed the Council. He stated that this is a self-imposed restriction which they were willing to impose to accommodate the neighbors. He has spoken with the prospective buyer and the buyer has agreed to put the agreement on the face of the plat. In regard to the fence referred to in #9 of the Hearing Examiner's recommendations, the agreement is \$300 each for the three lots.

Councilor Baxter asked if there were any height limits on ramblers. Mr. Roberts said that with the zoning they would be restricted to 35 ft. The concern of the neighbors is not the roof but that occupants in the new homes would not be able to look down into their homes.

Councilor Herman moved and Councilor Myers second the motion to approve the Hearing Examiner's Recommendations including the 15 conditions on State Avenue East; Okada/Darling/Roberts; PA 9212066. Passed unanimously.

Shoreline Conditional Use Permit; Starcom Service Corp. PA 9305018.

City Planner Hirashima reviewed the agenda bill noting that the applicant is requesting approval of a Shoreline Conditional Use Permit to allow the construction, operation and maintenance of a fiber optic cable within the Burlington Northern Railroad right-of-way. The fiber optic cable will be within the Burlington Northern Railroad right-of-way between the U.S./Canadian Border and Seattle. The reason for the shoreline permit is that they will be crossing Ebey Slough and Quilceda Creek and that will be performed by laying the cable through directional drilling under both bodies of water.

OCTOBER 11, 1993

Page 8

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 9

The Hearing Examiner recommended approval. Also, because they would be crossing several jurisdictions, the applicant coordinated the SEPA review and Whatcom County also participated in that.

Councilor McGee noted a reference to a franchise agreement and asked how that would work. City Attorney Weed explained that they have had discussions with Starcom to determine if a franchise agreement was necessary at this time. His understanding is that the fiber optic cable will cross streets. They have agreed to bore under the streets and not disturb the surface of the streets and have provided information to the City Engineer's satisfaction. City Attorney Weed did not feel that a formal franchise agreement was necessary at this time but the City would not be waiving their right to one in the future should it be necessary.

Councilor Pedersen said she was assuming that Burlington Northern has already granted their permission and that the Council was only granting permission for the Shoreline Conditional Use Permit. City Planner Hirashima said yes noting that the Shoreline permit only applies to those areas noted in blue on the overhead.

Councilor Baxter asked what the average depth of the cable would be?

John Sessions, resident of the City of Seattle, U.S. Council for Starcom, addressed the Council and answered Councilor Baxter's question by stating that there will be a 2" PCV pipe that will generally will be 48" under the surface the railroad. They say average because the trench for the pipe will be 48" exactly until they hit a rock, then they will go deeper. The reasoning is for the integrity of the project. Studies show that if there is a derailment they have a better chance of the cable surviving if it is 48" below the surface.

Councilor Baxter referred to an incident north of town where a fire was involved and felt that another 12" would be helpful. Mr. Sessions stated that they have avoided every Burlington Northern bridge made of wood. He noted that another concern is other utilities. They will be dropping an orange fluorescent tape at 24" in addition to the locator system.

Mayor Weiser asked how they would be crossing the Ebey Slough. Mr. Sessions said it will be a directional bore under the Slough. A small hole will be dug and the PCV pipe will be pulled back in an auging process after the bit reaches the other end.

Mayor Weiser asked if they will be staying strictly within the Burlington Northern right-of-way. Mr. Sessions said in Marysville's jurisdiction yes. Overall they will be within Burlington Northern right of way 95% of the time. Most areas have 50' right-of-way on either side of the track.

City Administrator Zabell asked if they will backfill with native material. Mr. Sessions said absolutely.

OCTOBER 11, 1993

Page 9

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 10

City Administrator Zabell asked how flexible is the conduit. Mr. Sessions said that it is hard plastic pipe and they will have access points every half mile. It's like a small utility box. City Administrator Zabell's concern was if the City were to put a storm crossing under the railroad in the future and there might be a conflict where the cable would have to be raised or lowered. He said it sounded like there was. Mr. Sessions agreed. City Attorney Weed asked if in the event of a conflict between a City utility and Starcom, would they be willing to relocate and sign a franchising agreement. Mr. Sessions said that would noting that the have the same agreement with most municipalities.

John Myers moved and Donna Pedersen seconded the motion to affirm the Hearing Examiner's decision for Shoreline Conditional Use Permit with the 5 conditions for PA 9305018. Passed unanimously.

Contract for Engineering Services; Pertteet Engineering; State Avenue/88th Street N.E.-94th Pl. N.E.; and 88th Street N.E. Improvements.

Public Works Director Winckler reviewed the agenda bill by noting that there was quite a bit of information regarding these two projects. Primarily there are two separate projects. Project A consists of widening State Avenue to accommodate a center turn lane and signalization of the intersection of 92nd Street N.E. at State Avenue. Construction of this project is anticipated to occur in early spring, 1994, and being completed by winter, 1994. The project has funding of \$140,000 Boeing Mitigation Funds and \$160,000 Growth Management Funds. Schedule B consists of widening 88th Street N.E. west of State Avenue in conformance with the construction of Snohomish County's project on the 88th Street N.E. off-ramp, redesign and construction of the signal at the intersection of 88th Street N.E. at State Avenue, widening of 88th Street N.E. east of State Avenue to accommodate three lanes of traffic, construction of a retaining wall, and widening the crossing on the Burlington Northern tracks. This project cannot be started before January 1, 1994 but hopefully it will be done in conjunction with the County's project and they have scheduled to begin this project sometime late 1994 or early 1995. This project has been tentatively approved for \$430,000 of ISTEAF funds. The State has agreed that it would be possible to utilize the same engineer to design both projects under the same contract if they were developed under separate schedules.

The City Attorney has reviewed this contract. The City Attorney pointed out to Council that there was a provision in the contract used by the State that limits the consultants liability to either \$1,000,000 or the amount of the contract which is about \$180,000. He would like to caution Council on using contracts with this language; however, this language is required in the agreement with the State or the city risks loss of funding. The Council will have to balance the policy of assuming additional risk by having language in the contract versus possible loss of funding.

Councilor Herman inquired as to what State agency suggested this language? Public Works Director Winckler replied that it is under the Transportation Improvement Board with Local Agency Guidelines. They have to approve the plans, overview the

OCTOBER 11, 1993

Page 10

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 11

plans, and give authorization. Councilor Herman suggested a letter from the City Attorney in regard to this concern. City Administrator Zabell stated that the City was working through A.W.C. and W.C.I.A. with regard to this language. City Attorney Weed noted that it was his understanding that there has been numerous complaints to the Assistant Attorney General's Office who handles this. Public Works Director understands that this is scheduled for review either this year or next because of the high number of complaints. Councilor Herman suggested a letter be addressed to the Attorney General's office with a copy to the Assistant Attorney General. The consensus of Council was to have City Attorney Weed write such a letter of concern regarding this particular language in the contract.

Rich Perteet, 2828 Colby, Everett, addressed the Council. As there were no questions for him, he said they look forward to working with the City on this project.

Councilor Baxter moved and Councilor Pedersen seconded the motion to approve the contract with Perteet Engineering, Inc. as per the Staff recommendations on the agenda bill including City Attorney recommendations. Passed unanimously.

CONSENT AGENDA:

1. Approval of September, 1993 Payroll in the amount of \$481,482.01; paid by check Nos. 10742 through 11037.
2. Approval of October 11, 1993 Claims in the amount of \$1,372,085.17; paid by check Nos. 17225 through 17393.
3. Approval of Liquor License Renewals for Fred Meyer, G.A. Maxwell's, and Strawberry Lanes.

Councilor Herman moved and Councilor Leighan seconded the motion to approve Consent Agenda Items 1 through 3 as proposed. Pass unanimously.

ORDINANCES AND RESOLUTIONS:

1. Ordinance rezoning property owned by Morgan Bartlett and approving the preliminary plat and site plan of Verde Ridge.

Councilor Pedersen moved and Councilor McGee seconded the motion to approve ordinance 1967. Passed unanimously.

2. Resolution approving the preliminary plat and site plan of Johnson Acres, subject to conditions.

Councilor Leighan moved and Councilor McGee seconded the motion to adopt Resolution 640. Passed unanimously.

OCTOBER 11, 1993

Page 11

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 12

3. Resolution segregating assessments in U.L.I.D. #7 on certain real property owned by Northpointe Limited Partnership.

Councilor Herman moved and Councilor Leighan seconded the motion to adopt Resolution No. 1641. Passed unanimously.

4. Resolution denying without prejudice a variance relating to frontage requirements for sewer for Tony Flett for property located at 4729 84th Street N.E.

Councilor Pedersen moved and Councilor Herman seconded the motion to approve Resolution No. 1642. Passed unanimously.

Legal Matters:

1. Snohomish County Council's establishment of the Interim Urban Growth Boundaries.

City Attorney Weed noted that today was when Snohomish County Council was to pass the ordinance that would adopt on an interim basis the urban growth boundaries for the City. He wished to bring to the attention of Council that he has researched the rules and procedures for the Growth Management Hearings Board to let Council know there is a sixty day appeal period that would begin to run from the effective date of the County's ordinance. He was not asking for any direction at this time but perhaps they would want to discuss this issue at the next Council meeting. Mayor Weiser said that he also called a member of Snohomish County Planning Department for clarification on the issue of whether the sixty day period of looking at Marysville 1 applied for all of Marysville areas or just Marysville 1. They County Council was to discuss this at today's meeting but it applied only to Marysville 1; however, it could be only a 30 day period. In addition, Mayor Weiser asked them for a copy of the minutes from the Snohomish County Council meeting of the 30th. They won't be available for at least a week but maybe they could be discussed at the next City Council meeting. City Attorney Weed suggested obtaining a final version of the ordinance as adopted, a copy of the minutes, and a copy of the tape of the meeting so that the City has a record of what was said should the City want to take action in the form of an appeal.

ADJOURNED: 8:48 p.m.

EXECUTIVE SESSION: 9:12 p.m.

Litigation.
Real Estate.

No Action.

MARYSVILLE CITY COUNCIL MINUTES

October 11, 1993

Page 13

RECONVENE: 9:31 p.m.

ADJOURN: 9:32 p.m.

Accepted this 25th day of October, 1993.

David Weiser

MAYOR

Mary Swenson

CITY CLERK

Lillie Lein

RECORDING SECRETARY