



MARYSVILLE CITY COUNCIL MINUTES

00183

AUGUST 22, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Grant Weed, City Attorney  
 Eric Thompson, City Planner  
 Ken Winckler, Director of Public Works  
 Jim Ballew, Parks & Recreation Director  
 Ernie Berg, City Engineer  
 Lt. Dennis Peterson, Msvl. Police Dept.  
 Wanda Iverson, Recording Secretary

CORRECTIONS SEE 9/6/94  
 MINUTES  
*approved as written*

CALL TO ORDER:

Mayor Weiser called the Council 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 THE PREVIOUS MEETING:

Councilmember Myers noted in the minutes of 8/8/94, on page 4, under Call on Councilmembers in the 2nd paragraph, Bob Graef was not satisfied with the TCI situation/resolution.

On page 4, Councilmember Pedersen noted in the 2nd paragraph, the word "threes" should be "trees".

Councilmember Herman noted on page 3 under Staff Business, the City can't get a government rate until after the first year if the cellular phone is purchased at the promo price. (Reference first paragraph.)

There being no further corrections to the minutes, Councilmember Myers moved and Councilmember Baxter seconded to approve the 8/8/94 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Authorize Mayor to Sign Agreement for Task Order/Assignment Document for Task No. Y-5750.**
2. **Approval of 8/22/94 Claims in the amount of \$345,620.97.**

Councilmember Pedersen moved and Councilmember Wright seconded to approve Consent Agenda items 1 & 2. Passed unanimously. (Councilmember Baxter abstained from voting on Voucher #20983.)

STAFF BUSINESS:

City Attorney Weed reported on two recent State Supreme Court decisions regarding mitigation fees; in Bothell parks mitigation fees were found invalid and all fees ordered to be returned to developers. In King County it was ruled that some mitigation language was not valid and he said he would be providing Council with further information on this.

Public Works Director Winckler reported on 6 position changes in the Public Works Dept., some of which were new. He also reported that on Aug. 13 the Public Works complex was broken into, with total damage amounting to approx. \$4500. There was a recent meeting regarding the 4th St. Bypass and he said he would like to make a presentation of information at the next Council meeting. He reported the Tribe is prepared to go to contract 9/1 and they expect the contract to take 120 days. He added there are ongoing discussions with the State and Hammond Collier Wade is doing a preliminary report. He noted the State may fund up to \$50,000 for a signal and his presentation at the next Council meeting would include what impacts would be made to local businesses, parking, financial impacts to the City, etc.

Councilmember Baxter asked about the committee that was looking into this and Public Works Director Winckler noted no decisions have been made by staff; the presentation next week is preliminary only.

Public Works Director Winckler reported the traffic signal light installation at 528 & 67th has now been delayed until around Thanksgiving. City Engineer Berg added that the City is in the process of ordering the traffic poles and he noted this is a very challenging corner because of the topog.

Councilmember Bartholomew noted there was another recent injury accident at that corner and asked about the City placing warnings at the intersection.

Councilmember Pedersen asked why the poles weren't ordered earlier and noted that school starts very soon. City Engineer Berg said he would check into these things. He agreed to find out if there is an additional dollar amount for a rush order on the poles, with an appropriate evaluation of that situation.

Lt. Peterson made a brief presentation on the new look he proposes for 6 police cars to start with, in order to make the MPD more visible and more proactive in the community. It was noted the gold striping would cost \$100 per vehicle and it's possible they will be budgeting for an additional 3 vehicles in the upcoming budget process.

After discussion, it was the consensus that the MPD should go ahead with the proposed program as soon as possible.

PRESENTATIONS:

Mayor Weiser presented plaques and read a Proclamation declaring August 22 through 28, 1994 Marysville All Star Team Week. There were approximately 12 - 9 & 10 year old Little League Girls and their coaches, John Bigs and John Damascus, on hand to receive the presentation by the Mayor.

MAYOR'S BUSINESS:

**1. Employees of the Quarter.**

Mayor Weiser presented plaques to Ernie Berg as Employee of the Fourth Quarter of 1993 and to Lillie Lein as Employee of the 1st Quarter of 1994.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen asked about the purchase order procedure and policies. Finance Director Wilson stated they are in place now and have proved to be quite helpful; the manual is in progress. He said he believed it would be finished in about a month.

Councilmember Pedersen asked for comments regarding the Snohomish County Health Board budget, she reported the evaluation on the City Administrator was completed and she asked about the Citizen of the Quarter.

Councilmember Leighan said he would be putting something on the access channel about Citizen of the Quarter.

Councilmember Baxter asked about the 88th St. Interchange and Public Works Director Winckler reported Perteet Engineering is working on it and the project is being coordinated by the State with lots of meetings being held. Construction is expected to begin next year, he said.

Councilmember Myers said he would like to see a meeting set up regarding the possibility of garbage collection fees structure changing.

Councilmember Bartholomew brought a flyer that has been passed around in the community regarding the Arlington Airport facility and there was discussion about what the local people in the north county communities are doing in opposition to the Arlington Airport becoming an alternative to Seatac, Resolution Committee update opposing this area as a viable site, the public needing to be aware of what is happening, Puget Sound Regional Committee basing their figures on population distribution, city governments can't do it all by themselves, public hearings held in the past.

Councilmember Herman reported there are 3 sites being studied for north county park and ride lots: one site near 88th and two near 116th. Issues/information will be put in an upcoming Council briefing, he said.

He noted he is concerned about safety issues in Marysville--a lot of cyclist and joggers use Grove after dark and he suggested curb striping for safety. He noted the recurrence of the problem in the City of semi trailers parked and causing sight distance problems when parked near corners.

Mayor Weiser pointed out that they need to be parked on streets on designated truck routes.

Councilmember Bartholomew added that there is also a problem with refrigerator trucks running all night in her neighborhood, eg.

City Administrator Zabell noted on the park and ride issue, there will be some information in the Council briefings.

PUBLIC HEARINGS:

**1. Forest Park Realty Street Vacation; PA 9405024.**

City Attorney Weed swore in those wishing to testify in this matter.

Senior Planner Thompson reviewed the agenda bill and noted staff recommends approval of the vacation subject to compensation of \$325.97. He answered Council questions.

Councilmember Bartholomew asked about putting this out to bid and City Attorney Weed answered her question.

Bill Roberts, 4129 76th St. NE, addressed Council, representing Forest Park Realty as well as being the applicant. He explained Brighton Park did the subdivision on the other side of the street and they put in curbs, gutters and sidewalks and if no vacation is granted, the applicant can still get the same number of lots; they would just have a different configuration. He said the public benefits would be the alignment of the improvements, a 44' road with curb, gutter and sidewalk, making the alignment straight and symmetrical/matching.

City Attorney Weed asked about the ownership and Mr. Roberts stated the owner is Forest Park Realty, a Washington Corporation. He stated the City of Marysville presently has title to the right of way in question, which they are asking to be vacated.

Councilmember Herman asked about the Council's options here and City Attorney Weed reviewed the options concerning compensation.

There being no one further wishing to give testimony, the public hearing was closed at 8:03 p.m. by the Mayor.

After brief discussion about compensation calculation, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the vacation as recommended by staff, at a compensation of \$325.97. Passed unanimously.

**2. Marysville Library Rezone & Conditional Use Permit; PA 9403016.**

City Attorney Weed swore in those wishing to give testimony in this matter.

Ross Jamieson of the Lewis Architect Co. reviewed the site plan as far as building location on the property, parking areas, accesses, landscaping, etc.

Senior Planner Thompson reviewed the agenda bill, noting the request is for a 24,000 sf library building and he noted the neighbors, the Johnsons, are appealing the hearing examiner's recommendation for approval, asking for parking lot screening with a dense hedge ROW or solid wood fence. He said the City has agreed to construct fencing along the west property line. Another concern and appeal issue is pedestrian access along 74th and he said staff has discovered a 10' ROW owned by the City. Fencing would remove the pedestrian path and eliminate concern about pedestrian access, he said and added staff recommends a 6' solid wooden fence and the landscaping plan does also propose plantings.

Mayor Weiser asked about the row of fir trees and Senior Planner Thompson stated they are on the Johnson's property with enough room for the City to construct a fence to the east of the trees.

City Administrator Zabell stated he spoke with Mr. Aldridge (the Johnsons' representative) and after discussion, the City would agree to a fence on the west and a portion of the south property line.

Robert Aldridge, 5420 79th Pl. NE, addressed Council, representing the Johnsons. He stated they are not opposed to the library but 3 letters have been submitted with 3 concerns: 1) traffic and access--a map shows adjacent residential lots. The Johnsons have started to remove some of the trees because of security issues, he said and added they have several signatures backing up this issue. 2) Maintenance of a solid wood fence and in talking with the Johnsons, they have come up with an alternative: a chain link fence with slats and a berm. This would reduce glare and they would like to see a fence that is durable and easy to maintain. Perhaps the pathway could be eliminated, he said, because that potentially puts too many people in there, with too much access, too many security concerns. 3) The Johnsons did dedicate 10' along 74th for road and if it is not to be used for road, they would like that property back. That would put pedestrian traffic back 20' from their livingroom, he said and they would support street improvements; they have a nicely maintained property, have lived there 56 years and are an asset to the community and he said he would like to see their concerns addressed.

Councilmember Bartholomew asked about the 10' ROW dedication and Senior Planner Thompson said there are 5 properties that adjoin:

the Johnsons, the Library, 6100 Southwood and two other properties and there is a 60' wide ROW. He stated that is the end of 74th there and possibly the City would need the ROW or it was considered for a turnaround. If anything, there may be some improvements put in there, he said.

Mr. Aldridge showed on the overhead the difference of opinion regarding the 10' of ROW.

Carol Kapua, 5930 74th St. NE, addressed Council, stated she is opposed to having a thoroughfare. It's safe for the kids now, she said. She asked about who would be responsible for the children and said she doesn't feel the road is built for any more traffic.

Mr. Jamieson explained it's only a 6' paved pedestrian pathway they are planning for the library and said a bolyard could be placed to prevent cars from going through.

Mrs. Kapua said she still doesn't think they need the extra pedestrian traffic; the road is about 3 City blocks long, she said.

Gary Simeral, 5929 74th St. NE, addressed Council, stating he's not opposed to the library but is opposed to additional pedestrian access to 74th St.--it's not safe, a turnaround would definitely increase traffic on 74th.

Senior Planner Thompson stated there currently is no proposal to put a turnaround in at the end of 74th, he had just been using that as an example of what could be put in.

Dick Davis, 6104 74th NE, addressed Council. He said he lives on the south boundary of the park and in the past two years they have had a lot of vandalism. With a fence, that would eliminate a lot of kids that come down that way, he said and with regard to the property on the corner, he owns it--it's a 40' wide strip (Tax #1-057) which he owns at the end of 74th. He said he does not think a path would be of any value--it would just promote more vandalism, he said.

Wes Warner, 6020 74th NE, addressed Council, noting he owns Tax Lot #1-059 and he is opposed to the pathway through as this would increase the pedestrian and cycle traffic. He said people can walk around. There is no walkway or sidewalk and he offered to help pay for that but it has never been done so he opposes the additional traffic through there, he said.

There being no one further wishing to testify, the public hearing was closed at 8:40 p.m.

Councilmember Pedersen asked about the Johnsons' deferral of frontage improvements and Senior Planner Thompson stated this is often the case and they would not be required to improve until there are enough participants/abutting property owners to participate in improvements.

Discussion followed regarding the Johnsons having subdivided their property, 1-066 equaling 2 lots, improvement deferral policy, Code changed to given the Public Works Director authority on improvement deferrals, the Public Works Director doing a review of improvement deferrals all over the City and to develop some kind of program/inventory, more discussion about the 10' of ROW, pedestrian pathway, people should not be using the street as a playground, trails and bike routes are a very high priority of the community, vandalism to fences, discussion about type of fencing, berms, landscaping, shielding of headlights, security issues, maintenance vs. effectiveness and density of shrubbery, people adjoining the library are not responsible to mitigate library problems, berm vs. path vs. fencing vs. hedge or other plantings.

Parks & Recreation Director Ballew stated he didn't think a solid fence with a dense laurel hedge would hide all the headlight glare. He recommended recycled plastic boards.

Councilmember Herman moved to approve the request for rezone and conditional use permit subject to the Hearing Examiner conditions plus access to 74th to be limited to non-motorized vehicles, for example, bicycles and pedestrians OK, with posts/bolyards placed to ensure no cars can get through. Also, the areas adjacent to the parking lot to be buffered (600 feet on the west as well as some of the south side) with an appropriate combination of fencing and landscaping in order to mitigate headlight glare and to provide security. Councilmember Bartholomew seconded and the motion passed unanimously.

REVIEW BIDS:

**1. Golf Course Topdresser.**

Parks & Recreation Director Ballew reviewed the agenda bill, noting staff recommends approval of the bid from Superior Turf Equipment. He explained the advantages of this equipment as far as playability of the course, drainage improvements, sand prices and ability to store sand when the prices are good.

After a brief discussion about the different types of sand, pricing structure, maintenance, etc., Councilmember Pedersen moved and Councilmember Baxter seconded to award the bid as recommended by staff, in the amount of \$18,615.81, including sales tax. The motion passed unanimously.

CURRENT BUSINESS:

**1. Agreement for Professional Engineering & Related Services with JAK Engineering.**

Public Works Director Winckler reviewed the agenda bill, noting Mr. Kresge has \$3.5 million worth of projects in process at this time. He stated staff recommends the Mayor be authorized to sign the agreement extending Mr. Kresge's contract at \$30 per hour which can be cancelled by either party with 30 days notice.

There was discussion about Mr. Kresge's excellent qualifications, good success ratio, funding, possibility of a full time grant writer, discussion about an open ended contract, hours logged in and tracked on all projects, possible review after 500 hours, identification of budget amount/line item, monitoring of the contract, asserting control through the budget process, review of past extensions.

Councilmember Herman then moved to authorize the Mayor to sign the contract and to limit it to not more than 500 hours with a specific line item in future budgets to limit expenditures, for example, out of the Grant Writing Fund. Councilmember Myers seconded and the motion passed unanimously.

**2. Borseth Construction Variance; PA 9404021.**

Senior Planner Thompson reviewed the agenda bill. In response to a question from Councilmember Myers, Sr. Planner Thompson stated immediately adjacent to the subject request are ramblers.

Councilmember Herman asked about smaller lot sizes and how many there are. Senior Planner Thompson responded two are substandard lots and the request is for 4 single family residences. He said 4 letters of appeal and petitions in opposition have been received with a suggested public hearing date of 9/12/94, if the Council wishes to have their own public hearing.

It was noted that this project is exempt from the SEPA process as it is only for 4 homes and the applicant did decline to participate in the voluntary mitigation fee program. There was further discussion about when the City would be passing a school, parks and other mitigation ordinance, as well as the fact these are not newly created lots and there are several two story homes already in the area.

Councilmember Herman moved to set a public hearing date of 9/12/94 to consider the Hearing Examiner's recommendations. Councilmember Bartholomew seconded.

There was more discussion regarding public hearings and hearing examiner decisions, the fact that this was platted 100 years ago, not wanting to have a public hearing without enough merit, Council not required to have its own public hearing, what would happen if the variance is not granted, other structures in the area.

The motion passed with Councilmember Wright against.

### **3. Dally Homes - Strawberry Hills Variance & Request for Comprehensive Sign Plan.**

Senior Planner Thompson reviewed the agenda bill and there was discussion regarding process, variance request, location of the sign.

Mayor Weiser explained this is not a public hearing and public testimony cannot be accepted at this time.

Senior Planner Thompson explained the applicant would like approval of their sign under the sign code; the City Engineer reviewed the sign for sight distance problems and found none.

There was further discussion about reworking the sign code and lowering the sign 2'.

Councilmember Myers moved to approve the variance, reducing the height of the sign to 10' to comply with the height limitation in the sign code. Councilmember Bartholomew seconded and the motion passed with Councilmember Herman against.

Councilmember Myers then moved to approve the withdrawal of the setback variance request. Councilmember Wright seconded and the motion passed unanimously.

#### NEW BUSINESS:

### **1. Part-Time Public Works Clerk.**

Public Works Director Winckler reviewed the agenda bill and there was discussion about duties and responsibilities of a part time receptionist and part time Public Works Clerk, back each other up.

Councilmember Leighan moved and Councilmember Myers seconded to approve the job descriptions as proposed by staff. Passed unanimously.

### **2. Landscaping Assessment.**

Public Works Director Winckler reviewed the agenda bill and list of 6 projects in the handout. He said he got costs from the City of Seattle for trees and landscaping for the 6 projects; installation would include the first year of maintenance (determination to be made as to who would do the maintenance after the first year). He explained the ROW cost (5' on City's side), with the total coming to \$705,650 additional cost for landscaping and street-scaping.

Councilmember Pedersen talked about a project in Sacramento where people can have a tree to put in their lot when building a new home and she asked if that could be followed up for more details.

Parks & Recreation Director Ballew made a presentation based on a handout, looking at maintenance problems, liability issues, homeowners association responsibilities, property that is perceived as public ownership and consequently City maintained, the adopt-a-tree program, which City dept. is responsible for pruning, etc. He suggested a forestry consultant come in and identify hazards and take an inventory. He talked about preservation issues, defining value and making consideration for replacement of damaged trees, meandering sidewalks, above ground planters, wider sidewalks when a new development goes in, medians and planting strip maintenance, funding, coordinating projects with City Engineering, Streets Dept. and Parks & Recreation Dept. He also talked about using FFA students, community service programs, the ESD program, part time parks employees, inventory and maintenance of City dedicated property, ROW, etc.

There was discussion about landscaping requirements, the parking ordinance, irrigation plans, plantings, streetscaping, commercial development requirements, the area next to the naval station in Everett being turned into a park and they rent it out for wine tasting parties, etc. Discussion about hiring university students, Master Gardeners program, Parks & Recreation Director Ballew to bring back further information about this, possibly get material from the National Arbor Day Foundation.

**3. Professional Services Agreement for 1994 Comprehensive Stormwater Management Plan; Hammond, Collier, Wade-Livingstone Associates, Inc.**

Public Works Director Winckler reviewed the agenda bill and talked about development of a manual. He stated staff recommends the Mayor be authorized to sign the agreement with HCW in the amount of \$25,000.

After brief discussion about need, fee, scope of work, overruns and mileage rate, Councilmember Myers moved to authorize the Mayor to sign the agreement, not to exceed \$25,000 with the change in the mileage rate to be "consistent with what the City pays." Councilmember Bartholomew seconded and the motion passed unanimously.

**4. Proposed Countywide Optional Gasoline Tax.**

City Administrator Zabell reviewed the agenda bill, noting the letter from Mill Creek has just been received conveying they are declining to take a position on whether or not to put the matter on the upcoming ballot. City Administrator Zabell stated this matter is being discussed at tonight's Lynnwood City Council meeting and Everett and Bothell are in favor of a 2.3 cent per gallon tax.

After discussion about north county taxes being used in north county, 67th St. improvements, DOT wanting to put in toll booths, the expense of putting this issue on the ballot (approx. \$100,000), giving voters the choice, Councilmember Myers moved to put it on the ballot asking that north county money be used in north county, at least for the 67th St. improvement project. Councilmember Herman seconded the motion but it failed 4-3 with Councilmembers Leighan, Wright, Baxter and Bartholomew against.

Councilmember Herman then moved to send a letter to the county acknowledging their request and expressing our interest in having north county projects supported. Councilmember Pedersen seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Resolution Honoring Snohomish County Deputy Sergeant James Kenneth Kinard.**

Councilmember Pedersen moved and Councilmember Myers seconded to adopt Resolution #1704 honoring Deputy Kinard. Passed unanimously. (The resolution to be presented personally to Mrs. Kinard.)

LEGAL MATTERS:

**1. Hammond, Collier & Wade-Livingstone Associates, Inc. Contract.**

City Attorney Weed explained this is for services with regard to change orders for the west effluent pump station at the WWTF, with the insurance carrier for PK Construction to pay for the change orders in question and no money to come out of City funds.

Public Works Director Winckler noted the total came to \$330,000 for change order #11 for the west side effluent pump station.

Councilmember Bartholomew left Council Chambers at 11:33 p.m.

Councilmember Myers moved to give authorization for the two change orders to be approved as recommended for payment by the insurance carriers. Councilmember Baxter seconded and the motion passed 6-0.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:35 p.m.

- |                 |             |
|-----------------|-------------|
| 1. Litigation.  | (No Action) |
| 2. Personnel.   | (No Action) |
| 3. Real Estate. | (No Action) |

RECONVENE & ADJOURNED: 12:07 a.m. 8/23/94

Accepted this 6th day of September, 1994.

Danna M Pedersen  
MAYOR

Lucie Lein  
DEPUTY CITY CLERK

Wanda A. Iverson  
RECORDING SECRETARY