

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 11, 1998 00080

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:
1. 5/4/98 Council Meeting Minutes Approved

AUDIENCE PARTICIPATION: Rep. Jeri Costa, others
re Mother Nature's Window
Approved:

CONSENT AGENDA:
1. Approval of April 1998 Payroll in the amount of \$724,312.73; paid by check nos. 28904 through 29273 with check nos. 28514, 28863, 28866, 28869, 28870, 28881, 28901, 28902, 28908, 28909, 28924, 29032, and 29033 void.
2. Approval of Purchase of One Jail Van from Drug Seizure Fund and Authorize Budget Amendment.
3. Approval of 5/11/98 Claims in the amount of \$1,859,467.75; paid by check nos. 39177 through 39401.
4. Affirm Hearing Examiner's Decision to Approve the Request for a Rezone with Conditions; Plaza 88; PA9711061.
5. Approval of Strawberry Festival Permit as Submitted Subject to Documentation of Insurance Coverage.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS: WSDOT Presentation re SR 529 & SR 2 Closures

PUBLIC HEARINGS:
1. Proposed Comprehensive Stormwater Management Plan Public Hearing continued to 5/26/98

CURRENT BUSINESS:
1. Library Pedestrian Crossing Approved 6-0

NEW BUSINESS: None

ORDINANCES & RESOLUTIONS:
1. Ord. 2190 Approved Amending MMC 19.38.050(1) Relating to Development Standards for Mobile Home Parks and Adding a New Subsection Relating to Annexation.
2. Ord. 2191 Approved Affirming Hearing Examiner Decision and Rezoning Property Owned by Robert Aldridge and Amending Official Zoning Map Previously Adopted in Ord. 772.
3. Ord. 2192 Approved Affirming Hearing Examiner Decision and Rezoning Property Owned by Robert Aldridge and Amending Official Zoning Map Previously Adopted in Ord. 772.
4. Ord. 2193 Approved Affirming Hearing Examiner Decision and Rezoning Property Owned by William H. Roberts and Amending Official Zoning Map Previously Adopted in Ord. 772.
5. Res. 1884 Approved Establishing a Policy for Erection of "Please Don't Drink and Drive" Signs.

ADJOURNMENT: 10:14 p.m.

EXECUTIVE SESSION: 10:20 to 11:07 p.m.
1. Real Estate No Action
2. Potential Litigation No Action

RECONVENED & ADJOURNED: 11:07 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00081

MAY 11, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
John Myers
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Grant Weed, City Attorney
Gloria Hirashima, City Planner
Ken Winckler, Public Works Director
Wanda Iverson, Recording Secretary

CORRECTED: SEE 5/26/98
MINUTES

CALL TO ORDER/FLAG SALUTE:

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

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Meeting; May 4, 1998.

Councilmember Dierck noted on page 8 in the second paragraph from the bottom, it should be clarified that it was talked about having a workshop regarding the Sensitive Areas Ordinance.

There being no further corrections, Councilmember Pedersen moved and Councilmember Dierck seconded to approve the 5/4/98 minutes as corrected. Motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Representative Jeri Costa, 38th Legislative District, 8211 59th Ave. NE, addressed Council. She presented petitions signed by over 600 people regarding preservation and purchase of Mother Nature's Window. She explained the county has been negotiating for a little over 9 acres to preserve Mother Nature's Window and she said she would like to request Marysville City Council put a resolution in motion to purchase this unique forested area.

Mayor Weiser explained the county has purchased a parcel just south of Mert Turk's property and are in negotiation for more; Marysville City Council did pass a resolution and could provide her with a copy of same. He said Marysville has also been approached by one of the developers in the area regarding this.

Councilmember Herman commented that the prior action does recognize that there is a resolution but perhaps City Council could work on an update to the resolution.

Representative Costa said she thinks it's important for Marysville City Council to remind the county council that Marysville is still interested in having this piece preserved.

Councilmember Bartholomew said she was informed that one of these parcels is coming before the hearing examiner and perhaps he and the county council should get copies of the petitions.

Representative Costa said they would be turning copies of the petitions into them also.

Councilmember Pedersen noted if it was just a case of buying Mother Nature's Window, there would be no hesitation on the part

of Marysville City Council but one of the conditions on the Purchase and Sale Agreement is that 3 or 4 parcels surrounding Mother Nature's Window are to be included in the sale and one of the parcels is coming before the hearing examiner, as Councilmember Bartholomew mentioned, she said.

Councilmember Bartholomew noted that once it goes before the hearing examiner, it will come back before the county council.

Dee Altermott, 9914 59th Dr. NE, addressed Council. She said she lives on the back end of Mother Nature's Window. She said she knows Marysville needs an area for senior citizens and handicapped people and the total ecosystem will be ruined if you don't buy all the adjacent parcels; they all go together, she said. She pointed out that the surrounding parcels protect Mother Nature's Window and it is a very unique area; they just want a resolution saying that area is to be preserved as a park as it is now.

Councilmember Bartholomew said she thinks Ms. Altermott should be speaking to the hearing examiner and Ms. Altermott said she will be.

Kailey Smith (about 10 years old), 9714 59th Dr. NE, addressed Council and submitted about 30 more names of people who wish Mother Nature's Window preserved.

Bruce Tipton, 6308 100th St. NE, addressed Council. He said they are asking for a resolution for any property that the county may want to buy; that area may end up in the City of Marysville and he therefore thinks the City of Marysville needs to support the county purchasing it and preserving as a park.

Wanda Dilsaver, 4424 126th Pl. NE, addressed Council, saying she belongs to an association that takes handicapped people up there every summer and it is wheelchair accessible which is very important. She said they don't want to see that valuable asset lost.

Dana Graupmann, 18230 McElroy Rd., Arlington, addressed Council, saying she was also representing the Audobon Society. She said she has been going to Mother Nature's Window for years and years and it's very unique, wheelchair accessible. She said it's very important to have places like this for people to go. Also, she said she thinks people need a forest that's closer in like this-- she's speaking as a search and rescue person and sees a place like this a matter of safety, so people don't get lost or have to go miles and miles to get away from the rush of city life. She said she spent Mother's Day up there and it was incredible: There were several people there who were very impressed and shared their feelings. Mother Nature's Window is great for young adults, also there were several college students there and natural science students, she said, and everybody found something unique in the passive use of the park. She urged Council to write a letter to the Snohomish County Council showing Marysville's support. She concluded that there will be a county hearing examiner meeting at 5/27/98 at 10 a.m. and a lot of the people in the audience are going, but they feel strongly about getting Marysville City Council's support.

Molly Holz, 2122 Virginia, Everett, WA 98201, addressed Council. She noted there are actually some uncatalogued species in Mother Nature's Window; it's a scientific presentation that they want to save, also.

Carol Waters, 5808 166th St. NW, Stanwood, WA 98292, addressed Council, saying she is a student at Everett Community College and a member of Environmental Watch. She said she has noticed over the years that there are getting to be fewer and fewer. Where she used to live (in California) all the trees were cleared and then she came to find out they have 400 to 500 year old trees right here in Mother Nature's Window. She pointed out that this is a

forest and an immense old growth forest where Mr. Turk babies the trees, putting signs on the trees to show everyone what the actual trees look like and how old they are. She said Marysville needs to save these things for the kids; it's an incredible asset to the area and she said she thinks Marysville should do all they can to retain it.

Andy Mitchell, 2122 Virginia, Everett, addressed Council. She said she just recently visited Mother Nature's Window and it really was more amazing than she had been told. She said she could not believe Marysville has something like this next to Fred Meyer. She spoke about the Mother's Day gathering there yesterday and how nice Mr. Turk was to them. She said she was really pleased with how close in it is for everyone and how she really thinks Marysville needs to help preserve this forest.

Christine Gyulafia, 14600 51st Ave. NE #185, Marysville, addressed Council. She read a statement about children needing hands on education about forests and ecosystems and areas like this are a great part of history. She noted nature is in our roots and a connection to nature has been shown to bring peace to the soul as well as education to the classroom. She noted there are a tremendous number of species of plant and animals, some uncatalogued and we need places like this for the children, an area for people to learn about nature. Groups such as girl scouts, boy scouts and other groups do find a lot of value in this environment and if it is destroyed it would be irreversible. She concluded that we cannot allow our forests and natural ecosystems to become museum pieces and she urged Marysville City Council to help. She also submitted 54 hand written copies of letters (including her own), to be part of the record.

Lisa Hinkle, (8 years old?), 9920 59th Dr. NE, addressed Council. She talked about her family's visit to Mother Nature's Window and expressed a concern about animals' homes being destroyed.

Don Hehe, 6030 Cemetery Rd., Arlington, addressed Council. He spoke about a field trip he took children on to Mother Nature's Window and said it was a very helpful tool for him as an educator. He spoke about what a valuable asset this is to Marysville and for the children. He said as a parent, he enjoyed the experience taking his family there and as a citizen, he feels it would be a shame to see this go away for the sake of not having enough money. He said they would appreciate the Marysville City Council writing a letter of support to the county council.

Brett Lewis, 3825 Colby, Everett, addressed Council. He said he was just out to Mother Nature's Window yesterday for the first time and never knew this was here in Marysville. He was impressed by so many huge trees, with signs on them saying 200, 300, 400, 500 years old. He explained he moved to Everett 3 years ago and feels like he missed out on something because if he's known about Mother Nature's Window, he would have been there every weekend. He said he hopes with every voice the Council hears tonight, this will affect their decision and that they should know this will impact 10 generations. He pointed out that you can't just rebuild nature, especially old growth forests such as this.

Georgina McCullough, 3720 171st NW, Stanwood, addressed Council. She said they had a class social and the children at Quilceda Elementary of Stanwood raised \$16.00 to save the forest at Mother Nature's Window. She pointed out that the children could have spent this money on gum or candy, but wanted to send it along with their letter asking for help in saving the forest. She read their short letter, giving reasons why they like the forest and they all signed the letter. Ms. McCullough said as a mother, she enjoys going with the family to Mother Nature's Window and even though there are many other places the children could and do go, Mother Nature's Window is their favorite because they have so much fun there and learn from it, too. She presented the letter and \$16.00.

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Kendall Johnson, 8216 50th Ave. NE, addressed Council. He said he is a cub master and one of their cub scout pack meetings was held at Mother Nature's Window. It was an awards ceremony for two cubs who had earned their "Arrow of Light" and he told of his experience with the children who made different comments about how neat they thought the forest is. They enjoyed the signs Mr. Turk has put on the trees about how old they are. Mr. Johnson really appreciated the enhancement the forest gave to his presentation and he said Mother Nature's Window was the perfect backdrop for the whole ceremony. He spoke about the wildlife, educational opportunities, wheelchair accessibility and the wonder the children had. He talked about the activities such as the trail, playing on the bouncing tree, admiring the other trees and he said this is a great opportunity for these kids--much better than slides, other parks, etc. He urged Marysville City Council to show their support to the county council and noted foresight is only appreciated in hindsight.

Mayor Weiser asked if the consensus was for a resolution to be presented to county council. He urged people in the audience to support Mr. Turk by going to the upcoming hearing examiner meeting.

Councilmember Herman noted the last effort Marysville City Council made to have this as a park did not go through but now the number of hurdles are lessened and hopefully, it could be preserved for future generations.

Councilmember Herman moved and Councilmember Dierck seconded to submit the letter from the Quilceda Elementary children along with the \$16.00 from them to the county council, along with Marysville City Council's letter of support.

There was discussion about making the letter of support available for signature as soon as possible, so it can go before the hearing examiner by May 27th. Also discussed was review of the resolution at the 5/18 Workshop, though it was noted that the new resolution would just be reaffirming the previous one.

The motion passed unanimously.

CONSENT AGENDA:

1. **Approval of April 1998 Payroll in the amount of \$724,312.73; paid by check nos. 28904 through 29273 with check nos. 28514, 28863, 28866, 28869, 28870, 28881, 28901, 28902, 28908, 28909, 28924, 29032, and 29033 void.**
2. **Approval of Purchase of One Jail Van from Drug Seizure Fund and Authorize Budget Amendment.**
3. **Approval of 5/11/98 Claims in the amount of \$1,859,467.75; paid by check nos. 39177 through 39401.**
4. **Affirm Hearing Examiner's Decision to Approve the Request for a Rezone with Conditions; Plaza 88; PA9711061.**
5. **Approval of Strawberry Festival Permit as Submitted Subject to Documentation of Insurance Coverage.**

Councilmember Bartholomew asked that Item 5 be considered separately.

Councilmember Leighan said he would not be voting on check #39389.

Councilmember Leighan moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1 through 4. Passed with Councilmember Leighan abstaining on check #39389.

Councilmember Bartholomew asked about the insurance certificates naming elected officials as additional insureds under the Maryfest policy. She also asked who would be making sure the amount of the policy is at least \$1,000,000.

City Administrator Zabell said the City Clerk is the one who monitors this and she is very familiar with the City's requirements.

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Councilmember Bartholomew moved and Councilmember Myers seconded to approve Item #5 under Consent Agenda. Passed unanimously.

STAFF BUSINESS:

City Administrator Zabell referred to the Marysville Messenger newsletter he had just handed out and said it has been mailed out to residents today. He reported on the Medal of Honor Ceremony a number of City staff attended today in Seattle. He noted out of 122 medals of honor, 119 were awarded posthumously, including the one for Marysville's Don Arndt.

City Attorney Weed reminded Council of the Boundary Review Board hearing tomorrow at 7 p.m. in the Ginny Stevens Room regarding the Smokey Point Annexation area.

Public Works Director Winckler noted there will be a Solid Waste Meeting in Everett 5/13 at 6:30 p.m. and a Utilities Committee Meeting 5/14 at the Public Works Bldg.

MAYOR'S BUSINESS:

- 1) Mayor Weiser said he will be sending the letter in support of Mother Nature's Window.
- 2) He said it was an honor to be at the Medal of Honor Awards today; acts from 1891 to 1997 were honored today and Marysville was well represented.
- 3) There will be a follow up workshop from 8-12 on Saturday in Everett next to the Marina Inn.
- 4) There will be a workshop Monday, 5/18 at 7 p.m. in the Council Chambers regarding Sensitive Areas Ordinance scope of work and changes, budget amendments.

CALL ON COUNCILMEMBERS:

Councilmember Bartholomew reported she will be attending the Snohomish County Parks Board Meeting tomorrow night.

Councilmember Herman referred to past discussions about City Council being a policy making body, asking about review of this process at the workshop, possibly regarding how a code would be implemented, eg. possible need to define administrative process for staff information.

Councilmember Leighan said he had been notified that the Work Release Siting Committee has been officially disbanded.

Councilmember Wright reported the Cities & Towns meeting will be May 21 at the Dutch Cup in Sultan and she reported on the Endangered Species Act meeting she attended in Seattle today. She said there is a survey to be completed regarding the City's current codes and then all the surveys from all the cities will be evaluated. She spoke also about the Snohomish River Watershed and said requests for grants for this, as well as the Salmon Recovery Act, have to be in by June.

Councilmember Pedersen reported on the ongoing attempts to get an Arts Council formed through efforts of the Library Board. She also reported that 4000 reference books, microfilm periodicals and employees have been donated to the Marysville Library by Lynnwood for about a year until they get their new library built.

Councilmember Dierck noted there is a workshop coming up on culverts, May 20 in Omak, registration \$235 per person and she asked if Public Works Director Winckler might be interested in attending. He said he would be and would get more information on it.

Mayor Weiser noted he gave a tour to 7 people from Lynnwood, of Marysville's City Hall and Library; they may turn their library into a city hall like Marysville did, he said.

PRESENTATION:

1. W.S.D.O.T.

Mr. Mitchell spoke about materials handed out concerning closures of SR 529 while the 3 bridges are repaired. He noted the work will go to bid in August and work will not start until spring. He said the bridges are pretty close to failure and need some major work.

Mr. Johnson added information concerning the 3 swing span bridges, noting they need new electrical work, painting, retrofitting and because they are under Coast Guard jurisdiction, they have to be done one bridge at a time and in the open position. He said the Ebey Slough bridge would be done first, with the other two probably started in October 1999. A temporary system will be put in to complete the 20 East and 20 West bridge, he said and he explained the length and timing of the closures and that closures will all be all single lane and offpeak closures.

He added that they are investigating ways to speed up work with all businesses to have access, by detour, if necessary.

Mayor Weiser asked if there was some way the Ebey and Steamboat Slough bridges could be closed at the same time to expedite the process and Mr. Johnson said no, this would eliminate access to a business. It is also unsafe to have the "shoefly" situation, he explained.

Councilmember Wright asked about SR 2 being used as a detour and Mr. Mitchell deferred this to Kathy George.

Councilmember Leighan asked about the actual closure time and Mr. Johnson said that depends on parts procurement, but WSDOT estimates six months.

Councilmember Pedersen referred to their statement about no more work on 529 "for awhile" and Mr. Johnson explained there may be minor maintenance/repair work if a bridge or guard rail is hit, eg.

Councilmember Pedersen asked about how emergency services will be handled and Mr. Mitchell said the bridges are going to be in the open position and it will actually take longer to close them than use the detours. He said usually in their projects they include money for off duty state patrol officers for escorting emergency vehicles through traffic.

Councilmember Bartholomew asked when the Snohomish River bridge work would be completed and Mr. Mitchell said August 31 is in the current contract with an extension for some minor work but it will not go into 1999.

Mayor Weiser described traffic backups in Everett around 4 p.m. today and the concern that this could back up into Marysville. He noted the City is hoping to get funds from TIB and maybe doing work on 528 if funds are received and there may be a conflict with WSDOT's projects on SR 2. He added that the fire dept. also has these same concerns and were going to look into the alternative of having a helicopter on hand.

Mr. Mitchell said WSDOT is looking at a lot of alternatives to make traffic flow better; basically, they are leaving it up to the contractor regarding skilled crews, opportunities for incentives and disincentives. He said 90% of the time when they don't force the contractor to do it one way, they can often come up with more creative ways to get the job done and it usually works out better.



Councilmember Herman noted that if you are willing to pay the price, you can get the job done.

Mr. Mitchell gave examples of incentives and disincentives, based on last time they did this type of work and the number of vehicles that use the road. He said one of the incentives is to "rent" the roadway to the contractor so they end up paying less "rent" if they get the job done sooner. He pointed out that they have not come to that agreement as yet and can get further information to Marysville City Council as it becomes available.

Councilmember Herman said he likens this situation to the situation they had with the roadways in California after the earthquakes and noted they got the work done in a very timely manner in California; he said he feels this is an emergency here in Washington and that we need to have some incentives to get the work done. Fortunately, WSDOT has the luxury of having a little more time, however, he said. He asked for a letter from WSDOT outlining incentives when finalized.

Councilmember Bartholomew asked about DOT meeting with the Tulalip Tribes and Mr. Mitchell said he could check with them regarding their plans.

Councilmember Dierck asked if this could not be considered an emergency situation and Mr. Mitchell said only if the bridge fails completely, eg. if it falls down. He said another issue is with the Coast Guard, shoreline permitting, etc., things that can be set aside in an emergency.

Councilmember Herman stressed the need to have the closure take as little time as possible.

Mr. Mitchell then introduced Kathy George, Project Engineer for the SR 2 project.

Ms. George distributed a handout to Councilmembers and outlined what the repair work will involve, detours. She noted inspection work a couple years ago showed spalling, rusted rebar, possibly from water seepage in girders, which is causing structural integrity problems. She said they will only close the westbound bridge from 9 a.m. to 6 a.m., i.e. during offpeak hours of operation.

Mayor Weiser said if the City goes with Value Engineering's recommendations to improve 528, he would like to see some coordination between the two projects so the City can attempt not to have SR 2 and 528 being worked on at the same time.

Ms. George said the WSDOT timeline is that they are going on ad for SR 2 this fall.

Councilmember Herman questioned the onpeak opening and offpeak closures and how that is going to work.

Ms. George described decking replacement and said it can be done without a full bridge closure, however a lot of work has to be done with a full bridge closure which they will do on weekends. She added that this is only a pilot project in which 300 feet of the total 900 feet will be done; the total bridge decking is expected to take place in the summer of 2001, when it is funded. She described how there are chunks of concrete missing, deck delamination from steel and the need to get this repaired.

Mayor Weiser clarified that she was referring to the trestle and Ms. George added that this didn't involve any major lane closures; they have been told peak traffic is from 6 a.m. to 9 a.m. Also, they have no experience with the technology to be used so they have estimated high. She assured City Council that the detour will accommodate traffic and emergency traffic can get through utilizing the shoulder. She concluded that they will keep City Engineer Carter up to date on any information as they receive it.

PUBLIC HEARINGS:

1. Proposed Comprehensive Stormwater Management Plan.

Larry Wade, Hammond Collier Wade-Livingstone, addressed Council and handed out "Results of a Field Inspection of Storm Drainage Facilities in the City of Marysville" which he reviewed concerning Section 3.3 of the proposed Stormwater Management Plan. He also itemized some additional recommendations:

- Field inspect and inventory all streams in the City for the purpose of developing a program of habitat enhancement and a maintenance and operation program for City crews.

- Require the developer's engineer to furnish a written description of the designed stormwater detention and treatment facilities and to propose a recommended maintenance and operation plan.

- Require landscaping adjacent to all retention/detention ponds. This could include both private and public property.

- Assign additional employees for storm drainage and stream maintenance.

There was discussion about documentation and monitoring, employee responsibility, eg. the discretion of employees to do certain maintenance and perhaps there should be more of a specific schedule for maintenance, good opportunity to require landscaping as a part of the facility that is going to be dedicated to the City with landscaping on the adjacent lots, more personnel for maintenance (substantially more than the City has now).

Mr. Wade spoke about signage, the fact that most ponds have been cleaned, he was impressed with the field inspection, facilities being maintained well for the most part.

Councilmember Bartholomew asked about the new EPA regulations she had recently read about and whether this plan brings the City in line. Mr. Wade said it would certainly be the first step towards that end.

Mayor Weiser asked if anyone from the audience wished to address this topic.

Mike Papa, 8127 54th Dr. NE, addressed Council. He handed out packets to each Councilmember and said he hoped they would have a chance to read the material he was presenting to them prior to their making a decision. He noted the Tulalip Tribes are a state agency and have the capability of typing streams, and he recommends the City of Marysville hire them to do this. He said he believes this will be the most accurate way of typing the streams. With regard to cleaning and maintenance of detention ponds, he said where he works, when the pond is 10% full that's when it should be cleaned out. Also, you don't want trees growing on the downhill face because they can shade too much and have a detrimental effect on bioswales, too. He referred to the handout materials and offered his help in getting Marysville going on this. He spoke about a Stakeholders Group and noted Lakewood, Everett and Snohomish County are all facing the same issues as Marysville. He referred to a letter from the Muckleshoot Tribe and invited the Council to take a look at the comments from these people and maybe Marysville can incorporate into their ordinance more than just minimum requirements, he said. He spoke about Everett's seasonal grading and landscaping restrictions and said Marysville should think about this. He said Everett has a formula that takes into account the type of soil, slope of the site, eg. He added there are a lot of comments from different folks in the packet of materials he has handed out and Everett's ordinance has been in force for a couple years now.

Councilmember Herman brought up the hiring of additional staff issue and Mr. Papa said the biggest maintenance job is vegetation and where he works, they have been trying to get another crew for that vs overtime for present employees.

Councilmember Bartholomew left Council Chambers at 9:17 p.m.

Mr. Papa said getting native trees removed is a big job--you don't want trees growing on a dam, they can cause damage in the long term. He spoke about harvesting (cutting and removing of trees) to eliminate phosphates, nutrients, fertilizers.

Councilmember Bartholomew returned at 9:19 p.m.

Councilmember Herman referred to the handout materials and noted people have different perceptions about how the ditches and bioswales are supposed to work.

Mr. Papa said he notes most of the private bioswales are not working in Marysville because people just don't maintain them voluntarily.

Councilmember Herman asked Mr. Papa what he is recommending and Mr. Papa said he would like Council to look at what the Muckleshoot Tribe's concerns are possibly Marysville could change their ordinance. He said the county and other cities took over bioswales and don't leave them privately owned, for example.

Bruce Tipton, 6208 100th St. NE, addressed Council. He said the person at the Tulalip Tribes to talk with is Andy Locke; they have a grant to do typing of streams in accordance with the WAC and he could also come out and give a seminar like he did for Snohomish County regarding stream typing and then perhaps the City could decide who is going to do that in the City and that person could work with Andy Locke. He noted there is a dispute resolution process involved in case someone doesn't agree with the stream type. He added the salmon issue is going to make that WAC more important; there is talk that it might be extended to non-forested areas. He said he thinks there could be a lot of cooperation between the City and the Tulalip Tribe on these issues. He also mentioned the training coming up in Omak, with a phone number to call on this: 206-788-1167.

At the Salmon Recovery Conference today, he said there was a term used: "airing of dirty laundry" referring to people in the past who have violated existing codes. He read his statement regarding making people aware of the fact that Snohomish County has officially reported to the WSDOE and the EPA that about half of the surface waters of the watershed are so polluted that wading in them is not recommended as accidentally splashed water may cause infections. Also, the waters are listed as violating federal standards for fecal coliforms and dissolved oxygen on the EPA's 303(d) list of polluted waters, he said.

He referred to speakers at the conference today who expounded upon the need to analyze how well current laws and regulations are being enforced. It is clearly obvious that our water could not have reached such a degraded state in a lawful manner, he said, and violators should be put on notice.

He said the only possible reason for not including his former recommendations (2/8/98) in the preamble of the proposed drainage code would be to protect those who plan to continue violating clean water laws and laws that guarantee citizens their inalienable rights to a healthful environment. He added that including his suggested preamble would put violators on notice that further illegal degradation of our waters is unacceptable while notifying citizens of the current state of the watershed. The preamble would not be part of the law but explains why the City needs a new drainage code, he said.

There was discussion about testing, the salmon recovery conference today, hiring more employees for stream typing, need to get this into the 1999 budget.

Mr. Tipton said since Marysville has a lot of farmland in the area and so many streams that have been altered, there is going to be a lot of dispute resolution going on and ongoing typing, probably to some extent. He noted Fish & Wildlife's new buzzword is "mitigation for lost potential fish habitat."

Public Works Director Winckler noted one stream may in fact end up having several classifications along its length.

City Planner Hirashima said as she understands it the classification of streams can be changed with an application to DNR. She said she believed the decision is made at the district office; the City has had conflicts with letters from the Tulalip Tribe, Fish & Wildlife, regarding application of Marysville's Sensitive Areas Ordinance. She added Marysville has situations where there have been conflicts between the Tulalips and the developer and the City has to go back to the Dept. of Fisheries who make the final call. The current state of the stream has to be considered and the City's SAO prevails with regard to fish habitat, she said. Dept. of Fisheries can have jurisdiction in some situations and it's really important to get the data, she added.

Mr. Tipton said it depends who has jurisdiction and DNR actually makes the final call but can defer to DOF, eg.

City Planner Hirashima said the ultimate issue is the buffer requirement, not the stream type and the focus is on what types of buffers.

No one further wished to address this matter and the public testimony portion was closed at 9:45 p.m.

Councilmember Pedersen moved and Councilmember Myers seconded to continue this public hearing to 5/26/98, in order to allow Council to review the materials that were submitted tonight, with further public testimony allowed at that time. After brief discussion, the motion passed unanimously.

CURRENT BUSINESS:

1. Library Pedestrian Crossing.

Public Works Director Winckler reviewed the agenda bill, stating staff recommends that this crossing would be best served with an island type of crossing; the Light Guard system is currently being tested in a number of cities throughout the country but is not an approved system as yet. He said Marysville could, if Council desires, become part of the federal study for the Light Guard system but that would cause a considerable delay. Also, he said the recommendation would include a center turn lane with no parking on Grove in the immediate vicinity of the pedestrian crossing and elimination of the bus stop.

Councilmember Pedersen said the Library Board is in support of Mr. Haro's recommendation because even if they wanted to use this site under the federal program, it would cause quite a delay in the whole process and they want something in place by summer and the thought was State Avenue might be a more appropriate test site.

Councilmember Wright asked how much parking will be lost and Public Works Director Winckler said probably the entire block as well as loss of the bus stop by the library.

There was discussion about the design, the center turn lane, the need to communicate with CT about commuter parking and a replacement bus stop location.

Councilmember Herman stressed the importance, after seeing what happened when property owners around Asbery Field were not included in discussions, of speaking to surrounding private property owners regarding parking by the library as well as the City and CT working together on this.

Councilmember Myers said he would like to see the left hand turn extend down to 64th and would also like to see a railing on the crosswalk in the middle. There were comments about ADA requirements.

Councilmember Myers left Council Chambers at 10:07 p.m.

There was further discussion about communication with commuters and Community Transit.

Councilmember Pedersen moved and Councilmember Dierck seconded to authorize the rechannelization project on Grove St. to make it a three lane street in the area of the library with a center turn lane and traffic island pedestrian crossing as shown in the recommendation from William E. Haro & Associates as per attachment A and work in conjunction with CT in finding alternative solutions for parking and CT bus stop. Passed 6-0.

There was discussion about possibly purchasing the Tudor property for a park and ride lot, especially with the City trying to encourage use of transit and therefore needing to take some responsibility to provide parking.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Amending MMC 19.38.050(1) Relating to Development Standards for Mobile Home Parks and Adding a New Subsection Relating to Annexation.**

Councilmember Bartholomew moved and Councilmember Wright seconded to approve/adopt Ordinance 2190. Passed 5-1 with Councilmember Dierck against.

2. **Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by Robert Aldridge and Amending Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve/adopt Ordinance 2191. Passed 4-1 with Councilmember Dierck against and Councilmember Pedersen abstaining.

3. **Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by Robert Aldridge and Amending Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Bartholomew moved and Councilmember Leighan seconded to adopt/approve Ordinance 2192. Passed 4-1 with Councilmember Dierck against and Councilmember Pedersen abstaining.

4. **Ordinance Affirming Hearing Examiner Decision and Rezoning Property Owned by William H. Roberts and Amending Official Zoning Map Previously Adopted in Ord. 772.**

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve/adopt Ordinance 2193. Passed 6-0.

5. **Resolution Establishing a Policy for Erection of "Please Don't Drink and Drive" Signs.**

Councilmember Bartholomew moved and Councilmember Dierck seconded to approve/adopt Resolution 1884. Passed 6-0.

ADJOURNMENT: 10:14 p.m.

EXECUTIVE SESSION: 10:20 to 11:07 p.m.

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|------------------------|------------|
| 1. Litigation. | No Action. |
| 2. Real Estate. | No Action. |

RECONVENED & ADJOURNED: 11:07 p.m.

Accepted this 26 day of May, 1998.

David Weiser

MAYOR

Mary Swenson

CITY CLERK

Standa A. Swenson

RECORDING SECRETARY