

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
MARCH 27, 2000**

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. March 13, 2000 city council	Approved as presented.
AUDIENCE PARTICIPATION 1. Fred Messmer, Ed Geddes, and Larry Wade regarding design of boat launch at waterfront park.	Council supported 4-lane configuration.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. Proclamation declaring April 3-9 as Public Health Week 2000.	
ACTION ITEMS	
<b>REVIEW BIDS</b> None.	
<b>PUBLIC HEARING</b> None.	
<b>CURRENT BUSINESS</b> 1. Engineering Department reorganization implementation	Approved job classifications and reclassifications.
<b>NEW BUSINESS</b> 1. Tow truck regulation. 2. Land development construction inspection. 3. Snohomish County aid agreement for municipal services, backup traffic signal maintenance.	Revised code. Approved contract with Harris & Associates. Approved.
<b>CONSENT AGENDA</b> 1. Approve March 27, 2000 claims in the amount of \$394,207.90 paid by check Nos. 51191 through 51251 with check Nos. 51183 and 51271 void. 2. Approve liquor license renewals for Fanny's Restaurant, Jackpot Food Mart (5830 Grove Street), Jackpot Food Mart (1034 State Avenue), Marysville Deli & Video, and 7-Eleven Food Store No. 29536. 3. Approve Utility Committee recommendation to approve the Utility Variance Request with condition, Duane Smith, 5115 124 PL NE, Marysville. UV 2000-04.	Approved. Approved. Approved.
<b>LEGAL MATTERS</b> 1. Contract for recovery of road/right of way construction costs.	Approved.
<b>ORDINANCES AND RESOLUTIONS</b> 1. An ordinance of the City of Marysville, Washington amending MMC 11.62.020 relating to designation of truck routes. 2. A Resolution of the City of Marysville, Washington amending Resolution No. 1936 granting a variance for SGA Corporation (Bob Hart) for property located at 31 <sup>st</sup> Avenue NE south of 6130 Lots 2 and 3, Marysville, Washington, by extending the duration thereof.	Tabled to April 3. Approved Resolution 1977.
<b>INFORMATION ITEMS</b> 1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	11:00 p.m.

**MINUTES  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
MARCH 27, 2000**

**CALL TO ORDER/FLAG SALUTE**

The meeting was called to order by Mayor David Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
David Weiser, Mayor	Dave Zabell, City Administrator
Mike Leighan, Mayor Pro Tem	Mary Swenson, Assistant to City Administrator/City Clerk
Shirley Bartholomew	Robert Carden, Chief of Police
Jim Brennick	Grant Weed, City Attorney
Norma Jean Dierck	Ken Winckler, Public Works Director
Donna Pedersen	Owen Carter, City Engineer
Suzanne Smith	
John Soriano	

CORRECTED: SEE 4-3-00  
MINUTES

**MINUTES OF PREVIOUS MEETING**

1. City Council Meeting, March 13, 2000.

**MOTION** by Dierck, second by Leighan, to approve the minutes of the March 13, 2000 meeting as presented. Motion carried unanimously (7-0).

**AUDIENCE PARTICIPATION**

Fred Messmer, 332 Gays Drive, introduced the topic of the boat ramp at the proposed new park. He stated that a petition with 157 signatures had been presented at the park Board; the motorized boaters wanted to meet with the architect this week regarding their desire to modify the boat ramp.

Ed Geddes, 1326 First Street, also spoke on behalf of motorized boaters regarding the boat ramp. The current design was for a tight, two-lane ramp; most ramps now were four lanes divided by a float. He questioned retaining the existing building, which had little value. Another concern was the congestion on the south and north ends; another entrance would be desirable. The proposal from the motorized boaters would increase the width of the ramp from 40 feet to 66 feet.

Councilmember questions and comments were as follows:

- How would tides impact the use of the boat ramp? Mr. Geddes responded that anyone launching a boat would be backing down much further on a low tide, but there would be less activity because you were limited on where you could go on a very low tide. The tidal pressure was not tremendous because of the slough.
- Would four lanes be preferable to two wide lanes? Mr. Geddes noted that the important thing was to have the float down the middle; the current plan showed no division.
- Had the property line between the Park and Geddes Marina been determined? Mr. Geddes responded that that was in dispute. Mr. Weed noted that a lawsuit had been filed against the City regarding the property line dispute; he advised council against getting into a discussion regarding the common property line.
- Would increasing the number of launching lanes increase the usage in the estuary? Mr. Geddes noted that 600,000 motorized boats were sold each year versus 60,000 non-motorized boats. Usage in the estuary was beyond the scope of what council was discussing; if boaters did not launch at the new park, they would find another place to launch. He added that if the park were done properly, it would be environmentally improved over what it is now.
- Would dredging have to be done to accommodate this suggestion? Mr. Geddes suggested that dredging would be necessary for any of the plans, as the silt there was not natural and had accumulated over the years. Dredging would return the channel to its natural state, which was deeper; he had photos from the early 1900s, which showed much deeper water. Some of the material to be removed was fouled material.
- What would be the lane width in a four-lane configuration? Mr. Geddes noted the lanes would be 12 feet wide with a float device dividing the two lanes on the north from the two on the south.
- Was the funding for the park coming from the boaters? Mayor Weiser responded that half of the money to purchase the property came from the gas tax paid by motorized boaters. There was a two-year cycle for construction money, and that's

- what the city was applying for now. This would not be enough to cover the total cost of the facility, but if the city didn't apply now it would have to wait another two years.
- Design changes. Mayor Weiser noted that the first draft of the park design showed one lane for boat launch and covered boat storage. The current draft eliminated the covered boat storage and included two lanes for boat launch. He expressed concern that the funding may be lost if the design went in as a four-lane, when overall usage of the site would not accommodate that.
  - Two lanes would be acceptable. Mr. Geddes noted that if a problem arose regarding the required number of parking spaces, the boaters would accept a two-lane configuration provided the total width of the ramp was 66 feet and had a middle float.
  - Under the current design, was there an opportunity for children to get to the beach? Mr. Ballew responded that shoreline access was part of the project. There were wooden decks, but fishing was prohibited.

Jim Ballew gave a further explanation of the funding. The Marine Recreation Act required collection of sales tax on gas sales for motorized boating. This was managed by the Inter-Agency Committee for Outdoor Recreation (IEC, part of the Department of Natural Resources). The purpose was to provide access and develop facilities for motor boating and support facilities, including parking, restrooms, picnic facilities, docks and lighting. IEC had an odd/even year restriction on applications, had received 142 requests, but could fund only about 30 projects. Fifty percent of the acquisition cost came from the city's Growth Management Fund. The second phase was a planning/design grant and was to hire a design team and begin to secure permits. IEC paid up to \$750,000 on a project. A grant request could be changed by no more than 10% and that had to be approved by the Executive Director of IEC. Over the years of this project, the City had met with many professional advisory groups, including Fish & Wildlife, who dealt with boating ramp issues, so the plan was revised to accommodate the results of these technical reviews in Olympia, all of which resulted in the current concept. Regarding going to four lanes, staff had some issues regarding overall utilization of the waterfront and the situation with the new bridge.

Larry Wade, of Collier Wade Livingston, spoke to the boat launch design. He noted the current design showed two lanes, 15 feet each, with side floats of 8 to 10 feet. A four-lane concept would be 30 feet across the launch lanes, 30 feet on the retrieval lanes, with the center float from 6 to 10 feet; the side floats would remain 8 to 10 feet. The transient moorage dock had been moved out to Ebey Slough. This concept greatly reduced the platform areas on the east and west. He showed photographs of several boat launch facilities with varying configurations: 14<sup>th</sup> Street N.W. in Seattle, Shilshole Marina, Magnuson Park in Seattle, Everett 14<sup>th</sup> Street, Mukilteo, and Langus Riverfront Park. He expressed concern about the four-lane configuration because the impact of the new bridge was unknown. As it currently existed, the bridge would conflict with a four-lane design unless the whole ramp area were moved to the west. If it were moved to the west it would impact the restroom facilities that were designed for that area and would require reconfiguring the entrance road and the whole west area.

The Mayor called for comments from the audience.

Dale Smith, 27826 15<sup>th</sup> Avenue N.E., Arlington, expressed support for the four-lane configuration.

Rich Greenshields, 8911 51<sup>st</sup> Avenue N.E., supported a 66 feet overall launch area, but in a configuration of two wide lanes.

Mr. Ballew spoke to the timetable for this project and the new bridge. He hoped to bring this project into construction during the next construction season; he was meeting with the Corp of Engineers and walking the project on March 28<sup>th</sup>. Regarding the bridge, the State was working through its environmental process, which would be completed by the end of this year. The project would then move into design stage and construction was probably two to three years out. The existing bridge would be there for a while and could conflict with expansion of the launch into a four-lane configuration.

Mr. Wade emphasized that staff needed to complete this application by May 1, including cost estimates, so direction from council was required.

**Motion** by Brennick, second by Dierck, to proceed with a design for a four-lane boat ramp. Leighan and Smith voted nay; all others voted aye; motion carried (5-2).

#### **PRESENTATIONS/PETITIONS/COMMUNICATIONS:**

1. Proclamation Public Health Week.

Councilmember Pedersen read the proclamation declaring April 3 through 9 as Public Health Week 2000. Mayor Weiser presented the proclamation to Bob Pekich, the Director for Environmental Health. Mr. Pekich thanked the City for its attention to public health.

The Mayor called for a short recess at this point in the meeting.

### **ACTION ITEMS**

#### **Review Bids**

None.

#### **Public Hearing**

None.

#### **Current Business.**

1. Engineering Department reorganization implementation

Mr. Zabell reported that Mr. Carter had met with two groups regarding the reorganization—his direct reports and the core group, which had been interviewed by Mr. Weed. The reorganization plan was well received, with concerns about the two-week time limit.

Mr. Zabell stated that the current action was for a reclassification and a new classification to enable the reorganization to be implemented. The reclassifications would not require a budget amendment because several of the positions had been vacant and there were ample funds in the budget; also some of the positions had been anticipated and budgeted for. He reviewed the details on the pay scales.

**Motion** by Brennick, second by Smith, to approve the job classifications and reclassifications as requested. Motion carried unanimously (7-0).

#### **New Business**

1. Tow truck regulation

Commander Peterson gave a detailed presentation on police impounds and the governing municipal code. There were four towing companies, which met the criteria to be on the Police Department's call out list: Harry's, Specialty Towing, Soper Towing and Jim's. The ordinance required the towing companies to have a City of Marysville business license, be registered with the Department of Licensing, have a registered office address within tow truck zone 5, maintain a secured storage yard within zone 5, and to have at least two tow trucks available for Marysville business. These requirements did not apply to private owner requests for towing. He reviewed the map of zone 5, noting the zones had been created by the State Patrol. Zone 5 went from Ebey Slough to Highway 9 to 172<sup>nd</sup>, the Lakewood Road to Marine Drive, then back to Marysville. Commander Peterson noted this ordinance had been working well for the Department; there had been no citizen complaints.

Ms. Swenson noted that this topic was on the agenda at the request of councilmember Brennick. Councilmember Brennick stated he had been approached by some towing firms who were unhappy with the current ordinance. Ms. Swenson noted the city's list of tow truck operators also included Dick's Towing. All storage yards were located at the business site except for Jim's, which was located on Ash. She noted that an owner could request a tow from any company; they did not have to have a storage yard in the city or have two tow trucks. However, they did have to have a business license and meet the other regulations. She added that staff was currently reviewing the towing signs posted at some businesses. Ron May Towing, for example, was in violation of the city's requirements because it did not have a storage yard in zone 5. Any business owner requesting that a vehicle be towed had to use a company which met the city's code. Only the owner of a vehicle could request a tow by any company.

Councilmember Brennick noted that his concerns had to do with the citizen being able to find their car after it had been impounded, and with keeping the towing business within the city for local businesses.

A lengthy discussion ensued regarding the need to review this ordinance at all, and whether making the ordinance more restrictive would serve as a restraint of trade.

Mr. Weed noted that the City could impose reasonable business regulations. It could impose the zone 5 or city limits restrictions, but could not tell private vehicle owners who to contract with so long as the firm they chose was complying with the city's other business regulations.

The Mayor called for public comment.

Brad Wall, 1304 First Street, Specialty Towing, suggested any tow company should be able to come into town, pick up a vehicle and take it to another city without having to have a Marysville business license; an out of city towing firm should not be allowed to come into the city, pick up a vehicle and drop it off elsewhere in Marysville. Many businesses have signs from towing companies which are not authorized to do business in the city. He gave some information on the fees they charge.

Jeff Seibert, 5004 80<sup>th</sup> Street, asked for clarification if a car was stalled. Commander Peterson said an owner could self tow as long as he had the proper equipment.

**Motion** by Dierck, second by Smith, to waive the requirement for towing companies to have a Marysville business license when they are operating at the request of the vehicle's owner and to direct staff to communicate the city's towing requirements with all property owners who have towing signs posted to ensure they are in compliance.

**MOTION** by Brennick, second by Soriano, to amend the motion to include the language eliminating zone 5 and inserting the city limits of Marysville.

**ON ROLL CALL VOTE:** Bartholomew, Pedersen and Leighan voted nay; all others voted aye, amendment passed (4-3).

**MOTION** by Bartholomew to terminate debate. Motion carried unanimously (7-0).

## 2. Land Development Construction Inspection.

Mr. Carter gave a brief background presentation, noting this was an interim step until the open position of inspector could be filled.

**MOTION** by Dierck, second by Leighan, to approve the contract with Harris & Associates to provide land development construction inspection services at the billing rate of \$70.00 per hour and authorize the Mayor to sign the contract. Motion carried (6-0), with councilmember Bartholomew briefly out of the room.

## 3. Snohomish County aid agreement for municipal services; backup traffic signal maintenance.

Mr. Winkler gave a brief background presentation, noting this was an extension of an existing agreement with Snohomish County. Mr. Weed noted that he had reviewed the proposed contract.

**MOTION** by Bartholomew, second by Pedersen, to approve the aid agreement from Municipal Services with Snohomish County. Motion carried unanimously (7-0)

## CONSENT AGENDA

1. Approve March 27, 2000 claims in the amount of \$394,207.90 paid by check Nos. 51191 through 51251 with check Nos. 51183 and 51271 void.
2. Approve liquor license renewals for Fanny's Restaurant, Jackpot Food Mart (5830 Grove Street), Jackpot Food Mart (1034 State Avenue), Marysville Deli & Video, and 7-Eleven Food Store No. 29536.
3. Approve Utility Committee recommendation to approve the Utility Variance Request with condition, Duane Smith, 5115 124 PL NE, Marysville. UV 2000-04.

**MOTION** by Pedersen, second by Bartholomew to approve the consent agenda items 1 through 3. Motion carried unanimously (7-0).

**Legal**

1. Contract for recovery of road/right of way construction costs.

**MOTION** by Bartholomew, second by Pedersen to approve the contract. Motion carried unanimously (7-0).

**Ordinances & Resolutions**

1. An ordinance of the City of Marysville, Washington amending MMC 11.62.020 relating to designation of truck routes.

Councilmember Pedersen questioned the designation of 47<sup>th</sup> Avenue N.E. from 2<sup>nd</sup> to 3<sup>rd</sup>, wondering if 4<sup>th</sup> has been deliberately eliminated. Councilmember Dierck noted that regarding 101<sup>st</sup> and 88<sup>th</sup>, the school district was to coordinate with Snohomish County regarding the sidewalks.

Mr. Weed responded that in the draft ordinance only the truck routes which were not being worked out had been included. Those which the council had not approved were not in the proposed ordinance.

**MOTION** by Bartholomew, second by Brennick, to continue this topic until April 3<sup>rd</sup> to allow staff to address the questions raised. Motion carried unanimously (7-0).

2. A Resolution of the City of Marysville, Washington amending Resolution No. 1936 granting a variance for SGA Corporation (Bob Hart) for property located at 31<sup>st</sup> Avenue NE south of 6130 Lots 2 and 3, Marysville, Washington, by extending the duration thereof.

**MOTION** by Bartholomew, second by Brennick, to adopt Resolution 1977. Motion carried unanimously (7-0).

**DISCUSSION ITEMS:**

None.

**INFORMATION ITEMS:**

1. Mayor's business.
  - Thanked Mr. Winkler and Robin Nelson for the excellent presentation at the retreat on Friday.
  - Advised he would be out of town for the next meeting and Mayor Pro Tem Leighan would be carrying that meeting.
  - The DUI tax force had granted and award to Officer Jim Maples for his excellent work. The City was given special recognition for the memorial plaque which had been set at the request of Mrs. Deffries.
  - Gave history of the legislation which allowed a city to use a portion of State sales tax to pay off the bonds if they were constructing a convention center type of project. The City of Everett was considering a convention facility and Mayor Hansen had requested Marysville to dedicate whatever portion of tax would have come to Marysville to Everett for their project since Marysville was not contemplating any project. This would help Everett sell its bond. This would not be taking any funds away from Marysville that would otherwise be coming to the it. Councilmember Pedersen raised a concern about the facility that the Tulalip Tribes had planned, noting the City would not want to be seen as supporting Everett in competition with that facility. She also wanted to ensure that the tax money being requested couldn't be used for anything else, such as the one the museum was looking at. She wondered if the City would receive a share of funds from the convention center income in proportion to its contribution. She also wondered if Everett was asking other cities. Councilmember Bartholomew questioned whether the bonds that Everett would issue would be non-recourse as to the city.
2. Staff's business
 

Chief Carden. On March 29<sup>th</sup> his department would host a retreat including police chiefs from Granite Falls, Snohomish, Arlington and Lake Stevens to discuss joint goals and how the cities might cooperate with each other.

Dave Zabell: A town meeting had been scheduled for the 3<sup>rd</sup> Monday in April. Staff needed to receive input so it could design advertising.

Mary Swenson: working with the finance director regarding volunteer recognition.

3. Call on councilmembers

Councilmember Soriano

- Enjoyed council retreat.
- Invited all councilmembers to visit the library

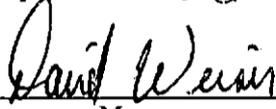
Councilmember Leighan

- Asked for a status on 80<sup>th</sup> Street and 51<sup>st</sup>. Mr. Carter noted the project was on hold waiting for utility relocation. He noted that the developer's plans were good for 18 months, then he would have to come in and renew them.

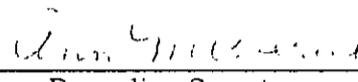
**ADJOURN**

Council adjourned at 11:00 p.m.

Accepted this 3<sup>rd</sup> day of April, 2000.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Recording Secretary