

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
MAY 1, 2000**

181000

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. April 24, 2000 city council	Approved as presented.
AUDIENCE PARTICIPATION 1. Jeff Seibert 2. Kenneth Young	
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. 1. Presentation by Kevin Murphy, Puget Sound Regional Council; Update of Region's 1995 Metropolitan Transportation Plan (MTP). 2. Proclamation: National Day of Prayer. 3. Presentation by Local Area Pastors: Pastor Ken Hale. 4. Proclamation: Marysville Juror Appreciation Week. 5. Collection Amnesty Program - Suzanne Larsen - (Information Only).	
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS None.	
NEW BUSINESS 1. 116 th Street Master Plan.	Scheduled Workshop for May 16 at 7:00 p.m. with Council, staff and consultants.
CONSENT AGENDA 1. Approval of May 1, 2000 Claims in the Amount of \$228,987.93; Paid by Check Nos. 51929 through 52088 with Check Nos. 51197, 51804, and 51925 Void. 2. Approval of April, 2000 Payroll in the Amount of \$826,923.07; Paid by Check nos. 37936 through 38166 with Check Nos. 38166 Void. 3. Approval of Utility Variance Subject to Conditions for Dujardin Development Company; 108 th Street NE & 67 th Avenue N.E., Marysville; UV 2000-07. 4. Approval of Utility Variance Subject to Conditions for Gateway Everett, LLC; 18111 25 th Avenue N.E., Arlington; UV 98-002. 5. Approval of Utility Variance Subject to Conditions for Boyden, Robinett & Associates, L.P.; 10110-59 th Drive N.E., Marysville; UV 95-007.	Approved. Approved. Approved. Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS None.	
INFORMATION ITEMS 1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN	11:00 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
MAY 1, 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	Gloria Hirashima, City Planner
Shirley Bartholomew	Grant Weed, City Attorney
Jim Brennicks	Ken Winckler, Public Works Director
Norma Jean Dierck	
Donna Pedersen	
Suzanne Smith	
John Soriano	

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, April 24, 2000.

MOTION by Brennicks, second by Dierck, to approve the minutes of the April 24, 2000 meeting as presented. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

Jeff Seibert, 5004 80th Street, requested council send input to Snohomish County's hearing on file 99-104672-000-00-SE Cassidy Ridge. The development planned for the corner of SR 528 and Hwy 9 was 4 d.u./acre. He felt it should be commercial and higher density.

Kenneth Young, 6521 60th PL NE, advised council he was working on a petition for traffic control in the area of 60th Place NE. He noted there were no sidewalks and children played in the street. Recently, a 17-year-old boy was hit and injured. He had spoken with the Police Department but the radar trailer had been used in the area only twice. No officers with radar guns had been posted there. He stated that when he had finished collecting 100% of the signatures he would return.

PRESENTATIONS/PETITIONS/COMMUNICATIONS:

Mayor Weiser re-ordered the presentations to accommodate the presenters.

1. Proclamation: National Day of Prayer.

Councilmember Smith read the proclamation for National Day of Prayer, May 4.

2. Presentation by local area pastors, by Pastor Ken Hale.

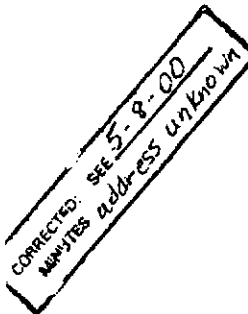
Ken Hale, 4531 5 Street NE, stated his church has undertaken to pray for the Mayor, council and local government. He presented the Mayor with a lithograph of "The first prayer in Congress, Philadelphia, 1774." He stated the local area pastors and his congregation were appreciative of the city and the services it provided. Mayor Weiser and councilmembers thanked Pastor Hale for the gift and kind words.

3. Proclamation: Marysville Juror Appreciation Week.

Mayor Weiser read the proclamation for Juror Appreciation Week, May 1 through 7.

4. Kenneth Murphy, Puget Sound Regional Council. Update of region's 1995 Metropolitan Transportation Plan (MTP).

Mr. Murphy noted the PSRC was an association of local jurisdictions responsible for long-range transportation planning in Snohomish, King, Pierce and Kitsap counties. It was the only place where all multi-modal and systems plans came together: ferry, state



highways, cities and counties' highway plan, regional and local transit solutions. The Council distributed federal funding and projects must be in the MTP in order to be eligible. They also distribute approximately \$100,000 in TIP money every two years. This plan updated the existing Metropolitan Transportation Plan to 2030 when the population would nearly double, would be older, and manufacturing jobs would continue to decrease. The analysis looked at current law revenue - what you could afford with the taxes you have today; increased capacity; adjusting land use to support transportation planning and projects - shifting growth into transit centers; influencing the pricing environment - paying for transportation by use, such as phone and water are now. He noted the updated plan required \$68 Billion; the current tax structure generated \$50. I-695 resulted in a further shortfall of \$9 Billion. Financial strategies would be a major focus on the plan update and would consider those things, which could be done without raising taxes - cutting costs, deferring improvements, raising revenue. The draft EIS was due in August, public hearings would be held through September, and the final plan would be adopted in March 2001 at the PSRC's general meeting.

Councilmember Leighan asked if an analysis had been done of the impact to the economy if improvements were not made. Mr. Murphy responded that they would be looking at that; there was not much existing data. Councilmember Pedersen asked about reducing dependency on single occupancy vehicles. He noted this had been identified as a need in the earlier plan but implementation of solutions was left to DOT. This plan would contain more implementation steps.

5. Collection Amnesty Program. Suzanne Larsen, Court Administrator.

Ms. Larsen advised that Marysville Municipal Court would be holding a collection amnesty program from June 5 through 15. Seattle and Edmonds had offered similar programs with great success. The plan offered anyone with outstanding fines dating before 12-31-97 to come in and pay those without having to pay the collection agency fee or interest. She gave an example of the significant savings this would represent to the person paying. The court and state would receive the full amount due. She reviewed the criteria: tickets must be paid in full, payments must be in cash or cashier's check, payments must be made in person, no cases involving garnishment or bankruptcy would be considered, any money previously paid would not be reversed. She noted the city's contract with the collection agency had expired and would not be renewed until this program was completed. The collection agency had agreed to waive its fees and interest during this program. Old accounts that were not paid during the amnesty would stay at collection. She noted there were 1500 cases eligible for amnesty with fines totaling approximately \$500,000. Publicity about the amnesty would be via Police Officers, press release, and posted notices; there would be no direct mailing. She emphasized the purpose was to get people to pay their fines and get their licenses back.

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business.

None.

New Business

1. 116th Street Master Plan

Mayor Weiser referenced the 5-1-00 e-mail message from Tom Hartman and asked that if be made part of tonight's record.

Ms. Hirashima gave the background presentation, noting there had been several opportunities to bring the master plan objectives and the planning product to the public. The 2/23 public meeting was held at Marshall Elementary and was well attended. The stakeholder interviews were with property owners within the boundary of the actual master plan area. The design charrette produced three options, which were presented to property owners, the Planning Commission, and the general public in a community meeting on April 17. The Planning Commission approved the staff recommended alternative of the cul de sac option with access to State. She noted that council needed to select a design concept upon which to build the entire document and the actual master plan.

Gregg Dohrn of Bucher, Willis & Ratliff, Project Manager of the consultant's team, described the area covered by the plan and the process, which had been followed to define the opportunities and constraints. The pluses were: immediately proximity to I-5 and Burlington Northern Railroad, over 170 acres of relatively flat and largely vacant land with necessary public services in the vicinity, potential zoning at a higher level, several owners of large parcels were interested in seeing the area developed, the Tribes were supportive of the master plan effort, and there was potential for transferring development rights within or between parcels. Challenges or constraints included: limited access to and from and no internal access system; no sanitary sewer or water to the site; significant environmental constraints in Quilceda Creek, Indian Creek and their associated wetlands; the property was held by 50 separate property owners; existing deficiencies in public services, including traffic on 116th, parks, stormwater; timing and financing of public improvements. He noted the key principles used to guide the planning were:

- Realize to the greatest extent possible the proposed zoning already adopted for this site. The old zoning was rural residential. The city already had adopted higher intensity mixed use, commercial and multi-family.
- Coordinate the design and delivery of public services, including roads, sewers, stormwater, recreation and water.
- Accommodate to the greatest extent possible the desires of the property owners.
- Avoid adverse environmental effects.
- Preserve or promote 116th as a free flowing street, minimizing additional congestion.

Mr. Dohrn then reviewed in detail the three alternatives shown in the agenda packet: cul de sac option, State Avenue option, bridge option. Highlights were as follows:

- The cul de sac option called for a unified access point onto 116th to provide access to the south and north, to be located between the x's on the map. The problem was that two mobile home courts were along 116th, making alignment of that street difficult. That single roadway would provide the single access to properties north of 116th. The area west of Quilceda Creek was identified for mixed used and multi-family, presuming there was easy access. The mandate to avoid adverse environmental effects would eliminate access from the north; it could only come from 88th through a combination of existing roadways. Because that would impact an existing single family neighborhood, it was suggested the western portion retain its current status as single family residential. Three areas were identified for stormwater retention systems. Shared facilities would be more land efficient and cost efficient, but raised an equity question: if one person's property held the stormwater facility, how would he be made whole? The consultants had not explored the option of using swales for storage and infiltration or using the greenspace areas; these would minimize the need for large retention ponds.
- The State Avenue option also called for a single signalized intersection crossing 116th. Access to State would cross the railroad tracks, but BNR would actively oppose such a crossing. One property owner had an agreement with the railroad that could possibly be used for that crossing and the feasibility of that option would be pursued. The southern-most property would stay single family to stay consistent with the single-family nature of the area. There had been some exploration of the benefits of providing a connection to 38th on the north.
- The bridge option called for a bridge over Quilceda Creek to provide access to the western area. IN order to span the creek and avoid adverse environmental effects, the bridge would have to span the ravine and have no footings in the creek or wetlands. That could be done but would be a custom design and costly. Property owners would have to carefully consider the return they would get from a higher use of the property and whether that supported such an investment.

Council questions and comments:

- All three options affect one property owner with a road through the property. Mr. Dohrn responded there was no way to avoid that. The Tribes owned some key pieces of property in the north and central portions of the site. They had been cooperative and had requested keeping the option open regarding future use of the railroad spurs. They were not interested in a property exchange.
- What would the impact of a LID be on property owners who do not want to develop? A previous LID effort failed. This plan must look at the best way to provide new service to the area, who would pay and in what proportions. The challenge was that

residential properties were not ready for sewer today, but may need to have it in the future. That needed to be balanced against large property owners who were ready to develop now.

- How far away would development be from the creek corridor? The team used 125' from the top of the slope, which provided the greatest protection today. With ESA and the 4(d) rule under evolution those set-asides may change in the future which could have a significant impact on these properties. The design team would discuss with staff and the city attorney ways to lock in or vest the buffers or set-asides that provided protection but gave the property owners some certainty before they made significant investments in public services.
- How big was the buffer between multi-family and single family? The zoning called for a 100' buffer.
- What about the detention ponds and possible problems with infiltration? Evaporation and infiltration were the preferred means of dealing with stormwater, rather than releasing it into a stream. The water table and soils condition would determine the ultimate treatment.
- Were there swales in the buffers? Ms. Hirashima said the code did allow swales in the buffer areas, but it was not clear if they would be allowed if they were also being used for infiltration. They needed to investigate further whether swales for conveyance were the same as swales for filtration.
- How would 36th, 37th and 38th have access? Mr. Dohrn responded that some type of internal circulation system would be required among the properties to the north. The property owners on the west half of the north portion were the most interested in developing, so there would have to be a series of internal roads that allowed access from the central boulevard to those sites. There would be no new driveways onto 116th. The only street the design team discussed closing was the 41st Street frontage road. The central boulevard would eliminate the need to have that. 36th street technically was not included in the scope, but because it was so close, there had been questions of whether it should be closed to treated in some alternative manner. That must be addressed as part of the redesign of 116th to 4 or 5 lanes. There was no proposal at this time to close 38th Street.
- What was the density for the area designated single family west of QFC? Densities had not been discussed, but that would probably be medium or high, except for the areas west of Quilceda Creek, which would have the same land use designation as in the past.

Ms. Hirashima then reviewed the staff recommendation, which had been accepted by the Planning Commission, which was for the cul-de-sac option with access to State Avenue. The highlights of this option included:

- The southern-most properties would retain the single-family zoning with access from the south.
- Open space and trails in the buffers.
- A "gateway" corridor preserved the railroad spurs.
- Circulation: coordinated intersection location on 116th, through access north of 116th, access to State, access south to 88th, central boulevard, investigate feasibility of additional signal at 36th Drive NE and 116th.
- Location and size of detention ponds were approximate; some on-site detention of individual properties might still be required.

She noted there had been public comments about the need for additional parks; the Planning Commission asked that the dedication of land for parks be investigated rather than assessing park fees. The discussions with the Tribes was on-going regarding their desire to retain the railroad spurs; that requirement adversely affected the city's ability to create a good road network in the area. The desired access onto State would be contingent on BNRR allowing an additional crossing.

Further council questions and comments included:

- Had the design team seriously looked at the letter from Scott Miller regarding 18 acres for parks? Ms. Hirashima responded the location was west of the creek and rather than having the area develop for residential, the neighborhood desired it to be a park. Because of the location, the issue would be one of financing. The design team deliberately did not identify certain areas for parks because that would reduce the developable area, affect planning for roads and drainage, and reduce the options for financing those improvements. If the city could identify a financing mechanism for purchasing additional lands for parks, that could be incorporated into the planning.
- If the property owners paid a park mitigation fee, would that generate enough revenue to enable the city to purchase some of the acreage for a park. Ms. Hirashima stated that would be looked at. Park mitigation fees were required to be paid only from residential property.
- Although the area had 170 acres, by the time buffers, setbacks and roads were taken out, how many actual acres were available for development, and could those remaining acres support the investment in improvements needed to develop? Mr.

CORRECTED: SEE 5-8-00
MANUTES S/b Hagen's

- Dohrn responded that an actual calculation had not been done but it appeared that approximately 50% of the property was not available for development.
- If the 18 acres mentioned above were used as a park, would access be from the south? Ms. Hirashima said that it would. A pedestrian-level bridge had been discussed and also the type of park which would have little impact because it was a sensitive area.
 - Was it possible to transfer density so the property on the East Side of Quilceda could get more than 4 du/acre? Ms. Hirashima noted that area was already planned for mixed use.
 - Regardless of which option was followed, was there a way to model and project traffic, as one option might show a greatly reduced level of traffic? Ms. Hirashima said this would be studied more as a part of further planning, but the three would show comparable levels of traffic because they were all based on the zoning in the comp plan. The Planning Commission had requested they look further at the necessary improvements for any access to the west side of the creek. Mr. Dohrn added that the access onto State could be limited to right in/right out. If left turns were allowed, then a left turn pocket and a signal would be necessary for safety. The right in/right out option would greatly reduce the contribution that street could make in alleviating traffic on 116th.
 - Was there an option that would prevent the road going through the Ray Barclay property? Ms. Hirashima noted Mr. Barclay had attended all the meetings and had been interviewed as a stakeholder. His concern was the central boulevard goes through his existing mobile home park; he did not support this. This question may require compromise and compensation to resolve.

The Mayor called for a short recess, then reconvened the meeting and called for public input.

Dama Lambeth, 3705 100 PL NE, supported the bridge plan with access only from the north. She opposed access through their neighborhood, which was quiet, had many children, had low traffic volumes and no safety or security concerns now. Even if the western portion were a park, that would bring in increased traffic, which she opposed. Construction of improvements could disturb their wells, which produced very pure water. They were not notified of the master plan meetings.

Bob Donald, 3812 98th Street NE, favored the bridge plan. Opposed southern access and the traffic that would generate through his neighborhood, which was not equipped to handle it – there were no curbs or sidewalks. Development should utilize access that did not affect established single-family neighborhoods. Traffic was already a problem from the new stores at 88th and 35th; increased development should not be allowed unless sufficient turn lanes were planned. He did not want city water and sewer. They were not notified of the master plan meetings.

Jim Brown, 9804 39th DR NE, favored bridge plan, citing the same reasons given earlier.

Celia Hamman, 11424 36th DR NE, owned Mobile Manor for over 30 years, which they planned to continue operating as a mobile home park, with no plans to sell or develop in any way. They had over 150 residents 55 and older. Opposed the right in/right out suggestion and requested a signal at 36th. The proposals jeopardized their access and the value of their property. Because none of the proposals showed a signal at 36th, she did not favor any of them.

Mike Papa, 8127 54 AVE NE, favored bridge option. If the area west of the creek were developed, there could be 72 to 120 single-family homes there or 200 multi-family units; this would generate much more vehicle and construction traffic. The city was failing to meet its density obligations under GMA, so suggested the west 18 acres be multi-family. Some of the mixed-use areas should be changed to single family. The city should not adopt minimum densities. There would be no vesting under ESA unless the city did its own conservation plan.

Richard Kalma, 13314 55 DR NE, favored bridge plan but no new road north of 116th. He opposed the central boulevard approach north of 116th.

Annette Hunter, 3506 100th PL NE, opposed traffic through her neighborhood, citing the same reasons stated earlier. Did not support any of the options.

Jeff Seibert, 5004 80th St., did not support any of the options but felt the bridge option offered less impact to the neighborhood to the south. The cost and inconvenience of development should not be borne by existing single family neighborhoods. Cited sections of the comp plan which the options appeared to thwart, such as strengthening neighborhoods. Transfer of density needed to be better explained. The overcrowding of schools was not addressed. Opposed closing 36th north of 116th as freeway services required easy freeway access.

Mike Walker, 10124 35th DR NE, did not support any of the options, but felt the bridge plan was preferable. He questioned whether there was enough value to justify utilizing the west side at all and suggested staying to the north and east. Suggested running a parallel road along DOT property. He stated the southernmost property was landlocked. Ms. Hirashima verified that was correct, adding the Planning Commission recommended leaving the area in the existing zoning, single family, and letting those property owners solve how to provide access, rather than spending city resources to provide access.

Roger Bates, 10117 35th DR NE, did not support any option which increased traffic through his neighborhood, for the same reasons which had been cited earlier.

Mayor Weiser closed the public comment portion of the topic. Mr. Weed emphasized this had not been a public hearing and the comments heard by councilmembers should be treated as public comments, only, not testimony.

MOTION by Dierck, second by Smith, to reject all options presented because residents of existing neighborhoods would be sharing a big burden for those wishing to develop, the options thwarted four goals from the comp plan, overcrowding of schools had not been addressed, school impact fees should be addressed before this was implemented, and the ESA listing impacted the area and that should be resolved before proceeding.

DISCUSSION ON MOTION.

Councilmember Brennick listed his concerns about the proposals but desired that the investigation and planning continue.

Councilmember Pedersen suggested the council should meet with the consultants and staff to get questions answered and gain a deeper understanding then revisit the proposals, or a combination thereof, again.

Councilmember Leighan noted council had taken on the task of planning because the property owners could not come to any agreement on their own. Council had only heard from two people who actually owned property in the planning area. The city needed this tax base to grow. Students were needed to fill schools before they would be built. Council needed to see the calculations on usable land and the cost to develop before making a decision. These were merely concept drawings, which would allow those wanting to develop to understand what the city would be requiring.

Councilmember Smith suggested these were not good plans to be proceeding on

Councilmember Bartholomew reminded councilmembers that this had been a major budget addition as the council had agreed with property owners that it was time to move on and begin the planning process. The potential tax base made this issue important and supported the suggestion of a workshop to continue the process.

VOTE ON MOTION: Brennick, Dierck and Smith voted aye; all others voted nay; motion failed (4-3).

MOTION by Pedersen, second by Smith, to hold a workshop of council, staff and consultants to consider all three options and prepare an alternative.

Councilmember Dierck suggested including the public in that process; Councilmember Pedersen rejected the suggestion.

CALL FOR QUESTION: On roll call vote, Dierck and Leighan voted nay, all others voted aye; motion to stop debate carried (5-2).

VOTE ON MOTION: Dierck voted nay; all others voted aye; motion carried (6-1).

Consensus of council was to hold the workshop on Tuesday May 16 at 7:00 p.m. in the council chambers.

CONSENT AGENDA

1. Approval of May 1, 2000 Claims in the Amount of \$228,987.93; Paid by Check Nos. 51929 through 52088 with Check Nos. 51197, 51804, and 51925 Void.

2. Approval of April, 2000 Payroll in the Amount of \$826,923.07; Paid by Check nos. 37936 through 38166 with Check Nos. 38166 Void.
3. Approval of Utility Variance Subject to Conditions for Dujardin Development Company; 108th Street NE & 67th Avenue N.E., Marysville; UV 2000-07.
4. Approval of Utility Variance Subject to Conditions for Gateway Everett, LLC; 18111 25th Avenue N.E., Arlington; UV 98-002.
5. Approval of Utility Variance Subject to Conditions for Boyden, Robinett & Associates, L.P.; 10110-59th Drive N.E., Marysville; UV 95-007.

MOTION by Brennick, second by Bartholomew, to approve consent items 1 through 5. Dierck voted nay; all others voted aye; motion carried unanimously (6-1).

Legal

None.

Ordinances & Resolutions

None.

DISCUSSION ITEMS:

None.

INFORMATION ITEMS:

1. Mayor's business.
 - Gave a brief report on the water law seminar he attended.

2. Staff's business

Chief Carden reminded council of the Community Oriented Policing Workshop on May 5.

Mr. Winckler

 - 120 letters were sent to property owners who had irrigation systems regarding backflow prevention devices.
 - Gave an update on the Sunnyside lift station, which was officially in operation. The private system would continue until the four existing homes were disconnected and connected into the other system, which should be done shortly. The private lift station was functioning.

Mr. Weed

 - Gave a report on the water law conference.
 - Spoke to the citizen request that council pass "no harm to education" legislation. The proposed legislation would involve all types of actions taken by the city, from budgeting to individual site specific rezones. Article 9, sections 1 and 2 of the Constitution, puts the onus on state government to provide for common schools and education. He read the preamble. Cities could legislate only in areas authorized by the state legislature, such as Growth Management Act allowing school impact fees. The council could look at school mitigation fees to see if they could be made stronger, but must justify those fees vis-a-vis the school district's capital improvement plan. There was no constitutional basis for the council to proceed with a "no harm to education" proposal.

3. Call on councilmembers

Councilmember Pedersen:

 - Asked that the light at 88th and State be checked as there had been reports of traffic backing up; Mr. Winckler agreed to follow up.

Councilmember Dierck:

 - Asked about school mitigation fees on the council agenda; Mayor Weiser agreed to follow up.

CORRECTED: SEE 5-8-00
MINUTES

MOTION by Dierck, second by Smith, to adopt the county's Administrative Rule for protection of the city's aquifers, creeks, and wetland corridors.
Dierck and Smith voted aye; all others voted nay; motion failed (5-2).

MOTION by Brennick, second by Smith, to continue the council meeting for ten minutes. Brennick, Dierck and Smith voted aye; all others voted nay; motion failed (4-3).

ADJOURN

Council adjourned at 11:00 p.m.

Accepted this 8th day of May, 2000.

David Weiner
Mayor

Mary E. Duverson
City Clerk

John W. ...
Recording Secretary