

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
OCTOBER 23, 2000**

000001

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	All present
MINUTES OF PREVIOUS MEETING 1. October 9, 2000 city council	Approved as presented
AUDIENCE PARTICIPATION 1. Jackie Hartman re city's water shut-off policy. 2. Bruce Tipton re presentation by Bob Wright of DOE re TMDLs in Quilceda Watershed. 3. Trent Olson re water problems on 67 th from Jubie Construction nearby.	Placed on 12-4 agenda. Placed on future agenda, no later than 2 nd meeting in December.
PRESENTATIONS/PETITIONS/COMMUNICATIONS 1. 2001 Preliminary Budget	
CONSENT AGENDA 1. Approve October 23, 2000 claims in the amount of \$650,583.35; paid by check nos. 54778 through 55016 with check no. 54520 void. 2. Approve Utility Variance; Dale W. Glassett, 5511 74 th Avenue N.E., Marysville, UV 2000-22. 3. Approve Utility Variance; Diane Bauer, 13030 56 th Avenue N.E., Marysville, UV 2000-21. 4. Approve Utility Variance one-year extension; Brutus & Associates, 51 st Avenue, South of 152 nd Street N.E., Marysville; UV 99-08. 5. Approve Utility Variance; Dujardin Development, 108 th Street N.E. & 67 th Avenue N.E., Marysville; UV 2000-07. (moved to New Business at request of staff). 6. Accept Sewer Trunk D Extension - Phase I Project as complete, and begin 45-day lien filing period. 7. Approve new liquor license for Bistro Ricardo, 9214 State Avenue Suite A, Marysville. 8. SR 528 (55 th Drive to 83 rd Avenue N.E.); Road Improvement Project; Change Order No. 10.	Approved Approved. Approved. Approved. Approved. Approved. Approved.
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Sunnyside Boulevard widening feasibility study 2. 116 th Street Master Plan	No action. Approved access management plan.
NEW BUSINESS 1. Approval of utility variance, Texaco Station, 10210 State Avenue, UV 2000-20. 2. Cedars on 60 th - 60% petition. 3. Utility Variance 2000-07, Dujardin Development, 108 th Street NE and 67 th Avenue NE	Approved Set public hearing for November 13, 2000. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
None.	
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers Dierck appointed to Snohomish County Health Board. "Appraisal of golf course" placed on 11-6 agenda.	
ADJOURN TO EXECUTIVE SESSION	10:47 p.m.
ADJOURN	11:04 p.m. No Action

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
October 23, 2000

CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:
 Dave Weiser, Mayor
 Mike Leighan, Mayor Pro Tem
 Shirley Bartholomew
 Jim Brennick
 NormaJean Dierck
 Mike Leighan
 Donna Pedersen
 Suzanne Smith
 John Soriano

Administrative Staff present:
 Mary Swenson, Assistant City Administrator
 Bob Carden Chief of Police
 Gloria Hirashima, City Planner
 Grant Weed, City Attorney
 Ken Winckler, Public Works Director

MINUTES OF PREVIOUS MEETING

1. City Council Meeting, October 9, 2000.

MOTION by Dierck, second by Smith, to approve the minutes of the October 9 meeting. Motion carried (6-0-1) with Pedersen abstaining due to her absence at that meeting.

AUDIENCE PARTICIPATION

Jackie Hartman, 6705 73rd ST NE, expressed concern about the city's policy of shutting off water if a bill remained unpaid for 30 days. She stated that the short time was unfair for a vital service and suggested it be extended to at least six weeks. Council suggested staff survey other cities and also utility companies regarding their practices.

MOTION by Smith, second by Dierck, to place "payment schedule for utility bills" on the December 4 council agenda. Motion carried (7-0).

Bruce Tipton, 6308 100 ST NE, requested that council invite Bob Wright from the department of Ecology to give a presentation on what the Department was doing with TMDLs in the Quilceda Watershed.

MOTION by Smith, second by Dierck, to direct staff to contact Bob Wright and schedule his presentation at a future meeting, no later than the second meeting in December. Motion carried (7-0).

Trent Olson, 5006 67th AVE NE, expressed concern about the water problems in his yard caused by nearby construction by Jubie Construction. He noted that staff was aware of the situation and he wanted it placed on public record.

Mike Papa, 8127 54th DR NE, provided council with written information regarding the comp plan amendment topic.

CONSENT AGENDA

- 1.

Mayor Weiser advised that staff requested item 5 be moved to New Business.

MOTION by Bartholomew, second by Leighan, to approve items 1, 2, 3, 4, 6, 7, 8. Dierck voted nay on 3, 4, and 6; Smith voted nay on 3 and 4. Motion carried.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

A. 2001 Preliminary Budget

Bob Noack, Interim Finance Director, and Dean Rohla, Assistant Finance Director, distributed copies of the preliminary budget and noted budget workshops were scheduled for October 28 and 30. A public hearing had been scheduled for November 13. The certified assessed valuation from the county would not be ready until December, so staff had used the estimated valuation which was done in July. That estimate showed an increase in assessed valuation of \$78 Million due to new construction. The budget included no change in levy rate. The regular levy would remain at \$2.65; the EMS levy of 50¢ per thousand would be collected by the city and passed through to the Fire District. The notebook also contained capital equipment and projects planned for 2001. Mr. Noack stated copies would be available in the Clerk's office and in the library. The budget ordinance would be prepared after the workshop and would be available on November 13. He emphasized that this was a balanced budget.

Councilmember Pedersen noted that she had been appointed to the Mayor's Budget Committee and had expected to be part of the process before the document was prepared. Mayor Weiser responded that this was basically the same budget that had been discussed in July, but through some cuts and with the revised revenue forecasts, the projected shortfall had been covered. The budget committee's suggestion to begin televising council meetings had also been addressed in the proposed budget. Mr. Noack added that since the start of the budget process the city had had three finance officers. He had been unaware of the committee's existence and had simply picked up the pieces, interviewed all departments, reviewed all funds and prepared the document. Councilmembers thanked him for the work product.

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business

1. Sunnyside Boulevard widening feasibility study

Mr. Winckler gave a brief background presentation, introducing Mike Terrell and Desireé Brown from Entranco, who gave a detailed slide presentation. Important points were:

- Project length was about two miles.
- The street cross section included two 5-foot bicycle lanes, two 11-foot travel lanes, and a 12-foot middle turning lane. Sidewalks, planter strips, curbs and gutters were also planned for each side.
- Storm drainage, water quality and detention facilities would be required, including detention ponds, vaults and flow control structures.
- Wetland mitigation required 1-acre of Class A wetland enhancement or creation.
- Retaining walls would be required at some locations because of the inability to obtain right-of-way.
- The new roadway section would require purchase of about 1.9 acres of new right-of-way.
- Total project cost was estimated at approximately \$8 Million.

They noted the city could develop the project in small sections, such as the areas that were having the most accidents or had capacity issues. Frontage improvements could be put in by developers, like Harborview Village. Public-private partnerships could apply for grant funding. Creating a Local Improvement District was another funding option.

Councilmember questions and comments included:

- *Did the \$8.2 Million include a bridge over Allen Creek?* Yes.
- *Could the center lane be eliminated in those areas with right-of-way constraints?* Yes. This study was limited because they did not do a detailed traffic analysis, which would have indicated where left turn lanes were needed.

- *The basin drains into a ditch, where does the ditch drain?* Ebey Slough.
- *Explain the wetland mitigation.* Ms. Brown said they were furnished with plans from Harborview Village, which was implementing wetland mitigation as part of their project. There would be opportunity to expand that to cover additional enhancements for this project.
- *Would utilizing a culvert be less expensive than a bridge over Allen Creek?* Mr. Terrell said that a hydraulic analysis was not done. They looked at the costs of a culvert and a bridge and took the more conservative.
- *Had there been any communication with the people in the area to gauge their interest in a LID?* No, there had been no public involvement; this was an engineering study, only. Mr. Winckler added that the purpose of the study was to position the project and obtain parameters.
- *Did the city have any money for this project?* Mr. Winckler said there was no further funding beyond this study.
- *Were there other projects in the area?* Harborview was a large assembly of parcels, but most of the Sunnyside area had already been short-platted in smaller developments and there were no other coordinated efforts like Harborview.
- *Where was this project on the city's timetable?* Mr. Winckler advised it was on the 6-year TIP, but on the far end, primarily due to the funding.

The Mayor called for public comments; there were none.

2. 116th Street Master Plan

Ms. Hirashima gave the background presentation, noting that approval of the proposed plan would identify the access proposal to be studied in the final plan. There would be no further analysis of alternatives. The plan before council showed phasing, with short-term temporary access. A large part of the area on the south side was vacant; this would allow them to develop one by one and work toward consolidated access, but not hold any parcel up until the entire area was ready to develop.

Councilmember Pedersen noted that on the north side it was unknown if the parcels would develop front to back. Designating a central drive aisle could cut a piece of property and preclude certain development. Ms. Hirashima responded that in all situations an attempt had been made to not show a final determination of access; the plan only intended to show the coordination from one parcel to the next. No matter what development went in, there would need to be coordination (access) from one parcel to the next so that people could move between the parcels without going back onto the street.

Councilmember Brennick asked if the latest plan had been reviewed by the affected property owners. Ms. Hirashima reviewed the history of workshops and public discussions, noting that at all the meetings it had been stressed that this was a conceptual plan and actual right-of-way would have to be negotiated with property owners. The property owners would have to determine the benefit of coordinating this and the Tribes would have to be a participant. This plan simply showed the property owners what the city would potentially approve.

Ms. Hirashima added that water and sewer would be part of the final plan. Access had been such a key element, council had requested that that be settled first. Water, sewer, potential road improvements and landscaping plans would be added next; the consulting team thought the initial mapping could be ready for the November Planning Commission meeting.

The Mayor called for public comment.

Noel Higa, Higa Engineering, Everett, said traffic signals were expensive and there should be a mechanism for sharing the cost so the first developer would not bear the total cost.

Phyllis McKenzie, 1528 172nd Street NE, Arlington, stated she had a party interested in a development on the Britt property that would be willing to put in the sewer to that property.

Ray Barklay, 3718 116th Street NE, noted the latest drawing of the boulevard concept to the south conformed to what the property owners proposed in 1998 and they had agreed on it then. He felt this would meet with approval.

Erin Metcalf, 505 Cedar, said the proposed plan had been reviewed by most of the property owners on the south end of 116th and they had approved. With this plan, one of the variables in the master planning process had been tied down, so the property owners were closer to knowing what they could do with their property.

There being no one further wishing to comment, the Mayor closed the public comment portion of the topic.

MOTION by Smith, second by Leighan, to affirm the access management plan as discussed at this meeting and at the August 15, 2000 council workshop. Motion carried (7-0).

The Mayor adjourned the meeting for a short break, then reconvened.

New Business

1: Approval of utility variance, Texaco Station, 10210 State Avenue, UV 2000-20.

Mr. Winckler backgrounded council, noting the Tulalip Tribes were extending a 24" water main from State and 100th Street to 88th and I-5. This installation required boring under the track at 102nd and the bore pit would destroy the existing drainfield for the Texaco Station. In lieu of rebuilding that drainfield, the applicant (the Tribes) was requesting to install a private grinder lift station and force main to serve the Texaco Station. At some future time the 18" trunk sewer in State would front Texaco and eliminate the need of the private lift station.

Councilmember Dierck asked who would be paying for the future extension of the sewer main, stating she did not want existing property owners to have to pay for it. Mr. Winckler responded that the city might not have control of that because a developer could come in and install the line on a recovery basis or as part of a ULID.

Councilmember Brennick asked about further use of the line. Mr. Winckler responded that the line could not go any farther to the north; a LID proposal showed a major lift station just north of the bridge. Also no other properties could tap into a pressure line.

Mr. Weed added clarification. The agenda stated that the applicants would be required to sign a no protest to a future ULID or participation in a developer extension, but the applicant was the Tribes. It would be the property owner that would be signing that agreement. The Tribes was serving as the facilitator of this variance application because it was their project, which caused the impact on the Texaco property.

The Mayor called for public comment.

Debbie Bray, represented the Tulalip Tribes.

Jeff Seibert 5004 80th, asked if the reason for granting the variance was because there was no sewer available at this time and the property needed to get on sewer and get off the septic system. Mr. Winckler said that was the case.

There was no one further wishing to comment.

MOTION by Pedersen, second by Bartholomew, to approve the variance request to waive frontage code requirements, pending the applicant install a grinder pump and force main to 100th Street. The property owner shall be required to sign a No Protest Agreement to participate in a future ULID or developer extension of the main in State Avenue when the sewer main is extended. The grinder pump shall be privately owned and maintained. Applicant shall meet all City of Marysville Municipal Codes and pay all applicable fees. Variance is also granted for the additional 300' of sewer line beyond the length allowed in the city code. Motion carried (7-0).

2. Cedars on 60th – 60% petition.

Ms. Hirashima stated the petitioners were requesting that a hearing date be set.

MOTION by Bartholomew, second by Soriano, to set a public hearing on this annexation petition for November 13, 2000. Motion carried (7-0).

3. Utility Variance 2000-07, Dujardin Development, 108th Street NE and 67th Avenue NE

Mr. Winckler explained the variance request was from the requirement to install a 21" gravity sewer main in 108th to 59th. The basis for the request was that the Kellogg Village sanitary system, which was near this development, was designed and sized to accommodate the flows from adjacent properties. Staff did a complete analysis and verified that the Kellogg system could handle the capacity of these connections. The Utility Committee had reviewed the request and recommended approval.

Councilmember comments and questions included:

- *How were they originally going to hook to the sewer?* Mr. Winckler explained the drawing in the agenda packet, noting the route that had been proposed originally was taken from the comp plan regarding how the area would be served. But that would serve an area outside the UGA. Because of that, and because the area was already developed, there would be no recovery to the developer for the cost of installing the line, which was estimated to be several hundred thousand dollars.
- *Would the city benefit by going with the original plan and collecting whatever amounts would have been paid?* The city would only receive payment for hookups; there was no financial benefit to the city in holding the developer to the original plan. The only ones who would benefit from that were future developers, who were outside the UGA. The city followed the comp plan in general, then when something specific was taking place in an area, a specific study was done for that. That was the case here. The developer asserted that the original route would not benefit anyone and they would stand no chance for recovery for putting in the 21" line.
- *Existing residents should not have to pay for growth.* Existing property owners would not be paying for the extension of the line in the future; it would be paid by any future development that went in there. The existing property owners along 108th were already served.
- *Would a lift station be required?* Yes, a lift station would be placed somewhere on the property, along with a grinder pump to serve several lots.
- *Would keeping the existing plan allow for the area to be fully served by gravity?* Mr. Winckler thought the proposal allowed for a gravity system with the exception of a few low spots.
- *The city should require an agreement for future participation in system installation/improvements at 67th.*
- *Were there problems with grinder stations?* Mr. Winckler responded that there had been problems with the one on Sunnyside. The city did recognize there were areas that were fairly low and would have to be served by grinder pumps and lift stations.
- *What was the design for Planning Area 1, because the applicant contended that it was farming area and probably would stay that way?* Ms. Hirashima said that was a reference used for sewer planning and indicated the area was outside the UGA and did not have an urban designation when the plan was done.
- *The packet did not contain copies of the minutes from the meeting where this was originally decided. It might be appropriate to give notice that the plan was being changed.* Mr. Higa of Higa Engineering noted this had been a consent item when it was first adopted. The applicant had not been aware of the conditions before it was approved. He added that it was now typical to put in duplexing systems, which alternated service in the pump chamber. This also provided backup if one pump failed.

The Mayor called for public comments.

Jeff Seibert did not support backing away from what was set out in the comp plan.

There were no further public comments.

MOTION by Leighan, second by Bartholomew, to delete condition No. 4 of Resolution No. 1987 and waive the 21" requirement pending the proposed plat participate in a future ULID, comply with City of Marysville code, pay all applicable fees, and install off-site water/sewer per comp plan. On roll call vote, Pedersen, Brennick and Dierck voted nay; all others voted aye; motion carried (4-3).

Ordinances & Resolutions

None.

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

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- Upcoming Marysville U classes would cover comprehensive plan, land use, growth management, and the endangered species act.
- Reminded that the AWC legislative meeting was October 26.
- A meeting on the possible skateboard park siting in the vicinity of the bowling alley was schedule for October 24.
- There were openings of some committees - Fireworks and Arts Council. Councilmember Dierck said she would serve on Fireworks and Councilmember Smith said she would serve on the Arts Council. Councilmember Pedersen noted that she needed to devote more time to her ailing parents and requested to be replaced on the Health Board.

MOTION by Brennick, second by Bartholomew, to appoint Councilmember Dierck as the city's representative to the Snohomish Health Board for the remainder of 2000 and for 2001. Motion carried (7-0).

2. Staff's business
None.

3. Call on councilmembers
Soriano:

- North Snohomish County Youth Futures was October 24.

Dierck:

- Requested a copy of the city's response to the letter from Grace Academy.
- Asked if the staff person had been hired in surface water. Mr. Winckler replied that a highly qualified individual, Randy Brower, had been hired.

Brennick:

MOTION by Brennick, second by Dierck, to place "appraisal of golf course" on the agenda for the next meeting. Leighan and Bartholomew voted nay; all others voted aye; motioned carried (5-2).

ADJOURN TO EXECUTIVE SESSION

Council adjourned into Executive Session at 10:47 p.m. to discuss personnel matters.

Council reconvened at 11:00 p.m. Motion by Brennick and second by Dierck to continue the Executive Session an additional five minutes. Motion carried 5-2 with Councilmembers Leighan and Pedersen against.

Council adjourned back into Executive Session to continue their discussion of personnel matters.

RECONVENE AND ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:04 p.m.

Accepted this 6th day of November, 2000.

David Weston
Mayor

Berry Becker
City Clerk

Ann M. Overell
Recording Secretary