

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 23, 1993

00225

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All Present

MINUTES OF PREVIOUS MEETING:

8/9/93 Approved

AUDIENCE PARTICIPATION:

None

STAFF'S BUSINESS:

Continued to 8/30/93

MAYOR'S BUSINESS:

Continued to 8/30/93

CALL ON COUNCILMEMBERS:

Continued to 8/30/93

PRESENTATION:

- 1. Proposition 1/Juvenile Justice Mary Helen Roberts Cont. to 9/7/93

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

- 1. Brookwood East; Preliminary Plat & Rezone; PA 9211056 Approved
- 2. T. Bradshaw; East Ridge Annexa- Cont. to 10/25/93 with no further continuances
- 3. Proposed Interim Comp Plan Next Public Hrg. 9/7/93

REVIEW BIDS:

None

CURRENT BUSINESS:

- 1. Noise Ordinance, Cruising & Trespass Ordinance Ordinances 1958, 1959 & 1960 Approved
- 2. Snohomish County Proposed IUGA Boundary Cont. to 8/30/93 (Special Meeting)

NEW BUSINESS:

- 1. Johnson Acres - Preliminary Plat P.H. set for 9/13/93
- 2. Eastwood Hills II - Prel. Plat Approved
- 3. JAK Engineering Prof. Svcs.Contr. Approved

CONSENT AGENDA:

- 1. 6 Liquor License Renewals Approved
- 2. 8/23/93 Claims - \$307,767.11 Approved
- 3. WWTF Outfall Project Acceptance Approved
- 4. Convention & Performing Arts Project Assistance Program Grant Request Approved

ORDINANCES & RESOLUTIONS:

- 1. Vacation of Portion of 79th Av. NE Ord. #1961 Approved
- 2. Off St. Parking & Loading Ordinance Ord. #1962 Approved
- 3. Limited Tax GO Bond Ord. to Purchase 2 New Garbage Trucks Ord. #1963 Approved

LEGAL MATTERS:

- 1. Arch. Services Contract - Library (Lewis Architects, Inc., P.S.) Cont. to 8/30/93 (Special Meeting)

ADJOURNMENT:

1:34 a.m. 8/24/93

EXECUTIVE SESSION:

- 1. Real Estate Cont. to 8/30/93 (Special Meeting)
- 2. Personnel
- 3. Pending Litigation

CORRECTED: SEE 9/7/93 MINUTES

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Councilor Herman asked about the "average" home/property assessed valuation and Mary Helen Roberts said the \$12 per year tax figure was based on an average valuation of \$150,000.

Councilor Baxter noted there are several bond issues coming up and when added together, could amount to a significant dollar amount.

Mayor Weiser asked about the legality of Marysville City Council supporting this type of thing and City Attorney Weed said Council could prepare a resolution with a consensus from the Council.

Councilor Myers said he would be in favor of a letter of support being given to the Committee for Juvenile Justice for this project.

Mary Helen Roberts explained this Proposition will go to the voters in the fall; the issue is whether it will pass with a 50% plus 1 majority and their objective was to get as much endorsement as possible from the communities within the county.

Councilor Pedersen asked if it can be brought back to be voted on again if it fails this time and Mary Helen Roberts said yes, but there are some political problems with that scenario.

Councilor Herman said he would like to take some action to show City Council support.

There was discussion about the number of bond issues coming up, how important Marysville City Council support is and the need to know yea or nay by 9/14.

Mary Helen Roberts explained that the number of adult criminals has been blamed on the failure of a juvenile justice system. So far, Lynnwood, Stanwood and Arlington have given their support; Everett, Lake Stevens and Mill Creek are being given presentations and still making up their minds.

Mayor Weiser suggested a letter of support be prepared and Councilor McGee agreed, stating final action could be taken at the 9/7 Council meeting.

Councilor Baxter reiterated that he would like everyone to know exactly what all the levies are costing, eg. the sewer lagoon, etc. and what they all total as far as increased taxes to the property owner.

Mayor Weiser concluded this should be put on the 9/7 agenda.

PUBLIC HEARINGS:

1. Brookwood East; Preliminary Plat/Rezone; PA 9211056.

Mayor Weiser asked regarding conflict of interest, appearance of fairness and whether anyone wished to challenge any Council members.

Brad Cattle, Attorney, 3305 Oakes, Everett, addressed the Council. He said he and his clients reluctantly wished to have Councilor Baxter excuse himself because he is related to two people involved in this case.

City Attorney Weed stated he has spoken with Councilor Baxter about this issue and yes, Councilor Baxter does have two relatives involved in this matter and it is his recommendation that Councilor Baxter step down because of the appearance of fairness doctrine; he explained there could be a potential problem down the line, possibly.

Councilor Baxter stated he takes exception to the reasons for asking him to step down; the applicants have not asked him to step down before and it seems that now that they think he might disagree, they are asking him to step down. He said he would step down but wanted to make it clear it was not his decision that his daughter or granddaughter be employed by the applicant.

City Attorney Weed made it clear that the decision was up to Councilor Baxter to step down and Councilor Baxter said he had already made up his mind to step down last Friday when he heard this issue was going to come up. Councilor Baxter then stepped down and left Council Chambers.

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

Mayor Weiser explained the process for public hearings.

City Planner Hirashima reviewed the agenda bill, noting this is a Council hearing as a result of an appeal made to the hearing examiner's recommendation for approval. Letters of appeal were received from Julie and William Shore, Gordon Schilling and Stan Carlson, she stated and noted that the concerns/issues are mainly to do with increased traffic, access onto 528, surface water, water pressure and the rezone request. She stated the neighbors were concerned that the plat would access 67th Pl. NE as opposed to 528 and the applicants have now proposed a right turn only access onto 528; WSDOT has given approval for a temporary right turn only onto 528 access. She said the applicant has asked that it be 20' from proposed Lot 23.

Councilor Pedersen asked what a "temporary" access means in WSDOT/City terms and City Planner Hirashima stated it would be until the Grove St. extension is put in and then it would be vacated. The Grove St. extension would depend on Trident and Northpointe future development, which timing is unknown at this time, she said. She added that with the temporary access, the applicant loses use of Lot 23 and she passed out an amended plat map.

Councilor Herman asked about the distance of this access between the west and east accesses in existence and it was determined that the temporary access would be approximately at the halfway point, with the existing accesses about 1/2 mile apart.

Brad Cattle, attorney for the applicants, addressed Council. He stated they believe the project to be consistent with the Comp Plan and that they have satisfied all the neighbors' concerns with regard to water pressure, water runoff/drainage, etc. As far as the increased traffic, he said they essentially agree with the staff findings and conclusions and also would like Terry Gibson, traffic engineer, to speak to the traffic issues. He noted that Bill Roberts and Bud Darling are both in the audience if there are any questions for them, also.

Terry Gibson, Traffic Consultant, addressed Council and explained that he lives in Marysville and is quite familiar with the traffic concerns in the area. He stated his firm works with the City and WSDOT and he commended the City staff on obtaining approval for the temporary right turn. He referred to a memo to Ernie Berg in the packets and noted Northpointe has 232 lots to be developed over 5 years and part of the concern is with that development; the extension of Grove was not planned originally, he noted. He put up a site plan on the board and pointed out parking, lane width features on 67th, 74th, striping, a stop sign proposed until Grove St. is extended, crosswalks, etc. He explained they looked at daily traffic on 67th Pl. and 67th St. and with no access onto 528 at all, there would be 1390 daily trips. With full access onto 528, the volume would be 700 cars a day but because of sight distance problems, 528 cannot support a

full access and that is why the right turn only was proposed, he said, so that brings the calculation down from 1390 to 1020 trips a day. This would be reduced further to 840 trips a day with the Grove St. extension build out and once all development is completed. He stressed that all the development is not completed at this time and also, a subcollector like 67th can carry 250 to 1000 cars a day, so 840 is within that range. He noted that Brookwood East would only contribute about 170 cars a day, or 15% and would be really a minimal part of the traffic.

Councilor McGee asked about the distance again between the right turn only and the other two accesses (67th & 83rd) and Mr. Gibson estimated 1/4 mi., 1/2 mile between 67th & 83rd. Mr. Gibson added there are presently 150 homes on the hill that feed into 72nd and 116 homes that bring traffic down to 76th and 2100 cars a day is what 72nd can handle, so the traffic flow is very good and there is no safety problem, he concluded (at 72nd & 67th).

Councilor Leighan asked about future development and if Mr. Gibson's projections include development to the west of 528 and Mr. Gibson said no, he had only allowed for 32 homes in Brookwood East and 232 homes in Northpointe. He explained the existing volume and flow and said build out of homes on the west side of 67th would have to be looked at further.

Mr. Cattle readdressed Council and stated that what is being looked at here is whether appropriate provision for traffic is being made and the applicants feel it is, in fact, it goes beyond, with the 390 trip per day reduction going through Brookwood Heights, so there is a total net reduction as a result of the right turn onto 528. Also, striping will assist traffic flow, he pointed out. With regard to Comp Plan consistency, he noted that the 12,500 PRDs actually have lot sizes of 7500 to 8500 sq. ft. and so Brookwood East's 9600 sq. ft. lot sizes are appropriate size. He noted that this in fact is a nice transition between 8,000 sq. ft. and 12,500 sq. ft. Drainage is proposed to flow downhill to a detention pond and will improve the situation over the present one, he said, and does have to pass staff approval. The water pressure issue is in fact a non-issue now that Marysville brings water in from Everett and mains have been extended, he said. Noise and dust complaints/concerns are covered by City ordinance, he pointed out. He said he believed the pond issue is resolved. He said he wished to correct the wording on the school mitigation, that it should be the fee calculated at the time of actual construction of the project and the issue of Lot 23 maintenance could be a condition of approval and/or restrictive covenants; it will be owned by the applicant, he stated.

Julie Shore, 7402 67th St. NE, addressed Council. She said she would like to ask Council to oppose Brookwood East as well as asking the City to seek a permanent access onto 528. She stated they are very concerned about traffic, safety, water pressure, drainage, etc. People are not going to go uphill to go west and she and her neighbors don't feel the numbers accurately reflect what's going to happen, she said.

Mike Franscoviak of 67th Av., addressed Council, stating he is an Everett Police officer who investigates fatalities and so he is very good at taking road and street measurements, which he did himself in this area. For example, at 71st St. the sight distance to the west is 454', to the east 463', he pointed out. From Brookwood East to the east there's 1023' of sight distance and driving 35 mph, and giving 20 seconds to allow someone to merge out into traffic was plenty of time and so they feel that is enough sight distance to have a permanent full access at the point where only temporary access would be allowed now, he said, especially with Northpointe being developed. He asked if the City applied for a permanent access or whether just a temporary one was applied for. He concluded that this all does permanently affect

people's quality of life and we need to protect housing values, which they have heard Northpointe is reducing already.

Mr. Cattle, the attorney, said that with respect to the permanent access onto 528, they tried to get what they were able to from WSDOT; sight distance is a problem and the temporary access will be in existence until the Grove St. extension is completed, which is an alternative that moves the quality of life issue a few steps forward. He said he thinks this development approval will assist and not exacerbate traffic conditions, as well as promoting quality of life. These applicants have brought solutions and not problems, he pointed out.

Mr. Gibson, the traffic consultant, added that as far as permanent access application, yes, it was applied for but the best they could come away with was a temporary access; WSDOT could not guarantee anything more at this time, he said and added that City staff is looking (WSDOT hasn't even approved the Grove St. extension yet) at 83rd as another alternative.

The public hearing/testimony portion was closed at 8:17 and reopened at 8:18 after consensus of Council, to allow more input.

Leo Danielise, resident of Marysville and senior engineer at Boeing, addressed Council. He pointed out that there is a tremendous amount of construction traffic and dump trucks on 67th and asked if Mr. Gibson counted them in his trip per day count. He said he feels there is an excessive amount of construction traffic in that area and will be for the next 3-4 years and that needs to be taken into consideration. He pointed out that Mr. Gibson's comparison about the Bayview Ridge traffic using 67th & 72nd and there being a lot of trips at that intersection, doesn't make it right or the accepted thing over on 67th & 528. He added that Foothills has 12,500 sq.ft. lots and has access to 528, only 200 to 300' away from the 71st intersection and so he questions the rule WSDOT is using about there having to be 1/2 mile between accesses, because it is his understanding the 1/2 mile rule is only if there is a light at the intersection and there are no traffic lights, so that shouldn't be an issue, he said. He added further that he took exception to Mr. Cattle asked Mr. Baxter to step down off Council; this was not a jury selection, he pointed out.

Councilor Pedersen asked if it would be appropriate to ask how many people are opposed to approval, by standing, for example.

City Attorney Weed said there is a significant amount of information in the packets indicating who is for and against and that is an official part of the record and he said he would like to see people at least give their name and address for the record rather than just a show of hands, for example.

William Shore, 7402 67th St. NE, addressed Council, stating he wants to be on record as against this development; he said he is pushing for permanent access and lot sizes.

Ron Selia, 7216 67th St. NE, addressed Council, stating he is in opposition to the development; his main concerns being the traffic and lot size issues. Also, he said he would like to see permanent access onto 528 and he noted for the record he is Councilor Baxter's son-in-law.

Eric Ford, 6717 74th St. NE, addressed Council, stating he is opposed to the lot size reduction as proposed and feel making smaller lots like this brings down property values. He said he has been in construction for many years and thinks this is what people look for. Also, there's a lot of construction traffic there, he noted. When asked, he stated his own lot is 1/4 acre.

Diane Selia, 7216 67th St. NE, addressed Council, noting she is opposed to the development of Brookwood East. There are six people in her family and they need the extra parking afforded by bigger lots and permanent access is also needed onto 528 to accommodate the extra traffic, she said. She added that she is Ken Baxter's daughter.

There being no one further who wished to speak at this time, the public hearing was closed at 8:30 p.m.

Councilor Leighan noted that Cedar Crest Ridge/Foothills was granted access onto 528 as a condition of their plat and City Planner Hirashima said they were granted access to 528 prior to the WSDOT access restrictions that just came into effect.

Councilor Leighan stated he would like to get a feel for how many homes are going to be accessing 67th and City Planner Hirashima reviewed the site plan in the packets, noting Foothills tax parcels to the east of 3-005 would access through Foothills; the intent was that access would be combined in the future, she said and added she believes there is a creek next to 3-004 and so she can't speculate how they would access 528 from that area.

Councilor Pedersen asked about the Comp Plan designation and City Planner Hirashima stated medium density single family, allowing for an approx. 9600 sq. ft. median lot area.

Councilor Wright asked about the proposed drainage plan and City Planner Hirashima stated a preliminary drainage plan only has been submitted; the applicants have met with Public Works and their proposal is to use the Brookwood Heights Detention Pond, she said.

Public Works Director Winckler said the applicants were trying to get as much drainage as possible and there was discussion regarding fences, slope of banks, etc. and he said he thinks they were able to meet criteria of the county.

Councilor Pedersen asked if school mitigation isn't collected at the time of construction and City Planner Hirashima said yes, it's paid at the time of building permit issuance and it is \$954 per lot right now, which is lower than last year's fee and needs to be clarified in the wording, she said.

Councilor Pedersen asked if the general feeling is that a permanent access would never be allowed on 528 and Public Works Director Winckler stated the City is dealing with a new restriction here on 528 and are not really sure if there is any flexibility with WSDOT. He pointed out that of significant concern is the Grove St. extension and the City is taking this whole thing one step at a time; they were simply trying to seek a temporary solution for this development, he said.

Councilor Herman noted striping will probably help traffic flow and asked if there had been any discussion about traffic controls, eg. diversions, to slow traffic down.

Public Works Director Winckler stated the Traffic Safety Committee has discussed traffic control devices and are really reluctant to recommend (speed bumps) because of potential liability. He said narrowing of lanes with striping has been found to be very effective in slowing speed, however.

City Administrator Zabell added that "rotaries" are generally installed at an intersection and would not be appropriate at the temporary access point. He reiterated that striping has been found very effective and explained what has happened in Brookwood Heights with new striping, adding there is only space for cars to be parking on one side of the street.

Councilor Herman asked about an all way stop at 67th Pl. & 74th Dr. and Public Works Director Winckler said that was not considered by the committee but it can be reviewed.

Councilor Pedersen asked about the 528 & 67th traffic light status and Public Works Director Winckler said the plans were submitted to the state two months ago, the state asked for some modification, which should be finished this week for resubmittal. He added that the City needs to resubmit the permit application and has retained an engineering firm to help with the resubmittal of application for the permit and calculations and hopefully it will all be approved in one month, he said. He said the City would still have time to complete the traffic signal this year, if approval comes in in a month.

There was considerable disappointment expressed on the part of Council at this new information and City Administrator Zabell explained there had been a new change of personnel at DOT and subsequently a "loss of memory" on their part of all the previous details discussed and agreed upon. He noted that WSDOT wanted the City to put a signal in for 3 years and now they are asking the City to prove that a signal is needed on their highway (528). He said the City has not officially received a letter about WSDOT's position (rejection of the City's plans) and only recently, he found out through a copy of a letter to the school district from WSDOT this information.

City Planner Hirashima said that regarding access of this subdivision to the west, there is a proposed connection, the proposed right of way is 40' and it was felt that the lots to be served would be fairly limited because of the creek crossing. However, there is the possibility of all the lots fronting 528 having access onto 528 and if the creek crossing was completed/constructed, the City would require an additional 10' of right of way from the west connection, she said. She added that the Planning Dept. did review the possibility of a 50' connection, however detailed analysis has not been done because enough information has not been received to make this decision.

Councilor Herman talked about the additional traffic problem with a creek crossing; he asked how many potential lots would go in to the west and City Planner Hirashima guessed 6 or 7 lots.

There was indicated that someone else from the audience wished to speak and so it was the consensus to reopen the public hearing.

Mr. Cattle stated the applicant would be amenable to increasing right of way to come up to code but would request the flexibility if this is not required, i.e., if they have given 50' and only 40' is needed, 10' would be returned.

City Planner Hirashima stated that would be consistent with staff's recommendation.

There was further discussion and comments regarding the creek crossing, lot size impacts (one less lot in the subdivision of Brookwood East), temporary loss of Lot 23 until Grove St. extension is completed vs permanent loss of a lot because of increasing right of way.

As an alternative, Councilor Leighan asked about using Lot 22 or 24 vs Lot 23 and City Planner Hirashima said that could be reviewed further by the Public Works Dept.

Public Works Director Winckler stated Lot 24 might create some sight distance problems, hairpin turns; it could be reviewed further in terms of traffic design, however.

Councilor McGee asked what happens if Brookwood East is not approved tonight.

City Attorney Weed stated it could be remanded to the hearing examiner, City Council could add additional conditions or the plat can be denied, in which case the applicant can come back with a different design.

Councilor Wright pointed out the plat is consistent with the Comp Plan as well as the Hearing Examiner and Staff's recommendations for approval and also, the applicant is willing to work with the City on traffic controls.

Councilor Herman noted the access to 528 issue is complicated by the new WAC restriction and other issues include lot size, PRD ordinance intent, Comp Plan designation, access for future traffic to the west. He asked about feasibility of access.

City Planner Hirashima said it's really not possible to guess what can or can't be done because of the creek crossing issues, etc.

Councilor Herman said it seems improbable other plats would explore the creek crossing issue and City Planner Hirashima said she thinks other plats would be confronted with the same issue because of the access restriction to 528 now. She added she thinks it would be in the interests of future developers to study the creek crossing as an alternative access.

Councilor Pedersen pointed out it would probably be at the expense of the adjacent development and not this one but City Planner Hirashima said the Planning Dept. has received no indication that they are contemplating a development proposal.

Councilor Herman clarified that the Planning Dept. would not be pursuing the creek crossing issue for this developer (Brookwood East) and City Attorney Weed said the City has no authority at this point, without a development application.

There was further discussion about restriction from access onto 528, including restriction for access for commercial, grandfathering connection may be allowed to 528, additional intersections may be allowed with certain criteria, permanent access through Lot 23, 12,500 vs 9600 lot size.

Councilor Pedersen pointed out that probably the most realistic traffic option is the temporary proposal that the state has agreed to and she suggested possibly the wording "temporary access until Grove St. extension is completed or permanent access is granted".

Councilor Wright moved for approval of Brookwood East with 17 conditions, with the change in the school district mitigation wording and the addition of the language just suggested by Councilor Pedersen regarding access and maintenance of Lot 23 by the developer with widening of the street in accordance with City Code. Councilor Myers seconded the motion.

City Attorney Weed clarified that easements are subject to review by the City Attorney and the west leg is to be temporary as well as dependent on staff determination of the 40' or 50' requirement.

Councilor Herman said he is not clear on how that would work and City Attorney Weed said 50' would be granted subject to reduction to 40', dependent on the code requirement.

Councilor Herman pointed out that the development would be built out by the time it's decided and it would be a moot point then. There were more comments on what the City would do with the 10' if it is no longer required.

City Attorney Weed recommended the easement over Lot 23 be 50' and approved by the City Attorney on the west leg of the cul de sac.

A roll call vote revealed everyone in favor of approval except Councilor Herman, so the motion passed 5-1.

Councilor Baxter returned to Council Chambers.

**2. Thomas Bradshaw; East Ridge Annexation (cont. from 6/28/93)
{Applicant requests continuation to October 24, 1993}.**

Councilor Pedersen asked how many times this has been continued.

City Planner Hirashima explained that once it was continued at Council's request so more people could be included in the mailing and it was then continued so the applicant could have neighborhood meetings but he needs more time to do this and to hire a new consultant.

Councilor Pedersen noted that the people keep showing up and don't realize that it's to be continued.

City Planner Hirashima suggested doing another mailing for an Oct. 24th public hearing, but these continuations have not been readvertised in the newspaper.

Councilor Herman asked how many people were here for this issue and about 6 people raised their hands.

Councilor Myers moved to continue this to 10/25/93 with no further continuances.

Councilor Pedersen asked if there is a limit to how many times an issue can be continued and said she feels responsible to the people who keep showing up.

City Attorney Weed said he knew of no limitation on continuances and outlined Council's three options: 1) amend the Hearing Examiner ordinance to provide for a limit to the number of times a hearing can be continued; 2) after the granting of the first continuance, make it clear that there would be no further continuances; 3) make the applicant pay for any further notices/readvertisement costs.

Councilor Pedersen seconded the motion, "with no further continuances" and the motion passed 6-1, with Councilor Herman opposed.

There was brief discussion about extensions being justified, trying to be fair to everyone, discussing this policy at the upcoming Council retreat.

3. Proposed Interim Comprehensive Plan (cont. from 8/9/93).

Mayor Weiser explained this is the second public hearing, with the third one scheduled for 9/7/93. He announced that this evening, he would be calling names only from those signed up to speak, in the interests of time. Also, he stated those who had signed up and already spoken at the last public hearing (eg. Rex Bartlett) would not be speaking tonight, but would have a chance at the 9/7/93 public hearing.

Phyllis McKenzie of 172nd St., Lakewood, addressed Council. She said she thinks there are things Council should look at: the maps the citizens were given are deceptive; there are a lot of vacant large backyards around Union, etc. and they could be used for multiple family; some of the letters are not included in the packets, eg. her letter regarding Study Area 13 and she said she saw some preliminary things but it was never discussed and she feels there is a lot of potential there. She said her third point is that when 116th was annexed, there was a strip along the freeway that could bring in some revenue in freeway service zone.

Also, she said she would be interested in Council looking at the ag preservation land as far as having it pulled out and there would be some opportunity to develop there.

David Martson, 6325 67th Av. NE, addressed Council. He noted that on Alternative 2, they have recommended the SW corner of 67th & 528 be developed community commercial and he said he doesn't think the intersection is appropriate for that zoning and doesn't believe even having a control there is going to help. He noted there have been a number of accidents there and that zoning is just going to make it worse. He said he is also somewhat concerned that 4 years ago a property owner across the intersection from there was denied for the same zoning because they were told it was inappropriate, now traffic has gotten worse and it seems to be OK. Prior to input on this Comp Plan there was an attempt to change the zoning and he said he thinks there are some definite conflicts of interest with the chairman of the Planning Commission being involved.

Stan Phillips, 4032 SR 532, Stanwood, addressed the Council. He said is the owner of a parcel just south of 116th designated by the county as business park and the City since then has designated it single family low density. He said he would like to see it stay business park as it is more appropriate; it's west of 99, east of I-5 and it's raw land right now, he said and added that arrangements have been made for an alternative access if it's approved as business park.

Carl Baird, 10512 38th Av. NE, addressed Council. He said he recognizes the planning process of a Comp Plan is very important and rigorous. He asked if there is a document that defines what party prepares the Comp Plan.

City Attorney Weed said he didn't believe there is but the code specifies the Comp Plan is initiated at the Planning Commission level with the ultimate decision being made by City Council. The document (Comp Plan) was prepared by staff at the direction of the Planning Commission and Council, he said.

Mr. Baird said he reviewed the proposed interim Comp Plan and the Draft EIS at the library, as well as the Technical Appendices of the EIS to the Comp Plan. He noted that it is somewhat confusing as to which document is being discussed here.

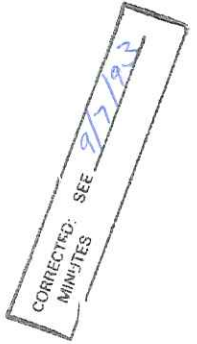
City Planner Hirashima explained each of the document's roles in detail.

Mr. Baird then asked after all hearings are completed, input from public hearings, administrative process, etc., what are possible motions that could be before Council, eg.: would they vote to approve or disapprove Alternative 2?

City Attorney Weed said that's a possibility, as well as amendments to any of the alternative proposals.

Mr. Baird said he got the feeling the focus is on Alternative 2; the draft EIS is not a Comp Plan and a map of Alternative 3A is not an alternative, it does not meet the criteria of earlier and continued hearings.

City Planner Hirashima explained the draft EIS relates to all alternatives; many of the issues were addressed by the Planning Commission and rejected or recommended, the City Council has authority to modify any one of the alternatives/proposals, anything that comes up through public input or proposals submitted since. She added that this process has taken about 5 years and one of the focuses/reasons for the public hearings is for further input.



Councilor Herman stated there are 3 alternatives and it is his understanding that meets the requirement. He said he does take exception to the term "recommended plan"; there are other alternatives and City Council needs to have the public indicate what they want to see in their neighborhood. He added he thinks the "recommended action" has distracted from the public input.

Mayor Weiser explained he is writing notes down from each speaker and all public input will be considered.

Councilor Herman said he is also.

Fotis Koutlas, 2916 79th Av. NE, Everett 98205, addressed Council. He said he is Secretary-Treasurer of Koutlas Land Co. which owns over 40 acres south of 116th, which they have owned since 1919 and he said he would like to challenge the decision of the Planning Commission to zone it single family. They would like it to remain light industrial/business park, he said and he made several points from a prepared statement, noting the county had public hearings and designated it light industrial/business park and has been zoned such since 1954. He outlined many advantages to the area being zoned light industrial/business park: good locality, buffers single family zoning, have made arrangements to help with signalization, 116th good access. He also noted that they have been negotiating with the Tulalips regarding 2.7 acres and he gave history regarding the road, access and land use at that intersection of I-5 and 116th. He concluded that in that whole area, there are 4 land owners who own 645 acres but who were never notified of Planning Commission Comp Plan hearings.

Dana Mower, 18215 72nd Av. S., Kent, representing 4 property owners, addressed Council. He referred to handouts regarding 100 acres south of 116th on I-5. He talked about fiscal impacts of this area and said they are in support of Alternative 3 with some modification. He said the property is location in an urban infill area, has adequate infrastructure and they feel Marysville should take advantage it. He referred to the 6/8/93 joint Planning Commission/City Council workshop where it was the consensus to include this subdivision/development in the Comp Plan: south of 116th, east of I-5 and west of 99. He stated their proposed "Office Park" designation would provide a buffer for Hidden Lake Estates, would net \$860,000 in annual taxes and would represent a facility that would definitely be good for the community.

John Butters, 5131 Harbor Ln., Everett, addressed Council. He stated he is with the Butters Group and wished to add a couple things to remarks made by Mr. Mower. He said they are in opposition to 300 acres on Highway 9 to be designated as commercial/strip malls, etc. as they feel this would be better located on I-5. One of the reasons is the proximity of the Canadian and Oregon borders, he said and basically, there are only two locations that are left that are feasible for regional malls in Washington: one in Lacey and one in Marysville on I-5. He said he thinks this is the last large parcel on an I-5 exchange and going with residential the City is looking at a liability, going with Office Park, it will net almost a million dollars a year in revenue, he pointed out.

Mike Papa, 8127 54th Dr. NE, addressed Council, referring to an article about tax impacts from development. He said commercial may not always be a revenue generator, according to the article. With regard to school mitigation fees, traffic lights, other issues, he said he sees the three alternatives as:

Alternative 1 - No Growth. Will not work.

Alternative 2 - Moderate Growth. He said he thinks this is more representative of the issues in the community, with varied housing opportunities, downtown revitalization, etc.

Alternative 3 - "Berlin Wall" proposal. With commercial at every entrance to the City, it panders to special interests and is insulting to the Planning Commission who have tried to look at the best interests of the community. He said too many outside developers would come in from Lynnwood, etc. under this plan and he would suggest the City put all three alternatives on the ballot and just see what people want.

Greg Wright, 4802 76th St. NE, addressed Council. He noted he owns his own home now--it has orange and green carpets, it's 60 years old and has no insulation, but it's his. He said affordable housing is a big issue, especially for younger families, but people of all ages are what make Marysville grow and the Comp Plan is what decides how much the houses are going to cost. He said the question is whether young people will be able to afford houses, are they going to have to rent forever? He noted his taxes just took a jump of \$500/year and asked what happens to the older generation on fixed income each time taxes go up. He asked what happens to the quality of life and pointed out that people don't want their homes to go down in value. He said his kids are worth a little bit more crowded streets, it's worth it to stay in this town, but he is worried about the impacts to young and old in Marysville, the kids, the grandparents; it's in Council's hands, he said and added that he doesn't want to see Marysville's future limited. He said it seems like every problem with growth is because we don't plan for it well enough and we need to plan for where to put all the people.

Larry Trivett, 7604 83rd Av. NE, addressed Council. He said he is personally against Alternative 3 and 3A and is very different from Alternative 2, especially for the east side. He noted there was a lot of community input on Alternative 2 and a lot of projections were put in; commercial and multifamily were included and it was developer directed and he said he doesn't see the need for Alternative 3. He noted that in his opinion, too much (300 acres) has been proposed for commercial up around 83rd, for example, and he doesn't think it's going to improve the quality of life, he said. He added that ag is all gone and he doesn't think it was Marysville's local citizens who formulated Alternative 3. He said he was presented with an IUGA growth management report and this documents sets forth a vision for Marysville that he agrees with and he is not in favor of Alternative 3. Alternative 2/IUGA report has good comments, aesthetic issues are addressed, he said and he added he hopes Council reads that report because it's rational and if this is put to the vote of the people, Alternative 3 and 3A would not make it, he said.

Jacqueline Atwood, 3121 264th Av. NE, Redmond, addressed Council, stating she is a partner with the Interstate Partnership and speaking on behalf of them regarding the 116th St. property. She stated they are not for or against what Dana Mower of Barghausen Engineering had to say, they are undecided at the moment. She asked if they zone commercially, could they change to multifamily at a later date.

City Planner Hirashima stated that no, commercial zoning would not allow multifamily to be built in it.

Brad Edgerton, 7213 83rd Av. NE, addressed Council, stating he is in favor of Alternative 2. He said he and his family have lived on the county side of the road for many years and have no control over who speaks for them. He said it's a little like taxation without representation! He said they knew there was going to be growth, are not entirely happy with Alternative 2 but the Planning Commission has done a great deal of work on this. He pointed out that that whole area--240 acres--in Alternative 3--was supposed to be single family and now Alternative 3 is recommending commercial up there which he feels is not consistent with what the citizens want, he said.

Gary D. Wright, 5533 Parkside Dr., addressed Council. He stated he has attended a lot of cities' Comp Plan hearings, most of which have involved more than one option. There are some choices that have to be made and he said he is in favor of Alternative 3 because there is more area in it to direct growth; with a smaller area, you give people less options as to where to locate. He pointed out that you are not going to cause growth by having a larger area and as far as affordability goes, the less you have of a commodity, the higher the price is going to be and when that product is land that prices people out and if the land is limited further, people will not be able to live here. He said he thinks we need to make goods and services most affordable for people. Highway 9, I-5 and the slough are visible boundaries and he said he thinks it makes sense to keep geographical boundaries as Marysville's boundaries, as in Alternative 3. There is less "jerrymandering" in Alternative 3 than 2; utilities, mixed use, etc. and he said he would like Council to seriously consider the benefits of Alternative 3.

There being no one further to speak on the Comp Plan at this time, Mayor Weiser noted 9/7/93 will be the next Comp Plan Public Hearing.

CURRENT BUSINESS:

1. Noise Ordinance, Cruising and Trespass Ordinances.

City Attorney Weed explained he prepared 3 ordinances: an amendment to the current noise ordinance including public disturbance noises and noises that can be heard greater than 50' from the source, car stereos, etc.; a cruising ordinance which combines Everett & Longview wording, defines cruising as driving past the same point more than twice in 2 hours, "no cruising" signs, fine of up to \$1,000; a trespass ordinance modeled after Mount Vernon's which requires ID, business owner to post their property, fine of up to 6 months in jail, \$1,000 fine or both.

Councilor McGee said he would like to hear from the Asst. Police Chief.

Asst. Police Chief McKinney said he has had a chance to review all 3 ordinances with the patrol officers and all three are needed together.

Councilor McGee noted there was some talk about 2 hours vs. 1 hr. on the time limitation in the cruising ordinance and Asst. Police Chief McKinney said he thinks 2 hours is just fine but it could go as high as 3 hours.

Councilor Leighan asked if he thinks this might shift the problem of cruising to another street and also whether 100th is sufficient as the northern boundary or should it go further north.

Asst. Police Chief McKinney stated basically there are no other parking lots like Marysville has on State and he said he thinks 100th is adequate. He added it's unfortunate it's had to come to this, a few kids have ruined it for others.

Councilor Myers asked what the penalty would be under the noise ordinance and City Attorney Weed said he believes there is a fine of up to \$1,000 under the existing code as well as it being classed as a misdemeanor.

Councilor Pedersen asked if there was any input from the judge and Asst. Police Chief McKinney said he sent a copy to the judge's office but did not hear back from him because the judge has been on vacation.

Councilor Pedersen asked about businesses that are open 24 hours.

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City Attorney Weed said a business person, under the trespassing ordinance, would have to be on the premises or have a business manager present to enforce the ordinance and signs would need to be prepared.

Councilor Pedersen asked about enforcing the noise level and also explained she may be guilty of cruising if she does business on State and goes up and down the street too many times.

City Attorney Weed explained the exemptions for cruising include someone who lives within the "no cruising" area as well as people who have business on State.

Councilor Pedersen suggested a time limitation such as from 8 p.m. to 2 p.m.

Mark Carroll, 1837 English Rd., Mount Vernon, addressed Council. He stated he is on the corporate staff of Market Place and it has been brought to their attention that customers will not shop at night anymore at the Marysville Market Place due to increased activity and many young people in the parking lot. He said one customer now carries a gun when he shops at night and another man said he was solicited about buying a gun. He said it's a deterrent to customers, there's a safety concern, litter, employees are concerned, it's not good for business, there are security concerns and they have to call the police every time and the police are very accommodating; Market Place would be in favor of the ordinances, he concluded.

Pastor Bennie Perez, Youth Pastor at the Grove First Assembly of God Church, addressed the Council. He said some of the reasons kids cruise are to socialize, they have no guns or knives and they do not want to cause trouble. He said he knows there is a litter and noise problem and he would be in favor of these ordinances but not in favor of the cruising ordinance. He said he is from LA and doesn't see the same problem here. He added that everyone at one time probably cruised and he knows it kept him out of trouble in his youth. He noted kids don't want to go to parties, they want to show off their cars and cruise. Another advantage he said for cruising is you know where they are, they don't want to go to parties (where they can get into trouble) and if cruising is banned on State they are just going to go somewhere else. He said he doesn't want to see them chased away. He then proposed an alternative plan: Use of the Pay N Pak building on State for a youth center. It's a 20,000 sq.ft. building and Mr. Perez has met with the owner, he said. This would give the kids a place to go right on State, he said, adding there are a couple models in Mountlake Terrace and Kent that work and he really wants to work towards solving the problem in Marysville.

Arlene Kline, 1350 Cedar, addressed Council. She said she thinks cruising should keep going but if businesses are going to complain about the litter, they need to put a trash can out and the kids will use it.

Rosa Peterson, 9218 47th Dr. NE, addressed Council. She said she agrees with Pastor Bennie--kids need to go where they can find the fellowship. There's nothing wrong with cruising but the noise is awful during the day, it's worse at night, she agreed. Also, she said they need to have trash cans out for the litter and she said she agrees something needs to be done but please don't take the cruising away from the kids.

Corky Mathews, no address given, addressed Council. He stated he has lived in Marysville 59 years and has watched it go from a good town to what it is now--loud noises, gatherings, littering, kids yelling all night long, CD tapes/music up loud, but he said he has now had to move to Granite Falls to get away from this. Kids throwing rocks at his place, kids lying, ever since the transit

came by his place he said the litter is overflowing. Cruising is OK but kids on the streets driving and cutting people off, there are some good kids around, he said, but he loves this community and it's 1% of the kids that are really bad--drive by shootings, there are problems in the grocery parking lots.

Terry Earnheart, 3519 71st Av. NE, addressed Council. He said he has lived in Marysville 47 years and is concerned about the quality of the town and a lot of the things that are happening here are because of outsiders and he said he doesn't think we should pass ordinances that are going to penalize our kids, for example, an ordinance that penalizes someone for driving two times up and down State in a two hour period. He said he thinks the City should put something in there concerning proof of residence and give the kids a sticker that proves they are Marysville kids, eg. They should not be penalized, he said and urged Council to figure out a way to restrict the outsiders. He noted these kids want to show off their cars and that's maybe something they should be encouraged to do. With regard to the noise ordinance, he said 50' is too close, he can sneeze louder than that! He said we should encourage the kids to police themselves on the litter. We do have to talk about fairness, too, he said because he knows there's been some harassment of the youth for speeding because they are in a low rider, eg. and we need to identify the kids from Marysville and give them some breaks and encourage them to live here, he said.

Jacqueline Berg, 17902 43rd Av., addressed Council and said she thinks cruising is great because she can't spend time with her underaged sister unless they go cruising. She said last Saturday they saw a group of boys from Bothell who were drinking and driving, she went to 2 officers and a sheriff and they would not do anything about it and she finally had to come to the Public Safety Building before she could get anything done about it. She said she wants to raise a family here and something needs to be done about drinking and driving, she won't buy alcohol for minors, she said and would like to see more MIPs and DWIs handed out. She asked Council to not take away cruising, though.

Denise Huston (19), 8626 46th Dr. NE, addressed Council, stating it is the outsiders that are causing problems. She said she was invited to a bar by one of them because she looks over 21. She said she doesn't want to go to the bars, she likes cruising and being with her friends. The noise and trespassing ordinance she said she is in favor of if there is a lot that would let them go there, like K-Mart who is not open 24 hours and if they could provide trash cans, people would use them. She suggested the trash cans be put near the light posts so they can be seen. She said she knows for a fact that some young people stay later in the parking lots and pick up the garbage.

Councilor Pedersen asked about the ratio of Marysville kids to outsiders and Denise said it's probably 50-50, with "Marysville" including kids from Everett.

Brian Tate, 4705 Grove St., addressed Council. He said he is from California and so knows a little about cruising and habits of the younger generation. He said he is 22 and in Victorville where he came from, they closed down cruising and a violence wave broke out against cruising. He pointed out that kids need an alternative and Pay N Pak would be a good facility for many youth functions, it would be safe, the police can monitor it and most of the kids are good but they will go get in trouble if not given something to do. Outside influences can be bad and he said he hopes Council makes the right decision. He said the kids are out on the streets every Friday night and he knows if cruising is shut down there's going to be a breakout of violence.

Chad Ingle, 15915 140th St. NE, Arlington, addressed Council. He said 50' under the noise ordinance is not far enough, the definition of cruising is not good because of pizza drivers, shoppers, and a 6 month jail sentence or \$1,000 fine seems very extreme. He said as far as the parts that have been added in the noise ordinance: Under #10, regularly scheduled events are allowed to be over the noise limit, eg., you know the kids are going to be out every Friday and Saturday night and he said it seems like the City is biased against the young kids. Under Section 2, if any part of it is unconstitutional, the rest still stands--he said he thinks the whole thing is out of context and unfair to young people.

William Cope, 6637 Armar Rd. #13, addressed Council. He said he is in favor of cruising, agreeing the kids are probably hurting business in parking lots when they are open 24 hours, however. He said he would be in favor of the noise ordinance.

Shawn Robinson, 5036 119th Pl., addressed Council. He said he is in favor of cruising and thinks there will be a lot more problems if the cruising ordinance is put in place. Pay N Pak is a good alternative and would be a place where there are no drugs, no alcohol, he said. He noted he has a \$3,000 stereo in his car but is still in favor of the noise ordinance. He said he is representing a low rider club and they come from all over and like to show off their cars. He added that he liked the idea of giving kids identification stickers.

Councilor Pedersen asked what he would envision happening at Pay N Pak and Shawn said video games, volleyball, etc. because it's too much money to go to see a movie and a lot of young people are more than willing to help out with the Pay N Pak project.

Councilor Pedersen asked about his stereo and Shawn said he only turns it up when he is in competition, such as at a mini trucking event and turning up the stereo full volume is part of showing off your vehicle--to see how high your stereo can go.

Damion Coronado, 55th Av., addressed Council. He asked about the cruising ordinance, noting that he is actually a customer of Market Place and said he is sure their business would go down if cruising is banned, especially on Friday and Saturday nights. He said he feels it's unconstitutional to restrict out of towners but added 11 p.m. would be a reasonable time for lower noise. With regard to the trespassing ordinance, that's reasonable, too, but he said he doesn't think you should penalize all the people here tonight for what a few people have done.

Kenda McKenzie, 4526 136th Pl. NE, addressed Council. She brought up a bunch of papers, noting they gathered 372 signatures of people against banning cruising. (It was noted there were 372 signatures, some illegible, and no addresses.) She said even with written permission from parking lot owners, the young kids are still harassed by the police. Further, the kids don't have anything else to do in the summer, they keep in touch by cruising, she pointed out. She said she is in favor of turning the noise down at a certain time and are willing to negotiate on the litter control. She said if the City bans cruising there is nothing else for the kids to do and they don't have the money to do a lot of things and are not particularly interested in what their parents want them to do. She said they would go to a teen center, though.

Jason Russell, who said he doesn't know where he lives right now, addressed Council. He said he is for cruising but the first day he bought his truck in, he got a ticket for \$500 because they said it was too low and his tires stuck out too much. He said he can respect the noise ordinance but you should not sell the speakers if you just turn around and ban the music, he suggested. 11 p.m. is OK to turn it down, he said and added that he is in favor of picking up garbage--that is a problem, he conceded. He noted he

is from Beverly Hills and thinks the Pay N Pak idea is a good one. He said he used to belong to a gang but now he teaches martial arts to little kids and he appealed to Council to help out the kids. He said he just doesn't believe banning cruising is the answer and he noted the stores and gas places are making a lot of money from the kids on Friday and Saturday nights. He said also that he knows a lot of people and they are all in favor of cruising and he concluded he doesn't want to see Marysville turn into another LA.

Chris Kinkead, 6821 40th St. NE, addressed Council, saying he is in favor of cruising. He said he is also in favor of turning stereos down low at night but 75 to 100' would be more appropriate, he said. Signs should be put up in the parking lots where they don't want the kids, he said, but he would rather see kids in parking lots than trying to visit as they are driving down the street from car to car. The stores do get business from the kids and by banning cruising, he said this is leaving the kids nothing to do except go to that club in Everett where there's too much cigarette smoke and a lot of kids want to stay out later than the movies, bowling costs money, these are poor alternatives. He said he is in favor of Pastor Bennie's idea of converting the Pay N Pak and would do anything he could to help with that project.

Alisha Coggins, who said she's staying with a girlfriend and doesn't know the address, addressed Council. She said she has to say cruising is not what is getting kids in trouble. Two years ago, she said she would have been at a party but since then, she has gotten to know some of the people in Marysville through cruising and it's more fun than a party and they are not getting into trouble, she said. As far as the Pay N Pak idea, that has been discussed, she said and they could have pool tables, video games, people could just "hang out" but cruising has helped her stay out of trouble so she asked Council to consider something else for the kids to do if cruising is banned.

Uldie McKenzie, 4526 131st Pl. NE, addressed Council, as the mother of the McKenzie girls who have both addressed Council in the past. She noted her girls cruise and at least she knows where they are. She said teenagers need to have something to do, they are mainly just socializing and she is in favor of the noise control, however, she said. She added she has two good kids but they need a safe place to go and she said she is sure other parents feel the same. These kids are our future, she pointed out and we need to give them a chance.

No one further wished to speak, and it should be noted that a number of people who had signed up to speak, had already left Council Chambers before they were called on. The public testimony portion was closed at this time. (Approx. Midnight)

Councilor Herman noted that he agreed 50' seemed too short of a distance under the noise ordinance and asked the Asst. Police Chief to comment on this.

Asst. Police Chief McKinney said when they are playing their stereos up high, if an emergency vehicle tries to get through, the kids can't hear the emergency vehicle, a lot of times, so he is in favor of the 50'.

Councilor Baxter left Council Chambers from 12:07 to 12:10 a.m.

Asst. Police Chief McKinney added that some of the problems have been caused by the Marysville kids, too.

Councilor Wright asked about drinking and Asst. Police Chief McKinney said a lot of beer bottles and broken glass is found in the parking lots, eg. at Bry's.

Councilor Baxter said the boom boxes that you hear right now outside is what turns elderly people off, especially when they are trying to sleep.

Councilor Pedersen pointed out that some of the complaints have been that people have been disturbed from across State and she asked what that distance is.

It was noted the street width is about 60' and there was discussion about noise and sound carrying easily 100' to a block, windows vibrate, etc. Discussion about exemption for residents, about the cruising definition being more than twice past the same point on State, from 1st to 100th, time limitations for cruising, noise, trespassing, business owners very reluctant to speak up because of possible reprisals, having to start somewhere, Everett's solution to cruising.

Asst. Police Chief McKinney said he has a questionnaire he would like to pass out to the youth, from the Arlington Airport facility regarding activities for the youth they are proposing. He invited all the kids to pick up a copy of the questionnaire from the police station.

There were more comments on the distance allowed under the noise ordinance, suggestions to change it to 75 or 100' and Councilor Herman said he understands concerns about alternatives to cruising but given the level of complaints, he said he thinks we need to do something.

Councilor Myers said he would go along with 75'.

Councilor Herman moved to adopt Ordinance 1958/Noise Ordinance with it amended from 50' to 75'. Councilor Myers seconded.

Discussion ensued regarding the fact that there would be an enhanced level of concern between 11 p.m. and 7 a.m., i.e., the noise ordinance would be more strictly enforced during that time but there would be no time limitation put in the ordinance, per se.

The motion passed unanimously.

City Attorney Weed explained on the Trespass Ordinance the six mo. jail provision should be amended to 90 days to be consistent.

Councilor Wright moved to adopt Ordinance 1959 with Section D being changed to 90 days. Councilor Herman seconded and the motion passed unanimously.

On the Cruising Ordinance, Councilor Leighan asked in the event cruising shifts to another area, if there could be some flexibility in the ordinance, eg., with the cruising area to be at the discretion of Council.

City Attorney Weed suggested the possibility of delegating responsibility to the Police Dept. if a problem develops somewhere else.

Discussion followed regarding changes needing to come back to Council for approval, not wanting any harassment, time limitations of 11 p.m. to 7 a.m. would be workable for the MPD, posting of parking lots, garbage cans/dumpsters more expensive than a sign in the parking lot not allowing anyone in it, having the youth be responsible for their own garbage, promotion of a teen center, concerns it might end up like Chita's, encouraging youth to plan their own establishment.

Councilor Pedersen thanked the young people tonight for all being very polite and giving helpful input to Council.

Councilor Baxter moved to adopt/pass Ordinance 1960 with the inclusion of 11 p.m. to 7 a.m. and a penalty of 90 days and/or up to \$1,000 fine. Councilor Wright seconded and the motion passed unanimously.

Councilor Leighan suggested making the Public Safety Building available for the youth to come up with some plans and have meetings, etc. The kids argued that all alternatives to cruising cost too much as well as the fact that you need to have 24 hour a day activities for them. Also, they said they would like to see the harassment of teenagers in this town by police stop.

2. Snohomish County Proposed IUGA Boundary - Continued to 8/30/93

NEW BUSINESS:

1. Johnson Acres - Preliminary Plat - PA 9212065.

City Planner Hirashima reviewed the agenda bill, noting there is a letter of appeal from Belmark regarding water hookup for the Vickers and Atkinson property. She explained Belmark does not feel that existing regulations justify requirements requested by the Vickers and Atkinsons. She said the intent was discussed at a staff meeting, they wrote to the hearing examiner asking for clarification and the recommendation is there be a condition to make City water available to the existing residences, so they do not have to use their wells; in other words, it would mean the extension of the water at Belmark's expense, she stated.

Councilor Myers referred to the letter in the packet.

City Planner Hirashima said yes, Belmark is requesting the matter be remanded.

Marie Vickers, 5508 61st Av. NE, addressed Council. She stated when the City had the sewer/water moratorium, they had water brought in just in case there were any problems with the well but they are not on City water as of right now, she clarified. She asked about Condition 10.

City Planner Hirashima explained that's a condition that the property line issue be resolved prior to approval.

Ms. Vickers referred to Exhibit 29, a letter to Eric Thompson, Item 3, noting Belmark already agreed to provide the Vickers with City water.

Gary Petershagen addressed Council, noting Belmark did file an appeal on 8/16 but they can withdraw that now that it has been resolved. Prior to resubmittal of the revised site plan there were 3 wells identified, he pointed out, and the preliminary plat map is on file with the Planning Dept. He referred to the Hearing Examiner minutes, page 6, noting that it was in the public hearing of 7/8/93 that he (Petershagen) found out about the Atkinson and Vickers wells; Belmark already knew about the Crane and Strand wells, he said. He added they talked with Mrs. Vickers about her well and offer of water and also the Atkinsons, but it's still not resolved.

Ms. Vickers noted that Exhibit 16 refers to "4 wells/easements" and that should be evidence enough that Belmark knew about all four wells. It was noted that one of the property owners, however, had two wells.

There was discussion about Council having a public hearing, remanding it back to the hearing examiner, issues needing to be resolved, location of wells, Hearing Examiner conditions referred only to Vickers and Atkinson wells, Belmark is willing to hook up water/make it available to Vickers and Atkinson.

Councilor Myers moved to remand the issue back to the Hearing Examiner but there was no second to the motion.

Gary Petershagen noted the appeal/water issue has been resolved and City Attorney Weed pointed out that Council can schedule its own public hearing.

There was some discussion about procedure.

Gary Petershagen pointed out that Vickers and Atkinson are asking for a 100' easement and Belmark sees no regulation to justify that request.

Mrs. Vickers pointed out that 3/4 of her well has been placed on the other side of her property line now, according to the new plat map and she said she would like to keep her well. Also, they would like to keep the huge cedar trees along the property line, she said.

City Planner Hirashima stated the property line dispute needs to be resolved prior to final plat approval by the parties involved. Both parties may have to review the survey work, etc., she said, that's reflected in Condition #10.

Councilor Herman moved to set a public hearing for 9/13/93, Councilor Leighan seconded and the motion passed 6-1, with Councilor Wright opposed.

2. Eastwood Hills II - Preliminary Plat; PA 9302003.

Councilor Pedersen declared she and her husband have property reasonable close to this and so she stepped down and left Council Chambers.

City Planner Hirashima reviewed the agenda bill, noting there are 12 conditions and the Hearing Examiner and staff recommend approval, with these conditions; there have been no appeals, she stated.

City Administrator Zabell asked about frontage improvements on 69th; whether a performance bond would be posted or the applicant work out something with the neighbors. Mr. Petershagen said they would be amenable to a performance bond.

City Planner Hirashima asked about the pavement width and Mr. Petershagen said it is 28'.

City Planner Hirashima said the City will probably require a 32' width to match the other pavement.

Mayor Weiser asked how close this is to 44th and Mr. Petershagen said about 1000'. Mayor Weiser asked if there is potential for houses to be developed south of this and Mr. Petershagen said yes.

Councilor Wright moved to approve the plat of Eastwood Hills II and Councilor Myers seconded. The motion passed 6-0.

Councilor Pedersen returned to Council Chambers.

3. JAK Engineering - Professional Services Agreement Extension.

Public Works Director Winckler reviewed the agenda bill, noting this is for an additional 200 hours and staff feels this would be an excellent return on the City's investment as the City has been very successful to date with current applications/funding as a result of Jim Kresge's efforts.

After a brief discussion, Councilor Baxter moved and Councilor Myers seconded to approve the agreement for an additional 200 hrs.

CORRECTED: SEE 9/7/93
MINUTES 5b reasonably

The motion passed unanimously.

CONSENT AGENDA:

1. **6 Liquor License Renewals.**
2. **8/23/93 Claims - \$307,767.11**
3. **Acceptance of Outfall Project for WWTF.**
4. **Convention & Performing Arts Project Assistance Program Grant Request.**

Councilor Herman moved and Councilor McGee seconded to approve Consent Agenda Items 1, 2, 3 & 4. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Vacation of a Portion of 79th Avenue NE Ordinance.**

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Ordinance 1961. Passed unanimously.

2. **Off-Street Parking and Loading Ordinance.**

Councilor McGee moved and Councilor Wright seconded to approve/adopt Ordinance 1962. Passed unanimously.

3. **Limited Tax GO Bond Ordinance to Purchase 2 New Garbage Trucks**

Finance Director Wilson noted payment for the 2 new trucks will be made up in savings of personnel.

Councilor Pedersen asked if this method of payment was discussed previously and Finance Director Wilson said no, it's a bond issue but the bank will assume the entire amount.

Councilor Pedersen moved and Councilor Baxter seconded to approve/adopt Ordinance 1963. Passed unanimously.

Councilor Herman then moved and Councilor Myers seconded to continue the agenda items not covered tonight until 8/30/93 7 PM. Passed unanimously.

ADJOURNMENT: 1:34 a.m. 8/24/93.

Accepted this 7th day of September, 1993.

David Weiser
MAYOR

CITY CLERK

Shanda A. Iverson
RECORDING SECRETARY