

MARYSVILLE CITY COUNCIL MINUTES

May 22, 1989

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor
Councilmembers:
 Ken Baxter, Mayor ProTem
 Mel Schank
 Dave Weiser
 Bill Roberts
 Larry Hots
 Bob Lashua
 Lee Cundiff
Administrative Staff:
 John Garner, City Administrator
 Mike Corcoran, City Planner
 Jim Ballew, Parks & Recreation Supt.
 Jim Allendoerfer, City Attorney
 Dave Zabell, Public Works Director
 Phil Dexter, Finance Director
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank moved that the minutes of the 5/8/89 meeting be approved as presented, Councilor Hots seconded and the motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Max Markham, 9629 62nd Dr. NE, addressed the Council and presented a map of the Strawberry Festival parade route and staging areas. He said his concern was all the pickup trucks that park side by side, with an average of only two people each, viewing the parade especially between Grove and 10th on State, precluding others from watching or even being able to get in between the trucks. He said he would like the Council to address this matter and City Administrator Garner stated that it would be discussed with Chief Dyer at tomorrow's staff meeting.

Councilor Cundiff questioned whether the pickups are on private or public property and there was discussion as to where the City easement is, especially on the east side of State where there is no sidewalk. Councilor Roberts suggested the City might send a letter out addressing this issue.

PRESENTATIONS:

Mayor Matheny gave recognition to five volunteers from the Marysville Visitor Information Center for their volunteer work in the community and in recognition of National Tourism Week.

PETITIONS & COMMUNICATIONS:

1. Schedule of Strawberry Festival Activities.
2. Memo from Access Channel Coordinator regarding Program Schedule.
3. Business License Status Report April, 1989.

PUBLIC HEARINGS:

1. Proposed Marysville Recreation District.

Art Paulsen addressed the Council and explained that the proposed Marysville Recreation District would have the same boundaries as the Marysville School District, is being formed under State Act

with legal documentation being drawn up by Attorney Ian Millikan. He noted that they require City approval in order to go ahead with signing of the petition, it then goes to the County Commissioners, they have three hearings and then it will go on the ballot in Nov. He said this is something they have been working on for a long time, that it is very badly needed in the community and would supplement the school district and Y facilities, not be in competition with them. He noted that the City would need to pass a Resolution to indicate their endorsement of the project.

Councilor Roberts clarified that the City is included within the boundaries of the proposed Marysville Recreation District and that is the only reason that a Resolution is necessary.

Councilor Baxter asked about appointment of directors/commissioners for representation within the district and Mr. Paulsen explained that they need to present five commissioners on the ballot and will be required to hold an election again two years after the first election and then after that they will run at large.

Councilor Lashua asked how many of the five wards will be within the City limits and Mr. Paulsen explained it is based on population and based on Marysville's population of about 8300, there will probably be about 3 out of 5 wards within City limits.

Councilor Lashua asked about taxation and Mr. Paulsen explained that funding for this entire proposal will be on the assessed valuation of the homes and businesses within the school district and will work out to about \$37.00 per \$1000 of assessment. He added that this would finance the first year of operation only and after that it would be funded by user fees of the handball courts, swimming pools, etc. He noted that at present, the school district and Forest Park are unable to meet the tremendous need for this type of facility.

Councilor Lashua asked about liability insurance and Mr. Paulsen said that would be covered out of the user fees also and added that these facilities could also be in cooperation with City activities. He noted that City Parks & Recreation Supt. Ballew is on the Recreation District Board.

Councilor Roberts asked about specific facility design, location, etc. and Mr. Paulsen said that they have real estate agents looking for appropriate locations at this time but there is no money yet available to buy or build.

Councilor Cundiff said he agreed there is a definite need for the program however has a concern on the funding--if it is possible to fund the recreation district without taxation. Mr. Paulsen said not that he knew of; that they had originally tried to get enough money to add on to the Y but that was unsuccessful so they went to Bob Wicks who came up with an estimate of \$4,000,000 to construct district-wide facilities.

Councilor Baxter asked if there was maintenance or any other involvement necessary from the City and Mr. Paulsen said no, they just needed City support/endorsement of the project.

Councilor Lashua asked if they would be selling a bond issue in order to raise the \$4,000,000 startup construction cost and Mr. Paulsen said he wasn't sure--that Gary Pettis, CPA is handling all the finances but was unable to attend the meeting this evening.

City Attorney Allendoerfer noted that based strictly on taxation at \$37/\$1000, the \$4,000,000 would not be raised for 20 years and Councilor Lashua asked about a guarantor on their bond issue. Councilor Roberts noted the property owners would be voting themselves in as guarantors and Councilor Cundiff said he had a concern about additional taxes, especially for retired people in this community and \$46/year on a \$125,000 home is quite a significant addition to the other city and county taxes.

CORRECTED: SEE 4-5-89
MINUTES

Mr. Paulsen said they told them at the courthouse that \$75,000 is the average assessed value but that the district also wanted to raise another \$7,000 for a mailing to let the people know exactly what they are voting on.

Councilor Hots moved that Resolution #1363 be adopted, including the City of Marysville in the Marysville Recreation District. Councilor Roberts seconded the motion and it passed with Councilor Cundiff opposed. Councilor Cundiff explained that he is not opposed to the district but rather opposed to the taxation form of funding.

2. Kingswood Rezone - PA 8901004; SW Corner of SR 528 & 67th Av. NE Intersection.

(Councilor Roberts stepped down.)

City Planner Corcoran explained this request was recommended for denial by the Planning Commission and the City Council decided to have their own public hearing. He noted that the request is for 20 du/acre (considered high density) and the project would be subject to a binding site plan. He said the applicant proposes 9 buildings with a varying number of units in each and the project would include a swimming pool for use of the residents. He handed out copies of the site plan and noted that the Comp Plan for this area as well as along 528 probably did not contemplate the crossing of Allen Creek (the bridge) nor the completion of 528, which has produced a significant change in the area. The corner is presently zoned low density multifamily and this proposal meets the text of the Comp Plan, he said. He added that they are participating in the LID on 64th as well as the recently established TIP and they are in alignment with Suncrest Terrace. There are two accesses planned--one on 67th and one on 64th and the Ripper property to the west will be developed in conjunction with these accesses, which have been approved by the Fire Dept.

City Attorney Allendoerfer asked if the right of way dedication had been included in the acreage when calculating the density and City Planner Corcoran said it was because the right of way has not been dedicated as yet.

Laura Brent of Shockey & Associates, representing the applicant, addressed the Council and explained that this is a very high quality development which was recommended for denial by the Planning Commission with a 4-2 vote and a minority report is included in the minutes in the packets. She said they concurred with the minority report and are capping the project at 20.3 units per acre. She noted that due to the topography the three story structure will seem lower and they have a 35' maximum height on all buildings. A 4000 sq.ft. recreation building is planned with adjacent swimming pool, passive recreation, landscaping (plan to be submitted) and she noted that as far as neighbors' concerns regarding height of landscaping, that would be addressed in the landscaping plan to be developed. The rents of the units would start at \$500 and would be mainly 2 bedroom units, she said and added that in response to the tech review meeting, the access on 67th represents a revision to the plan and the access on 528 has been realigned.

Reid Shockey addressed the Council and stated that at there was an agreement that the dedicated easement at 64th & 67th could be included as far as density calculation of the property. He added that the applicant is willing to bind to 140 units at a density of 20.3 du/acre.

Councilor Hots said he had a concern regarding the access on 67th that it did not appear to be enough access for emergency vehicles. Ms. Brent explained that this access was added as a result of the tech review meeting.

There was more discussion regarding the density and how it was calculated and City Planner Corcoran noted that medium density would be 18.97 du/acre.

Mayor Matheny asked if there was provision for a circulator bus turnout and Ms. Brent said they would not be opposed to that and believe that could be designed in. In terms of density, she added that they are just over medium. The main concern that the Planning Commission had was traffic and consistency with the Comp Plan and with mitigation, amenities, density yield--these were all discussed at the staff review and with access on 528, internal circulation with property to the west, parking exceeds City requirements --in view of this, they feel they are fulfilling mitigation she said. She added they agree with all six staff conditions and are willing to contract the unit count to 140 units.

Councilor Weiser asked about the interior roads and Ms. Brent said they are 24' wide and there was further discussion regarding emergency vehicle access. Ms. Brent noted that the City Departments prefer the one access and it was realigned with across the street.

Councilor Baxter asked about trip generation and Ms. Brent said 112 were calculated as the total number of trips per day on which their share of the LID will be based.

Councilor Weiser asked about the distance between the exit and the stop light on 64th and Public Works Director Zabell said it is about 450' which is adequate.

CORRECTED: SEE 6-5-89
MINUTES

Parks & Recreation Supt. Ballew noted that the applicant has also said they would donate \$5,000 toward the Hickock Park that would assist in illumination and fencing. This project was identified as having an impact on the park, he said.

Richard Bleasdale, 6244 68th Av. NE, addressed the Council and said he is from southern California--that he was stationed here in the Marine Corps many years ago and has now purchased a nice single family house but it looks like the community is going down hill because this (Kingswood) will only be a nice quality complex for five years and the rate things are going, this area is going to end up like El Toro, Anaheim and Orange County with traffic and highway congestion and then they run out of money to make necessary improvements. He said they now have a requirement in Orange County that the developer must build the roads and signals prior to building the complex and they are also putting aside areas for multifamily only. He noted that LA was overdeveloped and now they are trying to bring people back but the prices don't go down and you still end up buying a piece of garbage. He noted that Everett was in a similar situation to Marysville 25 years ago and he suggested letting Marysville get larger on a logical basis and keeping multifamily out of the single family areas. He asked the Council if they would like to live across the street from 280 people even if it is a beautiful complex.

John Baker, 6602 64th Pl. NE, addressed the Council and said he has lived in the area for four years; that they have single family homes in the whole surrounding area and multifamily does not make sense. He has three children himself and he noted that children ride bikes and it's dangerous, especially with the increase in traffic and he said he is opposed to the apartment complex because it is illogical and will also ruin the view; at present they enjoy their view of the lights of Everett.

Dennis Niva, 6519 64th Pl. NE, addressed the Council and stated he sees a traffic problem also with the project. He noted that it is already difficult to get out onto 528--a traffic light is definitely needed and he said he is also concerned about losing their view and privacy. He said he thought Marysville ought to be consistent in building single family and multifamily areas and they would like this area to remain single family.

Tracy Johnson, 6524 64th St. NE, addressed the Council and said she moved to the area two years ago from Lynnwood because Marysville did not have apartments in single family neighborhoods. She

said that the SR didn't bother her but losing their privacy with neighboring apartments does.

David Martinson, 6325 67th St. NE, addressed the Council and said he moved to Marysville four years ago and he sees the number of additional people coming onto the road as just exacerbating the existing traffic problems in the area. He noted there are many projects being proposed in the area and this project is not consistent with the neighborhood; that not enough thought has gone into this other than the developers looking to make "quick bucks" and he said he doesn't believe there should be that kind of housing there at all.

Bob Anderson, 5900 64th St. NE (Glenwood Mobile Estates), addressed the Council and said he was opposed because he doesn't want to see a three story building going in where he will be having someone looking into his yard and he said he also feels his home value will probably go down because they probably won't keep their units up and they will also block the skyline and view.

Councilor Cundiff said that as he understands it, the three story building would not exceed 35' but Mr. Anderson stated that he would definitely prefer single story buildings, as are across the street.

Lisa Bradley, 6523 65th Pl. NE, addressed the Council and she said they use the entrance at 64th and it is very congested and dangerous for kids. She added that they don't have a view but are worried about the density and the safety of the kids.

Mickey Barnett, 6309 67th Pl. NE, addressed the Council and said they look out over the top of all the roof tops and with three stories it will destroy what they paid for. It's a prime area of Marysville and it's disturbing to see Marysville turn into another Kent--even with high rents they don't care about the upkeep of the buildings or the area, and she said she would like to see compatibility maintained in the area. She noted they are willing to pay higher prices for a view and that the City will not benefit from these types of people in these developments.

Kenneth Price, 7003 61st Pl. NE, addressed the Council and said he has lived in Marysville for 20 years and does not think this is an appropriate place for apartments. He enumerated several projects going in already and noted that its very difficult to get across 528 and suggested making the developers put the light in before anything more is developed. He also suggested that the proposal include a green belt along 67th to shield the apartment complex and if approved, should be at most two stories with the entrance on 67th eliminated. He asked Council to please consider the citizens' points of view.

(Councilor) Bill Roberts indicated he wished to address Council however City Attorney Allendoerfer said in order to keep the hearing clean from any possibility of an appeal, that Councilor Roberts should not speak. He cited a case where a councilmember appeared to have swayed the City Council in another jurisdiction and said he did not wish that to happen in this case.

Ms. Brent gave her final remarks and said this site is designated as low density multifamily with three stories right now but they are a little over medium and feel they have provided mitigation that will reduce impact. They will participate in the LID & TIP which is the City's mechanism for mitigation, she said and added there is a need for multifamily and they feel that they have presented a quality project that Marysville can be proud of and one that the residents will take care of.

Councilor Cundiff asked if they could go to medium density versus high density and Ms. Brent said they could go to 18 if necessary for approval.

Councilor Hots asked if they would be agreeable to two story

buildings versus three and Ms. Brent said they could look at that but may not be able to maintain the number of units. She reiterated that the three story units are being put in lower areas of topography and that she does not believe there will be very much view impact.

City Planner Corcoran noted that they are entitled to three stories even with low density and also, that he wasn't sure how many units they would be able to put in if restricted to 2 stories.

Mr. Shockey said he didn't think they could achieve 140 units with the two story restriction and furthermore, the aesthetics would be poor. The pitched roofs as proposed, landscaping theme with other developments along 528 producing a boulevard effect, combined with other recreation amenities were cited as being one of the major concerns for aesthetics and not just a maximum number of units. He added that this is a quality development that incorporates many considerations.

Councilor Schank asked about lot coverage and Mr. Shockey stated that it was calculated not to exceed 45% as per code. Councilor Schank said he felt 140 units was within limits but said he would like to see elevation plans.

Councilor Hots asked if the 35' height maximum was to the peak of the roof and City Planner Corcoran said it was.

Councilor Hots said he tended to agree that with the clustered buildings it would obscure a view whereas with single family it would be broken up somewhat and would not ruin the view altogether.

Councilor Baxter noted that the property was originally zoned Community Business and added that he feels that anybody that buys property and looks out over vacant ground these days should be fairly suspicious of future development. Traffic on the highway, lights, alignment, widening, turn lane and safety are all being addressed and should be completed in a matter of months, he noted and he added that he agreed with the concept of putting the higher buildings in the lower elevations.

Mr. Shockey noted there's a recreation building on the corner proposed which is two story with units along 67th, which would be the high point of the property. He said they could change the units along 67th to two story and that would still meet the 18 du/acre requirement.

Councilor Baxter said he would like to see a revised site plan.

Public Works Director Zabell stated that he had been asked by the City Council to look into "Bellevue" type sidewalks along 528 and that the developers are agreeable to putting this type of sidewalk in and they will participate in maintenance and berm along the sidewalk also.

Councilor Lashua said he sees it as a question of density and Councilor Weiser noted that with a cap of 140 units which is at the low end of high density, that he didn't feel it being up to City Council to change it from high to medium density, when it is currently zoned low.

City Attorney Allendoerfer stated that he was right--that this is not the forum to negotiate; that the applicant may be given the right to come back with a revision, with appropriate public notice of another hearing.

Mayor Matheny asked Mr. Shockey if it would be possible to have available a revised site plan one week prior to the public hearing and Mr. Shockey stated it would be no problem, but that they would direction on guidelines.

Councilor Baxter asked how many single family residences would be allowed and City Planner Corcoran stated 18 to 20 single family units on the 6.88 acre site. Discussion followed regarding multi-family density and City Attorney Allendoerfer noted that at 12 du/acre at the current low density zoning, 66 units would be allowed. City Planner Corcoran noted that they could put 83 in at low density without a recreational area but a good example of apartments without a recreational area are the ones on Cedar.

Councilor Baxter said he would like to restate his suggestion that the highest buildings be moved to the lowest topography to maximize view for surrounding residents.

Councilor Cundiff said he would like to see the project developed within the limits of medium density and he moved to continue the public hearing with these recommendations to 6/5/89. Councilor Schank seconded the motion.

Mr. Shockey stated that they could have a revised site plan done but he was not sure on the topography issue; that they could try and arrange to talk with the neighbors regarding the view.

Councilor Schank said he would recommend also a driveway in off 67th and it was the concensus that this be included in the revised site plan.

The motion to continue the public hearing to 6/5/89 with revised site plan to be available at City Hall by 5/29/89 passed unani-
mously.

CONSENT AGENDA:

After discussion regarding the presentation of new material to Council the night of the meeting and the inappropriateness of putting rezones under the Consent Agenda, it was decided to pull out items 4, 5 and 6.

1. 1988 Water System Improvement Transmission Mains Final Acceptance.
2. ULID #13 Shoultes Addition Water System Extension Acceptance.
3. Personnel Report.
7. 5/22/89 Claims in the amount of \$142,444.10.

Councilor Baxter moved that Items 1, 2, 3 and 7 be approved. Council Schank seconded and the motion passed unanimously.

4. Munson Creek 4, 5, 6 Rezone & Preliminary Plat & Site Plan Approval PA 8902007.

(Councilor Roberts stepped down.)

City Planner Corcoran reported that this was heard by the Planning Commission on 4/25/89 and recommended for approval; it is a request from RR 12,500 to PRD 12,500, 30.78 acres immediately east of the golf course and west of LaCosta, north of Munson Creek 1, 2 & 3. They have proposed less unity density than allowed mainly because of the slopes, creek and sensitivity of the area, with 24% open space proposed, he noted and no density bonus is requested. The park is to be dedicated to the City and access will connect with LaCosta Estates and other property to the north, he said.

There was no comment from the audience, for or against the project.

Councilor Cundiff moved to approve as per Planning Commission recommendations and directed the City Attorney to draw up the appropriate resolution. Councilor Schank seconded the motion and it passed unanimously.

5. Crystal Heights Rezone & Preliminary Plat & Site Plan Approval PA 8902009.

(Councilor Roberts stepped down.)

City Planner Corcoran referred to the memo from Public Works Director Zabell, presented this evening, and suggested that a public hearing may be in order.

Jim Egge, Group IV, representing the applicant, addressed the Council and said that with respect to the half street improvements along 67th, this item was not discussed at the Planning Commission meeting and the reason for asking the City to cash them out at the end of five years on any undeveloped property would be to build in some predictability. The City would then have the opportunity to recover as the property is developed along 67th.

Public Works Director Zabell noted that the five year cash out is the only disagreement the City has with the developers and there was more discussion.

Councilor Weiser moved that the City Council hold a public hearing but there was no second to the motion.

Councilor Schank asked if the proponents would consider a 15 year cash out rather than 5 years and Mr. Egge stated that the cash out clause could be deleted because they would rather not have a public hearing.

There was more discussion including a five minute recess for the Council to digest and understand the complete picture and ramifications of the memo from Public Works Director Zabell.

After the break, City Attorney Allendoerfer stated that the applicant would be agreeable to a recovery contract of 15 years and Public Works Director Zabell asked about the rate of interest to be included in the recovery clause.

After more discussion, Councilor Baxter moved for approval of the Preliminary Plat and Rezone of Crystal Heights subject to Planning Commission recommendations and to include a 15 year recovery contract at the interest rate of 10%. Councilor Schank seconded the motion.

Phyllis Graddes, 7310 61st Pl. NE, addressed the Council and said she is in the county, next to Crystal Heights in the City, and has a concern regarding her livestock being within 50' of Crystal Heights. City Attorney Allendoerfer explained that rule would only apply if the livestock were in the City because that is not a county rule.

Councilor Baxter restated the motion, Councilor Schank seconded and it passed with Councilor Weiser opposing.

City Attorney Allendoerfer noted that the mitigation works out to a pro rata share of \$180 per dwelling unit.

6. Liberty Square Planned Community Business Proposal Site Plan Approval.

Councilor Cundiff disclosed that he has property within the immediate area but there were no objections or challenges from the audience.

City Planner Corcoran explained that the proposal is at the corner of 80th & 47th and a preliminary binding site plan was previously approved for two pieces which have since been split up. The binding site plan proposal here is predominantly multifamily with an office complex, he said and added there is a flaw with the site plan in that unit density is based on the entire parcel and the area for offices should have been excluded. He said the handout that the Planning Dept. gave the applicant neglected to include this requirement and as it's proposed, it's about five units over the maximum density.

After some discussion, Councilor Schank asked about the parking and Bob Wicks, Architect, noted that it would be about 25% of the

site--parking and office building.

Councilor Roberts asked if a 10' easement along 47th and along 80th would be dedicated to the City and Mr. Wicks said yes, they would be dedicating that; it was included in the density calculation. He noted that this is the first Planned Community Business project to come before Marysville City Council and they are trying to make it a nice complex and present a good example of a Planned Community Business development.

Councilor Roberts noted that normally there is a turning radius/return at the intersection and Mr. Wicks said yes, they will be doing that; it just wasn't shown on the site plan.

Councilor Baxter asked if a variance was needed for two units and City Attorney Allendoerfer said it was his understanding that a revised site plan would be submitted, but Mr. Wicks explained that 24 units is what's needed to pencil out the job.

Councilor Lashua asked about emergency vehicle access, by taking out a couple trees and Mr. Wicks said they are trying to separate the office building from the residential units. Councilor Lashua asked if the Fire Dept. had seen the site plan and City Planner Corcoran said they had.

Mr. Wicks explained there is a hammerhead for the Fire Dept. and it's the same developer as the property next. There was discussion regarding the need for a fire truck to even have to go into the hammerhead at all.

There was more discussion regarding the density and Mr. Wicks explained they did not have the correct information from the City; they thought they were 5 units under and came in tonight and found out they were 2 over.

City Planner Corcoran confirmed that the City had neglected to give them all the necessary information but said he didn't believe City Council has the authority to grant two additional units--that would have to go before the Board of Adjustment. He did note that with a Planned Community Business there may be some latitude in the area for the office space. The land west of the lane would be excluded so it may not be over by a complete two units, he added.

Mr. Wicks reiterated that this problem just came to light tonight.

City Planner Corcoran stated there are three parking stalls that could be included in the density calculation and they are also willing to shorten one of the buildings by 10'. He also noted that this plan is more consistent with the PCB code than the plan previously approved for two parcels.

After discussion regarding taking the 10' off one of the buildings, Councilor Hots moved that the project be approved with Planning Commission stipulations as well as 1) building width to be reduced by 10' and lanes would be increased by that amount, 2) 3 parking stalls would be computed in density calculation. Councilor Cundiff seconded the motion. Discussion followed regarding participation in the TIP and it was agreed that the TIP is assumed to be included in the motion. The motion passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Utility Variance Request Stillaguamish Tribe.

Dan Rosser, 10407 Davies Rd., Lake Stevens, representing the Stillaguamish Tribe, explained that the Tribe has made formal application to the City for water and sewer service, with a need for 30,000 gallons per month water and slightly less for sewer. He noted that they plan to build a training facility at the corner

of Hwy. 99 and Hwy. 530 in a 16,000 sq.ft. building. The City of Arlington supports the Tribe's endeavors, he noted.

Councilor Baxter noted that John Henken received a variance for water only.

Mr. Rosser explained that the Tribe's piece of property is a little over 2 acres and there is a question whether it can operate without sewer.

There was discussion regarding Arlington's position on the water and sewer take over, time frame, ongoing negotiations between Marysville and Arlington. Councilor Roberts noted that even if there isn't an immediate physical disconnection, there needs to be an agreement that Arlington will take over the utilities. He added that once Marysville has an agreement from Arlington to take over, it's a predictable time period but right now it's not known what's going to happen.

Mr. Rosser asked if services could be provided even if there is no physical take over yet and Councilor Roberts said, yes, if there is an agreement for Arlington to take over the utilities eventually.

Mr. Rosser said the Tribes could live with that but time is of the essence because the county is pushing for road improvements.

Councilor Baxter asked if they could live with a water hookup now on the same conditions as the sewer, that Arlington would take over. Mr. Rosser agreed.

City Attorney Allendoerfer pointed out that they must meet the same conditions as Henken: 1) they need county zoning and 2) they need to obtain a county shoreline permit.

Councilor Baxter moved for approval of the variance on the conditions as set forth. Councilor Cundiff seconded. The motion passed with Councilor Lashua opposing.

NEW BUSINESS:

1. Proposed Centennial Comeford Concert Series.

Parks & Recreation Supt. Ballew addressed the Council and referred to the information in the packets. He announced that as of today, they have covered expenses by donations and will therefore not need funds out of the Parks Dept. budget. 50% of the cost of the performances will be paid by the Music Performance Trust Fund as long as the performers belong to the Musicians Union, he noted and he mentioned some of the upcoming programs and commented that they have had a very favorable response from the community.

2. Variance from Street Code - Kellogg Meadows.

Roy Brasher, Builder, 2107 102nd Pl. SW, Everett, addressed the Council and explained that building permits were obtained from the City and now some houses are completed and occupied and it has now come to light that the code requires improvements be made prior to occupancy. He noted that this puts him in a difficult position with regard to FHA financing and the purchasers will also suffer adverse consequences. He noted that Mr. Tudor took out a bond on the improvements which does not come due until October and the builders (because of the lack of information) are asking for a variance from the building code requirement that the paving in front of the houses be completed prior to occupancy. He added that the builders went into the development in good faith and want to retain the goodwill of the people in the community.

Councilor Roberts said he would like to see the cooperation of all concerned in order to solve the problem and perhaps moving up the completion of roads prior to October would be a big help. He added that the City should take an inventory on who else will be

affected in a detailed work list. It's very difficult to build roads with occupied houses, he noted.

Mr. Brasherer agreed and said he feels Mr. Tudor has evidenced good faith and has started paving now. Mr. Tomulte and Rich Dejong (other builders) have houses in progress and Mr. Brasherer has two houses already occupied with about 4 coming up in June.

Councilor Roberts said it would be helpful to know just how many occupancies the variance would cover.

Councilor Schank asked if FHA has been granting approval of homes without completion of the street and Mr. Brasherer said yes they have, based on the bond for the street. Councilor Schank said he would like to know the time frame for the paving.

Burl Tudor, 2630 43rd Av. W., Seattle, addressed the Council and stated that they are about 50% complete on 5000' of streets and sidewalks now and that they should be starting paving by June 1st. He noted that the inspectors have allowed 13 or 14 occupancies and trying to stop occupancy at this point is going to have a snowballing effect on builders, occupants, developers, etc.

Councilor Roberts asked if it was conceivable that the roads and sidewalks would be all completed by June 15th and Mr. Tudor stated yes, unless it rains every day between now and then, and it would include sidewalks.

Councilor Roberts asked how many more occupancy permits there would be between now and June 15th.

Tim Tomulte, Builder, of Lake Stevens, addressed the Council and said he will have 5 more homes to be occupied by June 15th and added that he doesn't think the builders should be penalized. He said he is locked into schedules with the buyers and already has 9 homes occupied. He said his wife is the listing agent for the homes he builds and the buyers are willing to occupy the homes, knowing that the road is not yet completed because of the tremendous demand for housing at this time.

City Planner Corcoran stated that there are 42 lots with 10 presently occupied, 24 homes under construction with 4 more building permits issued today that included a clause regarding completion of the road prior to occupancy.

Mr. Brasherer stated that in addition to Mr. Tomulte's, Mr. Scalero has 3 and Mr. Hoffman may have one additional (house to be occupied prior to June 15th).

Councilor Cundiff said because of the hardship situation, he would be in favor of allowing occupancies already promised and the completion of the roadways by June 15th will solve the problem.

Councilor Roberts stated that he would like to see some time frames and some links between completion of construction and occupancy.

Councilor Weiser asked if this situation is unique to Marysville--requiring completion of roadways prior to occupancy and Mr. Tomulte stated that in Lake Stevens they allow occupancy prior to completion of roadways.

There was discussion regarding the requirement of utilities prior to plat approval and normally, the requirement of road completion in a plat prior to occupancy of the houses. Councilor Roberts noted there should be some provision made in the event the roads are not completed by June 15th and added that maybe the code should allow a hard surface in the event of adverse weather conditions as a minimum requirement.

Councilor Cundiff moved to grant the variance because of unusual hardship for _____ units. Paving to be completed by June 15th. Councilor Schank seconded and the motion passed unanimously.

3. Temporary Sewer Connection Smokey Point Community Church.

Public Works Director Zabell explained that the subject request is within the existing RUSA and ULID #14 benefit area. It is his recommendation that the temporary connection be made after the ULID 30-day protest period has passed and ULID #14 has been formed.

Councilor Baxter moved and Councilor Hots seconded that the temporary sewer connection be made, based on Public Works Director Zabell's recommendation. The motion passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Ordinance Relating to Private Maintenance Responsibility for Drainage Swales & Ditches.

Councilor Schank moved and Councilor Hots seconded to approve Ordinance #1692. The motion passed with Councilor Cundiff opposed.

2. Ordinance Declaring it to be a Crime to Possess Contraband While in the City Jail.

Councilor Hots moved and Councilor Cundiff seconded that Ordinance #1693 be approved. Passed unanimously.

3. Ordinance Creating ULID #14.

Councilor Roberts moved and Councilor Schank seconded that Ordinance #1694 be approved. Passed unanimously.

4. Wells/Pierce Rezone.

Councilor Baxter moved and Councilor Schank seconded that Ordinance #1695 be approved. Passed unanimously.

There was discussion regarding the possibility of establishing an LID for improvement of Columbia and Councilor Roberts said he doubted that is feasible or an appropriate item at this time.

5. Resolution Authorizing an Interfund Loan.

Finance Director Dexter made recommendation that the interest rate be not more than 9.5%. There was discussion regarding BAN bonds and other alternatives and rates.

Councilor Cundiff moved that Resolution #1364 be approved at an interest rate of 9.5%. Councilor Lashua seconded and the motion passed unanimously.

6. No Parking on West Side of 43rd North of Grove for 300'.

Councilor Schank moved that Resolution #1365 be adopted. Councilor Lashua seconded and the motion passed unanimously.

7. Contract with Transpo for \$100,000 Transportation Study.

Councilor Roberts moved and Councilor Weiser seconded that the contract be signed by the Mayor. Passed unanimously.

NEW BUSINESS:

4. 10% Annexation Petition - Ken Hilton.

City Planner Corcoran explained that Ken Hilton, 5902 52nd Av. NE represents 100% of the property ownership, about 30 acres.

Councilor Roberts moved and Councilor Schank seconded that the 10% Petition for Annexation be accepted and that it should move to the 75% Petition phase, with Comp Plan designation to be adopted at the same time as annexation. Passed unanimously.

CALL ON COUNCILMEMBERS:

Public Works Director Zabell announced that 76th is being advertised this week.

Councilor Cundiff said he didn't think the inspectors were to blame on Kellogg Meadows; that the occupancy issue had been brought up by a Councilmember.

Councilor Roberts said he was the one who had brought it up and there was an error at staff level. There was discussion regarding the lessons learned from this experience.

Councilor Lashua asked about the City Administrator looking into the contract that was made many years ago with BN and City Attorney Allendoerfer noted that the contract has still not been found.

Councilor Hots said he noticed some police activity last Saturday night at Chita's and upon investigation, found out that they had found a loaded .45 pistol in a vehicle. He said he believed there were two individuals from Everett involved and he commended the officers for being able to handle the situation without incident.

City Administrator Garner noted that there were six officers hired by Chita's last weekend.

Councilor Roberts gave a TAC update and said they were scheduling in a number of legislators and people like Brian Corcoran and Mayor Erga of Lynnwood to upcoming meetings. He mentioned that zero gas tax is not going to help a bit and even 3½¢ isn't going to fund anything. One of the goals is to get the Marysville TIP included among the county priorities because Everett is on the verge of more moratoriums and that will mean more developers and construction coming to Marysville and the road system needs to accommodate the growth. He added that they will be discussing the 88th off ramp at the next meeting.

Councilor Baxter asked if they are pushing for it to be at 88th and Mayor Matheny asked if that wasn't just the name/reference given to "an" off ramp.

Councilor Roberts said that according to the Tribes, it's pinned down for 88th; there are some problems but the Tribes are bringing in \$4,000,000. Councilor Lashua said he feels it would be much more practical at 100th.

Councilor Baxter gave a RUSA update and mentioned that dollar figures were being discussed between Arlington and Marysville at the last meeting, time frames discussed, interest rates, boundaries.

There was some discussion comparing the two city governments.

Councilor Weiser mentioned that the 529 ramp is going to be closed because of repair work to the bridge and Public Works Director Zabell said they will be prepared for that.

Councilor Schank mentioned Mercer Island's code which keeps teen clubs out of the city. He also mentioned that Mukilteo has user fees for storm drainage mitigation.

Councilor Roberts noted that Snohomish County is talking about storm drainage mitigation user fees also at a cost of about \$22 per year and it would go toward dyking and other needs and the City would have an opportunity to use the money also.

ADJOURNMENT INTO EXECUTIVE SESSION: 12:15 5/23/89

RECONVENE AND ADJOURN: Approximately 1:00 a.m. 5/23/89.

Accepted this 5th day of June, 1989.



Rita Matheny, Mayor



Phillip Dexter, Finance Director