

OCTOBER 23, 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 (excused)  
Administrative Staff:  
 John Garner, City Administrator  
 Phil Dexter, Finance Director  
 Jim Allendoerfer, City Attorney  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 Jim Ballew, Parks & Recreation Supt.  
 Doug Ronning, Fire Chief  
 Bob Dyer, Police Chief  
 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/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank moved and Councilor Lashua seconded that the minutes of the 10/9/89 meeting be approved as written. Passed.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATIONS:

1. **Merrysville for the Holidays Committee - Proclamation.**

Parks & Recreation Supt. Ballew explained that in an effort to create a little holiday spirit and hopefully for years to come, they propose to change "Marysville" to "Merrysville" for the month of December each year. He said 12/8/89 would be the evening of lighting the park and the Parks Dept. and Chamber of Commerce is looking into a torchlight parade starting from Fred Meyers and all merchants would turn on white lights as the parade passes all the way down State to Comeford Park where the parade would culminate with the proposed lighting of the park and water tower. He said they have also invited special guests to be on hand but they have not confirmed as yet.

The Mayor read and signed the proclamation changing "Marysville" to "Merrysville" for the month of December, 1989.

PETITIONS & COMMUNICATIONS:

1. Letter from Baxter's Auto Center, Inc. dated 10/16/89.
2. Letter from AWC dated 10/10/89.

Gus Schrairer addressed the Council, stating he would like to see the City put up a four way stop at the corner of 3rd & State if it is legal for the interim while the concrete standards for the permanent signals are curing (a period of three weeks). He stated that the way it is now, with no signal or stop signs, people cannot cross State well at all, traffic is off 18% and his store traffic count is off 10% as of today.

Councilor Roberts stated that the Traffic Advisory Committee agrees that no signal or signs at the intersection is not acceptable and suggested that a four way stop would be a partial and temporary solution to the problem.

Mr. Schrairer said that would be appreciated before someone gets killed at 3rd & State!

Councilor Roberts noted that this item will be discussed further tonight under Current Business.

CONSENT AGENDA:

1. Contract for Ambulance/Paramedic Services Provided by Medic 12.
2. 10/23/89 Claims in the amount of \$344,968.86.
3. Personnel Report.

Councilor Hots asked about Voucher #17776 in the amount of \$14,000+ for truck repair and Finance Director Dexter explained it was for rebuilding the garbage truck/packer.

Councilor Hots moved and Councilor Schank seconded approval of Consent Agenda Items 1, 2 & 3.

Councilor Baxter asked about the contract under #1 and City Attorney Allendoerfer explained it is identical to the one signed three years ago and invited Chief Ronning to comment.

Fire Chief Ronning said yes, the renewal is the same: \$325 base price per ambulance call plus \$6.75 per mile mileage charge plus supplies, in addition to the base price, billed directly to the patients. He noted this is different from Everett where they have a much larger tax base and Marysville can't afford to be in the transportation/paramedic business, he said.

Councilor Hots asked if this is an increase over last year's contract and Chief Ronning said no, the base price is the same. He added that there would be a lower price if the Marysville Fire Dept. and Fire District 12 were combined.

City Attorney Allendoerfer asked about Fire District 12's base rate and Chief Ronning stated it is \$250 vs \$325 but it was noted that Fire District 12 provides equipment and manpower that MFD doesn't. He concluded that it's a costly service but no more costly than a private service and we have very qualified people with a paramedic on each call, he noted.

After a few brief comments regarding the arrangement several years ago with Baker's Ambulance, the motion to approve the Consent Agenda passed unanimously.

CURRENT BUSINESS:

2. Giffore/Kotilainen Annexations.

(Councilor Roberts stepped down.)

City Planner Corcoran explained that at the last City Council meeting, there was reconsideration of the Giffore Annexation where it was divided into three areas, two of which have been brought back tonight. He pointed out the maps of the two areas in the packets, explaining that petitions have been signed for greater than 10% of the assessed valuation and that they are requesting establishment of boundaries so that 60% petitions can be sought. He stated that the suggestion is to call the northern annexation Giffore and the southern one to be called Kotilainen Annexation. He also presented a map of the non-protest agreements and stated there is a sufficiency of petition for both Kotilainen and Giffore. As far as zoning designation, he said it would be his suggestion that the City's Comp Plan be adopted for that area.

City Attorney Allendoerfer noted that the Giffore Annexation will probably be seeking Marysville sewer but not water, as they are on PUD water and Marysville cannot provide sewer without water so it needs to be stipulated that they would buy water from Marysville. He also noted that another concern that came up in the staff meeting is the "leap frogging" around Sunnyside Hills.

City Planner Corcoran stated that Sunnyside Hills was mapped as far as covenants for non-protest agreements and only 28% of Sunnyside residents have signed vs. about 60% in both the Giffore and Kotilainen annexation areas. He noted that tonight's hearing is to set boundaries with a public hearing to be set at a later date for the 60% petitions to be presented.

City Administrator Garner reported that Mr. Markus has stated Glenwood Mobile Homes is still interested in annexing into the City.

There was some discussion regarding the size of the water mains in the areas to be annexed and City Planner Corcoran also noted that he didn't think there is PUD water in the Kotilainen annexation.

Councilor Schank asked about the possibility of annexing Sunnyside Hills and City Planner Corcoran stated that would be a separate issue/annexation to be brought in at a later date.

Councilor Schank moved and Councilor Baxter seconded to establish the boundaries for the Giffore and Kotilainen Annexations as depicted and based on the conditions:

1. assumption of the City's bonded indebtedness (their share)
2. adoption of the City's Comp Plan
3. that the Giffore Annexation be supplied with City water and sewer.

The motion passed unanimously.

PUBLIC HEARINGS:

1. Monte, Borseth, Olsen Annexation.

(Councilor Roberts stepped down.)

City Planner Corcoran reviewed the location, noted that it is approximately 160 acres, outside RUSA boundaries. He noted two letters of protest have been received which are in the packets, opposition being based on additional traffic that will be generated.

City Attorney Allendoerfer noted that the county zoning would remain in place until such time as the City rezones, after annexation. He noted also that the City does not have any zoning classification for a 7000 sq. ft. lot and that the applicant has not asked for a prezone.

Dale Olsen, 8626 52nd Av. NE, addressed the Council and noted that nine out of 13 property owners are in favor, which equals 69%. With regard to it being outside RUSA boundaries, he stated that perhaps the boundaries need to be reconsidered, especially in light of variances being considered in the Island Crossing area. He pointed out that the Monte, Borseth, Olsen Annexation area wishes to become part of Marysville's tax base and he doubted that the Stilly Tribe does.

Councilor Baxter pointed out that Marysville is in the process of getting out of the utility business in the Island Crossing area.

Bruce McKinnon, 7307 71st Av. NE, addressed the Council, asking for the message the Council might be sending, i.e. are annexations going to be included in RUSA? He said he is in favor of this annexation but was just interested in the Council's position on the utility issue, whether the City's policy is changing.

City Attorney Allendoerfer reminded Council that this area has been avoided for a long time and there will be 480 new lots produced by this annexation; that utilities capacity does need to be considered.

Larry Trivett, 7529 55th Av. NE, addressed the Council and said he is in favor of the annexation. He noted that if someone had told him 15 years ago how much Marysville would grow by the year 1989, he would have thought them crazy and he said he sees this annexation as a "rounding" out of boundaries and if 83rd is a long term policy boundary, this annexation would be very logical. He added that he would have hoped that the city engineers would take into account future growth in that area for city utilities.

Patty Lervick, 7302 84th St. NE, addressed the Council and said that out of 13 property owners, she doesn't believe many are actually in the proposed annexation area. She said she is opposed, very concerned about traffic, overcrowding of schools, 498 new homes will impact roads, environment. She said she is very much opposed and thinks to annex this area would represent irresponsibility on the part of the City.

Russ Hunter, 8201 84th St. NE, addressed the Council and said his main concern is the environmental impact as well as the cost to Marysville to put utilities in up there. He said he understands Bayview Ridge utilities/drainage is inadequate what with the steep hillside, etc. and that it is causing mud in a salmon spawning stream. He noted that the general layout is not conducive to close housing.

Linda Lambert, addressed the Council, stating she owns 3.76 acres within the proposed annexation area and collected some signatures of property owners herself. She said people's main concerns in the area are about water, farm animals, traffic, poor roads, sewer/water capacity very poor. She noted PUD is doing a feasibility study for North County at this time and it's very possible this area may not have to come into the City for water. She concluded that with the present zoning, only 62 homes would be allowed and she feels this would be plenty.

City Attorney Allendoerfer explained the grandfather clause regarding the farm animal use of property.

Councilor Hots asked about water mains and Public Works Director Zabell stated the City has a 12" water main along 83rd which could be extended as well as an 8" main which can be extended up 79th. He noted that the sewer lagoon capacity is a concern, however.

Councilor Lashua noted the report last week regarding the lagoon is of concern with regard to capacity.

Councilor Baxter stated the City is working on upgrading both the water and lagoon and are keeping up with the use. He said the question is whether we want new customers to bring in more revenue to continue upgrading or no growth.

Public Works Director Zabell stated the design report of the lagoon has been submitted and the lagoon will probably last until 1998, after which the City will be looking for alternative treatment. He noted we will be at 2.8 million gallons but that can be increased with additional treatment.

There was discussion regarding utility rate increases, requirements for sewer treatment, secondary treatment, the effects annexations have on utilities.

Councilor Schank moved to consider the annexation subject to their assumption of City's bonded indebtedness, for review by the Boundary Review Board, to be zoned RC 2.3 as per the county's Comp Plan until such time as it is rezoned by the City of Marysville. Councilor Weiser seconded and the motion passed with Councilor Lashua in opposition.

## 2. Ash Avenue Street Vacation.

(Councilor Roberts stepped down.)

City Planner Corcoran reviewed the proposal, with Mr. Thorsen to donate \$10,000 for the Park N Ride lot, with possible cooperation of the City and the applicant with regard to the use of Ash. He noted that 4-6 additional parking places are needed.

Public Works Director Zabell explained that they had looked at putting in angle parking as an alternative, on both sides of the street, which would provide more money for the Park N Ride lot and more parking for the applicant, with a parking variance. He noted that the curb would still have to be realigned but CT and the City could possibly share some of the costs.

Councilor Lashua asked about Mr. Thorsen's building permit in the meantime and City Planner Corcoran explained he has been allowed to go ahead with building.

Ray Thorsen, owner of the Village Restaurant, addressed Council and noted that he is not the only business in the immediate area suffering from lack of parking and there is a need for much more parking to serve the whole immediate area.

Councilor Weiser asked if the \$10,000 donation would include the lighting and maintenance of the Park N Ride lot and Mr. Thorsen said no, the lighting and maintenance would be in addition to the \$10,000 donation.

Mayor Matheny asked if the Park N Ride lot plus angle parking would be adequate for the Village's needs and Mr. Thorsen stated yes, it sounds equitable, and added that he was most interested in having this whole matter resolved this evening.

Larry Pavish, 1927 5th St., addressed the Council and stated the neighbors to the north and south of this property were not notified of this public hearing. Furthermore, he stated he feels everyone should have equal opportunity to develop and that he would highly recommend, rather than a Park N Ride lot, that the City or County institute a rapid transit system or some kind of transit for that area. He suggested perhaps some kind of crossing over the freeway and/or 4th in conjunction with the Park N Ride. He said he is in favor of the plan but wished the property owners had been notified.

City Planner Corcoran said he would be in favor of continuing the hearing in order to take a longer look at the overall impacts in the area.

Dan Dady, owner of Marysville RV, addressed the Council and said he agrees with Larry Pavish regarding notification and that he is in favor of more parking also.

No one came forward to speak against the proposal.

Councilor Hots commented that the City has vacated streets before but at an appraised fee and that he would like to be consistent.

Councilor Schank asked if the Village Restaurant would have use of the parking in the Park N Ride lot and City Planner Corcoran stated yes. Public Works Director Zabell added that CT and DOT have committed to this Park N Ride lot but that everyone knows the State's reputation as far as getting things done in a timely manner. Mayor Matheny pointed out that CT believes this Park N Ride can eventually be used for additional Navy needs.

Councilor Lashua expressed concern about how soon it would be before DOT actually participates in the plan and Public Works Director Zabell agreed that is a valid concern. He added that angle parking all along Ash does have the interest of the merchants but there may need to be more time to put the plan together.

Larry Pavish stated there should be planned emergency access, also.

Councilor Schank said he would like to see a letter of commitment from DOT.

Ken Underwood, Associate Developer, noted that in order to obtain financing at this point a long term parking commitment (variance) must be made, so they can continue with construction of the project.

Councilor Lashua moved to continue the public hearing in 30 days and Councilor Hots seconded. Public Hearing date set for 11/27/89. The motion passed with Councilor Baxter opposing.

Public Works Director Zabell stated he would be bringing back a plan that will be of benefit to all concerned.

City Attorney Allendoerfer pointed out that the applicant's immediate need is for a variance for the four additional parking spaces within 500' and discussion followed concerning the applicant's needs as well as other businesses' parking needs in the area. City Attorney Allendoerfer pointed out that variances are granted by the Board of Adjustment normally and City Planner Corcoran mentioned that the original motion (at a previous Council meeting) was that a building permit could be issued provided additional parking could be found in time for occupancy, but he said he felt there was some latitude there.

There was further discussion about a tentative agreement with CT and DOT, the poor parking situation now, a large need for parking in the area, the argument that if a variance is allowed for parking it would defeat the purpose of providing additional parking for others, the fact that the property owners are willing to work together with the City, CT, DOT on a plan.

Mayor Matheny asked if angle parking on Ash would solve the problem and Public Works Director Zabell said it would and Councilor Baxter made the observation that if off street parking can't count toward the business, who else is going to use it? He noted there are no residences down there so why can't the parking count toward the business?

It was noted that the same problem exists near the mill and Councilor Schank pointed out that employees are not at the mill 24 hours a day and so there would be more parking available.

City Planner Corcoran pointed out that the City has a person (Mr. Thorsen) who is willing to help solve a community need and he does not wish to buy four more off site parking places.

CORRECTED: SEE 11-6-89  
MINUTES

Bill Gering of the DOT addressed Council and stated he would be willing to take the issue back to DOT staff tomorrow morning regarding the Park N Ride lot and that the City should probably communicate with Dave Caldwell of the DOT.

City Administrator Garner also suggested the City write a letter for Mr. Thorsen's banker indicating the City's cooperation and Mr. Thorsen said he believed that would suffice. Mayor Matheny volunteered to put a call into CT tomorrow morning also on his behalf regarding the Park N Ride lot/parking plan.

Councilor Lashua said he would be in favor of guaranteeing occupancy (based on the parking problem being solved) in the letter.

Councilor Baxter moved to have the City Administrator write the letter, guaranteeing occupancy, based on the parking solution as discussed. Councilor Schank seconded and the motion passed.

CURRENT BUSINESS:

**3. Traffic Control on State Highways within Marysville's City Limits.**

Councilor Roberts explained there is concern with traffic control at 3rd & State (529) now that the signal has been removed, concern about the contractor schedule in conjunction with 4th & State, a concern that a 2 way stop can't handle peak hour traffic, the 21 day cure causing more delay, whether the City can impose a 4 way stop on a state highway within city limits.

CORRECTED: SEE 11-6-89  
MINUTES

Bill Gering of the DOT addressed the Council and stated DOT has no opposition to revamping or rescheduling of the construction at this time. As far as the 4 way stop is concerned, he said DOT feels a 4 way stop at 3rd & State would adversely affect 4th & State and so they do not recommend it. He added that the congestion going east and west will probably remain, even with a 4 way stop and in fact, may even increase north-south congestion with a 4 way stop, he said.

Councilor Lashua noted that when the stop light was working at 3rd and State it was not synchronized and so he said he did not see the congestion being any worse with a four way stop.

CORRECTED: SEE 11-6-89  
MINUTES

Mr. Gering tried to explain that a four way stop is a situation that the driver must perceive and make special allowances for and therefore they may not even stop.

Councilor Schank mentioned the pedestrian traffic that should also be considered and Councilor Hots suggested putting a patrol/MPD office at the intersection to direct traffic for the time being.

Police Chief Dyer stated that they may not have enough manpower.

CORRECTED: SEE 11-6-89  
MINUTES

Councilor Roberts suggested using a reserve officer and Mr. Gering stated that would be fine, as long as the City takes the responsibility for paying that person.

Councilor Baxter noted there was immediate chaos today when the light came down and there was just no east-west movement on 3rd. Mr. Gering offered to have someone come up tomorrow from DOT to observe the intersection and Councilor Baxter stated it really needs more than observation.

Councilor Roberts said his concern is the 21 days down time and with City Council not meeting for another two weeks. He said he would like to see a police officer out there and hopefully, the City will pay for that expense in order to alleviate the problem somewhat.

CORRECTED: SEE 11-6-89  
MINUTES

Mr. Gering said he would recommend either an officer or a four way stop but not both and Councilor Roberts stated he felt a four way stop would cause a lot of confusion; Councilor Baxter said he sees a real potential for an accident and something has to be done.

Mayor Matheny asked how soon DOT could install a four way stop and Mr. Gering indicated Wednesday. Police Chief Dyer indicated that would be his choice because of the danger of an officer standing on that corner in the dark and rain.

Larry Pavish added that a lot of people go through the mall as a shortcut to 3rd, as a way home to Sunnyside and that creates a lot of (west to east) traffic at 3rd & State, also.

After further discussion of the alternatives, Councilor Baxter moved and Councilor Schank seconded that a four way stop be installed at the corner of 3rd & State. Passed unanimously.

Public Works Director Zabell stated they would install a temporary four way stop tomorrow and Bill Steinhaus, Secretary of the Downtown Merchants Assn. thanked the City Council for taking this action.

Mr. Gering said he had heard of concerns at 67th & 528--speed, accidents and a combination of the two.

Councilor Roberts explained that DOT has been check actual speeds which have been averaging 42-44 mph coming down the hill with a stop sign in place on 67th and DOT is now proposing not to stop traffic east and west. He stated with traffic comign down the hill that fast, the Traffic Advisory Committee feels the speed will increase if they know they don't have to stop at the bottom of the hill and with the additional traffic in the area, this presents a real safety hazard, especially with the north-south traffic, he pointed out. He added that they feel that inter-section is getting very close to the volume justification for a signal but would like to see a four way stop put in in the mean-time.

Mr. Gering stated DOT's position is that they believe enforcement is the best way to slow traffic and he noted that 85% of the traffic west of 67th is travelling at 44 mph and will continue to do so regardless of stop signs. That intersection, he noted, doesn't meet any criteria for a 4 way stop because, for one thing, the volume is not balanced between the two sides--through volumes or turning movements; there is a much higher volume on 528, he noted. Another DOT criteria for a 4 way stop and/or signalization is that there be five accidents correctable by the 4 way stop and/or traffic signal within a 12 month period and there have only been two there in the last year, he stated. The traffic volume criteria is 500 vehicles per hour for an 8 hour period during a 24 hr. day, he noted, and stated that this intersection is close but not quite close enough. Lastly, a four way stop would be an interim measure for an urgently needed signal and it's DOT's further belief that drivers do not expect to encounter a stop sign at that intersection and therefore would not stop and create more of a safety hazard than is perceived at this time.

Councilor Baxter pointed out that it's a major truck route and Councilor Hots pointed out that there is also a park on that corner now which seems to be a variable the DOT has not allowed for.

Councilor Roberts pointed out that kids need to use the intersec-tion to catch the school bus also and with the installation of the park there is going to be more use by kids going to the park. He said he would like to at least see some crosswalks installed there, which has also received a negative response from DOT in the past.

Mr. Gering pointed out that crosswalks tend to give people a false sense of security and said DOT would prefer other techniques, eg. more enforcement.

Councilor Roberts noted that it is under state jurisdiction and asked if Mr. Gering was making a commitment on behalf of the WSP to patrol that intersection more. Mr. Gering stated DOT has asked WSP to give more attention to 528 but admitted WSP is spread very thin, as is MPD.

Councilor Baxter noted a lot of traffic comes down the hill and without a stop sign, they are going to be going too fast to stop, if necessary, he said. Mr. Gering stated he didn't think the speed will increase.

There was further discussion about the volume in the intersection, the need to have the presence of law enforcement to lower speed, DOT not being able to recommend approval of a four way stop at the intersection.

City Administrator Garner asked about leaving it as is with the three way stop and Mr. Gering said they couldn't do that; that the City has now taken care of the "vertical" problem that existed before and therefore there is no longer justification for a three way stop, either.

Councilor Roberts noted that the City has no real power over these intersections and Mr. Gering agreed, stating that the rules don't give DOT the flexibility to permit the City to have any.

There was further discussion regarding justification/criteria for lights and stop signs, flashing lights, State jurisdiction vs. City jurisdiction, once Allen Creek crossing completed that made it an official state highway, the definition of reportable accidents, the need to have the state monitor traffic counts (to which Mr. Gering agreed), need for signs for pedestrians, the fact that more apartments and housing going in, funding for lights.

Councilor Hots said he wanted to make sure signs are put up because of the additional pedestrian traffic. With the park the City has put in there, he noted there are going to be more kids using that intersection and he said he hoped a child doesn't get killed there.

#### 1. L.I.D. Guaranty Fund.

Finance Director Dexter explained that we will be going into a final assessment roll in 1/90 at which time the City will be needing to issue bonds which will require an increase to the Guaranty Fund of approximately \$50,000. He introduced Steve Gaidos of Harper, McLean & Company to explain further and Mr. Gaidos said usually a Guaranty Fund has at least 10% of the assessment roll, or in this case, \$70,000 and our balance is only about \$34,000 at this time. He explained the 10% is to avoid arbitrage laws and recommended increasing the fund by way of the alternatives outlines in his letter in the packets.

There was discussion regarding security, the property owner having to be secured by the City, General Obligation Bonds, the General Fund. City Attorney Allendoerfer asked about the tax levy method and what valuations it would be based on and Public Works Director Zabell noted that the final assessment roll will come in above the preliminary assessment roll.

City Attorney Allendoerfer stated he would like to see the people in the benefit area have the responsibility of maintaining the LID 63 guaranty fund by contributing 10% rather than every taxpayer in the City.

There was discussion about how the guaranty fund always covered LIDs in the past, the fact that the tax levy only needs to be 6-8% at this time.

Councilor Baxter moved and Councilor Hots seconded that the responsibility to maintain the guaranty fund is with the LID taxpayers and that a tax levy of 6% be charged LID 63 at this time in order to maintain the 10% guaranty fund. The motion passed unanimously.

#### 4. Welco Frontage Street Improvements on First Street.

City Administrator Garner explained that Welco is willing to put in frontage improvements however the City would need the power poles moved and would like a 4' dedication for future sidewalks. He noted that Bob Crunkilton has indicated that Welco's Board is not willing to give up 4' and the problem with moving the power poles is that the power lines would then go right over the Welco office, which is probable illegal/unsafe.

There was discussion regarding the possible future need for sidewalks, 4' right of way previous agreements, Welco's parking problems. Larry Pavish pointed out he was denied for this same request.

Bob Crunkilton, General Manager of Welco, addressed Council and stated they had agreed to put in curbs and gutters, to patch the street and put in sidewalk at a future date. At that time, he said they did not know putting in a sidewalk meant giving property to the City and furthermore, the City has agreed there is no need to put in a sidewalk at this time. He noted they have already invested \$1,000 in sidewalks but then it had to be surveyed and

then PUD said Welco couldn't put sidewalks in so the last contact Welco had was with Jim Allendoerfer about a year ago and he said as soon as the pole issue is decided Welco can continue, which they are willing to do, he noted.

Councilor Roberts said the night of the City Council meeting, Welco should have been aware of the 4' requirement and Mr. Crunkilton stated they did not learn of it until they saw the contract. The first contract said the full street abutment and then the City sent a corrected contract but without trigger language for a sidewalk, he explained, which was unacceptable to Welco and so they have not signed the contract. He said he presented this position to the City on 4/1/88.

Councilor Roberts noted that Welco had still proceeded with their building program in the meantime, regardless of settling the sidewalk issue. He added that it was agreed that with the existing conditions, sidewalks would be inappropriate.

There was discussion about the old and new City right of way requirements, noting that the original plat boundary was at Delta. Public Works Director Zabell commented that he originally requested 7' for sidewalks but that got changed to 4' by City Council and Welco still does not wish to comply.

City Attorney Allendoerfer noted that if the City and Welco cooperated in a design for curbs to go around the power poles, that would save about \$14,000 by not having to move the poles. He added that the City would still need a 4' dedication in order to put in the sidewalks.

Tony de Pietro, attorney for Welco, addressed Council and stated Welco has constructed a building on the site but there has been no additional impact, no need for additional parking, no additional employees. He noted that the 4' dedication was a total surprise to Mr. Crunkilton and he has never had a chance to address this subject. Also, he said there is a supreme court case where building has to be causal to street improvements and Welco does not meet that criteria.

Mr. Crunkilton pointed out that they tore down four old buildings and only put up one new one to replace it.

Councilor Roberts asked what guarantees the City has there will not be any more production or potential for production and Mr. Crunkilton stated they have actually decreased employees and are now bringing in about 20% less logs. Also, they have shut down the part of the mill near the mall he said and have 40 less employees.

City Attorney Allendoerfer explained that a SEPA review would require frontage improvements, parking for 32 cars and general upgrading, in consideration of their new \$2 million building.

Mr. dePietro stated Geddes has put in a building and he didn't think they were required to put in street improvements and that the City can't just look to Welco as the deep pocket here and not enforce equitability as far as street improvements.

Larry Pavish explained that his property and Geddes Marine are on the east side of the railroad tracks and they had their sidewalks removed by the City.

Councilor Weiser asked Mr. Crunkilton about the mill's present production and Mr. Crunkilton stated it is about 20% less than 3 years ago. Councilor Weiser pointed out, however, that rough lumber weighs about 30% more than finished lumber and so Welco would actually be generating more trips. Gary LaMarsh of Welco Lumber noted they are using more chip trucks however Mr. Crunkilton pointed out that they no longer have rail loadings.

Councilor Baxter noted that the traffic may have decreased but the problem of the walkway for the employees has not changed. He said he is not against leaving the poles where they are but he remembers the concession of requiring curbs only, sidewalks not having to be put in, as well as Welco being allowed to use the triangle at the end of the street and in comparison to others on the street, he said he doesn't feel a 4' dedication is unreasonable.

Mr. Crunkilton stated their main objection to giving the 4' right of way has nothing to do with the City but rather keeping Welco a viable/profitable operation.

Councilor Hots said he feels the City Council needs to be consistent; that they require developers to put in curbs, gutters and sidewalks and he said he thinks "a deal is a deal".

Councilor Lashua said he feels Mr. Crunkilton agreed to the 4' and that he agrees with Councilor Hots.

Councilor Lashua moved that the City require the 4' dedication, that Welco Lumber build curbs and gutters with design as on Columbia.

After further discussion, the motion was reworded:

Councilor Lashua moved to reaffirm the contract with Welco Lumber for deferred construction of curbs, gutters and sidewalks with two modifications:

1. To put curbs around the power poles and
2. Paragraph 2 will be reworded by negotiation.

Councilor Hots seconded the motion.

Mr. DiPietro asked if the City would give Welco a hold harmless agreement on the design around the poles and City Attorney Allen-doerfer said no, because the law is that Welco should move the poles. Mr. DiPietro noted that if the City is going to do the design then they should be willing to hold Welco harmless.

After further discussion regarding hazard, what happens if contract is not signed, court action to be sought to close mill down, etc., the motion passed unanimously.

##### **5. Planning Commission Recommendation - Kellogg Meadows III.**

City Planner Corcoran addressed City Council and explained that the Planning Commission has recommended approval of this subdivision which would create 17 single family lots, zoned 9600, property located south and west of the golf driving range. He said there are three lots west of the golf driving range with the remainder of Division III south of the golf driving range. He noted this is the last division of Kellogg Meadows, that there had been a PRD on the existing site prior to the plat and no landscaping was carried forward from the PRD along 67th or adjacent to the driving range. Then the driving range was short platted over Kellogg Meadows, he said, and a short discussion took place regarding the difference between a short plat and a preliminary plat and if there is any reassurance that this will not happen again.

Councilor Roberts asked about the 10' easement vs. 15' easement requirement. He noted that calculations can't include easement and you can't get 9600 sq. ft. in some of the lots because of this and so this should require a variance. For example, he noted that Lot 101 doesn't meet the zoning requirements and there are questions on at least three or 4 other lots and this issue was never addressed at the Planning Commission level, he commented. He questioned whether it should be up to City Council to grant the variances tonight for the sub-standard lots. He said he has no problem with the plat but would like clarification on this issue with regard to future short plats.

City Attorney Allendoerfer pointed out that a variance would require a public hearing and he also noted that the the issue of Tract E also needs to be resolved.

City Planner Corcoran said that as far as Mr. Tudor's donation of Tract E to the Parks Dept., Jim Ballew has indicated that the Parks Dept. has no need for it and so it could become part of Lot 32. City Planner Corcoran added that if it is deemed that the variance is necessary, it should have been reviewed by the Planning Commission. City Attorney Allendoerfer argued that City Council can override the Planning Commission here.

Burl Tudor, 2360 43rd Av. W., Seattle, addressed the Council and said this is the property that was left over after granting the CUP to the driving range. The city engineers have decided there is a need for drainage, so Kellogg Meadows has installed a 24" line for excess storm water--this was agreed to with the City and is not the easement shown, he said. He added that it was then decided to make it 15' and he said he feels he shouldn't be penalized for installing an extra pipeline--it's purely for excess in the event a catch basin is clogged, he noted.

Councilor Roberts pointed out that the issue is that there is an easement and it can't be allowed under the calculations.

Mr. Tudor requested that Councilor Roberts step down because he said he feels there is a conflict with Mr. Roberts also being a developer.

Councilor Roberts stepped down.

Mr. Tudor continued that all of these lots have the same easement and this was all accepted by the Planning Commission, he pointed out.

City Attorney Allendoerfer said the zoning code does exclude easements in calculations; that the zoning code should probably be modified.

Councilor Baxter pointed out that Council could allow a variance and added that it appears to him that it needs to go back to the Planning Commission.

Councilor Schank said he would want to see consistency in code compliance/requirements and there was discussion about City Council allowing variances vs. Planning Commission, public hearing necessity, saving time.

Councilor Lashua moved that a public hearing be held 11/13/89. Councilor Hots seconded. Councilor Hots also commented regarding Councilor Roberts' stepping down, saying he believed Councilor Roberts to be fair in his decisions, even with a perceived conflict of interest on the part of the applicant.

There was further discussion and Evelyn Tudor said she feels they are being penalized for another year for easements for others' water.

The motion passed.

LEGAL MATTERS/ORDINANCE & RESOLUTIONS:

1. Resolution Establishing New Locations for Stop Signs on City Streets.

City Attorney Allendoerfer noted that this is for 20 stop signs previously approved by Council.

Councilor Lashua moved that Resolution #1385 be adopted. Councilor Hots seconded and the motion passed unanimously.

2. Resolution Granting a RUSA Variance to the Stillaguamish Tribe for Water & Sewer Connections to Property Located at the Intersection of Highway 99 and Highway 530.

City Attorney Allendoerfer explained that the Stillaguamish Tribe has included a clause in the resolution whereby the City would cooperate with the maintenance/use of the Stillaguamish River for a treaty fishery hatchery.

After discussion, it was decided that the city attorney should respond to the Stillaguamish Tribe, not accepting this condition.

CALL ON COUNCILMEMBERS:

Councilor Lashua asked about the status of 528 and Public Works Director Zabell said the channelization is to be approved by DOT. There was a brief discussion about the appearance of 528, speed limit approval, it becoming a state road when the bridge was completed.

ADJOURNMENT INTO EXECUTIVE SESSION: 12:03 a.m. 10/24/89

1. Real Estate.
2. Litigation.

RECONVENE AND ADJOURN: approx. 12:40 a.m. 10/24/89

Accepted this 6 day of November, 1989.

  
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Mayor

  
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City Clerk

  
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Recording Secretary