

Councilman Hanson had resigned at the last meeting and his successor, Rosemary Ross, was present having been sworn in previously by Clerk Avery. Councilwoman Bogue moved that Mrs. Ross be confirmed as Councilwoman for the Town of Gig Harbor. Councilman Malich seconded. Carried. Present at this meeting was Mayor Bujacich, Councilwomen Bogue, Melton and Ross, Councilmen Ekberg and Malich, Attorney Johnson and Clerk Avery. The first public hearing was then called to order by the mayor.

PUBLIC HEARING - WALKER VARIANCE:

The variance requests that less than half of the basement be below grade. The basement walls had already been poured when the building inspector red-tagged the construction. The Planning Commission then tendered a letter recommending approval of the variance since the house would be in line with other houses in existence on Soundview Drive and the main floor would be 12 inches below the street.

Mr. Walker was present. He feels that he has done everything possible to comply with the code and that his home will be an asset to the neighborhood.

John Betz, a neighbor, recommended approval of the variance request.

John Gilich, Planning Commissioner, asked to clarify the question. He said he is not objecting, per se, but only advising the council that the house will be higher than others in the area with the exception of the Netsch house. It should be clarified that this is inconsistent with the neighborhood--only the one home is taller and it looks awkward the way it stands.

Councilman Ekberg asked a question concerning the minutes of the Planning Commission, wherein it states that Walker was told that his forms were too high. Walker answered that the forms were rented and went ahead and poured anyway. Walker, from the audience, explained that there was a great deal of expense involved in renting the forms and he felt it was necessary to go ahead and pour anyway.

Discussion revealed that the only illegal factor is how deep the basement floor is into the ground. Councilwoman Bogue felt the critical issue is is this house in some way going to be injurious to the view of the future house across the road. The real issue is something different. Because of this and "because I think there are special circumstances that apply to this particular parcel and that the strict application of the code would deprive the applicant of the rights commonly enjoyed by other properties in the same district and that the granting of the appeal will be in harmony with the objectives of the comprehensive plan and not injurious to the neighborhood, I move that the request of Mr. Walker for a variance regarding the basement requirement of the zoning code be allowed." Councilman Ekberg seconded but added that granting of the variance does not condone the fact that the party went ahead and did something that was not allowed. Motion carried and hearing closed. ** SEE CORRECTION Page 5*

CORNELL SITE PLAN HEARING:

The Planning Commission had recommended approval. John Cornell presented landscaping plans that delineated plantings and pools. Dimensions of screening, parking and landscaping were discussed at some length. There were no voices in opposition or in favor.

Councilwoman Melton moved that the site plans for Dr. Cornell, both landscaping and buildings, be approved. Councilman Malich seconded. Councilman Ekberg asked that, for purposes of clarification, the landscape plan be initialed for the record. Motion carried. Hearing closed.

HILDEBRAND SITE PLAN REVIEW:

Mr. Hildebrand requests approval of two more buildings for mini-warehouse use. He had been asked to furnish a site plan that showed the entire parcel of property. The Planning Commission had recommended approval with a request that storm drainage be furnished in case of further development.

There were no voices in opposition.

Size was discussed. The buildings will be 22' by 160' on a site 74' by 206' long. The new buildings will be 36-39 feet from the existing building. He plans to comply with the previous request to plant along the pole line. There is no landscape site plan.

It was discovered that the plans were not drawn to the scale specified in the code. Councilwoman Bogue felt that the law should be abided by. Councilman Ekberg agreed. Screening should also have been included in the site plan. Councilwoman Melton felt the mistake was not intentional--and it is only an extension of a prior project. She felt a decision should be made outright because the intent is the important point.

Councilwoman Bogue did not agree. She said she would like to see another site plan submitted on a larger scale provided with more green belting and screening and parking delineated. Councilman Ekberg so moved as stated by Councilwoman Bogue and moved to table until the next meeting. Councilman Malich seconded. Carried. Hearing closed.

The regular meeting was called to order and then recessed for the hearing on the comprehensive

plan. Mayor Bujacich felt that this was merely a hearing to consider citizen input at this time. The first reading will be set and a second to adopt the ordinance. Morv Shopin, John Paglia and Steve Burkhart in the audience asked for copies. It was brought up that page four seems to be incomplete as it runs off the bottom of the page. Mayor Bujacich asked that it be tabled pending correction of page 4 and also to provide more copies for the citizens that might be interested. Hearing postponed to next meeting. Regular meeting resumed.

The bills were approved upon motion of Councilman Ekberg with Councilman Melich seconding. Motion carried.

The minutes stood approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORTS:

Street and Water - Jim said he had figures on the light at Grandview and Elmer. Mayor Bujacich said he and Glen will get together to see if we qualify and report back at next meeting. Jim asked the mayor if he cared to discuss the drainage problem on Ryan Street. The mayor said that the excess water off the hillside above Soundview drains down through an old county-installed culvert down Ryan Street and down the beach access road. It is threatening the hillside and a retainer wall must be built to keep the hill from washing away. Jim and the mayor will show the problem to Glen on Thursday but Jim feels we should take the responsibility for drainage in this area. The attorney will go over this with the mayor.

Sewer Treatment - No report. Gary Tennahill went home ill.

Police Department - Chief Tomlin would like permission to purchase a moving radar unit. The price, marked down until next week, is \$1095. He felt it would be a good investment for the town. Councilman Ekberg moved that it be ordered. Councilman Melich seconded. The old unit will still be used also. Motion carried.

Building Inspector - Wayne said that the Thriftway Store is nearing completion now and he feels he will be asked for an occupancy permit even though all the parking may not be completed. Weather conditions make it nearly impossible to pave. Is he to give this permit? It was suggested that Uddenberg draft a letter of commitment and then Wayne can allow the occupancy. Wayne went on to say that Uddenberg also wishes to move the existing sign to his new store. It does not meet the code. The council said he must apply for a variance.

ATTORNEY REPORT ON DOEL REZONE:

Attorney Johnson had submitted a memo to the council. He also distributed it to the attorneys that are interested in it--Paglia and Sloan, both present in the audience. He said the issue is cloudy and somewhat complicated. The minutes reflect that the motion was passed but John Paglia will cast some doubt on the validity of the ordinance. Attorney Johnson said he also contacted Dr. Campbell of AWC. Dr. Campbell advised him that if no one was misled or damaged the procedure was valid. He asked if proper notice was given.

The land use agreement was prepared by Attorney Sloan and is now furnished along with property descriptions and a map.

John Paglia, representing Stohers Development Company, Alec Brunac, who plans to develop the adjacent property, recapped the town's minutes of October 25, 1976, and November 8, 1976. He said approval of the October 25 minutes was withheld until Councilman Hanson could be present to clarify his motion and these minutes were subsequently approved when it was reported that the minutes of both meetings stood approved as corrected. He feels the town cannot hold a first reading like last meeting. He feels that the issue was not continued--that it languished and must be readvertised. "The law is clear. The top is a gratuity that you can't reach."

Mayor Bujacich cited the stipulation in the code that cites that a measure cannot be readvertised within one year of a previous hearing. He felt the rezone was outmoded since more than a year has elapsed. Clerk Avery said that the original application was submitted back in August of 1976 and passed by the Council in October so the architects representing Dr. Doel, realizing that the time limitation was running out, applied for the site plan approval back in August of this year. Councilwoman Bogue said she read the minutes of October 25 and they do not reflect that the motion was ever voted on. Attorney Johnson said the minutes he read did reflect that the motion was seconded and voted on. Perhaps the criterion was the question of date of application for the site plan.

Dr. Doel said he appeared before the council on October 25, 1977 with the request for rezoning, having received a recommendation from the Planning Commission. "I submitted a document which had apparently been lost from the folder. Apparently also the original site plans were missing. The legal description that was requested in the letter that I think the chairman of the Planning Commission requested which was for the full legal description of the three acres to be zoned R-3, was obtained from an engineering company by myself on the 25th of October. Also dated 25 October, and was given to Mr. Hanson by me personally on that evening. The vote was taken and as far as I recall Mr. Hanson proposed a motion. I believe that Mrs. Melton seconded that. The motion was passed and, as I understood it, I was to receive the document from the Gig Harbor Town Council laying out the requirements for signature. I never received that document. I did, however, at the time that we placed the site plan in front of the building inspector, speak to Mr. Don Avery regarding this matter of the possible running out of time of this

zoning and I was told by him that provided we had taken action within the year that this was all that was required and that was exactly what we did by submitting the site plan. The fact that this was never carried through, as far as the zoning ordinance was concerned, I was not aware of. I did not understand the legalities of this and therefore this was entirely new to me and naturally I was surprised to find out."

Attorney Stone said that, regarding the 12-month time limitation, no final action was ever taken so the time limitation should not apply.

Regarding Dr. Doel's statement, Clerk Avery said no land use agreement or legal description had been given to him, the Clerk, nor furnished for the file.

Dr. Doel said he gave that document to Mr. Hanson. The legal description was brought in on 14 November 77. Dr. Doel said the papers in question were indeed in Councilman Hanson's hands as evidenced by the remarks he made that he had three pieces of paper there and he doesn't seem to know which is which and one of them he refers to, saying he cannot understand it. This is the legal description dated Oct 25, 1976.

Councilman Ekberg said he was not present at that meeting but he feels that if the requested documents had been furnished then the proper hearings would have been held and the ordinance passed. Mayor Bujacich stressed the need for public hearings in this regard. Attorney Johnson felt the public input was sufficient. There would have been no further public hearings necessary to adopt an ordinance--only the two readings.

Councilwoman Bogue asked Attorney Johnson if he did not feel uncomfortable that the written minutes fail to show a second passage. "Does the attorney feel the question was passed?" Attorney Johnson said the transcript of the minutes showed passage, so then the formal minutes are incomplete. He said this creates additional problems, the discrepancy between the written minutes and the tape. What he had read said it was approved and passed and what he reads here (page 424 of the minute book) indicates it was NOT approved and passed. The question then was whether the tape was admissible or did the approval of the posted minutes preclude the acceptance of the tape. Jack Sleavin, the engineer for Dr. Doel, asked what is the purpose of keeping the tapes if they are not able to be used to clarify questions in the minutes.

Mayor Bujacich felt the attorney should be allowed to research the question further. Attorney Johnson said he will write to Dr. Campbell advising him of the discrepancy between the formal minutes and the tape. He will bring Dr. Campbell's opinion to our next meeting.

John Sloan asked that the council tonight consider the land use agreement and the property description for their correctness but the council asked for copies for themselves. Attorney Paglia would like a copy also. The hearing was then postponed to December 27.

NORTHVIEW SUBDIVISION EIS WORKSHEET:

No one was present to speak for or against this worksheet. There proved to be a discrepancy in the number of homesites different from the subdivision plans. Councilman Ekberg suggested that the worksheet be changed to reflect 21 homes instead of 25. Councilwoman Bogue suggested that the hours worked be changed from 7 a.m. to 8 a.m. starting time. Councilman Ekberg then moved that the worksheet be changed in these two respects and otherwise the project has no significant environmental impact and the application should be processed without further consideration of environmental aspects. Councilwoman Bogue seconded. Carried.

COUNTY/TOWN INTERLOCAL GRANT AGREEMENT:

Glen Sherwood had written a cover letter in explanation of the more technical aspects of the agreement. Councilwoman Bogue commented on page 2 of Sherwood's letter regarding Section 2 of the agreement. She said she would feel more comfortable with the agreement if the paragraph could reflect that "as determined by the County and agreed to by the City." Mayor Bujacich said the county has no authority once HUD has agreed. Glen Sherwood added that the county cannot come down on the Town because the Town will have agreed to whatever the regulations are before they would have accepted the money. Clerk Avery said that this town is not involved in this section of the program (Housing Rehabilitation) at all.

Councilman Ekberg said that, on the strength of the engineer's opinion, we do not need to make the change and he moved that the town authorize the mayor to sign. Councilman Malich seconded. Carried.

EQUIPMENT BID ACCEPTANCE:

LOADER: Buck and Sons, \$2617.82/ Councilman Ekberg reviewed the bid and moved that it be accepted. Councilwoman Melton seconded. Carried.

FIRE DISTRICT BOND ISSUE:

The Pierce County Fire District has already sold their bonds. Mayor Bujacich said we should be thinking of asking McLean and Company to advise us regarding the sale of our bonds. In any case our revenue bond needs and requirements should be gone over. Councilman Ekberg felt that this might be a good time to think of making a change in the choice of bonding companies. If anyone on the council has a suggestion for another bonding company he could notify the mayor. This will be taken up next meeting.

PIERCE COUNTY SEWER CONTRACT:

The county wishes to have the six-month provision eliminated from the contract. The documents will be copied and given to Glen Sherwood for review as there are a few discrepancies there.

OLYMPIC VILLAGE ANNEXATION ORDINANCE:

This must be postponed as the BRB has accepted jurisdiction until the January 19 hearing date.

PENINSULA SCHOOL DISTRICT ANNEXATION - ORDINANCE #268 - 2nd Reading:

Motion was made by Councilwoman Bogue to adopt Ordinance #268. Seconded by Councilwoman Melton. Carried.

TAX LEVY - ORDINANCE #269 - 2nd Reading:

Motion by Councilwoman Bogue to adopt ordinance #269. Seconded by Councilwoman Melton. Carried.

REVIEW OF PROPOSED APPLICATION FEES: The clerk had checked with other towns and found no uniformity of fees. This is considered the first reading of an ordinance to change them, but the attorney will have to draw up the ordinance.

HARBOR HOLIDAYS CELEBRATION DATE: June 3 requested. No objection.

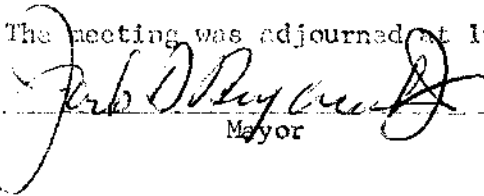
PERMANENT PLANNING COMMISSION APPOINTMENT: Carole Chalk's appointment had been only temporary pending election of a mayor. Now, Mayor Bujacich, would like to appoint her to a permanent position. Approved.

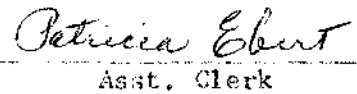
Mayor Bujacich told the council of the offer of a tapestry by the Brewers to be hung in the Town Hall on the cement wall. This would be a donation. Some of the members of the council would like to have seen it first but Councilwoman Ross told the council that the Brewer's would like to give it as a Christmas present. It represents PEACE, with very bright colors in a contemporary theme. She thought it would look quite nice. Motion was made by Councilman Malich to accept it. Councilwoman Ross seconded. Carried.

Jim Hibbs said we should pursue the Skrivanich water problem. The trouble lies in that the Fire Marshal did not know that the hydrant installed by the Skrivaniches was non-conforming--still on a two-inch line. 500 g.p.m. of fire flow is required. Jim offered to put a gunny sack over the hydrant so the fire department would not use it. Mayor Bujacich asked Dave Johnson to contact the fire marshal for the town's liability.

The meeting was adjourned at 10:30 p.m.

Tape #63, Side 2, All


Mayor


Asst. Clerk

TOWN COUNCIL MEETING - DECEMBER 27, 1977

The first public hearing was called to order by Mayor Bujacich at 7:45 p.m. Present at the meeting were Councilwomen Bogue and Ross, Councilman Malich, Attorney Johnson and Clerk Avery.

NICHOLS VARIANCE REQUEST:

There was no one present to represent the applicant.

The Planning Commission had recommended that the variance for an undersized lot be granted with the stipulation that the variance be granted only to the Nichols and to the property in question. The commission had expressed concern over the possibility of slides in the area. Mayor Bujacich felt that no variance was required since it would be covered under the grandfather clause but a water supply line to Bayridge Avenue lies near the point of possible excavation and he felt concern over this fact and also that the traffic is heavy past this lot on Harborview Drive.

There were no voices in opposition but Councilwoman Bogue moved that the variance request be tabled since the applicant was not present. In addition, the original application has been misplaced. The motion was seconded by Councilman Malich. Carried. Hearing closed.

The regular meeting was called to order and then recessed for the second public hearing.

SHADE VARIANCE REQUEST:

Mr. Shade wishes to construct a house with less than 50% of the basement below grade. This would make the house about three feet over legal height. The Planning Commission had unanimously approved the request, since Mr. Shade could not connect to the sewer by gravity without the variance.

He was queried regarding the overall height of the house in comparison with the Grayson Smith house next door. He felt it would be very close--and vary only up to two feet. It would not look out of place and would be in conformance with other homes in the neighborhood.

Councilwoman Bogue moved that the request as regards the basement level be approved. Council-

woman Ross seconded. Carried. Hearing closed.

HILDEBRAND SITE PLAN REVIEW, CONTINUATION:

Mr. Hildebrand had been asked to correct the scale of the drawing and this was done. The Council expressed concern over the exact delineation of the lot lines. Councilwoman Bogue said she had a feeling that the line previously drawn as the lot line is in a different spot than before. Mr. Hildebrand said the plan was drawn by a surveyor and the lines are exactly as drawn in the original plan. It is just one piece of property and the mayor agreed; the property is neither platted nor short platted. The four original warehouses were built on Tract A. The distance between this proposed building and the previous construction is 39 feet. It was also brought out that this entire parcel is zoned B-1.

The original construction required a variance as the buildings were oversize according to the ordinance. Now, Mr. Hildebrand said, he is staying within the ordinance and this building will be only 7500 square feet.

Councilwoman Ross asked Hildebrand if he planned to build more mini-warehouses in the future. Hildebrand evaded the question, saying he wondered if the council really wanted to know this. In the past, he said, he attempted to present a total site plan of the entire parcel of property and he was told that the council was interested only in the parcel in question that he was attempting to develop. Mayor Bujacich said the only concern would be that Hildebrand should be aware that when you go by parcel like this a step at a time and you're not involved with short plats, it may come down that the area, that all of a sudden you have enough square footage of coverage of buildings and you will lose the percentage of development on the balance of your property because it will be eaten up in parking and such. You have to take that into consideration. Hildebrand said he prefers piecemeal site plan review as the 10,000 square foot maximum aspect of the ordinance makes it too difficult to present more comprehensive plans each time. Mayor Bujacich said that no lot lines can be established on the property since there is no short plat in existence--there are no separate parcels.

Councilwoman Bogue wondered how we can have control of the site plan; how can a line be drawn, such as a line for screening, since it is all one ownership. How can this line be permanently established so it can never be moved? The attorney said through an agreement recorded to run with the land. This is not separation but only a reservation for green belting. Councilwoman Bogue said she felt the screening on the existing complex is inadequate and she would like more screening as it faces the transmission line. For the current project she would like a wider green belt along the pole line and also about a 20-foot screen left in native second growth along the 12-foot paved area next to Building 6. She said she did not know how to go about projecting this. She then said that if we would like to see a different site plan would denial of this site plan preclude another hearing before a year is out? The attorney answered that it would not. Councilwoman Bogue moved that the site plan for the addition to the warehouse be denied. Councilman Malich seconded. This does not mean that Mr. Hildebrand cannot resubmit a different site plan. Motion carried and hearing closed.

The regular meeting was recalled and motion was made by Councilman Malich that the bills be approved. Seconded and carried.

MINUTES: Councilwoman Bogue would like a clarification of the statement she made at the last meeting regarding the height of the Walker house. She asked that the topic be researched and that the minutes reflect that question and that answer. Otherwise the minutes stood approved as corrected.

*Councilwoman Bogue asked the building inspector if this house (Walker) would roughly be in line with the other two. "The roof line would be approximately in line with the adjacent property on either side; is that correct?" The building inspector answered "Approximately so." Mrs. Bogue then asked, "Within 12 inches or so?" The answer then was yes.

CORRESPONDENCE: None
SPECIAL GUESTS: None

REPORTS:

Sewer Treatment - None

Street and Water- Jim Hibbs said that shoulders of the streets are being graded now. They hope, by sloping the grading toward the ditches, to keep the water away from the streets. Councilwoman Bogue, noting that a few campaign signs are still up, asked if Jim's crew will take these signs down as they come to them. The mayor felt that Cascade and Ross Avenues could be graded and covered with crushed rock to keep them for a short time.

Police Department - Chief Tomlin told the council that a new criminal code is in existence. Since it must be adopted by ordinance this is considered the first reading.

Chief Tomlin went on to report that the current academy class is over and Officer Ramsey has finished 6th in his class.

Chief Tomlin asked if the council will approve the purchase of the base station and controls. He got a price of \$1780. Mayor Bujacich asked that this be tabled pending the annexation of Olympic Village.

Reports, Continued:

Building Inspector - None

Engineer - The Urban Arterial Board has notified Paramatrix that paving of Harborview Drive from Novak to N. Harborview will be the priority project for the town if funds are made available. The project is designed as a 36-foot wide street with curbs and gutters and some retaining walls. The project may require a small amount of right of way clearance and they want to know if the town is willing to go ahead with matching funds if the UAB goes ahead with the project. The town must agree to go to contract within 18 months of the approval of the UAB. This application is for preliminary engineering. The computers had evidently picked this project as the most needed because of the heaviest traffic flow. The mayor said that if we do go ahead with this project the sewer stubs should be installed for every lot so that the road will never have to be dug up again. The council approved it.

DOEL REZONE:

The attorney gave his report. He said the issue is whether zoning was ever approved or not. The written minutes reflect that it was never passed. It is a question of legality of the motion. He contacted the AWC again and Dr. Campbell has concluded (as he has himself) that we can consult the tapes to correctly identify what was intended at the meeting. There are a couple of legal texts on municipal law to support this. They said a council can move to correct their records as they should be. Dr. Campbell said also that, if we have adopted Roberts Rules of Order, it has a provision in it to correct minutes. The whole issue is cloudy and cumbersome. There is a question of when the year's provision would start. This council could proceed with the second reading--the fact that this is a different council does not preclude changing the minutes. This change would require that Mr. Hanson be here. As he sees it we can do one of two things: We can either amend the minutes and make a second reading, or we can throw it all out and start over. If we deny the rezone the petitioner would be back at the start. They would have to reapply and the year's provision would then start.

Councilwoman Bogue felt that if we were just going through the formality of confirming what we have done before then it would be permissible to go ahead with the second reading, but she said she would not feel comfortable if we voted without public notice if the whole issue had to be revoted, as if we were pretending that we were just starting now.

John Sloan, Dr. Doel's attorney, asked that tonight the council look at the land use agreement and vote to approve the ordinance. No one had previously told Dr. Doel that it was incumbent upon him to provide the Land Use Agreement. This land use agreement and the map defining the area were presented to the council last meeting. Dr. Doel then spoke, saying again that he had provided the legal description to Mr. Hanson at the meeting a year ago. The site plan and a map were provided also at that time. The whole thing is that the minutes were not typed up right.

Councilwoman Bogue said she would be more comfortable if the written minutes and the tape agree. How does the attorney recommend that we do that? Attorney Johnson said he will confer with Dr. Campbell and they will put together the correct procedure. If Mr. Hanson needs to be here he will have him here. He did not feel there need to be a delay on the ordinance if the council does amend the minutes. He would like to see the amendment for two reasons: To make sure the written minutes reflect what, in fact, happened, and secondly, if we end up in a lawsuit over this, that we have corrected minutes in the file.

Attorney Paglia said it is not a matter of wrong typing. He feels this council has no authority to change the written minutes and cited again that portion of the minutes of December 13 wherein the "minutes of both meetings were accepted as corrected." He feels the composition of the present council precludes correction of the meaning of the minutes. He went on to say that evidently the site plan, the vicinity map and legal description, were not there. He asked if an Environmental Impact Statement was submitted. Wouldn't development here affect the quality of the environment? He feels the EIS is required; it is seven acres and large enough to require the worksheet. In addition it would create a severe drainage problem. In addition, the land use agreement's contents are not a matter of public knowledge. He feels this does not meet what the law requires.

The council took a 10-minute recess at this point to talk privately with the town attorney. Upon their return, Councilwoman Bogue moved that we instruct the town attorney to take the steps necessary to correct the written minutes to conform with what the tape shows was done at the meeting of October 25, 1976. Councilman Melich seconded. Motion carried.

The council then discussed the passage of an ordinance to rezone the parcel. Attorney Paglia took offense. He said it was not abiding by the Planning Commission's recommendation to develop the entire parcel at once instead of the "planned stages" mentioned in the land use agreement. It must be a continuation of that original motion.

Councilwoman Ross moved that, since things have changed so greatly in the last year, this discussion be tabled until the next meeting pending the receipt of updated reports from the various department heads because of water problems, schools, roads, growth of the town, and because she was not present at the previous action of the council since she took office just recently.

John Sloan said all these matters are in the site plan file. He felt they were being discriminated against unduly.

Councilman Malich did not feel he could second the motion but felt it was time to vote on the issue. Councilwoman Bogue then seconded the motion. She said she also would like current information on which to base her vote and whether anything has transpired in the meantime that might cause her to feel differently about the project.

The motion was carried by a vote to two to one with Councilman Malich voting no. The hearing has been postponed to January 9.

Dr. Doal's engineer expressed amazement on the need to do it all over again. He said a great deal of time and expense has been involved for engineers, architects, and other professional men. Councilwoman Ross said she was sorry but she felt that mistakes have been made on BOTH sides, but she does feel concern for the people who live here. She feels commitment as her position as an elected representative of the people of the town. Mayor Bujacich then told the assemblage that a whole year has elapsed when the principals could have provided the missing material but evidently the need was not there since they did not intend to start construction at that time. Now they want it decided instantly because they now want to build. Hearing closed.

PIERCE COUNTY SEWER CONTRACT:

Parametrix answered the council's query by letter. Waite Dalrymple had written that the document should not be signed in this way because capacity would essentially be sold without any money until the first hookup. He suggested that a time limit be placed on the document until it is completely exercised. We are not denying a contract basis but wish the contract rewritten within 90 days. Malich moved that we deny the modification that the county promotes and that they are given 60 days from date of letter to sign and return. Councilwoman Bogue seconded. Carried.

APPLICATION FEES: To next meeting.

BUDGET ORDINANCE - #270 - 2nd Reading:

Clerk Avery said the budget will be passed at this time although it will require amending within a few months because of the CETA positions to be added and the possible Olympic Village annexation. Councilwoman Bogue moved that the budget be passed. Councilman Malich seconded. Carried.

BUILDING INSPECTOR JOB DESCRIPTION: Councilwoman Bogue asked that this be tabled because she knew that Councilman Ekberg would like to look it over. She asked that any questions or corrections be put in their mailboxes by Thursday preceding the meeting.

The mayor asked the attorney about the possibility of a business license at the Pillars. Mrs. Johnson had originally been told that the area was single family residential and she could not conduct business in this zone. She has since been advertising to the contrary. He feels she should be written a letter.

The mayor said that Nick Markovich has now resigned from the Civil Service Commission and this creates a vacancy. Another vacancy occurred when Clerk Avery resigned as Secretary/Examiner. The Planning Commission will have a vacancy as George Borgen will be moving out of town.

Councilwoman Bogue asked that the memberships of the Library and Park Boards be checked also, and there is now a vacancy on that latter board.

Mayor Bujacich asked that the Spring/Tyee/Chinook/Coho complex of names be changed to just one name to avoid a great deal of confusion. It makes it very difficult for people to locate an address when just one street changes names four times and he recommends that the entire street be named Chinook. This can be done by resolution.

Councilman Malich reminded the council of the HUD meeting here at 7:30 on December 28.

Jim Hibbs wanted to confirm the town policy on extensions. We do not do anything with new main line extensions and we only extend on upgrading the system.

SKRIVANICH CONNECTION: Attorney Johnson said the fire marshal has never contacted him so he will get in touch with him.

Councilwoman Bogue mentioned that through a mistake the site plan hearings have been held before the Planning Commission as well as the council. She felt the original intention was to be only the council and perhaps it was a housekeeping error. She went on to say that the system is moving faster now and sometimes it backfires. Sometimes people are on vacation and not able to be present or sometimes the Planning Commission feels pressured because they do not feel able to table knowing the council hearing is already scheduled. She brought this out so people could think about it.

Meeting adjourned at 10:47 p.m.

Approval of minutes on page 7.

Jack D. Bujacich
Mayor Bujacich

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - JANUARY 9, 1978

The meeting was called to order at 8 p.m. by Mayor Bujacich. Present were Councilwomen Bogue and Ross, Councilmen Ekberg and Bunch, Attorney Johnson and Clerk Avery. Councilman Malich was not present and Councilmen Bunch and Ekberg took office as recently elected officials.

The regular meeting was then recessed for a continued public hearing.

NICHOLS VARIANCE:

The recommendation of the Planning Commission was again read. Mrs. Nichols was present at this meeting and showed the council drawings of what she would like to accomplish. She plans to set the house back the prescribed 25 feet and construct a curved bulkhead at street level, thus providing two parking spaces, and allowing vehicles to park off the roadway. There will be a concrete retaining wall in the rear of the property and a concrete foundation for the house. The house will remain exactly the size it is now and it could be an asset to the neighborhood and the community.

Mayor Bujacich again said that the lot size comes under the grandfather clause. You can't deny an individual the right to use the lot. Wayne Goodno felt it needed a variance because the lot was undersize and unplatted.

There were no voices in opposition. There were no voices in opposition. Councilwoman Bogue moved that the Nichol's request for a variance be granted. Seconded and carried unanimously. Hearing closed. Regular meeting called back to order and again recessed for the second public hearing continued from last meeting.

DOEL APPLICATION:

Mayor Bujacich cautioned that he would allow no rehashing of the issue except for questions. He would welcome new facts and findings.

Attorney Johnson had talked with Dr. Campbell again. If the council approves of the motion to amend the minutes he has determined that former Councilman Hanson need not be present. The issue is now up to the second reading and the rezone ordinance.

Councilman Bunch felt he could not feel justified in voting on this issue since he was not a member of the council at the time the question was raised. He feels the issue is so clouded that he would like the town and Dr. Doel to drop the issue and start over. He said he will abstain from voting.

Councilwoman Ross moved that we do what is necessary to make the minutes conform with the tape. Councilman Ekberg seconded. Attorney John Sloan had prepared a transcript of what the minutes were intended to say. Attorney Paglia objected, saying it is inaccurate to say the transcript is accurate. Dr. Campbell's opinion is an opinion only. The motion carried with Councilman Bunch abstaining. The secretary was instructed to amend the minutes to conform with the tape word for word. (This amendment is located at the end of these minutes.)

The mayor then opened the discussion on the passage of the zoning ordinance--Ordinance #271.

John Sloan asked about the legal description. He said it was submitted at the meeting of October 25, 1976, and the engineers were to check it out. Also, the land use agreement. Dr. Doel had understood that he was not obligated to prepare it. Was it Attorney Johnson's obligation? It must now be established that the legal description coincides and the land use agreement, now submitted, is acceptable.

Councilwoman Ross said she was familiar with the Town's comprehensive plan and was aware of its guidelines concerning rezoning. The reports from the various department heads are not hopeful at all. All of them: Fire, Streets, Water and Schools, would be adversely affected if the apartments were built. She said she felt it was her responsibility to deny the second reading of the ordinance. She said this is her motion. For purposes of discussion Councilwoman Bogue seconded.

Councilman Ekberg felt that this issue is inconsistent with the town's policy regarding public input. He said he, too, will abstain from voting on this matter. This led to the question of whether a quorum is still present. Attorney Johnson consulted the RCW's and determined that it is a quorum if it is a majority. Also, Robert's Rules of Order says that the member does not necessarily need to vote to constitute a quorum.

Attorney Sloan asked Councilwoman Ross on what she based her vote. She told him that she had consulted the fire department who told her that a fire insurance rate increase could result from further development on the hill. She read a portion of that report aloud. She feels, too, that the comprehensive plan was developed to protect people from overdevelopment of the land.

The mayor called for the vote. Councilwoman Ross, aye, Councilwoman Bogue, no. Mayor Bujacich was then obliged to break the tie by voting aye, since he has the same concerns as Councilwoman Ross, he voted to deny. Councilmen Bunch and Ekberg abstained from voting. Mayor Bujacich wished it clarified that his vote is a "yes" vote to deny the rezone request.

The meeting was recalled to order with a motion by Councilman Ekberg that the bills be approved. Councilwoman Bogue seconded. Carried.

The minutes stood approved and posted.

CORRESPONDENCE: The Attorney General had written regarding the sewer assessment billed to the State Highway Department. He asked that this assessment be deleted from the rolls as the Highway Department is not obligated to pay the assessment. Clerk Avery explained that the addressee had been notified of the assessment but the Pierce County Treasurer's record was wrong. Councilman Bunch moved that this assessment be deleted from the rolls. Councilwoman Bogue seconded. Carried.

SPECIAL GUESTS:

Keith Uddenberg was present regarding the moving of his Thriftway sign. Mayor Bujacich felt that it was questionable if it was necessary for him to get a variance for removing the sign from the current store to his new store. The sign was shown on the site plan and has been displayed in the neighborhood for fifteen years. The crews that are working there now could move the sign for less cost than in the future. Attorney Johnson feels the council can waive the provision since it is a unique problem.

The building inspector said that it is non-conforming because it is red neon and may be over-size also. The council could find nothing in the code concerning red neon. Councilman Bunch moved that the sign be allowed to be moved. Then Councilman Bunch withdrew his motion because there was no need for permission, it was felt.

Orchie McLean of McLean and Company was present. The mayor had asked him to attend and explain the bonding issue on the fire department.

He explained that this issue would be for \$72,000 general obligation bonds. Four publications of notice of sale are required. He went on to explain the procedure and said it could take from nine to ten weeks. The town will have a few costs connected with the sale of the bonds, mainly the services of the bond counselor, which could run probably \$500. He went on to enumerate the costs on the water system revenue bonds. Glen Sherwood recommended that we go ahead with the bonding now. The mayor recommended that we instruct McLean and Company to go ahead. We can invest our funds for the time being until the Fire District needs them and we get the go ahead on the water system. Councilman Bunch moved that we accept the McLean and Company proposal on both issues. Councilwoman Ross seconded. Carried.

Fred Hildebrand requested reconsideration on the site plan previously submitted. They feel they have met every criteria of the law. The council asked Attorney Johnson if they can consider without further publication. The attorney felt there would be no need of republication. Hildebrand's proposal is that he is submitting the same site plan. His submission has not been changed so he can resubmit it. It would entail no use of the water system. It would provide safe storage and clear up clutter. It is back in the woods and out of sight. He would like the council to reconsider their denial.

The concerns that Mr. Hildebrand expresses, Councilwoman Bogue said, were not the ones that the council discussed at that time as the reasons for their denial of the site plan. She said she still feels the same way and would like a different site plan and screening and if these are not provided she would not like to make a motion to reconsider.

The issue died for lack of a motion.

Representatives were present from the Peninsula Multi-purpose Center requesting a use for the HUD Block Grant Funds. They request funds for a community center. The grant would require that the upkeep be provided for. They need the town's support to go after these funds. They would like to request a feasibility study and land acquisition. Councilwoman Bogue agreed that the town could approve the feasibility study but she was not in favor of requesting land acquisition at this time. Mayor Bujacich said that both must be requested at one time-- federal guidelines won't go along with dividing them.

The council agreed to go along with the planning and design and a letter will be sent in support.

REPORTS:

Street & Water - Jim Hibbs requested replenishing of their water department stock. This would run between \$1100 and \$1300. Okayed.

Sewer Treatment - No report

Police Dept. - No report

Building Inspector - No report,

Attorney - Dave Johnson said he will get together with the mayor regarding the illegal business being transacted at the Pillars. Councilwoman Bogue asked if we can now adopt Robert's Rules of Order. Councilman Bunch felt they had been adopted quite a long time ago.

The clerk will research.

The attorney went on to say that the Molgard case has been to trial but no decision has been rendered.

Regarding the undersized water supply line to the Skrivanich property, the attorney has written to the Fire Marshal.

Engineer - Glen Sherwood said that bids were opened today on the water tank and copies of these bids have been provided for the council. The engineer recommended accepting the Reliable bid pending approval of DSHS. He said that Jim Hibbs had told him that Reliable has done a great deal of work in this town and their services have been very satisfactory. Councilman Bunch moved to accept the bid of Reliable Steel Fabricating, Inc., and Councilman Ekberg seconded. Carried.

Glen said he has sent notice to the well driller to proceed. There will be some expense from the ground water geologists as they will supervise the drilling. It will get a cost estimate for the council before next meeting.

BUILDING INSPECTOR JOE DESCRIPTION:

Councilman Ekberg felt that this would be a good time to review the possibility of hiring an administrative assistant. This meeting was then recessed for an executive session.

When the meeting was resumed Councilwoman Ross asked about the progress on resurfacing of Cascade Avenue. It was turned over to the attorney for the drafting of the ordinance. Since Attorney Johnson had left for the evening so the mayor said he would ask him about it.

The comprehensive plan hearing was set again for the next meeting in the same time slot as the cancelled Uddenberg hearing.

Councilman Bunch asked that the minimum unit size in the R-3 ordinance be restored to the former 1200 square foot size.

Councilwoman Bogue again asked that the redundancy of signs at the Huskins-Roe Realty in the Myers Building be removed. She asked that they be notified.

Councilman Ekberg brought up the lack of continuity in hearings procedure. He wished that principals notify the town in writing if they wish to drop the application. It could be included in the application form that the town be notified in writing a week prior to the advertised meeting. Councilman Ekberg moved that we adopt it as a matter of policy. Councilwoman Ross seconded. Carried.

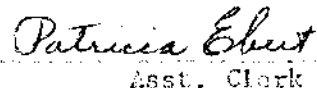
Councilwoman Bogue moved that we adopt Resolution #155 adopting Robert's Rules of Order. Councilman Bunch seconded. Carried. The clerk was asked to supply paper-backed copies for all council members.

Chief Tomlin again asked for a Revised Code. He and the attorney were to meet and he offered his copy for the council to look at.

Meeting adjourned at 10:40 p.m.

Tape #64, Side 1, 734 to End and
Side 2, 0-232


Mayor


Asst. Clerk

CORRECTION TO MINUTES OF OCTOBER 25, 1976:

Councilman Hanson moved that the town accept the application for rezone from R-2 to R-3 on the Doel property, subject to the land agreement formalizing that the parcel was as a whole and assuring that the legal descriptions agree. The motion was seconded and carried. Hearing closed.

REGULAR COUNCIL MEETING - JANUARY 23, 1978

The first public hearing was called to order by Mayor Bujacich at 7:45 p.m. Present were Councilwomen Bogue and Ross, Councilmen Ekberg, Bunch and Melich, Attorney Johnson and Clerk Avery.

PUBLIC HEARING - ADOPTION OF THE COMPREHENSIVE PLAN:

Councilwoman Ross asked why it is necessary to change the existing comprehensive plan. Mayor Bujacich explained that it is needed to meet the requirements of the Federal Government concerning grants. He went on to say that this comprehensive plan draft is the end product of the work done by the Planning Commission and Dr. Iruza--the questionnaire, etc. Councilwoman Bogue added that there was a question of whether the former plan was either not adopted or that the town did not meet the requirements. There was a need for more public input--a need for periodic updating.

The mayor called for comments. Councilwoman Bogue had a few minor suggestions concerning the wording of specific sections. The mayor asked that, since it is now time for the second public hearing to start, individual changes be written down preparatory to another public hearing on the issue. Hearing closed.

ANNEXATION OF THE SCHOOL DISTRICT PROPERTY:

Mac Martin, present from the school district, explained why they applied for annexation. It is felt that the split jurisdiction was awkward and they are now remedying the situation. There is no zone change requested. The property in question is to be used only for playfield use.

Councilwoman Bogue said that, "if it does come in as R-1, which is fine, we really have very little further control over the use of that land and I would like, and I think according to the RCW's it is appropriate, for us to be able to require open space and green belting at the time that we do the annexation. It seems to me that it might be appropriate in the case of a large area like this to say that when it is developed we might like to have some kind of site plan control so that we could perhaps require green belting and open space at the periphery of this property."

There were no voices in opposition to this annexation. Councilman Malich, feeling that wooded areas tend to endanger children, moved that we approve the annexation request as submitted without any conditions at all. He felt that the school board and the people that run the school are responsible enough to ensure that the natural environment and aesthetics are preserved without attaching requirements. Councilman Bunch seconded. Councilman Ekberg amended the motion to include that the town reserves the right to require site plan review. Councilwoman Bogue seconded. The vote on the amendment was three ayes and two nays with Councilmen Bunch and Malich voting no. The amendment carried. The original motion then carried with four ayes and one nay with Councilman Bunch voting no. Hearing closed.

The regular meeting was called to order. The bills were postponed until later in the evening. Regarding the approval of the minutes, Councilwoman Bogue would like the minutes corrected to reflect the statements of Fred Hildebrand; that these were indeed his statements and not those of the council. This is on page 2, 9th paragraph. Councilman Malich asked that the minutes show the results of the vote; those voting for and voting against by name.

Councilman Ekberg said that his statement regarding public input (next to last paragraph on page 3) was a highly concentrated version of what he actually said. He felt that so long as the tape remains on file to back up what he actually did say that he will accept the secretary's attempt at brevity. Other than these corrections, the minutes stood approved as posted.

SPECIAL GUESTS:

Mr. Irwin, Cable-TV, was present regarding a request for rate increase in the town. This increase is universal in all areas that they serve. This increase involves the cost of installation--from the present \$20 to \$27, and the reconnect charge--from the present \$10 to \$17. This would nearly equalize their cost although not completely. The monthly rate would be raised from \$7.45 to \$8.35 and the additional outlet charge from \$1 to \$1.25. This constitutes a 12% increase. He submitted a financial statement and told the council they project a 5.5% return on net equity. Other cable companies charge higher rates than they do. The mayor suggested that questions be formulated to be aired at the public hearing because a rate increase requires a public hearing. It requires publication and a 30-day waiting period. The hearing was set for February 27 at 7:30 p.m.

REPORTS:

Street & Water - Jim had submitted two proposals for updating parts of the water system. They will be taken up at a future meeting but Councilwoman Bogue asked Glen Sherwood if he had been over them. Glen said he sees no problem.

Sewer Treatment - No report.

Police Department - Chief Tomlin asked if the council plans to replace the Nova as it has nearly 90,000 miles on it. It is budgeted for 1978. He was instructed to bring literature on the other vehicles he is considering so the council can look them over. The mayor told the council that he was very pleased with the chief's efforts to keep the cost down on vehicle maintenance.

Building Inspector - The mayor asked Wayne to go over the elevations on the houses being constructed on Islandview Court. He feels that the houses are over legal height. Wayne had transit levels on two homes there. Councilman Bunch had visited the site on Saturday and said he saw no problem.

Wayne said the grade runs from Hunt Road to Berkheimer's property. The basements are far below the original average grade because the grade was cut down considerably at the time the road was constructed. Councilwoman Bogue asked if any further building permits in this area can be held in abeyance until the next meeting because the remainder of the council would like to look the situation over. Councilman Ekberg moved that we instruct Wayne to issue no more permits in this area until the height can be resolved. Councilwoman Bogue seconded. Wayne said he had a request for two permits today. It was agreed that if the requests meet the requirements of the law the permits cannot be held up. Councilwoman Bogue moved to amend the motion that this be specifically pertaining to buildings in Islandview East where there is a question about the intent of the ordinance; whether this particular plan meets the criteria of the ordinance. Councilman Ekberg seconded. Amendment carried. Original motion carried.

Councilwoman Bogue then asked the building inspector if he had checked into the signs at the top of Pioneer at the Myers Building. Wayne said yes; three signs are inside the building and the one outside was given a sign permit.

Engineer - The well drillers have set the surface casing and have poured concrete around it.

They will actually jack the drill down with the concrete casing.

Regarding the sewer service agreement with Pierce County, Glen said he wished to bring up those portions of the sewer line that abut residences in the county that could be hooked up. The Oswalts, who have been trying to annex; the Holman property, also in the process of annexation; and the Galbraith property abutting the frontage road. He feels the town should notify the county in writing that they are hooking up these people and no interlocal agreement should be necessary. He feels the town should grant such sewer services and he recommends that they do. Waite Dalrymple agrees also. Councilwoman Bogue asked if it would compromise our position with the county. Will we get ourselves in a bad position having to write a contract with each one we connect? Councilman Ekberg said he would like the proposal put in writing.

Glen went on to say that the ground water geologists, mentioned at the last council meeting, plan to charge 10% of the contract as their fee. It is quite a bit more than was originally estimated. He said he does recommend their services as they are experts in their field. The driller is competent but where public funds are concerned it is probably best to hire geologists. Clerk Avery felt that for that high an estimate we will probably have to go to bid. The council would like to review this until the next meeting.

Cascade LID: Parametrix proposes a 24-foot wide street with shoulders on each side. The estimate originally involved only the upper section. If the open ditch is eliminated a culvert must be planned. Glen asked what the council requires; do they feel the lower section is what should be developed or would an open ditch be permissible? Whatever they choose affects the estimate. They are preparing a preliminary assessment roll and it cannot be exceeded by 10%. Also, when the sewer went in some lots had only T's. Should all properties be provided with stubs and the cost added to the roll? The answer was yes.

There are two questions on deeds and the mayor will take care of them. The council asked Glen to submit the second drawing.

RESOLUTION No. 133 - Adopting Robert's Rules of Order. Councilman Bunch moved that this resolution be adopted. Councilwoman Ross seconded. Carried unanimously.

RESOLUTION #134 - Cascade Avenue LID Established. Councilman Bunch moved that Resolution #134 be adopted. Councilman Melich seconded. Carried unanimously.

ORDINANCE #271 - Amendment of Fee for Short Flats - Second Reading: Councilman Ekberg moved that Ordinance #271 be adopted. Councilwoman Bogue seconded. Carried unanimously.

ORDINANCE #272 - Filing Fees for Annexation - 2nd Reading: Councilman Ekberg moved that Ordinance #272 be adopted. Seconded by Councilwoman Bogue. Carried unanimously.

ORDINANCE #273 - Conditional Use Permit Fee - 2nd Reading: Councilwoman Bogue moved that this ordinance be adopted. Seconded by Councilman Ekberg. Carried unanimously.

ORDINANCE #274 - Zone and Variance Fees - 2nd Reading: Councilwoman Bogue moved that Ordinance #274 be adopted. Councilman Melich seconded. Carried unanimously.

ORDINANCE #275 - Subdivision Fee - 2nd Reading: Councilman Ekberg moved that Ordinance #275 be adopted. Councilman Melich seconded. Carried unanimously.

BILLS: Councilman Ekberg moved that the bills be approved. Councilman Melich seconded. Carried.

PIERCE COUNTY FIRE MARSHAL: All the towns have not with the fire marshal. Because of cutbacks in the county payroll they have lost their inspectors and they would like to hire two inspectors back. The total would be a fee of 37 cents per acre or a total of \$740.37.

Sale of CO and Revenue Bonds - First reading of ordinance.

Meeting adjourned at 10:10 p.m.

Page 664, Page 2, 272 to 281

Jack D. Bogue
Mayor

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - FEBRUARY 13, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. Present were Councilwomen Bogue and Ross, Councilmen Bunch, Ekberg and Malich, Attorney Johnson and Clerk Avery.

PUBLIC HEARING - IVANOVICH VARIANCE REQUESTS:

Mayor Bujacich stepped down and asked Councilwoman Bogue to chair in his stead. He did not wish to hear this matter as his property adjoins the Ivanovich site. Councilman Malich also stepped down as he felt that his own dock request might make his action prejudicial. Mayor pro tem Bogue asked that the usual procedure be followed, that comments and questions be directed to the chair. She called for objections first.

NICK MARKOVICH, speaking for his clients George Ancich and Nick Tarabochia, felt that a procedural point had not been followed and felt that there was a question of proper compliance regarding notification of property owners. He quoted Section 18.8.050 and 17.84.040, saying that public notice was not published in accord with the zoning ordinance. Mr. Markovich mentioned "appeal" and stated that a two-week period was not adhered to in this regard.

Clerk Avery said it was largely a question of semantics--that the hearing taking place is not an appeal but is only a simple hearing and requires only publication.

EDWARD BURGESS, representing the Ivanoviches, attempted to show that the rules had been followed correctly. He said that Attorney Markovich has raised this technicality each time the hearings have been held. "It is a process of trying to wear these people out. We should get to the point and decide whether these people can build their dock."

Attorney Johnson defined "appeal" as opposed to regular publication and suggested that we proceed with the variance hearing and if there is any question of improper notice we direct the clerk to advertise one more time. We can proceed

to consider the evidence tonight. Councilman Ekberg moved that the council proceed if there are no questions. Councilman Bunch seconded. Motion carried.

Attorney Markovich said the property lies within the jurisdiction of the Shoreline Management Act and he referred the council to page 39 of the master program. Mayor pro tem Bogue asked Attorney Johnson to rule on this point. Attorney Johnson said we are hearing a variance to our zoning code tonight--later the question will be heard under Shoreline Management and we should go ahead tonight.

The council asked for a short recess with the town attorney. When the council returned the attorney advised the assemblage that the council is proceeding in proper order.

The recommendation of the Planning Commission was read. The commission had recommended that both variances be approved. When the mayor pro tem called for comments the question was raised of what zone this is in. It was answered that this is a W-1 zone and JUDY IVANOVICH told the assemblage that the structure will be over water--not over land and the zone had little bearing.

NICK MARKOVICH asked the definition of variance. He said the ordinance calls it a relaxation of the requirements as regards to yards, building height, sign size, coverage, or parking. It is specific and exclusive and tantamount to rezoning as requested here. The ordinance states that a variance cannot be given according to lot size.

Attorney Johnson answered. He had researched this question and consulted with Dr Campbell. He said our ordinance is restrictive in this connection. Most towns have a grandfather clause--owners preceeding the ordinance are grandfathered in. He felt the factual information concerning ownership enters into it. There is no right or wrong answer. He said a variance "can be" for lot size in his and Dr Campbell's opinions, assuming continuous ownership. At this point a recess was called for consultation with the attorney. When the council returned a motion was made by Councilman Ekberg that we proceed with the hearing pertaining to lot size upon the advice of the attorney. Councilwoman Ross seconded. Motion carried.

ATTORNEY MARKOVICH still took exception to the non-concurrence with Shoreline Management regulations and JOHN PAGLIA, present in the audience, objected on the basis that the adjacent property has never concurred with lot size.

MRS IVANOVICH was confused about the objection to the variances. Attorney Johnson said that tonight we are only concerned with variances to our zoning code. Councilwoman Ross asked if all these variances would still be necessary if the Ivanoviches had stuck with their original plan--that of a private dock only with no commercial facilities. Mrs. Ivanovich answered yes and added that a portion of the original application had been omitted which mentioned that they proposed to rent a portion of the dock.

Councilman Ekberg moved that the variance request for lot size of 1250 square feet be granted. There was no second and the motion died. Councilman Bunch then moved that the variance be denied on the grounds that it does not follow the original intent of the ordinance. Councilwoman Ross seconded. Motion carried with Councilman Ekberg voting no. Councilman Bunch explained his reasoning. He felt that the Ivanoviches could still operate as a private dock--not as a commercial dock. 10,000 square feet is required for commercial use.

Mayor pro tem Bogue then took up the second variance. Mrs. Ivanovich left the meeting but Frank Ivanovich wished to proceed. He explained that the lot available for parking is about 400 feet away and the 50 x 200 foot size is more than ample for parking. He went on to say that the commercial aspect of the dock has been vastly overrated. They were told that even if they rented just one stall they must ask for commercial use. He wished to moor two seiners and two gillnetters.

In opposition, NICK MARKOVICH objected on the basis that the ordinance states that a parking lot must be within 100 feet of the site. It would only add to present congestion because people would never use the lot but would park on the street. In addition, the property is used for other purposes already and it no longer measures 10,000 square feet of unobstructed use.

MR. IVANOVICH stated that he had submitted a drawing of the parking area but this was not to be found.

Councilman Ekberg moved that the variance be granted as the ordinance calls for specifics. There was no second and the motion died. Councilman Bunch then moved that the request be denied as it does not meet the requirements of the ordinance. Councilwoman Ross seconded, saying that she felt we could make an already bad situation so much worse if we approved this request. She said she felt we have to stop ~~someplace~~. She said she feels strongly about this. The motion carried with the same vote as previously. The hearing was closed and the mayor called the regular meeting to order and then recessed it for a second public hearing.

BRUNAC PLAT HEARING:

This is a request for approval of the preliminary plat. The Planning Commission had recommended favorably. JOHN PAGLIA was present, representing his clients, Brunac and Stohera.

The utility plans are on the table and approved by the engineer and the water department superintendent. Glen Sherwood said the property is within the town limits. One lot in the plat falls in the R-2 zone but the remainder is single family.

There were no voices in opposition to the plat.

Wayne Goodno affirms that the plat meets all requirements of the ordinance so far as he can determine. Water runoff has been provided for in a 36" perforated pipe that retains the drainage and releases it slowly. The roads meet the requirements of the plat.

Councilwoman Bogue moved that the preliminary plat be approved. Councilwoman Ross seconded. Motion carried unanimously. Hearing closed.

The regular meeting was recalled to order.

BILLS: The bills were approved upon motion of Councilwoman Bogue with second by Councilman Bunch. Carried.

MINUTES: As there were no additions or corrections the posted minutes stood approved.

CORRESPONDENCE: None

SPECIAL GUESTS: Mrs. Tony Stanich was present to protest the fact that too many dogs are running loose. She said she can no longer walk to church in safety. Councilwoman Bogue said she had many phone calls about this problem. Our ordinance is inadequate to deal with the situation and her suggestion was that we find out what a contract situation might be with the Humane Society. Councilman Malich agreed that there should be some measure of dog control. Since the fees of the Humane Society are so high Councilman Bunch felt we might be able to work with the county itself since they contract with the Humane Society.

Shirley Sharpe said there has been a pack of 11 dogs running loose in the neighborhood of Harbor Heights School and people are fearful of leaving their homes in the area.

Chief Tomlin said that the local veterinary clinic can take a dog for so many days but the problem is what to do with them at the end of that period. The Plice Department has its priorities and these do not often coincide with people's dog complaints. The mayor said he did not wish the town's police vehicles used in this manner. Councilman Ekberg moved that the Chief of Police be instructed to research a means of control and asked that the town attorney draw up a draft ordinance for a leash law. In the interim the police should enforce the problem the best they can. Councilman Malich seconded. Carried unanimously.

REPORTS:

Sewer Treatment - Gary Tannahill advised the council that we are getting close to the stage of committing ourselves to a maximum flow for our licensed capacity. We are committed to most of what is left. Councilman Ekberg asked Gary to have figures ready regarding future additions such as schools, annexations, subdivisions, etc. Clerk Avery said he has these figures.

Street and Water - The well driller is down 107 feet today.

Police Department - Regarding the purchase of a police vehicle, the Chief had state bids on an AMC: \$4286.10 and a Dodge: \$4259.56. He had gotten bids from Ford and Chev also but the state bid was the best choice for the money. Councilman Bunch moved that we purchase the AMC. Councilwoman Ross seconded. Carried unanimously.

Chief Tomlin went on to talk of radios. Mayor Bujacich wondered if the new fire department might not be available to help us maintain a 24-hour service. The chief felt they might possibly help us sometime in the future. For the present he is willing to maintain the radio in his off-duty hours.

The chief went on to explain that LESA will be very expensive and the calls do go awry. He proposes moving the antenna to the top of the hill on the water tank. He received a price from GE of \$2027 to put the entire system into effect.

Councilman Ekberg said he would like to see a total inventory of all the radio equipment that the town currently has and which departments are using it. The letter states that our present system is inadequate. He would like to see the inadequacies outlined in detail and then he would like a more detailed written description of how the new system would cut out all the inadequacies of the present system and how it would be used by other departments and if it is going to replace any equipment what happens to that equipment. It was agreed that this includes the CB equipment.

Building Inspector - Wayne Goodno presented plans for a house on Islandview Court. The building meets the requirements but he was told that he must bring applications before the council for approval. There was a great deal of discussion. The ordinance does not specify what the basement level must be used for--a question had been raised of whether a garage was a specified use. Councilman Ekberg did not feel the application met the terms of the ordinance and that a variance should be required. Councilman Bunch felt that it DID meet the intent of the ordinance and he so moved that Wayne be authorized to grant the permit for this plan. Councilwoman Bogue seconded. Motion carried with Councilman Ekberg voting no.

Attorney - No report

Engineer - Regarding the hiring of a ground water geologist for the well drilling project, Jim Carr from Robinson and Noble was present to answer the council's questions regarding their service. He said their function is similar to that of an architectural firm. A good one would save his fee in construction and operating costs. They would run deviation tests, making sure everything is plumb. They would evaluate the water bearing potential at different elevations. Most well drillers are honest but they are paid by the foot. Drilling for sufficient water for a city is very difficult and

vastly different from drilling for a single family residence. This is not an easy area for large wells. They will make a pumping test that will find interference and how the well will behave. They will find the optimum capacity.

Councilwoman Bogue wished to know who will do the supervision if we do not hire the ground water geologist? Glen answered her that Parametrix does not have the facilities but they will do some supervision. They, too, must hire Robinson and Noble to some extent. There are continuity problems.

Councilwoman Bogue wondered how we drilled two previous wells without this service. Councilman Ekberg asked if this fee was estimated as one of the original costs in the engineer's estimate. The answer was yes, that a fee of \$2500 was estimated. Councilman Ekberg then asked Glen what his recommendation was. Glen said he would feel a lot better to have their expertise carried along on this project. He feels it is a worthwhile expense. Jim Hibbs added that a well log, as submitted with Well #1, was a very worthwhile thing to have.

Councilman Ekberg said that, since we are charged to look out for the welfare of the citizens of this town, he moved that we take the engineer's recommendation and contract for the services of the ground water geologist. Councilwoman Ross seconded. Motion carried.

Glen went on to discuss the connection to the sewer system of properties outside the town limits. Councilman Bunch wondered at the wording. Should it read "lines existing as of this date?" Councilman Ekberg did not agree nor disagree but feels it is not detailed enough to pass on. He asked Glen to work with Attorney Johnson to more strongly word it. There could be a provision slanted toward annexation.

Procedures of Community Development rules funding the water system improvements requires a motion of the town council that the town makes a finding they do need those easements for the water transmission lines. Councilwoman Bogue moved that the town makes that finding. Councilman Malich seconded. Carried. Glen said that appraisals must be made by a qualified real estate appraiser. Glen has found a man willing to do the appraising and Glen would like the council's support to get estimates of the costs. Councilman Malich moved that Glen get estimates and bring to next meeting. Councilman Bunch seconded. Councilman Ekberg asked if there is a time limit. Glen said a 90-day notice must be given to vacate his property. Carried.

Cascade Avenue LID: The estimated cost was prepared by Parametrix:

Street improvements: \$29,477.00
Instal. of side sewers: 4,730.00

The engineers have established an assessment roll. It includes a storm drain the full length, catch basins, closed ditches, crushed rock shoulders. Does the council want to inform the residents? Mayor Bujacich said that Mr. Peters should be informed and let him take it to the LID participants for agreement. The council agreed.

Mayor Bujacich asked Councilman Ekberg to contact Kaz Kimura regarding the Shore Acres Water System residents coming into the town.

JOHN HOLMAAS was again present to request sewer and water service to his lots at the head of the bay since he was turned down for annexation. He said he would accept a contract agreement with the town or with the county.

Councilman Ekberg felt this ties in with Glen's recommendation on sewer service brought up earlier this evening. He would like to postpone a decision pending the report. Mayor Bujacich said this is a unique situation and an exception could be made to serve all three lots with water. Postponed to next meeting.

GO BOND SALE - ORDINANCE #276 - 2nd Reading: Councilwoman Bogue that the ordinance be approved. Seconded by Councilman Malich. Carried.

FIRE MARSHAL PAYMENT INCREASE: Motion by Councilman Bunch to approve. Seconded by Councilwoman Ross. Carried.

COMPREHENSIVE PLAN: Postponed.

TACOMA-PIERCE COUNTY HEALTH CONTRACT : To next meeting.

AGREEMENT ON FIRE DISTRICT CONTRACT: On page 2, item 1, regarding to agreement to pay \$72,000, we will have expenses that must be subtracted from this. Tabled, pending the proper wording.

OLYMPIC VILLAGE ANNEXATION ORDINANCE - First reading.

Regarding a house partially demolished on Rosedale Street, the council asked

the attorney write to the owner.

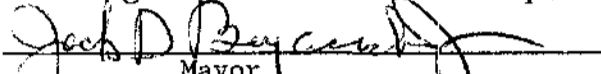
DRIVEWAY PERMITS: The mayor stressed the need for driveway permits.

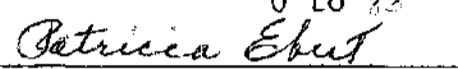
MOLGARD BUILDING: Councilman Ekberg asked the attorney if there had been a decision rendered on Molgard. He was answered not yet.

Councilman Ekberg asked if the site plan had been changed at the Myers Building. Is he altering it from what was approved? No, Wayne said. He is now completing what was approved.

Mayor Bujacich announced that Councilwoman Bogue had resigned from the Library Board and he has now appointed Marian Ekberg to fill the vacancy.

Meeting adjourned at 11:05 p.m. Tape #65, All of Side 1 and Side 2


Mayor
TOWN COUNCIL MEETING - February 27, 1978

0 to 23

Asst. Clerk

Mayor Bujacich called the first public hearing to order at 7 p.m. Present were Councilwomen Bogue and Ross, Councilmen Ekberg, Bunch and Malich, Attorney Johnson and Clerk Avery.

HILDEBRAND SITE PLAN REVIEW:

The favorable recommendation of the Planning Commission was read.

Fred Hildebrand was present. He pointed out the 20-foot buffer that surrounds the project. He also presented a plot plan of the total property. They have now turned the buildings in order to provide the buffer requested by the Council. Some land has already been cleared before they changed the angle of the buildings but the property still contains many trees. In addition, he said, this project creates no drain on the water system.

There were no voices in opposition. The council did have a few questions. He was asked if the line establishing Tract C will be monumented. He answered yes. He was asked if the site plan meets the parking requirements. Wayne explained that the code contains no reference to mini-warehouse parking but Hildebrand is meeting the requirements of the B-1 portion of the code.

Councilman Ekberg moved that the site plan, as submitted for Tract C, be approved with the 20-foot screened areas on the sides as drawn on the map be left in their natural state. Councilman Malich seconded. Carried. Hearing closed.

PIERCE COUNTY FIRE DISTRICT #5 VARIANCES:

The fire district requests variances of 11 feet for their main building and 22 feet for their hose drying tower. The Planning Commission had recommended favorably on both variance requests.

Drew Wingard was present. He told the council that the unique construction that will house fire equipment requires these variances. The care of fire hoses requires extreme measures. The main building requires a 16-foot inside height. Part of the drying tower will be used for ladder drill.

The fire district was given a conditional use permit in November 1976. There were no voices in opposition. Councilman Ekberg moved that the two variances, for 11 feet and 22 feet, be approved. Councilman Malich seconded. Carried. Hearing closed.

The site plan review is to be held March 13 by decree of the council and only before the council.

CABLE TV RATE INCREASE REQUEST HEARING:

Councilwoman Bogue disqualified herself from this hearing and left the room.

Mayor Bujacich told Mr. Irwin that he had been advised that the new rate was already being charged in the town. Irwin said there was one such charge made and it was in error. There is confusion now because all the county is increased but the town is not.

There was further discussion concerning the rates, service calls, home terminals, etc.

Councilman Ekberg moved that the rate increase, as proposed, be permitted and the new rate structure be approved, with the comment that when the saturation point is reached that there be no substantial increases in rates. Councilwoman Ross seconded. The vote ended in a tie with Councilmen Bunch and Malich voting no. Mayor Bujacich broke the tie with a yes vote and the motion was carried. Hearing closed.

The regular meeting was then called to order.

BILLS: The bills were approved upon motion of Councilman Bunch and second by Councilman Malich. Motion carried.

Approval of the minutes was postponed until later in the evening.

CORRESPONDENCE:

1. The Planning Commission had written recommending approval of the Stanley Shoreline Management permit request. The council can bypass the need to hear the request at council level. Mayor Bujacich felt that a portion of the dock overlaps the town's right of way and he recommended that the issue be tabled until it can be checked.

SPECIAL GUESTS:

Scott Canyon was present regarding the Growth Policy Association. He said he is concerned with land use in Pierce County. We can prepare for growth or we can just let it happen. We can let the County Commissioners know what the people of the community want. They asked that the people in this community give criticisms of their concept. There will be federal funds to help develop a comprehensive plan for the county.

Councilwoman Bogue suggested that our comprehensive plan and a copy of our community needs survey be submitted to these people. The clerk was asked to mail copies to them.

REPORTS:

Street and Water - Jim asked the council's opinion on the proposals he tendered to improve the system. Clerk Avery said there are funds available. Councilman Bunch moved that the proposals be approved as we know they are needed improvements. Councilman Ekberg seconded. Carried. Mayor Bujacich asked Jim to get an inventory of material and equipment on hand. He would like a similar inventory from the police and the sewer departments. Councilman Ekberg suggested a check on the insurance coverage of some of these inventoried items.

Sewer Treatment - Gary Tannahill said their one dump truck is tied up all the time now with sludge at the treatment plant and said another vehicle is needed at the plant. The sewer department is contemplating a fourth employee through the CETA program and this makes the vehicle problem worse. He asked the council to think about it. Jim Hibbs added that they in the Street and Water Department will probably need another vehicle in the summer since the Youth Accountability Program adds an extra 4 or 5 employees each summer. Councilman Ekberg said he would like a more detailed outline so far as justification goes.

Police Department - Chief Tomlin said he had looked into dog control, and thinks we can come up with a workable system. He suggested a three part program:

Registration: He suggested a door to door check as well as a raise in fees.

Enforcement - He has found someone to pick up animals on a part time basis.

Facilities: The veterinary clinic would board on a nominal fee basis but would not participate in the necessary bookkeeping. He had also checked with the Humane Society and they would not care to participate at this time as they have more business than they can handle.

Chief Tomlin would like the council to recommend a rate fee.

Mayor Bujacich suggested that this be considered the first reading of an ordinance pending leash law and an increase in the rate.

Building Inspector - No report.

Attorney - Said he is putting together a late-comers agreement.

Mayor Bujacich said that, regarding the use of an office in this building by the Sheriff's Department, he asked their department to draft an agreement to hold the town harmless.

Engineer - Glen Sherwood said the drillers have reached 315 feet and have found no water yet.

HOLMAAS WATER AND SEWER REQUEST:

The attorney cautioned against getting too formalistic--no two situations are exactly alike. Now is the time to decide what to do with the Holmaas property. The question is whether to apply the former policy to this property. If they do then Holmaas can build only one house.

Councilwoman Ross felt the situation is unique since the town did approve the annexation here although the BRB turned it down and Holmaas should be allowed to connect all three lots.

Attorney Thomas Fishburne, representing Holmaas, presented drawings of how the property can be served through just one sewer stub. They would expect a utility agreement with the town. This would eliminate the need for county franchises along the length of the property and it could contain a clause that would not hinder annexation in the future. There was a discussion of equalization charge. In event of future annexation then an LID would take place. There is still a county franchise required.

Councilman Ekberg also felt it was a unique situation but that no decision should be rendered right now. He felt a proposal should be made that the council can either accept or reject. Councilman Bunch felt they need to draw something up showing the area of concern and the agreement should be made that it applies to this property only. He asked that the engineer draw up this agreement by next meeting.

OLYMPIC VILLAGE ANNEXATION - ORDINANCE #277 - Second reading:

Councilman Malich moved that the ordinance be adopted. Councilman Bunch seconded. Carried.

CASCADE AVENUE LID:

Since the cost has more than doubled Mr. Peters said that people on Cascade no longer approve. They request that the project be reduced to the original estimate. This was an estimate by Spadoni. Councilwoman Bogue suggested that Glen go over his figures with Spadoni to see if the estimate is realistic. Postponed to next meeting.

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COMPREHENSIVE PLAN:

Mayor Bujacich, calling for comments from the audience, said that Mrs. Shopin had to leave the meeting but told him that she had read the plan and feels it says nothing. It is agreed by some of the council that it is a waste of money.

Councilman Ekberg said he felt it is well worth it. This is an updating of or continuance of our previous comprehensive plan. It is not dramatic perhaps but it does its job. It is a matter of compromise and it is up to us to adopt it at this point.

Councilwoman Ross felt this plan lacks the objectives cited in the previous plan--this is more a matter of policies, what it is "nice to do."

Councilwoman Bogue moved that on page 3, paragraph 1, a line be added "but not necessarily in the order of importance the following." Councilman Ekberg seconded. Carried.
Councilwoman Bogue moved that on page 4, the final sentence of first paragraph read "suggest appropriate revision or update." Councilman Ekberg seconded. Carried.
Councilwoman Bogue moved that in the next paragraph "undistinguishable" be changed to "non specific." Councilman Ekberg seconded. Carried.

Councilman Ekberg then moved that the comprehensive plan draft, dated April 11, 1977, with survey as addendum, be adopted as amended. Councilman Malich seconded. Carried.

HEALTH DEPT CONTRACT:

The Pierce County Health Department requests a contribution of \$2501.25 from our town. The mayor said they have given us improved vector control in addition to continuation of their regular services. Councilwoman Bogue and Councilmen Ekberg felt that \$2500 was quite a bit to pay for rat catching only. The issue is tabled pending further investigation. The clerk will write for more information.

PIERCE COUNTY FIRE DISTRICT #5 CONTRACT:

This issue has been tabled pending the wording. There are costs connected with it.

Drew Wingard said that if we invest the money the interest earned will probably more than make up the costs just mentioned. The fire district probably would not need the money for probably six months.

Councilman Ekberg moved that it be worded "the sum of \$72,000 less expense and investment income." Motion seconded by Councilman Bunch and carried.

CABLE TV RATE INCREASE - First reading of ordinance amending the rates.

EQUAL EMPLOYMENT POLICY STATEMENT:

This regards the hiring of minority employees. The clerk said our hiring lists come from two sources, CETA and Civil Service hiring lists, open to all minorities. We are now required to adopt a policy statement. Resolution #131, adopting the policy statement, was approved upon motion of Councilman Ekberg who asked that the word "town" be inserted instead of county. Councilwoman Bogue seconded. Carried.

APPRAISAL OF TRANSMISSION LINE EASEMENTS: A proposal has come from Mr. Nigro whose fee is \$150 each for the 12 parcels. Glen Sherwood felt it was a reasonable standard fee. Councilman Ekberg moved that we search for a more equitable price. Tabled.

Clerk Avery told the council that the office has been testing a new IBM typewriter. This would replace the Reminton that is now nine years old. The council approved since it is a necessary updating of equipment.

APPROVAL OF MINUTES:

Councilwoman Bogue mentioned the first paragraph, last sentence under the Ivanovich hearing. She felt it was uncertain whether she called for objections first. The secretary checked the minutes. Mayor pro tem Bogue did not call for objections--the attorney for the neighbors brought up a procedural point of order. Also, Councilwoman Bogue noted that the Ivanovich attorney's name was Merghes.

Councilman Ekberg asked that the Ivanovich hearing be transcribed word for word since there was a court reporter present and the council should be apprised of the same verbatim report that others will have.

Councilman Ekberg moved that we approve the minutes with the understanding that the verbatim report of the Ivanovich hearing be included. Seconded and carried.

Councilwoman Bogue asked that Clerk Avery check with Nancy Melton to see if she has turned in her municipal code book..

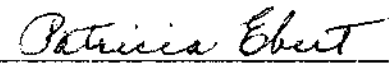
Councilman Ekberg moved that the Planning Commission review the portion of the zoning code as concerns height and come up with a more properly defined meaning for the word height, calling upon Dave and Frank Hruza if necessary.

Meeting adjourned at 10:05 p.m.

Tape #65, Side 2, 83 to End

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Mayor Bujacich


Asst. Clerk

TOWN COUNCIL MEETING - MARCH 13, 1978

The first public hearing was called to order by Mayor Bujacich at 7:15 p.m. Present were Councilwoman Ross, Councilmen Ekberg and Bunch, Attorney Johnson and Clerk Avery. Councilman Malich came in about 7:45 and Councilwoman Bogue was out of town.

FIRE STATION SITE PLAN:

Councilman Ekberg asked Drew Wingard about the planting and screening delineated on the site plan. Drew answered that there will be trees planted along the front of the property so long as they do not hinder visibility. Drew was asked what they plan for the rear of the property. It will be a green belt. They have no plans for the property at the rear since it was bought mainly for the front portion. He was asked whether a twenty-foot side yard could be developed instead of ten but Drew felt that was not possible since it would hinder the movement of the trucks. Councilman Bunch asked if they planned a flag pole. He said he would hate to see them deterred in putting up a pole if a variance is needed at a later date. They do plan a 50-foot pole.

Councilman Ekberg moved that the site plan for the fire station be accepted as submitted with the stipulation that wherever possible existing vegetation be left and that screening, to be defined as plantings of native evergreen trees that will reasonably reach a good height in short order, be planted on the two 10-foot strips on the north and south sides of the plot and wherever allowable on the west side allowing reasonable considerations for visibility, both for trucks leaving and for people on the road, and that we also recognize that there will be a flag pole not exceeding 50 feet in height. Councilwoman Ross seconded. Carried. Site plan approved and hearing closed.

CROTTO HEIGHT VARIANCE REQUEST:

The favorable recommendation of the Planning Commission was read and the meeting was opened for discussion. Nick Crotto was present and explained the vicinity map and the grades. The lot lies in a hollow and he would have no view if he could not build a higher house. Councilwoman Ross asked if there will be a water problem. Mr. Crotto answered that so far there is no problem but the developer has made a cut and drains will need to be put in.

He will put the basement six feet under grade and he asks for 22 feet above ground. It will not affect the view of Mr. Weeks, the neighbor.

There were no voices in opposition. Councilman Ekberg moved that the height variance of four feet be granted. Seconded and carried with Councilman Malich abstaining. Hearing closed.

CROTTO SETBACK VARIANCE:

Mr. Crotto requests a 15 foot rear yard setback instead of the customary 30 feet required. This would be a setback from Goodman Avenue. The street will likely never be constructed as the terrain is very steep. The Planning Commission had recommended approval and there were no voices in opposition.

Councilman Ekberg moved that the variance in rear yard setback be approved. Councilman Bunch seconded. Carried with Councilman Malich abstaining. Hearing closed.

The regular meeting was then called to order. Mayor Bujacich called for a change in the order of the agenda.

BOND REVENUE SALE, ACCEPTANCE OF GO BOND SALE:

Archie McLean was present. He told the council that bids were accepted today on the GO Bond offer and are as follows:

Rainier Bank	5.76%
Peninsula St.	5.738%
Seattle-First	5.69%

Since the Sea-First bid was the most acceptable he recommends that the council accept it. Councilman Ekberg moved that the town accept the advice of the bond counsel and accept the low bid. Councilwoman Ross seconded. Carried.

SALE OF WATER REVENUE BONDS:

A figure of \$220,000 was arrived at by McLean. This includes a sum for more exploratory drilling. If we accept the offer of McLean and Company we will have the money about April 15. Included herewith was a deposit of \$1,000. They will buy the bonds at 6.29%. The clerk said this will be the second reading of an ordinance - ORDINANCE #278. Councilman Malich moved that Ordinance #278 be adopted. Councilman Bunch seconded. McLean felt that the approval of the sale to McLean and Company should be part of this ordinance as well as the approval of the purchase of the Water Revenue bonds. Councilman Ekberg then moved that the above ordinance be amended to include that the proposal of McLean and Company, dated 13 March, be included in this ordinance. Councilman Malich seconded. Amendment carried and original motion carried.

BILLS: The bills were approved upon motion of Councilman Ekberg and second of Councilman Malich. Carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Veterans of Foreign Wars letter requesting permission to rent their hall occasionally. Councilman Ekberg moved that the letter be referred to the proper departments that can research the type of permit the Veterans were given when they built the building. Councilwoman Ross seconded. Carried. Wayne was asked to look into it and Councilman Bunch suggested that he look into the original conditional use permit first.

Clerk Avery, in conjunction with the above request, asked if the town can procure a good and current zoning map for the council chambers. The present town boundaries have changed considerably. Mayor Bujacich asked the clerk to look into it.

2. Don Huber had requested a hearing before the town council concerning his request for variance in height. The commission had recommended denial but Huber wishes to go ahead. The council authorized the clerk to set the hearing.

SPECIAL GUESTS:

BRUCE ALEXANDER, Community Development Agency, was present. He told the council he is a liaison of the county commissioners and asked that the people here be aware of his position and being able to help them. He said they have completed their current funding period and feels that it was a very controversial period. It shows the need for comprehensive planning on how to distribute funds in the future.

DAVE SKRIVANICH, 3911 Vernhardson, was present in response to a letter from the town attorney. He gave the council a copy of his answer. After reading this letter there was a considerable amount of discussion from the mayor and council. Mayor Bujacich said there has been considerable misunderstanding. Even though there is still only a two-inch water line serving the property, the building had been given approval by the fire marshal because he saw the hydrant and assumed it was a four-inch line. The council gave him permission to build since all his lumber was on the lot and he would lose a great deal of money on his loan unless he could go ahead.

Councilman Ekberg said that maybe the next step is for Attorney Johnson to get together with Dave Skrivanich and his attorney.

Dave Skrivanich said he does have one-hour firewalls and the reason he came to that March meeting was to get permission to substitute the smoke and heat detectors for the water line. He said he has met all the requirements of the fire marshal.

Mayor Bujacich said he wants the complete minutes researched. The attorney said he did go over this situation with Glen and has been in contact with the fire marshal. There is a misunderstanding somewhere and he said he would take care of it. He asked the secretary to type up those portions of the tapes for him.

RUDY NIKOLAC was present to protest the fact that the parking lot below the future post office bears no stop signs leading into Stanich Street. He said it was a very dangerous situation. Also, he wondered about the legality of the huge garbage dumpster alongside the building. Jim Hibbs was asked to look into the situation.

REPORTS:

Street and Water - Jim said he had set a meeting date of March 22 at 1 p.m. with a hydrant company and would like the council, the fire department, and the engineer to be present. He would like to change over to a different and better form of hydrant.

Sewer Treatment - Gary Tannahill brought some figures on the DOE tests on water quality. There has been a 97% to 99% improvement in the quality of the waters of the bay--at least on this side of the harbor. He will have the complete results by Friday. The impact on the plant is 0.

Gary said he wrote letters to the council concerning the vehicle that he needs at the plant and asks the council's opinion. Councilman Ekberg asked for consideration of both the sewer department and the street and water departments sharing one vehicle in the light of initial expenditure, insurance, etc. The mayor asked that each department head draw up figures to be available next meeting and we can then look at the final picture. Regarding the inventories requested by the council, Councilman Ekberg said the sewer department's was excellent but he did not see any of the others. Clerk Avery said the others are available but not the police department's yet.

Building Inspector - Wayne presented plans for a house on Islandview Court. Does the council feel it meets requirements? The problem is the basement but it is the same identical house as the others that are already there. The council found no objection.

Wayne went on to say that the school wants to clear a portion of their newly annexed property. They need a place to stockpile topsoil until they can move it back on the site. It was felt that their plans are within the site plan requirements. Councilman Ekberg moved that they be allowed to clear according to their drawing. Councilman Malich seconded. Carried.

Their drawing was labeled Exhibit A.

Attorney - Dave Johnson reported that the Ivanovich application has been discontinued. He then presented a rough draft of the OUTSIDE UTILITY AGREEMENT: It has been gone over and is down to just a few problem areas which he went over with the council. To begin with, Glen Sherwood said the agreement with the Boundary Review Board is for a 300 foot wide swathe and includes all of the Holmaas property. The question then was whether there should be a main on Randall Drive to serve all three lots or simply a service to the first lot with subsequent service to the other two lots through the first lot. Councilman Ekberg wants service to only one dwelling to be consistent with the Town's policy. Councilwoman Ross feels this property is unique and we should grant service to all three lots. Should the main run down Randall? To be consistent with the town policy concerning extension of water mains it was decided that the main should run no farther than the middle of the lot.

Attorney Johnson had leash law ordinances from AWC for the council's review. He left them for the council's opinion and asked that they read them and pass them on.

Engineer - Glen Sherwood reported on the well drilling. The drillers got into water bearing sand at 418 feet but went down to the prescribed 450 feet into clay. The geologist concluded that we might get 350 g.p.m. from this well so far but the goal is 400 g.p.m. He has discussed this extensively with the driller and the geologist. It could cost approximately \$15,000 to continue to a depth of 900 feet to see if there is a better possibility at some other level. Funding will be accomplished by increasing the bond issue and Referendum 27. Test drilling is not a cost of Referendum 27. They decided to go ahead with the test drill. Burt has installed a six-inch casing to the bottom of the 450 foot level and another driller will be in tomorrow to explore the ground below this point. Then the geologist will run a log of the hole to determine exactly where the water-bearing aquifer lies and what the capacity will be. The tank construction has been delayed to April 10 since the site is very small.

COMMITTEE REPORTS: Councilman Ekberg said he met with Kaz Kimura. The Shore Acres Water Contract has a clause that does not work very well and he will get together with Dave Johnson to draw up a contract.

EASEMENT APPRAISAL BIDS:

The original bid had been \$150 each and the appraiser has adjusted his bid to include an appraisal of \$100 for each of the 12 parcels. A bid was also received from Betty Blaine of \$110 per parcel. The council approved the \$100 per parcel bid.

CASCADE LID:

Glen had written to the council regarding revision to the LID and now asked their opinion. The people on Cascade can be given only two choices: \$21,000 without side sewers, or \$30,000 if you include the sewers. The council asked Glen to give an appraisal of just the bare pavingsand sewers but not including the storm sewers, shoulders, etc. He will prepare the estimate, contact Peters, and go ahead and send notices.

PIERCE COUNTY HEALTH DEPARTMENT CONTRACT: Tabled.

CABLE TV RATE INCREASE - Second Reading: Tabled since there were a few blanks not yet filled in.

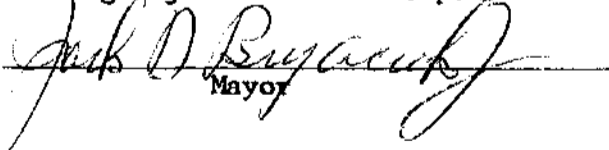
STANLEY SHORELINE MANAGEMENT PERMIT: Clerk Avery said the floats are definitely in the right of way. A hearing is to be held but Dave Johnson will look into it.

Councilwoman Ross will not be present at the next meeting.

The mayor mentioned that the Department of Fisheries still demand riprap on the town park bulkhead. He said we will have to put some in place.

Meeting adjourned at 10:03 p.m.

Tape 66, Side 1, 0-929


Mayor


Asst. Clerk

MARCH 27, 1978

The first public hearing was called to order by Mayor Bujacich at 7:15 p.m. Present were Councilwoman Bogue, Councilmen Ekberg, Malich and Bunch, Attorney Johnson and Clerk Avery. Councilwoman Ross was out of town.

HUBER VARIANCE REQUEST:

The recommendation of the Planning Commission was read. They had recommended denial of the variance. The mayor then opened the meeting to those in favor of the variance.

MONTE HESTER, representing Don Huber, introduced HARRY BERRY, the architect, who explained the plans posted on the board. Hester amended the hearing notice to a request for 11 feet instead

of the published 20 feet. He said the request had been wrong.

The property was described as 300 feet on the road and 290 feet on the water. Also, in the development is the former net shed already located on the property. The building is designed to sit mostly below the level of the road. Only the top level will extend above the road-- exactly the same as a single family house would extend. They plan a condominium of five units. The building is designed at 35 feet high overall. They request the height variance so they can construct a gable roof in keeping with other buildings in the neighborhood. It would have a minimal effect on other view properties. They are aware that the project lies under the jurisdiction of the Shoreline Management Act. The hearing tonight, though, is only a variance.

Councilman Ekberg asked the size of the lot. He was answered 21,000 square feet.

In opposition, JOHN PAGLIA, representing the Peter Babiches, said the property should not be considered the size quoted since the square footage regulation in the zoning code does not allow property beyond the meander line. He asked the Town's record of the square footage.

Monte Hester called for a point of order. He said this hearing is for the variance only and the lot coverage does not concern us tonight. This is no merit or need to get into other aspects of the zoning requirements.

The mayor did call for a check of the Town's assessment records. When the hearing reconvened the clerk presented the sewer assessment that shows the lot contains 23,958 square feet. John Paglia argued. The ordinance states that that portion above mean high tide is the only square footage that can be counted. The mayor felt that consideration of lot coverage was not germane to tonight's hearing.

MRS PETER BABICH, 7325 Soundview Drive, would like it clarified that all these people present have also been present at each Planning Commission hearing, but the last meeting described in the letter was not known about. In addition, she protested the granting of the height variance. She had taken a picture of the lot from the sand spit. She said this is clearly not the site for an apartment complex.

BOB CHAPMAN, 2808 Harborview Drive, protested the already overcrowded conditions in that area. He asked if the council would like a show of hands of people from the neighborhood. There were between 20 and 25 people present who objected.

John Paglia, not previously knowing that the old net shed would remain, said the square footage of the net shed takes 10,000 square feet of usable property away from the previously mentioned lot size.

Attorney Hester, in rebuttal, again reminded the council that this is a hearing on the variance only--any other problems must be decided in the future.

MOREEN GOLDMAN, 7521 Soundview Drive, cited from page 64 of the Shoreline Management Regulations:

- That large money interests will drive the local people from the area through construction of condominiums and apartments.
- This construction will cause intolerable raises in property taxes.
- Options for waterfront living should remain available for those now living and wishing to live in single family residences.
- No large scale developments should be allowed.

John Paglia again protested on the basis of the fact that it would not have a true basement. Average grade does not exist on a bulkhead. Lois Babich said these developers don't plan to build this to live in but to build to sell and walk away.

TOM MORRIS, SR., in the audience, said this was not true. He said he plans to live in this building himself and there are 30 to 40 local families who expressed a desire to live there too.

There was further discussion and then Councilman Bunch said that if a property owner suffered under the strict adherence to the Shoreline Master Program that he could make no reasonable use of the property without a variance, then that property owner would suffer a hardship. He said he failed to see any hardship here and he moved that the variance be denied. Councilman Ekberg seconded. Carried with Councilman Malich abstaining.

The regular meeting was called to order and recessed for the second public hearing.

STANLEY SHORELINE MANAGEMENT HEARING:

Regarding extension of the float that was done without a permit. There is a question of whether the town can give is permit when the float extends across the town's right of way.

The attorney felt there was no objection or real problem. If you want to grant the permit you can make the provision to allow the structure at the city's pleasure to be removed at any time the city requests it.

Del Stutz, in the audience, felt there could be a question of whose property they wrongly extend over. They have a lease from DNR for the old ferry slip property. The mayor told him that the town also owns property there as does the county.

Ruth Thompson, an east sider, asked if the Tides was building more floats. She protested the noise pollution from the boats moored there now.

Councilman Bunch felt that there was no need to make a decision as he felt that neither approval or disapproval was required. Attorney Johnson, though, recommended that either approval or disapproval be granted.

Councilman Ekberg moved that the application for the Shoreline Management permit be granted with the stipulation that a written contract contain one year's approval with council review at the end of that year, and the owner will remove at their total expense upon 30-days notice by the Town, and that the Tides erects no signs limiting use of the moorage to their patrons only. Councilman Malich seconded. Carried. The attorney was asked to draw up the contract. Hearing closed.

CORRESPONDENCE:

1. Planning Commission recommendation on the height definition problem in the zoning ordinance.
2. Planning Commission recommendation on the policy of hearing and postponement procedures.
3. Bujacich conditional use permit hearing scheduled for April 10.
4. East Gig Harbor Improvement Association recommendation of approval for the outside utility agreement.
5. LID withdrawal letters from Reeves and McLean.

BILLS: Councilman Ekberg moved that the bills be approved with the exception of the warrant for patches since the PO was missing from this police department bill. Councilman Malich seconded. Carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

SPECIAL GUESTS: None

REPORTS:

Street & Water - Jim Hibbs had called for bids and received prices on two mini-trucks and brought them for the council's approval. They are used trucks; one Ford Courier and one Datsun, both red in color, thus eliminating the need for painting. Councilman Ekberg asked Jim why he was willing to settle for such a small vehicle when his original request had been for transportation. Jim said the Datsun has a canopy and could carry several people at a smaller gas price than a larger vehicle. Councilman Malich moved that we accept the 1974 Datsun pickup bid submitted by Fitzgerald Ford. Councilman Ekberg seconded for purposes of discussion. Councilman Bunch did not approve of buying foreign-made products. Motion carried three to one with Councilman Bunch voting no.

Jim went on to tell the council that there will probably be drainage problems developing below the proposed office building of Dr. Edwards; he has brought it up now because it causes a lot of problems the way the drainage runs now and it will be worse with further development. He felt there should be easements for drainage. It was discussed but it was felt it was not the town's jurisdiction because it is all private property.

Mayor Bujacich moved ahead on the agenda to the CASCADE LID because of the people in the audience.

Glen Sherwood said he was instructed to furnish an estimate on just a 24' wide street with an open ditch and minimum drains. The cost is \$17,000 and estimated side sewer work to cost an additional \$4730. The side sewer cost is not distributed to each owner. The front foot charge is \$8.82 per foot. The assessment roll has been computed and tabulated. This is where we now stand. He does not know how the two withdrawals will affect the adequacy of the petition.

Jack Reeves, 6803 Rainier, owns 100 feet on Cascade Avenue. He does not plan to build on this lot--he bought it only to protect his view. He does not want the sewer hookup. The price of his share of the LID has become outrageous and he is now opposed to it.

Frank Bampton, Cascade Avenue, suggests that only 450 feet of the worst part of the street be paved. Do the bad part and forget the rest.

Reeves said that Ron Peters, the initiator of the petition, now has his house for sale, has moved out, and doesn't care. Glen Sherwood said that after initiation by resolution it takes 60% objection to remove the LID. Mark Meier asked if this means that only 40% of those not objecting to the LID can force it. The answer was affirmative. Mayor Bujacich felt that people on the street should have extra time to send in letters of objection. He asked that the issue be tabled for two weeks in order to allow for protest.

REPORTS (Continued)

Sewer Treatment - Gary Tannahill brought up the price differential on the vehicles he had looked at. He spoke of the virtues of the 4-wheel drive vehicles and what they could do for the town.

Councilwoman Bogue asked why Gary cannot share the use of the pickup just authorized for the Street and Water Department use. Gary answered that they feel the need of a 4-wheel drive vehicle. Councilwoman Bogue asked each department head how many vehicles each department has

use of. There was a discussion of the financial aspects of buying another vehicle. The mayor and some of the council agreed that a separate vehicle is needed for the sewer department. It was finally decided that Gary should look for a mini-truck like Jim did. Councilman Ekberg moved that we call for bids reserving the right to reject any and all bids. Councilman Malich seconded.

At this point JOHN HODGES, the new CETA employee working in the building department, was introduced.

- Police Department - No report
- Building Inspector - No report

Attorney - Mr. Johnson said he has attempted to furnish the outside utility agreement in compliance with the council's wishes. Also, he has been furnished with a list of delinquent sewer assessments by the clerk. He needs a motion by the town council to take legal action to collect the assessments. Councilman Bunch moved that the attorney and clerk be authorized to take the necessary steps to clear up the delinquent sewer assessments. Councilman Ekberg seconded. Carried.

OUTSIDE UTILITY AGREEMENT: Councilman Bunch moved that the outside utility agreement be accepted. Councilwoman Bogue said she has had no chance to read this agreement and she must abstain. The attorney enumerated the changes. He said he had had a phone call from Councilwoman Ross who was in favor of the agreement. Glen Sherwood noted that #2 should be e/4" instead of 1 1/2". Councilman Malich seconded the motion. Councilman Ekberg amended the motion to include that Sections 2 and 6 show that we continue to be consistent with previous agreements and limit the connections to one single-family dwelling. Councilwoman Bogue seconded this amendment. The vote on the amendment was 2 ayes and 2 nays. Mayor Bujacich said he tended to agree with Steve and Ruth but felt this situation was unique and felt that East Gig Harbor agrees with the utility agreement. He voted against the amendment. Amendment not carried.

The original motion was then voted on: Two ayes, Councilman Bunch and Malich, and one nay, Councilman Ekberg. Councilwoman Bogue was still attempting to read the entire agreement and abstained from the vote. The meeting was recessed for a review of Robert's Rules of Order since Councilwoman Bogue wished to vote on this issue but needed more time. Upon their return from recess, Councilwoman Bogue said she had finished the agreement and was now able to vote. She voted against the motion. Again it stood two to two and Mayor Bujacich broke the tie by voting for the motion because of the situation that exists there. Motion carried.

Engineer - The well drilling has been proceeding and the test has been completed to a depth of 900 feet. He would like Jim Carr, the geologist, to give his report on the completion of electrical testing of the hole.

Carr said they started geophysical logging of the hole today. They encountered non-water-bearing strata to 800 feet and then sand and gravel. "I measure resistivity of 1000 ohm/feet, which is good. I feel we have discovered a major water resource for the town. Of course it will cost a great deal to get so deep--820 to 880 feet. I am confident of 500 g.p.m." The price of the well must be renegotiated with the driller. The total could run about \$71,000, including the cost of the original drilling to 450 feet, the exploratory drilling, and the finishing with a 12" casing to 900 feet. All in all, the water supply is very promising with up to 1000 g.p.m. possible. The pumping level should be higher than it was before but it is virtually impossible at this point to guess the level.

Glen Sherwood said our original application provided \$68,000 for drilling and pumps. We added to the bond issue for the test drill. He feels we are covered. The clerk added that we have money in the water improvement savings account.

Councilman Bunch moved that we negotiate with the contractor for the completion of the well. Councilman Ekberg seconded for discussion but would like a limit on the additional funds that would be necessary. Glen pointed out that we do need to proceed with speed as we have to be out of the way for the tank construction by April 10. Councilman Ekberg moved that the motion be amended to include that the mayor be authorized to approve any additional funds needed. Councilman Bunch seconded. Amendment carried. Original motion carried.

Mayor Bujacich told Councilwoman Bogue that Mrs. Frank Hampton belongs to a service club that would like to work at a community service project. They discussed the possibility of using their help in beautifying the entrances to the town.

SITE PLAN REVIEW of Huber/Antilla and Pacific Alpine:
Compliance is needed to see that plantings and parking lot are completed on these projects. Councilman Ekberg felt a letter should go out. Wayne Goodno was asked to review these two projects' site plans to see what has been done and what still remains to be completed. Wayne said he contacted Orser next door and he agreed to install the parking lot.

SKRIVANLICH: Postponed because the attorney said he just got the background information today.

PLERCE COUNTY HEALTH DEPARTMENT CONTRACT: Tabled

WOODWORTH LID: A sufficient number of property owners have evidently signed. A resolution will be drawn but a cost estimate must be run first.

VFW CONDITIONAL USE PERMIT:

A check of the records has revealed that no restrictions or contingencies were placed upon the organization. They ask for only small functions. Councilwoman Bogue offered to set up some standards by next meeting.

CABLE-TV RATE ORDINANCE #279 - 2nd Reading:

Councilman Ekberg moved that Ordinance #279 be adopted. Councilwoman Bogue seconded. The vote was split. Councilwoman Bogue and Councilman Ekberg voted yes; Councilmen Bunch and Malich voted no. The mayor broke the tie with a yes vote. Motion carried.

LEASH LAW:

Mayor Bujacich said that a citizen had suggested that a dog license not be issued by the town without verification of the proper shots. The attorney will check into this possibility.

STREET NAMING:

Final naming of three streets was needed before the map can be prepared. The Planning Commission had approved the mayor's suggestion that the streets in the Pescadero Addition be simplified by naming the entire street from Coho to Spring Street just Chinook Avenue. The Historical Society had recommended Ringgold Street for 99th NW and Secor Place for an unnamed street located off Grandview at the Grandview Apartments. Councilman Bunch moved that the three names be approved. Councilwoman Bogue seconded. Carried.

Councilman Malich told the council that trees have been planted in the Pescadero Addition and they seem to be planted on the right of way. Jim was asked to check.

Clerk Avery brought up the price of a map to be used in the meeting room. Parametrix can make a mylar for \$750 to \$800 that would allow us to have copies made any time we need them. Councilman Ekberg moved that the expenditure of \$800 be authorized for the map. Councilwoman Bogue seconded. Carried.

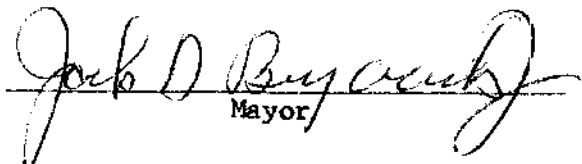
Councilman Ekberg asked that the height definition clarification be turned over to Dr. Hruza and the attorney for professional advice.

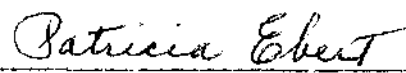
Mrs. Thompson asked if the council would bring out the noise pollution ordinance for the next meeting.

Glen Sherwood said that Mrs. Ron Peters of Cascade Avenue wishes the street improved to their property at their cost. The sale of their property evidently depends on the paving of the street. Probably about 250 to 300 feet would take it just past their property. They are willing to pay the entire cost.

Meeting adjourned at 10:42 p.m.

Tape 66, Side 1, 930 to end and
Side 2, 0 to 762


Mayor


Asst. Clerk

APRIL 10, 1978

The first public hearing was called to order by Mayor Bujacich at 7:30 p.m. Present were Councilwomen Bogue and Ross, Councilmen Malich and Bunch, Attorney Johnson and Clerk Avery. Councilman Ekberg arrived at 7:45 p.m. and left the meeting early.

McGUIRE SETBACK VARIANCE:

Pat McGuire requests a variance of 9 feet in order to construct a home on his lot at the corner of Ross and Dorotich. The code requires a setback of 25 feet from each corner. The favorable recommendation of the Planning Commission was read.

Mr. McGuire was present. He explained that the corner lot setback requirements would preclude building on his lot without a setback variance. Councilwoman Bogue had a question about the small building now existing on the lot. McGuire said it is located a few feet from the property line but the building will be removed.

Councilwoman Bogue said she had no objection and moved that the variance of nine feet be granted. Seconded and carried. Hearing closed.

STANCIC VARIANCE:

Marion Stancic requested a variance of 30 feet in rear yard setback in order to construct a workshop in his back yard to the rear property line. The Planning Commission had recommended that the variance be approved but that it be reduced to a 26-foot variance; that he retain a rear yard of 4 feet. Roy Hartman, the neighbor to the rear, had no objection.

There was no opposition from the audience. The council attempted to determine if he was really requesting a side yard or rear yard variance since the house, built prior to the adoption of the code, is on a corner lot. Goodman Avenue, which he and Roy Hartman use for a driveway, will probably never be developed as there is a deep ravine to the north, and the corner lot setback requirement should not apply to this house.

Councilman Bunch asked how many feet from his rear driveway to the rear property line. He was answered 18 feet. Councilwoman Bogue said that setbacks do not just protect property owners but they also preserve open space. She would like to see the workshop extend only to the three existing apple trees. This would not be feasible as the trees nearly touch the carport now, said Stancic.

Councilman Malich felt the two front yard setbacks (corner lot) were unfair. He felt it would not harm the neighbors to abide by the Planning Commission's recommendation.

Councilman Ekberg felt the rear yard is way out of proportion to current zones. He felt a variance would not be beneficial to the town and would set a precedent.

Councilwoman Ross moved that we approve the request for variance to within four feet of the rear property line. Councilman Malich seconded. Councilman Ekberg felt the minutes should reflect the unique situation existing here since the house existed prior to the ordinance, that the rear yard does not meet current requirements, but placing the workshop in any other location would be more detrimental to the neighbors. Councilwoman Bogue wished it on record that we have in no way abandoned our requirement for green belting or open space. Also, it should be on record that those living in the house now did not build it. Motion carried. Hearing closed.

The regular meeting was called to order and recessed for a conditional use permit hearing. Mayor Bujacich left the table because the principal is a relative and Councilwoman Bogue took the chair.

BUJACICH CONDITIONAL USE PERMIT:

The Planning Commission had recommended approval of the fish fertilizer processing plant with the following conditions:

- That the permit be granted to the applicant only;
- that it be reviewed yearly;
- that the plant generate no objectionable odor;
- that no chemicals be discharged into the water; and
- that the noise factor is minimal.

A letter of objection signed by Tony and Katherine Franich and Maria Ivanovich has been received and was read.

In favor, George Eujacich said there is no discharge into the waters of the bay and there is no increase in traffic from the plant.

Nick Tarabochia, in the audience, said there is no objectionable smell or excessive noise. He felt the objection was based on spite.

Frank Bampton, 6717 Cascade Avenue, spoke in favor. He said it should be allowed if it is not a nuisance development. It is in keeping with the character of the fishing village concept of the harbor.

Councilman Ekberg asked the months of operation. He was answered November to March. It would operate only on weekdays from 8 to noon. Councilman Ekberg said he visited the site and there is some noise when the machine starts up. He appreciates the concerns of the neighbors. He moved to grant the permit with the following conditions;

1. That the permit be reviewed annually.
2. That the machine be limited to the hours of 8-4 weekdays.
3. That the months of operation be limited to November through March.
4. That the machine be enclosed to limit the noise.
5. That the operation be limited to the four people currently operating it.
6. That no sign be placed designating the operation.

Councilwoman Ross seconded. Councilman Malich asked the attorney if these limitations are legal. Attorney Johnson answered him that the Town has a right to close the plant down completely without being considered arbitrary or capricious. Motion carried. Hearing closed.

BILLS: The bill approval was postponed until later in the evening.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Meier objection to the Cascade LID.
2. Peninsula School District request for late comer's agreement.

SPECIAL GUESTS:

Bill Fulghum, 3620 Rosedale Street, was here concerning the possibility of a road through his property connecting with Chinook. The six-year street plan shows the street and it takes up a great deal of his property. It would ruin the possibility of building in that area. He said he knows we need streets and he does not object to donating access without cutting through the interior of his property. He said he felt it should be a matter of record that he objects.

GARY WILLIAMSON and DAVE WHEELER of the Rotary Club were present. They thought it would be appropriate to have a fitness trail and that Harbor Heights Park would be an appropriate location for this trail. The FFA group was interested in the development of this trail and the Rotary will fund the project.

CED BROOKS of Peninsula High School FFA presented slides and described three different routes they plan to construct with about 20 stations. The stations would be built by the shop classes off the site. The paths would be graveled and the stations surfaced with wood shavings. Councilman Ekberg will check into the liability coverage for the town. Councilwoman Bogue suggested that the council look the area over and see what plants can be saved before the clearing takes place since the thickets provide a habitat for various wild creatures. The interested council members will meet at the tank on Thursday morning at 10 a.m. Councilman Ekberg moved that the council approve the plan, pending the site inspection and approval on Thursday morning, and that we thank those of the FFA and Rotary for their efforts. Motion seconded by Councilwoman Ross and carried.

REPORTS:

Street & Water - Jim Hibbs told of the possible development of a mini-park at the old ferry landing site. He told of how sod could be brought in and paths created at a cost of only about \$900. There will be a plan drawn but this is a rough figure concerning putting down grass and paths and a sprinkler system.

Councilwoman Bogue felt that the overall park improvement goals should be looked at before any development is started--it would be a shame to go ahead and develop this area now without consulting the long term goals since we might have to rip this one up. Mayor Bujacich said we cannot take up the existing asphalt and the area is only 28 feet wide. Councilwoman Bogue asked that we review Dennis Clarke's plan in the meantime.

Sewer Treatment - Gary Tannahill got bids today on used trucks. All the bids received were in the vicinity of \$2000 to \$2700 and all have some mileage--most a good deal, Mayor Bujacich recommended that all these bids be rejected. He and Councilman Bunch felt that only a new truck should be considered. There was further discussion but the bids were rejected upon motion of Councilman Malich with second by Councilman Bunch. Motion carried. Action tabled.

Police - Chief Tomlin reported that Officers Ramsey and Galligan have finished their respective terms at the academy, both finishing 6th in their class.

Building Inspector - None

Attorney - None

Engineer - The well driller has reached 540 feet. Glen said he has prepared the change order and it is ready for signature. The amount is \$30,406. and includes some from the original bid.

Councilman Malich asked Glen about the Shoreline Management permit for the dock. This concerns the dock in the Rosedale Park for which we got the grant. Councilman Malich said he hoped it could have furnished the needs of the entire community instead of just the recreational aspect.

CASCADE LID:

Garner, Reeves, Bampton, Meier and McLean object to the LID. Bampton and Meier had not signed the original LID so their objection has no effect on the adequacy of the petition. The objections total less than 35%. The Peters proposal is now dead as Mr. Peters has withdrawn his offer to pay the entire cost of paving to his lot as previously stated. The Resolution of Intent has not been passed by the council since a date was never set for a hearing. To initiate by Petition requires 51% of the property owners and 51% of the frontage. The engineers require a month because they must advertise twice. The hearing was set for the second May meeting. The notice of hearing will include the front footage charge.

Councilman Bunch moved that we set the public hearing on the Cascade LID on May

22. Councilwoman Ross seconded with the stipulation that each property owner be notified of the increased cost. Mr. Bampton felt that we are taking action on an invalid petition. The vote was taken: Councilwoman Bogue, no; Councilman Bunch, yes; Councilwoman Ross, yes; Councilman Malich, no. Mayor Bujacich broke the tie by voting yes. Motion carried. Dr. Meier protested on the basis that the residents will have to pay the entire cost. It is wrongfully removing the burden from the developer.

LEASH LAW:

Councilman Bunch was in favor of the law. He felt that if we do not act to further enforce the leash law the dog problem will become worse. Councilwoman Bogue moved that Councilman Bunch be nominated an ad hoc committee of one to draft the law. Councilwoman Ross seconded provided that Councilman Bunch works with the attorney. Motion carried.

WOODWORTH LID: No estimate has yet been prepared on this.

TACOMA/PIERCE COUNTY HEALTH DEPT. CONTRACT: Tabled.

TIDES SHORELINE MANAGEMENT AGREEMENT - To next meeting

SKRIVANICH WATER LINE: Attorney Johnson had gotten it all together and passed it to Glen Sherwood. Glen needs a letter from the fire marshal.

VFW CONDITIONAL USE PERMIT:

Councilwoman Bogue had contacted AWC and conferred with their attorney. This is really a commercial use for a piece of property. Do we need to amend the ordinance or just re-write the conditional use permit? Nearby are three trailers and 1 occupied house. She recommended conditions as follows:

Restricting the number of occupants; restricting the hours; certifying that at least one member of the organization be present, annual review or revocation clause. She suggested a possible time limit of 10 or 11 p.m. and a permit required for each rental--thus the police would be notified and a fee of perhaps \$5.00 could be charged for the permit. The remainder of the council felt that midnight was a fairer hour. The attorney was asked to write the agreement.

BILLS:

The bills were approved upon motion of Councilman Bunch. Seconded and carried.

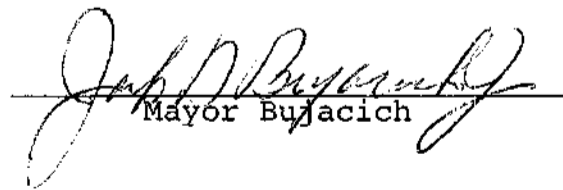
Councilwoman Bogue brought up the fact that the Shoreline Management Master Plan contains the citizen's input in the appendix. Several times lately people have quoted from these and she feels these should be deleted for public use. The books have been bound with these appendices so it was suggested that a page be inserted to explain that this section is not a part of the regulations. They are not guidelines. Reference use only--not the law. The index should be so marked also.

Councilwoman Ross brought up the yearly review provision. She asked that it be placed on the agenda so the council can be advised in advance when they will have to reconsider a previous decision. Perhaps 30-days notice would be possible. Wayne was asked to research and make a list.

Regarding the noise pollution discussion agendad for this meeting, Mrs. Thompson was ill and could not be here. It was asked that a copy be mailed to her.

Meeting adjourned at 10:15 p.m.

Tape 66, S 2, 762 to End and
Tape 67, S 1, 0-421


Mayor Bujacich


Asst. Clerk

APRIL 24, 1978

The first public hearing was called to order by Mayor Bujacich at 7 p.m. All council members were present as well as Attorney Johnson and Clerk Avery.

FRISBIE VARIANCE HEARING:

Mr. Robert Frisbie had requested a variance of 17 feet in the height of a house he plans to construct on Woodworth Avenue. The Planning Commission had recommended approval of a nine foot variance with an additional provision that the completed house measure no greater than 2 feet higher than the adjoining houses.

Attorney Monte Hester, representing Frisbie, said the application had been amended at the Planning Commission hearing to 9 feet instead of the advertised 17 feet. He drew a diagram on the board, showing that the adjacent homes are two story, daylight basement-type houses. The proposed construction cannot block anyone's view since the ground slopes to the west. He introduced Jim Madden and Ralph Hinderer of the architectural control committee of Harborview Second Addition. He told the council of the covenants written into the plat--that they do provide for two story structures in this area, ideally situated in this particular area since no one's view can be affected.

Dick Allen, father-in-law of the applicant, was present. He said he appreciates the covenants designed by Sig Anderson in the development of the plat. The two-story feature would permit this lot to have a view.

Jim Madden or the architectural control committee said they think this house is very attractive but perhaps it is the wrong setting for the house. The rest of the houses in the area are of a rather low level and they do feel that this house would be incongruous on Woodworth Avenue. He spoke of the height variances already granted on the block. They are only interested in maintaining the harmony of architectural design but this could be maintained by the Planning Commission recommendation of no more than 2 feet higher than adjacent homes.

Mayor Bujacich took exception. He felt the topography and the overall intent should be considered and only the nine feet that was recommended, not the 2 foot limitation.

Councilwoman Bogue asked Madden if his group could live with the two-foot difference. Madden answered yes. She then asked Hester if his client could live with the recommendation of the Planning Commission. Hester said that, without measuring, he thinks his client would agree to it.

Dick Allen said he had contacted to the owners to the north and south. They had no objection. Mary Bujacich, across the street, had no objection.

The members of the architectural control committee: Tangren, Hinderer and Madden, feel that the full 25 feet asked for would be too high a house. They now ask for postponement with the hope that the problem can be worked out with the Frisbies. Mayor Bujacich refused to discuss postponement. He said that uniformity of design that Madden asked for was not the most desirable feature of a development--many exclusive districts such as Oakbrook have widely varying house heights.

Councilman Bunch moved that the variance of nine feet be allowed, excluding the 2-foot limitation of the Planning Commission recommendation. Councilman Malich seconded. Carried. Hearing closed.

Mayor Bujacich left the meeting at this time as he had a conflicting appointment. Mayor pro tem Bogue took the chair and called the regular meeting to order. This was then recessed for the second public hearing.

UDDENBERG REZONE REQUEST:

Keith Uddenberg requested a rezone from R-1 to B-2 in order to construct a business office on his property adjacent to the new Thriftway Store. The Planning Commission had heard his request and had recommended a change to RB-1 instead of the business zone that Uddenberg requested, in view of the largely residential use of the area.

Keith Uddenberg, still favoring the B-designation, said he would go along with the recommendation of the Planning Commission. He said that only two neighbors object and they are across the street. Mrs. Hunt, immediately adjacent, has no objection.

Councilman Bunch felt that RB-1 was an improper zone for the area since it did not list office use as a permitted use. Councilman Ekberg felt that the intent was clear.

There were no objections from the audience.

Councilman Ekberg agreed with the Planning Commission conclusion as to the appropriateness of the zone and moved that the zone be changed from R-1 to RB-1. Councilman Malich seconded. Motion carried unanimously. Hearing closed

The regular meeting was recalled to order with a motion that the bills be approved. Motion seconded and carried.

MINUTES: Councilwoman Ross asked if the amount quoted in Gary Tannahill's call for bids was correct. The minutes say \$200 and should read \$2000. The minutes then stood approved as corrected.

CORRESPONDENCE:

1. McLean and Company wish to discuss a procedure concerning saving money through reissuance of the bonds. He asked if he could talk with the council about it. The council felt a written proposal would be sufficient.
2. Planning Commission letter on Castelan Shoreline Management hearing. The council will hear the Castelan request at 7 p.m. on May 22.

SPECIAL GUESTS:

Jim Madden, 9725 Harborview Place, explained a problem concerning sewer hook-up near his home. He said he owns Lots 3 and 4. Lots 1 and 2 belonged to the former owner of Scandia Gaard. They never planned to build on these lots and consequently did not install stubs. Now the ownership of Lot 2 has changed and Ken Hemley has built a house on it. Gary Tannahill has suggested hooking the Hemley house to his (Madden's) stub. Madden said he feels that it is his stub, for which he paid \$150, and it is his own exclusive stub and no one else has a right to hook into it. He feels there is a danger of back up of sewage into his basement and he asks that the council consider his problem.

Gary said the sewer line is 20 feet deep in the street--on the other side of Peacock. No problem would ensue since the side sewer has considerable drop and two 4" lines coming into a 6" line would cause no problem. Our ordinance does permit two hookups to one stub. Gary does propose to go several feet past the cleanout to connect. Glen Sherwood added that the possibility of back up, as Madden fears, is extremely remote. Madden's basement floor is at least 10 feet above the connection point.

Mona Shopin, Soundview Drive, felt the property owners did have exclusive ownership of their stubs. She felt this could set a bad precedent.

Attorney Johnson said the stub is in the public right of way and owned by the Town. Glen Sherwood said the practice is not widespread but there are a few other connections that are doubled up.

Jim Hibbs said that Lot 1 should be considered at this time since some day it probably will be connected even though the present owners of the restaurant hope to keep it undeveloped to preserve their view. He felt that if Lot 1 might ever hook up that Lots 1 and 2 should either have their own stub or else be prepared to hook all three to Madden's stub.

Councilman Ekberg felt the line should be put in and stubbed for both Lots 1 and 2. He so moved. Councilwoman Ross seconded. The vote stood at 2 to 2 with Malich and Bunch voting no. Councilwoman Bogue as mayor pro tem broke the tie and voted yes. Motion carried.

REPORTS:

Street and Water - None

Sewer Treatment - None

Police - None

Building Inspector - None

Attorney - Dave Johnson has brought the late comer agreements. He will leave them with Don and he will also leave all his material on Skrivanich for the council to read and initial.

Engineer - Concerning the Woodworth Avenue LID, there are two people in the audience who would like to discuss it. Glen said he has prepared an estimate. The road is now gravel, mainly on the west side of the right of way. A portion of the east side is a steep bank.

The estimate is as follows:

Construction	\$17,160
Engineering, legal and administrative	4,633
Side Sewers (5 different lots)	3,200

The lineal foot price is as follows:

Construction	\$14.30 per front foot
Engineering	3.86
	<u>\$18.16 per assessable front foot</u>

The proposed street is 24-foot wide, thickened edge, street drains in the lower half, crushed rock base. The side sewer charges on the five lots range between \$600 and \$700 each.

The council declined to discuss it. They wished the owners notified prior to taking any action. They asked Glen to notify the property owners of their cost.

The Strasbaughs were present. Mr. Strasbaugh was concerned with the prospective grade level at his garage door.

COMMITTEE REPORTS:

Regarding the Shore Acres Water Company customers who are now annexed, Attorney Johnson has now sent a letter to the Shore Acres attorney.

CASCADE AVENUE LID RESOLUTION:

Resolution #132 has been prepared setting the public hearing and must be voted on tonight. There was a great deal of conversation concerning this subject. Councilwoman Bogue again voiced her protest of the resolution when the people concerned have not been notified of the estimated cost. Councilman Ekberg moved that we deny the resolution. This motion died for lack of a second. He then moved that no action be taken on the resolution. This motion, too, died for lack of a second.

Glen Sherwood said that, of the three objectors or withdrawers, two were not signers originally. There is still an opportunity to vote on it at council level. Councilman Malich moved that we adopt Resolution #132. Councilman Bunch seconded. Carried.

LEASH LAW:

A rough draft had been formulated by Councilman Bunch. He asked for council suggestions. Copies of the basic law will be typed, distributed to the council, and comments and additions made. Councilwoman Ross asked that a definition of "nuisance dog" be made.

STANLEY TIDES TAVERN PERMIT: Attorney Johnson asked that this be tabled.

VFW CONDITIONAL USE PERMIT: Conditions were discussed. Mayor pro tem Bogue said that, at the VFW's own suggestions, the time of closure be set at 11 p.m. Councilman Ekberg moved that we insert 118 persons limitation and 11 p.m. closure in the agreement prepared by Attorney Johnson. Motion seconded and carried.

TACOMA/PIERCE COUNTY HEALTH DEPT. CONTRACT: Tabled.

MALICH ENVIRONMENTAL CHECKLIST:

Councilman Malich, being the principal, left the room. The Department of Natural Resources requested a declaration of non-significance on his float. Councilman Ekberg said that since we reviewed this situation previously and looked at it with our own environmental worksheets he moved that we find no significant impact on the environment. Councilwoman Ross seconded. Carried.

Mayor pro tem Bogue told the council that Mayor Bujacich had wished her to bring up his request that the minimum lot size in the town be changed from 9000 square feet to 12,000 square feet. This is considered the first reading.

Mayor Bujacich had also asked for a follow up regarding the height and basement problem. The March 23 letter from the Planning Commission is to be mailed to the attorney. Mayor pro tem Bogue suggested that the matter be turned over to Dr Hruza for his comments prior to the attorney's action.

SEWER DEPARTMENT TRUCK BIDS:

Gary has received four bids, all for four-wheel drive vehicles. Mayor pro tem Bogue said she thought previous discussion had revealed that a four-wheel drive vehicle would not be considered at this time. Councilman Ekberg thought they requested something used, smaller, and not four wheel. Councilman Bunch did not approve a small economy-type vehicle but he did want just a straight drive. Councilman Ekberg moved that we deny all bids. Councilman Malich moved that we accept the lowest of the four submitted. Councilman Bunch seconded, just to get the motion on the table. The vote was Bunch, aye; Ross, abstaining; Ekberg, no; Malich, aye. The attorney ruled that the motion carried.

UDDENBERG REZONE ORDINANCE: This is the first reading of that ordinance.

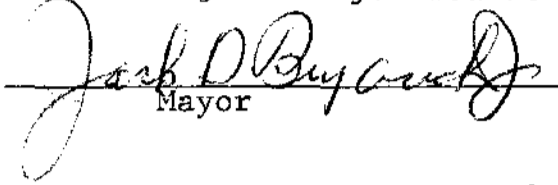
Councilwoman Ross asked if the town has any jurisdiction over the overturned houseboat. It has now been dragged to the beach at the foot of Clay Hill. The attorney will check into it.

Gary Tannahill brought up the possibility of enacting an ordinance to force boat liveaboards to hook up to the sewer system.

Clerk Avery said he is trying to get a grant for a pump-out station for boats at the Rosedale Park. The sewer pumping station is very close by.

The meeting was adjourned at 9:25 p.m.

Tape 67, Side 1, 421 to end
Side 2, 0-54


Mayor


Asst. Clerk

TOWN COUNCIL MEETING - MAY 8, 1978

SKANSI VARIANCE:

The first public hearing was called to order by Mayor Bujacich at 7 p.m. Present were Councilwomen Bogue and Ross, Councilmen Ekberg and Bunch, Attorney Kelley and Clerk Avery. Councilman Malich was not present.

The Planning Commission had written and explained that they took no action on the question at their meeting of May 2. The mayor asked the attorney what the status was--what course of action should the council take since no recommendation was forthcoming. The attorney said that "no action" can be accepted as a recommendation or it can be referred back to them for affirmative action. Councilman Ekberg felt that it would not be in the best interest of the town to act on this request and moved that it be returned to the Planning Commission. Councilwoman Ross seconded. She added that she had been present at the commission meeting and witnessed their indecision and had called the AWC for advice. They also felt it should be sent back.

Attorney Paglia, representing the Skansi Brothers, felt the council should decide the matter on the basis of the evidence submitted. He also quoted the appearance of fairness doctrine. He felt the council members had no right to consult the AWC and he questioned whether the second was valid. He felt that Councilwoman Ross should have disqualified herself. He went on to discuss the Skansi Brothers request. They seek a limited type of variance. There would be parking for 47 cars but the space would be located 175 feet from their projected marina. They are not requesting approval for anything right now but the variance itself.

Concerning the legality of consulting the AWC Mayor Bujacich felt it was the council's responsibility to investigate every possible legality. Councilwoman Ross, in her own defense, told the assemblage that at a seminar she had attended in Olympia for incoming council members they were advised that it was not only legal but recommended that they consult the AWC when they need an answer. The above motion was carried unanimously to return the question to the Planning Commission for further study and recommendation.

The regular meeting was called to order and recessed for the second public hearing.

FABRE REZONE REQUEST:

Mr. Doug Fabre wishes to rezone a parcel of land from GS to R-2. The Planning Commission had recommended approval of this request. There were no voices in opposition.

The area was pointed out on the quarter section map. The building inspector pointed out the easements and accesses. Mr. Fabre understands that he must still obtain site plan approval.

Councilwoman Ross moved that we accept this request to rezone from General Service to R-2 as it would be of benefit to the town. Councilman Bunch seconded. Carried. Hearing closed. Regular meeting recalled to order.

BILLS: The bills were approved upon motion of Councilwoman Ross with second by Councilman Bunch. Carried.

MINUTES: Councilwoman Bogue wished to correct a sentence in the Uddenberg rezone hearing that stated that Mrs. Hunt had no objection. The statement should be corrected to read that the "applicant states that Mrs. Hunt has no objection.

Also, regarding the Strasbaugh's statement concerning the ground level at the garage door, Councilwoman Bogue recalled that Glen Sherwood was requested to

make an on-site inspection. Otherwise the minutes stood approved as posted.

SPECIAL GUESTS:

Wayne Willis was present regarding the planting area at the new liquor store. He would like permission to finish the building, landscape, and then place the trees where the council recommends. Councilwoman Bogue explained that their construction was at the point where they had to make a decision. It was decided to leave moveable blocks to allow for tree placement where desired.

The access at the Tarabochia Street entrance became a treacherous site so they kept the sidewalk clear to the corner. It is an improvement from the original site plan. He was told to go ahead.

Willis had brought plans for the remodeling of the former Poggie Bait which he bought. They plan to have a Class H license but it will not be a conventional cocktail lounge. They plan a small French-type restaurant with wine and Irish coffee. The State liquor board is in possession of the plans which they filed on Friday. He presented copies of these plans for the council's perusal as well as a sample copy of their menu.

JIM MADDEN, Harborview Place, was next as a special guest. He said he had heard that the matter of his sewer stub will be again discussed before the council. He asked if this is true. Mayor Bujacich said that he was going to bring it up tonight. The Town owns the sewers to the property line. He said he is opposed to tearing up the city street and he would like it on record. It would be the wrong way for the town to operate. It would be going backward from our stand and our ordinance. He said he sought to bring it up because he felt the council's vote was wrong.

Madden said he would like to ask for a continuance until he can be represented by counsel. He said he was only advised at 5 p.m. and he would like representation. Again, he delineated the problems that he felt could ensue if a second connection were made to his sewer stub.

The mayor said he saw no reason for continuance. He said he was representing the Town's best interests. He asked the opinion of the council. Councilman Bunch agreed with the mayor. He felt it would be wrong to dig up the street for one hookup. Councilman Ekberg told Madden that the council was given incomplete information at their previous meeting. Hookup to the main would create a 40-foot gap in Peacock Hill Avenue. He said he had been under the impression at the last meeting that the sewer department thought that a line serving both Lots 1 and 2 going across the street was their first choice. Now, he feels there are grounds for reconsideration. The town would be responsible for any problems that might ensue since the hookup would take place on town property.

Jim Hanson, 9720 Harborview Place, a neighbor of Madden's, had a question. Since two hookups were the maximum allowable, why circumvent the law when there are still two remaining lots to be hooked up? He felt it would be unfair. Councilman Ekberg explained that they had not been apprised of all the information at the last meeting. Now they have been told that Lot 1 can be efficiently hooked up shallowly to the manhole and there is still no need for tearing up the street to any extent.

The question arose if reconsideration can take place if brought up at a meeting subsequent to that when the action took place or if it can be suggested only by someone on the prevailing side. The meeting was recessed while the attorney consulted Robert's Rules of Order. When the meeting resumed the attorney said that a motion to reconsider may be brought only by a person who has been on the prevailing side of the motion and that such a motion be brought by the next session. The motion can only be rescinded by a 2/3 vote. The previous action was not necessary--the act was legal surplusage. The decision can be an administrative decision. The mayor then ruled that the sewer will be connected to the existing stub below the Madden connection. Madden said he will consult with his counsel and consider filing a stay order in Superior Court in the morning.

SHORE ACRES WATER SYSTEM:

Councilman Ekberg gave a special assignment report concerning the progress made on the service to the new annexes. It is felt that these annexes should now pay only the town rate instead of the out of town rate but the wording is causing a problem.

McLEAN PROPOSAL ON REBONDING:

Councilman Ekberg had met with McLean concerning this proposal. It is the same as last year's. The last one failed to pass probably because it was presented hurriedly. The net savings of this one is minimal. Do others on the council wish to go over it with him? Mayor Bujacich said he could see no advantage. Unless there is new information the rest of the council could see no reason to reissue the bonds. Councilman Ekberg will contact McLean.

REPORTS:

Street and Water - Jim Hibbs suggested some defensive maintenance on this new building. He said the railings and shingles need some attention. The caterpillars will be sprayed by the mayor.

Sewer Treatment - No report.

Police Department - No report.

Building Inspector - Mr. Phipps desires to build a house above Mort McKenzie's place about four hundred feet from the sewer line. He desires to hook up to a septic tank. Does he need a county permit? It was felt the town could inspect on this. There was no objection.

Wayne then brought up the fence being erected on the corner of Burnham and Prentice. It is a 6-foot high fence. Mrs. Stupe, notified by the town that it is illegal, asked if she can wait until Mr. Stupe returns in June to correct the problem.

The building inspector asked if the council would establish a demolition fund of \$500. The clerk was asked to look into it.

Attorney - No report

Engineer - Notices were sent by Clerk Avery to property owners on Woodworth Avenue concerning the LID cost.

Glen reported that he looked at the Strasbaugh driveway. He feels it is practical not to worsen its condition. New grading will not make it worse.

Glen will call Strasbaugh.

The well drilling stands at 670 feet. Progress gets slower the deeper it goes because it takes longer to pull the material back out of the hole. The geologist feels that the next couple of days should give them a better estimate. They drilled to 642 feet with a 16" casing and are now drilling with a 12" casing.

Jim Hibbs reports a patch on Soundview Drive at Islandview East; if the contractor does not repair it as required may the town repair it and bill the owner? Okayed.

Councilman Bunch, after perusing the ordinance, brought up the fence again. He read from the ordinance, stating that the fence must not be closer than 20 feet from the corner but it is not on the front side. The council will look at it before next meeting.

Mayor Bujacich reported that the plumbing at the Crescent Valley Park has been torn apart again. He stressed the need for a caretaker to live on the property. Otherwise the town will incur a thousand-dollar expense again each year. The clerk will check with the auditor's office for legality.

ANDERSON CONDITIONAL USE PERMIT REVIEW:

This permit was previously issued subject to review at the end of six months. There have been no complaints since it was issued. Councilwoman Bogue moved that the conditional use permit be extended for an additional six month period. Seconded and carried.

TIDES TAVERN AGREEMENT - Postponed. Stanley is to be notified.

LEASH LAW: Councilman Bunch said it is not yet ready to be typed.

AMENDMENT ON MINIMUM LOT SIZE: To later in the meeting.

UDDENBERG REZONE ORDINANCE - Second Reading - Ordinance #280:

Councilman Bunch moved that Ordinance #280 be adopted. Councilwoman Ross seconded. Carried.

FABRE REZONE ORDINANCE - First reading:

JERISICH STREET PARK: Mayor Bujacich said that he got signatures from Mr. Williams and Mr. Skansie approving our dredging facilities. Mr. Skansie wishes it on record that he still owns the three feet of property where the old telephone cable was. The fence is not on the property line. When the town puts their dock in he wants it put only on the bulkhead that they own. The mayor felt there will be no problem as the property line is to be established by survey.

TRUCK BID RECONSIDERATION:

Clerk Avery explained that there had been a conflict on the previous call for bids. He would like it legally clarified. Councilwoman Ross, who previously abstained from voting, said she would now vote on the issue if it came up again.

Attorney Kelley felt it could be subject to challenge. He recommended that all bids be rejected, resubmitted and read. Councilman Bunch moved that we readvertise for a standard vehicle. Seconded and carried. The mayor wished the clerk to advertise for the call for bids and that the bids be received at the meeting unopened.

MINIMUM LOT SIZE:

Regarding the change in lot size, Councilwoman Bogue felt it required perusal of the entire part of the code to determine which zones the change might apply to. It was decided to change those sections of the code that are obvious and have the clerk research for further applications.

Councilwoman Bogue moved that Ordinance #281 be adopted amending Section 17.16.030 of the R-1 zone to 12,000 square feet. Councilwoman Ross seconded. Carried.

Councilwoman Bogue moved that Ordinance #282 be adopted amending Section 17.20.040, of the R-1 zone to 12,000 square feet. Councilwoman Ross seconded. Carried.

Councilwoman Bogue moved that Ordinance #283 be adopted amending Section 17.44.030 of the W-1 zone to 12,000 square feet. Councilwoman Ross seconded. Carried.

Councilwoman Bogue asked if Dr. Hruza has been contacted concerning the clarification of the height definition. Clerk Avery said he did contact him but he will follow up.

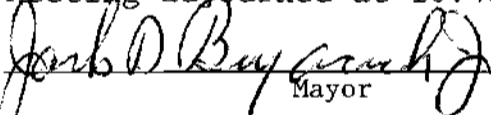
Councilwoman Bogue announced a session on Land Use Zoning for Non-Lawyers at the Uof W on May 25.

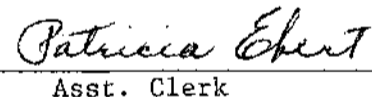
Councilwoman Bogue questioned the need for GS zoning. She felt it was difficult to handle.

The Mayor felt the fire marshal should be contacted requesting that he take action against Skrivanich. The mayor went on to ask that a list be made of all the things still pending with the attorney. He felt that John Hodges can bird dog all of these things one at a time.

Meeting adjourned at 10:48 p.m.

Tape #67, Side 2, 54-738


Mayor


Asst. Clerk

REGULAR COUNCIL MEETING - May 22, 1978

The first public hearing was called to order by Mayor Bujacich at 7:30 p.m. Present were Councilwomen Bogue and Ross, Councilmen Malich, Ekberg and Bunch, Attorney Johnson and Clerk Avery.

HILDEBRAND SITE PLAN REVIEW:

The Planning Commission, at their meeting of May 16, heard the site plan review and recommended favorably.

Councilwoman Bogue asked to see the minutes of February 27, 1978, when Mr. Hildebrand's prior site plan was considered. She then asked Mr. Hildebrand why all the trees were removed between the storage buildings and the apartments. He said he was just building a parking lot. She asked him why he did not apply for site plan approval to build that parking lot. He said he was not aware that a site plan was required for a parking lot. Councilwoman Bogue then read from the minutes of February 27 wherein the site plan submitted for Tract C was approved with the 20-foot screened areas on the sides as drawn on the map be left in their natural state. He has now removed the trees that were specified to be left.

Mayor Bujacich said he felt that if the town allows him to proceed as he has, piecemeal, he will end up with not one parking space in the whole development. Hildebrand said the 10,000 square foot limitation in the ordinance does not allow him to develop in any manner but piecemeal.

Councilwoman Bogue said that she was devastated. There was no site plan approval

for a parking lot and no green belting has been provided as previously required.

Mayor Bujacich said he also felt there was not sufficient ground area compared with the square footage involved in the development of his buildings. The code requires a minimum lot size of 7,000 square feet and Hildebrand said he meets that code.

There were no comments from the audience.

Councilwoman Bogue said the point is that the property has already been developed. Her understanding of the prior discussion was to leave the trees as a green belt--a buffer zone. There is not a tree left standing next to the apartments.

Councilwoman Ross said she would have to see the entire plan of the mini-warehouses, the apartments, and the parking lot. Councilman Ekberg moved to table but Hildebrand pleaded for time since his loan is in progress. Councilwoman Bogue seconded. Carried with Councilman Malich voting no.

Councilwoman Bogue asked the building inspector and the attorney to investigate the development of a parking lot without site plan review. Hearing closed. The regular meeting was called to order and recessed for bid call.

CALL FOR BIDS:

The bids received were as follows:

Fitzgerald Ford	\$5377.26, not incl. tax or license
Boyles Chevrolet	5043.42, not incl. tax or license

Councilwoman Bogue asked the clerk if the sewer fund has the money to buy this truck. The clerk answered yes. Councilman Bunch moved that we accept the low bid of Boyles Chevrolet. Councilman Malich seconded. Councilwoman Bogue asked Gary if he had a preference between the two. He answered no. Motion carried.

CASCADE AVENUE LID PUBLIC HEARING:

Letters of protest were read from Bampton; Reeves, withdrawing his support; Reeves, protesting the addition of sewers; Meier, protest; McLean, protest; McLean, withdrawing support; Corazin, dated too long ago; Ryan and Wada, dated too long ago; Madison, asking for town support; and Nelson, feeling the town should pay all.

Councilwoman Bogue protested the fact that the letters to property owners were not sent registered mail so we could be certain the owners did receive notification.

JACK REEVES, 6803 Rainier, does not intend to build on the lot below his home. He bought it only to preserve his view. He felt the estimate contains \$770 for a sewer stub he does not need. He felt the town should be held responsible for at least a partial cost of the LID since the town was negligent in the past.

VERNON GARNER, of the original applicants of the LID, did not understand the reason for mixing the sewer in the LID. There are no storm drains either. He feels the town has a monetary responsibility in paving the street. He would be in favor if there were more reasonable conditions. He protests the sewer stub addition; therefore, he protests the notice as written.

The mayor explained the reason for including the sewer stubs at this time but took Mr. Reeves point. He felt the stubs could be put in now but charged for only when someone buys that particular lot.

FRANK BAMPTON brought a letter from his attorney and read a prepared statement. He protested the cost of the LID if sewer are included. He said he is on a fixed income and cannot afford the cost of the three sewer stubs. Also, he contends the town was lax and should pay the major portion of the LID.

DR KARL PETERSON, 6803 Cascade, feels the road is a definite hazard. He feels it definitely needs to be paved and he is for the paving--he is only against the excessive amount.

MARK PATTERSON, the attorney hired by some of the property owners, said there are problems concerning dedication. The street was clearly accepted by the town. The town has accepted the street insofar as installation of sewer, water, etc., goes. The implied acceptance shows that the town has an obligation to maintain the street. The town has failed to meet this obligation and the charge to the property owners is unfair. He went on to say that the charge for sewer stubs fails to comply with the state statute.

The council asked Glen Sherwood how the percentage came out. Glen answered 41.7%.

At this point a recess was called so the property owners could talk over the possibility of the cost of the street without the additional charge of stubs. When the meeting was recalled Mr. Reeves was spokesman for the group. He said they asked him to put forward the following proposal: That the town pay 1/3 of the estimated amount of \$16,779 and no side sewers included. They agree to pay the 2/3 of the \$16,779.

The figure of \$16,779 does not include engineering, the cost of which, about \$3000, will be borne by the town. The mayor asked the attorney what acceptance of this proposal would do as far as setting a precedent in this town. The attorney was asked to research this question. Councilman Bunch moved that we accept the LID deleting the sewers and not accepting the 1/3 proposal of the property owners. Councilman Malich seconded. Councilwoman Bogue was concerned with the notification of the public. She was also concerned with whether they were notified of the new amount. She was not in favor of the motion. The motion carried by vote of 3 to 1. An ordinance must now be established. This is considered the first reading. After passage of the ordinance 60% of the property owners must protest to invalidate the LID. Councilwoman Bogue specified that the property owners be notified by registered mail with the amounts delineated.

PUBLIC HEARING set for SKANSI VARIANCE for June 12 at 7 p.m.

PUBLIC HEARING set for MARKOVICH SIGN VARIANCE for June 12 at 8 p.m.

The bills and minutes were postponed until later in the meeting.

CORRESPONDENCE:

1. The Gig Harbor Planning Commission wrote asking that streets, gutters, curbs and concrete sidewalks be incorporated in the subdivision ordinance.
2. Louise Jensen wrote objecting to the awarding of a Class H license to Willis and Scott on their proposed restaurant. This will be taken up at the next meeting with Mr. Willis present. A member of the audience said the information is incorrect. He said the license has not been granted by the liquor board. The notice must be posted for thirty days after receipt of the application.

SPECIAL GUESTS:

ROLAND SHAIN, owner of the Shoreline Restaurant, was here to ask the council if he may be granted a permit to use his lower deck for dining. The lower floor will be extended and he asks the council's permission so it can be ready for the summer months. It will not extend over the lower float line. The attorney felt it does not fit in with a SM exemption but the mayor felt it could be a technical point since he had an overwater permit already for the floats. The building department felt it did require a shoreline substantial development permit. The council agreed and he was advised to proceed through proper channels.

DAN MUNK requests permission to serve beer at the Crescent Valley Park this Sunday, May 28. It is a combination going away/wedding reception for employees and guests of the Harbor Inn. The applicant would be responsible for cleaning up the park afterward. Chief Tomlin said he had no objection. The council suggested that they use only a corner of the park limiting their hours to 1 to 9 p.m. Mr. Munk was asked to meet with the Chief of Police. Councilman Bunch moved that the town approve the permit to serve beer at the town park from 1 to 9 on Sunday, May 28. Councilman Ekberg seconded. Carried.

BILL THORNTON, representing Wick Homes, brought a preliminary plat for the council to look at. He also brought a written request from Robert Helm of Wick Homes. They protest the lot size change on the basis that they were not advised--they would have dropped their plans had they known. The clerk said that they informed Mr. Harries that the town is changing the minimum lot size. Thornton went on to say that there is not so much need to increase lot size since we have sewers. Also that because the town was "thinking" of changing the lot size does not mean certain action. The mayor felt the change did require a public hearing. Councilman Ekberg agreed that a public hearing was called for. Helm, in the audience, asked only for an appearance of fairness. There was no real notification at all--no public hearing to notify people. He went on to say that he felt the work done by Thornton almost called for the grandfather clause.

Councilwoman Bogue moved that we instruct the clerk to prepare the necessary report which defines the change and set the date for a public hearing. Councilman Ekberg seconded. Carried.

REPORTS:

Street and Water - None

Police and Sewer Departments - None. The mayor asked the police how their preparations are coming for Harbor Holidays. The Chief answered fine.

Building Inspector - Asked if there should be a six-foot sidewalk on Gilich Street alongside Dr. Edwards office building. The street is only 40-feet wide. Councilman Ekberg asked what is on the original site plan as far as sidewalks go. Mayor asked that the council physically review the site and the site plan. Councilman Ekberg asked Wayne how the sidewalk is progressing across the front of the Pacific Alpine Building. It was suggested that this be turned over to Attorney Johnson. Councilwoman Bogue then asked the attorney if a decision has yet been rendered on the Molgard building. It is still in Judge Hester's hands and the mayor will contact him.

The attorney said he is working on the criminal code revisions and asked that the council look them over. They can be passed at the next meeting if the council agrees.

He reported that he has prepared the agreement from the Pierce County Sheriffs' Office holding harmless for the use of the office space downstairs. The town is to receive the sum of \$1.00 for the six-month period. He noticed, though, that mention is made here of a one-year period. The mayor and the council will look the agreement over.

Attorney Johnson asked Councilwoman Bogue to note that the Tarabochia matter is to be heard on the record only on June 7 in Superior Court.

Engineer - Glen had a current report on the well drilling that was not good news. The 16" casing was taken down to the 630 foot level and changed to a 12" casing. The 12" casing was able to be pulled down only to 670 feet when a bind created by material in the well heaved up between the two casings. They bent the pull-down jacks trying to free the 12" casing. They had a meeting last week to try to decide what to do. They decided to extract the 12" casing and go as far as possible with the 16" casing. They have now pulled the 12" casing back to 615 feet. He said he has no further information but feels it will come out quickly.

To go on down with the 16" casing does require an additional change order. He has no formal change order with him tonight but would like the concept to be approved to allow the mayor to sign if it is satisfactory with him. No additional delay can be tolerated as the tank contractor must come in. The geologist is still completely satisfied that water is at the 900 foot depth. Councilwoman Bogue asked if Robinson and Noble agree with the change order. Glen answered yes. Councilman Bunch asked what the additional cost might be. Glen answered maybe \$20,000 or more. Councilman Bunch described how the drillers have sometimes not been on the job and the consultants, Robinson and Noble, hardly ever appear. Jim Hibbs explained that the drillers have had to change their equipment and have had breakdowns, every one of which have necessitated their leaving the job site.

Glen said the town will have to set up a meeting with the tank contractor and explain the delay. In order to prevent a three week delay Councilwoman Bogue moved that the mayor be authorized to make the decision to either proceed or not to proceed in this matter. Seconded and carried.

SHORE ACRES WATER SERVICE AGREEMENT: To be ready for next meeting.

LICENSE AT W.B. SCOTT RESTAURANT: The notification of the request for the Class H license was received from the Liquor Board on May 9. We have twenty days to reply or we can ask for an extension. Councilman Ekberg felt that no extension was necessary and moved that we have no objection to the granting of the license. Councilman Bunch seconded. Carried.

FABRE ORDINANCE - Postponed.

LEASH LAW:

Councilman Ekberg suggested that a clause be added that the animal can be on someone else's property with the owner's permission.

Concerning the length of time an animal is to be held, it was suggested that five days be inserted here.

Councilman Ekberg was also concerned with the need to list the other kinds of animals that may be allowed in town.

Councilwoman Ross asked if vicious or nuisance dogs are to be covered here. She said there is a very good explanation in one of the sample ordinances in Attorney Johnson's file.

It was finally decided that the present ordinance is to control dogs only. In paragraph one, omit cats. Delete paragraph two. Add a five-day waiting period to the length of time a dog is to be held. Clarify that a dog may be allowed to be on someone else's property with permission of that property owner. This is the first reading of the ordinance. It was asked that the woman from the

Humane Society be contacted and asked to submit ideas in writing.

BILLS: Councilwoman Bogue moved that the bills be approved with the exception of the warrant to Robinson & Noble in the amount of \$1626.70. Councilman Bunch seconded. Carried.

MINUTES: Councilwoman Bogue asked the secretary to listen to the tape and verify that she was in favor of continuing the question of the Madden sewer stub connection to the next meeting. Otherwise the minutes stood approved as corrected. (Note: Councilwoman Bogue, at the meeting of May 8, said that if we can make a motion to reconsider then she would like to continue this matter to next meeting to give Mr. Madden an opportunity to prepare ?. The tape was overlaid with coughing.)

DEMOLITION FUND ORDINANCE: This was to be the second reading. The ordinance is to enable the building department to abate derelict buildings. The code requires that a fund be available if the property owner does not comply in a certain time limit. The council requested that the information be left in their trays prior to the next meeting so they can study the material.

REFUNDING OF BONDS:

McLean could not be here tonight. Councilman Ekberg was not prepared to explain the procedure but if anyone is interested he would pass the word along. Councilwoman Bogue had asked AWC for information concerning advance refunding. They advised her it is not a simple thing and that we could possibly lose money but she felt it might be wise for the rest of the council to read the material that they sent. If they decide to go farther we can request a study session with McLean. Councilwoman Bogue would like the clerk to see how much money could be realized from investing the \$17,000.

TIDES TAVERN: The attorney did not think it was important who owns the tide-lands. He said a meeting has been set to write the agreement.

Since the town has annexed Olympic Village the PAA will no longer be able to sell fireworks there unless the council changes the wording of the fireworks ordinance. The clerk will make copies of the present ordinance for the council.

NORTHVIEW SUBDIVISION:

An \$85,000 bond has been posted to cover the improvements to the property. The company, Ryan Built Homes, needs the final plat approval in order to obtain the financing.

The preliminary plat had been approved with the provision that a fifteen foot greenbelt be provided along Stinson Avenue. It was determined that the new map corresponds with the preliminary plat.

Councilman Bunch moved that we accept the Northview final plat. Motion seconded. The council was concerned that the developers meet all the requirements as set forth in the plat. This includes a green belt as specified in the minutes accepting the preliminary plat and which does not seem to be working out now. The belt is not drawn in on the final plat. Nils Ronhovde assured the council that it will be drawn in on the final plat as well as names of streets suggested by the Historical Society. The council felt the Historical Society should only make recommendations for names--it is the council that will make the decisions.

Councilman Ekberg amended the motion to include that the 15 foot strip be included and street names as approved by the council. The amendment was seconded by Councilwoman Bogue. The amendment carried and the original motion carried.

The present Fire Department building is appraised and ready for sale and they ask if the town cares to buy it. The mayor said it would be an excellent location for the town shops and asked if the council wishes to pursue or ignore the offer. The council wishes to go ahead with their own appraisal.

The mayor told the council that our court system needs revision with the municipal court being separated from the justice court. The town is now advertising for a municipal court clerk.

Councilman Ekberg told the council that he has talked with the insurance agent regarding the blanket bond. He suggested an increase of from \$50,000 to \$100,000 with a similar increase in premium. The previous bond had been laughably low. The council agreed with the recommendation. The clerk will get together with Nordi-Sweet on this.

The Planning Commission term of office of Glenn Behnke has expired. The mayor recommends he be reappointed. The council agreed.

Councilman Ekberg asked if anyone is supervising the progress of the exercise

trails in Harbor Heights Park. Our park department was asked to check periodically and make reports to the council.

Regarding the letter from the County Commissioners on sewer service asking the town to respond, the mayor said that he would draft a letter in response.

- It was asked that items be placed on the agenda for the next meeting:
1. The subdivision suggestions prepared by the Planning Commission.
 2. The height definition prepared by Dr. Hruza.

Councilman Ekberg asked if the town council might care to impose a moratorium on building permits pending the passage of the new minimum lot size amendment. This did not meet with approval.

Councilwoman Bogue brought up the need for yard maintenance around the town library. She asked that the Street and Park crews check with Mr. Behnke and do what needs to be done.

Regarding the records of the Library Board, Councilwoman Bogue said that Nellie Erickson told here she has copies at her home and told the assistant clerk to call her.

Councilwoman Bogue asked the council about the plantings at the liquor agency. Did they care to make a decision about what kind of trees? She was asked to take care of this matter.

Regarding the signs building up again at the top of Pioneer and Stinson Avenues, Councilwoman Bogue asked Wayne to see to their removal.

Councilman Bunch brought up the building department proposal. John Hodges said it died at the Planning Commission level.

AMENDMENT TO SEWER ORDINANCE:

It was requested that it be changed to make it mandatory that everyone hook up regardless of distance. The mayor added that a larger hookup fee be charged. A fee of \$100 to \$150 was suggested. Gary Tannahill was asked to review other ordinances for suggestions. This is the first reading.

Regarding the septic tank hookup authorized last meeting, the town cannot issue it. This is to be referred to the Pierce County Health Department.

The school requests that a caution or stop light be installed at Pioneer and Grandview. Jim Hibbs was asked what happened to previous planning for the light. He said it was dropped because it would cost between four and five thousand dollars. It must be a state-approved sign. Jim was asked to come back next meeting with figures.

Meeting adjourned at 11:30 p.m.

Tape #67, Side 2, 738 to end
Tape #68, Side 1, 0-932


Mayor


Asst. Clerk

REGULAR COUNCIL MEETING - JUNE 12, 1978

The first public hearing was called to order by Mayor Bujacich at 6:45 p.m. Present were Councilwomen Bogue and Ross, Councilmen Bunch and Ekberg, Attorney Johnson and Clerk Avery.

HEDMAN VARIANCE REQUEST:

Daryl Hedman requested a variance in lot size for the three lots which he plans to short plat on Stanich Avenue. He would have had enough square footage if he had not donated thirty feet toward the right of way of Stanich Avenue. Remaining to be decided is the property belonging to Mrs. Hunt.

The Planning Commission recommended favorably on the variance since each lot lacks only 6 feet in width. They said the neighbor, Mrs. Hunt, had no objection.

There was some discussion on the council's part. Councilman Ekberg felt that a variance could be warranted in a unique situation only and he could see no reason to call this unique. He therefore recommended denial of the variance. Councilman Bunch seconded. Carried.

Mayor Bujacich asked the attorney whether Hedman could resubmit without the road dedication. Johnson said he still must get short plat approval but would

not need to wait a year because he no longer would need a variance. Hearing closed

SKANSI VARIANCE HEARING:

This again concerns their request for variance in the location of a parking lot. The Planning Commission had recommended approval. The council looked for a drawing of the proposed facility but Attorney Paglia said there was none because his clients do not wish to be tied to any particular design at this point. Before they can go forward with plans for the marina they need to know if the variance will be granted. The Shoreline Master Plan speaks to parking on the uphill side of the road with no specific distance quoted.

Councilwoman Bogue asked Attorney Paglia how this would be in the public interest of the town. He said this marina would engender no parking problems such as the Tides Tavern. If it is in the interest of the town to "fully utilize" the waterfront then this serves that purpose.

Mayor Bujacich said that a big drain tile serving that hillside comes down about there and also this is the busiest road in the town and the location is a blind curve. How would you keep from endangering the people crossing this road. He was answered with caution signs and crosswalk.

Councilwoman Ross asked if a smaller marina could not be built that would accomodate all the needed parking on the site itself. She was answered that this would be economically unfeasible.

Councilman Bunch suggested a pedestrian overpass. This was considered too expensive. Nick Skansi went on to say that it has been the tendency of most drivers to step on the gas a bit on this section of the road because there is no development along there. With development traffic will slow down.

There were no voices in opposition.

George Ancich said he was in in opposition but wished to ask a question. How many stalls would be available for local people. Councilman Ekberg felt this question was out of order since they are discussing only the variance at this time. The building inspector was asked if parking lots are permitted in R-1 districts. It was answered that as an accessory use they are permitted.

Councilman Ekberg moved that the public hearing be closed and the decision tabled for further study to the following meeting at 8 p.m. Councilwoman Bogue seconded. Carried by vote of three to one with Councilman Bunch voting no.

CHANGE IN MINIMUM LOT SIZE:

Mayor Bujacich consulted Attorney Johnson. He asked if this hearing should have gone before the Planning Commission in public session first. Attorney Johnson, after perusing the RCW's, said this matter should have gone before the Planning Commission in public hearing so the council could act upon their recommendation in another public hearing. For this reason the issue has been postponed.

The regular meeting was called to order and recessed.

MARKOVICH SIGN VARIANCE:

The Planning Commission had recommended that only two signs be allowed. Attorney Markovich requests a variance because the sign he wants measures 36 square feet on BOTH surfaces. In other words, twice the maximum allowed. If he could build the sign depicted on his plan he would be able to fill in an old unused doorway and have a sign that would be visible from each direction.

Councilwoman Bogue said she had no objection and moved that the variance be granted for the sign (Exhibit A). Councilman Bunch seconded. Carried. Hearing closed. Regular meeting recalled to order.

The bills and minutes were postponed.

CORRESPONDENCE:

The First Baptist Church wrote objecting to the issuance of a liquor license to the W.B.Scott Restaurant.

Mayor Bujacich said, regarding the costs associated with Harbor Holidays, he has asked the clerk to make a complete breakdown of what it has cost the town. He will meet with the officials. Regular meeting recessed and a public hearing was called to order.

PHIPPS VARIANCE REQUEST:

Mr. Phipps requested a variance in height for a house he wishes to construct behind the sewer treatment plant.

The Planning Commission had recommended approval but Mr. Phipps was not present so the exact location of the planned residence could not be determined. Councilman Bunch moved to deny the request because he felt there was no reason why he could not stay within the height limitation. There was no second. Councilwoman Bogue had visited the property but found no indication of where the house would be located and she moved to table until more information can be obtained. This was seconded by Councilman Ekberg. Carried with Councilman Bunch voting no. Hearing closed. Regular meeting resumed.

Mr. Larson from the Pierce County Health Department was present concerning the granting of the septic tank permit to Mr. Phipps. He said their attitude is that the system is in and their stock answer was "no" because they felt that issuance of permits defeats the sewer system. If you make an exception for one it is difficult not to make an exception for another. Their desire is to work with the council and work it out uniformly and fairly--treating all alike.

Councilman Ekberg said he was in favor of Phipps hooking up. Mr. Larson said he would transmit that information to Phipps. Mr. Larson asked that he be sent a copy of the ordinance when it is written.

UDDENBERG VARIANCE:

Mr. Uddenberg requests height and setback variances for his new office building. The Planning Commission had recommended that the height variance be granted but felt that no other variance is necessary.

There was no opposition from the audience.

Councilwoman Bogue said she had no objection to the variance in height of two feet and moved that this variance be granted clearly stating that no other problems were discussed. Councilwoman Ross seconded. Carried. Hearing closed.

HILDEBRAND SITE PLAN HEARING - Continuation:

It had been requested that the overall plan be submitted showing greenbelting and parking.

Gordon Golob, attorney for Hildebrand was present. He brought an overall site plan which did not delineate the original two buildings. He explained that there has been a misunderstanding regarding the trees. Only the trees on the first property were taken out prior to the granting of the site plan approval on that parcel and so noted in the minutes of February 27.

Councilwoman Bogue brought out that yards ARE required but at the discretion of the council. Regarding the reference to trees in those minutes of Feb. 27 she felt that the statement did not apply to any particular trees.

Regarding the property bulkheaded and filled, Councilman Ekberg asked if a parking lot requires a building permit or if it constitutes a permitted use. Can it be built on the property line or are there setbacks required for the bulkheading? The attorney was asked about this bulkheading and preparation for a property line. Does he require a building permit for what he has done?

Councilwoman Bogue would request that a 20-foot natural buffer be left between the buildings and the apartment complex and suggested that a new plan be drawn with this in it. She then moved that the applicant be required to resubmit a site plan to include Tract D that includes Tract B to be considered a site plan approval for the project. Hildebrand objected violently, saying he would lose 25,000 square feet of use. His attorney objected, saying he might not want to develop this tract for some years and it would be unfair to require this. This motion died for lack of a second. Councilwoman Ross then moved that we accept this site plan with the stipulation that a 10-foot green belt be put in along the wall abutting the apartments and a contract written that if he comes before us again with any other plans that he bring a complete plan of everything existing on the property. Councilman Bunch seconded. Councilman Ekberg moved to amend the motion to include a 15-foot green belt instead of 10 foot. Councilwoman Bogue seconded. The amendment vote ended in a tie, two to two. Mayor Bujacich felt a 10-foot strip was sufficient and asked for drawings of the entire property. He voted to agree to a 10-foot strip planted to heavy evergreen trees. Councilwoman Bogue moved that the original motion include that no building permit be issued until the contractual agreement is written. Councilman Ekberg seconded the amendment. The amendment carried and the original motion carried.

The regular meeting was then called to order. DON BEEBE of the State Liquor Control Board was present regarding complaints against the TIDES TAVERN. He said he feels that any approval from the liquor board should be based on the council's permission. This is the first

complaint against Mr. Stanley. The mayor had a letter of protest from Mrs. B. Thomsen who lives on the east side. Peter Stanley was present in the audience. He said they close and lock the door to the deck at midnight every night. The mayor said the main noise seems to be coming from the dock. Could the Tides post a sign that says "No staying all night"? Peter said that wouldn't be possible short of cutting the ropes.

Mr. Palmer, across the harbor, also voiced a complaint. He said they would welcome an earlier closure. He suggested 10 p.m. He did say the only true solution would be to air condition the building and keep the windows and doors closed.

Stanley said there is live music three nights a week now to be cut back to 2 nights a week this fall. Stanley was praised for his cooperation.

Mr. Thomsen said that nothing has been done regarding the noise level. Mrs. Thomsen said they do not close the deck as they are supposed to. She felt the Tavern should be closed down as well as the deck.

Councilwoman Bogue suggested a 10 p.m. curfew on weekdays and 11 or 12 p.m. on Friday and Saturday nights. It was suggested that this be tried for 60 to 90 days. Councilman Ekberg moved that the Tides deck license be extended for 90 days to new closing hours of 10 p.m. Sunday through Thursday, and 11 p.m. Friday and Saturday, and Mr. Stanley to put up as many quiet signs as possible. Councilwoman Bogue seconded. Motion carried.

BO PLATT of the Gateway asked that the poplar trees be topped or pruned or removed on the SW corner of their property. One branch does hang over his parking lot. It was suggested that the one branch be removed. Also the ivy. Councilman Ekberg moved that the one dangerous branch be removed. Councilwoman Bogue seconded. Carried. Bo had an estimate on removal. Jim was asked to meet with Bo and remove the ivy also. Councilman Ekberg will work with Jim.

DIANNA JACKSON owns a home at 9306 N. Harborview Drive. She had applied for a variance to add a second story to her house. This was in September, 1976. She was given the variance but had never used it. She said she was unaware that the variance expired in one year. She is now ready to build her addition and she asked if the council can renew her variance. The mayor and the attorney both felt she must reapply. The attorney was asked to check into this; he did, and he said that any changes become void after one year. She pointed out the council that she had already partially remodeled her house, starting on the main floor. The council asked the building inspector to inspect the site and see if any building has been in process.

BILLS: Councilman Ekberg questioned the bill to Borgens for \$184 for street barricades. Why did the town need more barricades? Chief Tomlin felt they were needed for Harbor Holidays. Jim said they needed to replenish the stock on hand. They need 50 to 80 of them at all times and they now have 68 of them although they did build them right now because of Harbor Holidays. They asked Jim about the bill to Lundbergs for \$1900. Jim said this includes 600 feet of pipe and catch basins. Generally he keeps about 300 feet of pipe on hand. He had to order twice this time.

The council asked Gary about the National Chemsearch bill. It is settling compound--a yearly order.

Jim would like the council's permission to buy a new sickle bar for the tractor. It runs about \$1100 and the old one is worn out. Councilman Ekberg moved that he be allowed to buy the bar. Seconded and carried.

Jim advised the council there would be a 10 to 12-week waiting period for the stop light.

Councilman Bunch moved that the bills be approved with the exception of those not signed. Seconded and carried. The bill not signed was one for extra help from the Sheriff's Department on Harbor Holidays.

MINUTES: As there were no corrections or additions the posted minutes stood approved.

REPORTS:

Sewer Treatment - None

Police Department - Regarding the warrant for extra police, he said he believes that Harbor Holidays offered to pay half. Councilwoman Bogue felt the men should be paid and then the matter talked over with the Harbor Holidays people. Councilman Ekberg so moved. Councilwoman Ross seconded. Motion carried.

Chief Tomlin went on to say that the Gig Harbor Police Department had been selected by James Smith of KIRO-TV to enter a police car in the Leisure Fair at the Mall, so a patrol car will be there with an officer from Monday to Sunday.

The building Inspector asked the council's opinion on Edwards' sidewalks.

It was felt a public hearing would be required for a change of site plans. Wayne said he was the one requiring the amendment of the site plan. It is important since it would be dangerous to back out onto Judson Street. It was felt a public hearing would not be required if the town initiates it. He was authorized to make the changes. Wayne also asked about the sidewalk along Gilich Street. It is now planned for 8 feet in width and he asked if it could be narrowed to 4 feet. Councilman Ekberg moved that in keeping with the suggestions of the building inspector that the parking in front be eliminated and the sidewalk reduced to four feet in width. Seconded and carried.

Wayne went on to ask about the Northview subdivision. The builders had prepared an elevation showing the proposed buildings in conjunction with the street and the existing grade of the land. It has the same problem as Islandview East in the design for the homes. Most have basements on the lower ends of the house and it makes the house appear higher than they really are. He asked if this concept is acceptable to the council or does the builder need to go through the variance procedure for those that apply.

The builder explained that the road is the only grade change in the subdivision since the storm sewers require a certain rate of fall. They have staggered the houses on their lots in order to maximize the view. He feels their plans meet our ordinance.

Councilman Bunch pointed out that our ordinance does not permit tri-levels and the majority of these homes are just that. The builder agreed that 3 out of 5 of their models are split levels. Councilwoman Ross moved that the building permits be withheld on those homes that do not meet the ordinance. This motion died for lack of a second. Councilman Ekberg moved that, in keeping with the recommendation of the building department, we issue permits for these homes since we should be consistent with the criteria developed when Islandview East was built. Councilman Bunch seconded. Motion carried. The mayor thanked Mr. Ryan for his graphic presentation.

Attorney - Regarding the Woodworth Avenue LID, the mayor suggested that we continue the process of the LID as we have received no protests. A motion was made and seconded. Motion carried.

Engineer - Regarding the well drilling, the contractor has gone ahead with the 16" casing to approximately 825 feet today. It is in gravel, as indicated on the geologist's E-Log. He turned the report over to Jim Carr who presented samples from the well. He said it is very good looking material. He said the water sample obtained so far was murky, perhaps giving false readings on the iron content. He expects the iron content to be lower next test.

Glen discussed the main extension to the new fire station on Kimball Drive. Ordinarily a 8" main would be sufficient, but there will be a 12" main coming from the new tank. He needs the council's agreement that the water main should be extended to provide a service for the fire station, and he asks if the town would bear the expense of the difference between the 8" and 12" mains. The council agreed.

Also, in regard to this main to the fire station, Stroh prefers that we stay in the street and not infringe on his property with the main. There will be a sewer extension from Erickson Street to the property for which we have a franchise, but no franchise has yet been granted on the water line.

Regarding the signal at Pioneer and Grandview, it will run about \$4000. This is not a push-button control--that would run into too much money. It would be a stop-and-go at the hours required and a blinking light the bulk of the day controlled by a time clock. Left turn arrows and school bus turns were discussed. It was felt that more liaison was required with the school so Councilwoman Ross was appointed to work this matter out.

FABRE REZONE ORDINANCE #284 - 2nd Reading: Motion by Councilwoman Bogue to adopt Ordinance #284. Seconded and carried.

SHERIFF'S DEPARTMENT RENTAL AGREEMENT: This should have expired last month. The mayor was concerned that a time limit will not be set and he will get together with Sheriff Janovich and work it out.

LEASH LAW: Tabled.

REPEAL OF SEC. 8.12 OF MUNICIPAL CODE: This concerns repeal of that portion of the code that states that the town clerk will issue fire permits. This issuance has been taken over by the rightful agency, the fire department, and now this section must be repealed. First reading.

CASCADE AVENUE LID - Tabled.

FIREWORKS: No amendment is needed since the seller will be dealing only in safe and sane fireworks which are already permitted by ordinance.

SEWER HOOKUP FEE PROPOSAL: Taken care of in previous discussion with Mr. Larson.

CRIMINAL CODE AMENDMENT - First reading

DEMOLITION FUND REQUIREMENT - First reading

MODEL ORDINANCE FOR ADOPTING SEPA GUIDELINES - First reading

PENINSULA SCHOOL DISTRICT ANNEXATION ORDINANCE - First reading

BOY SCOUT TOTEM POLE: Someone must decide on the location.

Mayor Bujacich brought up the problem of parking for the Tides Tavern. People park in front of the Babich house and all along Soundview Drive, restricting visibility. No parking signs should be located in these areas.

George Borgen will be leaving the Planning Commission as he is moving out of town. The mayor will entertain suggestions for his replacement.

Attorney Johnson answered a prior question regarding stockpiling of materials used at the tank site. He had a memo. It is necessary to characterize the material as different from the regular inventory and insure the tank site material and provide a financial statement of security.

Mayor Bujacich said a Mr. Blake of Fox Island will move on to the park as caretaker.

Councilwoman Bogue asked the clerk if he had obtained figures she previously requested. These figures concern the interest that could be earned from the amount of money involved in the bond refunding.

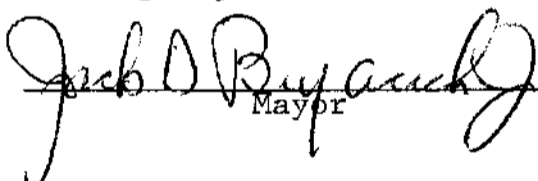
Councilman Ekberg questioned the following:

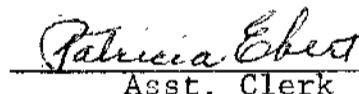
1. No environmental worksheet on the Hildebrand site plan.
2. Regarding the employee blanket bonding, the agent informed him that the state law requires a separate bond on the clerk. About \$500 extra.
3. Molgard decision? Not yet rendered he was informed.

It was discussed that possibly the third Monday be set aside for hearings to get them off the regular agenda. Mayor Bujacich cautioned the building department to refuse to agenda anyone whose plan is incomplete in any respect.

Meeting adjourned about 11:30 p.m.

Tape #69, Side 1, All and Side 2
0-395


Mayor


Asst. Clerk

TOWN COUNCIL MEETING - JUNE 26, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. Present were Councilwoman Ross, Councilmen Ekberg and Bunch, Attorney Kelley and Clerk Avery. Councilwoman Bogue was out of town and Councilman Malich arrived a little later.

PUBLIC HEARING - UDDENBERG SITE PLAN:

This is site plan review for the office building he plans south of the Shopping Center. The Planning Commission had recommended approval. Mr. Uddenberg was present to answer questions. There were no voices in opposition.

This is a separate parcel of land but tied in with the shopping center. Reference was made to a possible sidewalk and it was found that provision had been made for it.

Councilwoman Ross moved that the council approve the site plan as presented. Councilman Bunch seconded. Carried. Hearing closed.

PUBLIC HEARING - ANNEXATION OF TOWN PARK (CRESCENT VALLEY):

There were no voices in opposition to the proposed annexation, but the clerk recommended tabling the petition because it was noted that the opposite creek bank is in private hands and it was felt that the owner, Marshall van Ostrom, should sign this petition also. The hearing was then tabled to the next meeting.

Before the next hearing they discussed the possibility of expediting the public hearings procedure by either of two possibilities. The hearings could all be scheduled for the same time (7 p.m.) and then there would be no lengthy wait involved between hearings. The other possibility is a third Monday meeting for public hearings only.

PUBLIC HEARING - ANNEXATION OF SOUNDVIEW DRIVE:

Mayor Bujacich explained that half of Soundview Drive has been in the county and half in the town, and now, with the annexation of Olympic Village, the situation has become worse since we need the entire street to better police it.

Mr. Johnson, present in the audience, said he lives across Soundview from the Pillars. He wished to know how this would affect his property. He was assured that it would not affect him in any way. It only means that we could publish a consistent speed limit on the hill and we could get sewers and water mains out of county jurisdiction. Councilman Ekberg moved that the annexation be approved. Councilwoman Ross seconded. Carried. Hearing closed. The regular meeting was then called to order and recessed for yet another hearing:

DECISION ON THE SKANSI VARIANCE: The public hearing had been concluded last meeting and only the decision was carried forward.

Councilwoman Ross told Nick Skansi that she had no quarrel with the number of feet of distance separating the marina from the parking. Her only concern was the extreme traffic situation. She asked if the parking area could be confined to the water side of the street. Attorney Paglia felt that the town had not demonstrated the contention that the traffic was heavy. Mayor Bujacich told him that a traffic count had just been concluded. Jim Hibbs said he did not have the figures with him but all three main areas of traffic are about equal now.

Councilman Ekberg said he had visited the site again and was not opposed to the distance between the business and its parking area but he felt the location of the parking is in a place opposed to safety and moved that the variance be denied. Councilwoman Ross seconded. Attorney Paglia objected since the makeup of the council is different tonight than at the last meeting. The vote was taken: Councilman Malich abstained; Councilman Bunch no; Councilwoman Ross, yes; Councilman Ekberg, yes. The attorney ruled that there is a quorum tonight just as there was a quorum last meeting night. Motion carried. Hearing closed.

FABRE SITE PLAN:

The Planning Commission had recommended approval in spite of the contention over the twenty-foot easement. There was also a question over which side of the street the sidewalk should be located.

Councilman Bunch said he saw no problem regarding this site plan and moved that it be approved. Councilman Malich seconded. Carried unanimously. Hearing closed. The regular meeting was recalled to order and again recessed.

ANDERSON ANNEXATION AND SHORT PLAT:

The short plat was withdrawn at this time, John Hodges said, and only the annexation is to be considered at this time. The Planning Commission had recommended approval of the R-2 zone to this land. This is considered the first hearing only and the hearing is for input only. The decision is to be rendered July 10. There were no comments from the audience. Hearing closed.

The regular meeting was reconvened.

BILLS: Motion by Councilman Ekberg with second by Councilwoman Ross that the bills be approved. Carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Planning Commission recommendation on Shain request for a deck on the Shoreline Restaurant. The Shoreline Management hearing was then set for the fourth Monday at 7 p.m.
2. Planning Commission recommendation on the Huber hearing. The same date and time was set for this hearing.
3. Harbor Inn Restaurant wrote regarding the parking situation at their location if the Scott Restaurant is approved.

The regular meeting was again recessed for another public hearing.

ANDERSON REZONE REQUEST: This concerns another parcel of property contiguous to that previously discussed. The Planning Commission had recommended rezone from GS to R-2 on Lots 1, 2, and 3. It was felt that this was an improper

this time. The council

ved. Seconded and carried.

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description since Lot 3 should not be included at
could vote on the legal description only.

Councilwoman Ross moved that the R-2 zone be appro
Hearing closed.

PHIPPS VARIANCE:

The Planning Commission had recommended favorably
approved. This hearing was continued from last me
present at that time. Mr. Phipps was now present.
height would interfere with no one's view. He ind
place his house. He requests a height variance of
a house 29 feet tall. Mr. Phipps said he was told
of five feet but had originally asked for nine feet
to be NOT drawn to scale but quite close. Mayor B
variance is very close.

Councilman Ekberg asked Phipps why he needs a vari
Phipps said he would get no view without it since
within the town limits in order to get town servic
property above his proposed home whose view would
in the county. Councilman Ekberg moved that the v
proved. Seconded and carried with Councilman Bunc
The regular meeting resumed.

REPORTS:

Street & Water - The mayor asked Jim if he got hi
Jim asked the council a question concerning an uni
O'Connell lives on a dedicated right of way off Ro
requested that the right of way be cleaned up by the
he paid taxes to the town that this area came unde
Bujacich said that any streets in town must be bro
standards before the town will take over the maint

Regarding the stop light at Pioneer and Grandview,
with Gary Williamson. He feels that if we can get
with red-amber-green installed by fall school term
Left turn arrows would have been prohibitive as th
overall cost as it stands is \$3950 with \$500 for i
does include WALK and DON'T WALK pedestrian indica
adjusted to a flashing caution during off hours.
period. Councilman Ekberg moved that we purchase
under \$4000-bid. Seconded and carried.

Councilman Malich brought out the no-parking signs
Would it be appropriate to post these signs near t
was agreed upon--from the driveway to where the pa

Sewer Treatment - Gary Tannahill said it would c
repair the old town radios and he and Jim could ge
from RCA or Motorola for about \$600 each. The cle
funds available. The mayor told Gary to check int
units. The council approved the purchase of these

Police Department - Tomlin asked if this town co
Fircrest has which delineates speed limit, load li
saying that service club emblems should be include

Attorney - No report

Engineer - The well drilling has reached its max
the 16" casing. The geologist, the mayor, and the
the data. A determination was made on the screen
has since been shipped to arrive here about midwee
of the screen and test pumping. Then choice of pur
complete the installation. Jim Carr told the coun
continue for 30 straight hours. They discussed wh
can be discarded. The mayor felt there is a natur
away that could hold most of this water before it

Glen asked if the geologists bill had been appro
okayed last meeting because it was pending until C
meeting. Carr explained that it was mostly a lack
and the council. He did not appear on the site ve
because the rotary drill had told them pretty much
16" drilling. They felt their presence was not re
There is, however, still some question of water qu
to iron content. (Clerk Avery paid Robinson and N

Number 399, dated May 22, 1978.)

Glen then brought up the Six Year Street Plan. It is now time to be considering it. The first part received priorities as follows:

- 1. Harborview Drive
- 2. Rosedale Street
- 3. Pioneer Way
- 4. Soundview Drive

At this point the mayor asked Hibbs to make copies of the traffic count for the council.

The other part of the basic Six Year Street Plan is as follows:

- 1. Peacock Hill Avenue
- 2. Remainder of Soundview (Dorotich to Harbor Landing Mall)

The mayor asked that N. Harborview from Borgen's to the Park be included.

Building Inspector - No report.

Councilwoman Ross asked Wayne how the house on the corner of Pioneer and Shyleen went up so fast. Wayne answered her that it is a modular home. Each wall is erected complete with wiring, plumbing, siding, interior surfaces. It is all perfectly legal.

Councilman Malich asked Wayne about Dr. Dimant's residence. There seems to be a second house being built on the same property. Wayne assured him that it is legal. It is all one house divided into two parts.

CRIMINAL CODE - Ordinance #285 - 2nd Reading:

Councilman Bunch moved that Ordinance #285 be adopted. Seconded by Councilwoman Ross. Carried.

PENINSULA SCHOOL DISTRICT ANNEXATION - ORDINANCE #286 - 2nd Reading:

Councilman Malich moved that Ordinance #286 be adopted. Seconded by Councilman Bunch. Carried.

DEMOLITION FUND - ORDINANCE #287 - 2nd Reading:

Councilman Malich moved that Ordinance #287 be adopted. Seconded and carried.

LEASH LAW: This has not yet been written in ordinance form but it can still be the second reading. Postponed until after the next two agenda items.

CASCADE AVENUE LID - ORDINANCE #288 - 2nd Reading:

Moved by Councilman Bunch with second by Councilwoman Ross. Carried.

REPEAL OF SECTION 8.12 MUNICIPAL CODE - ORDINANCE #289 - 2nd Reading:

Adopted upon motion of Councilman Bunch with second by Councilman Malich. Carried.

LEASH LAW - ORDINANCE #290 - 2nd Reading:

Councilwoman Ross moved to approve Ordinance #290 and this was seconded by Councilman Bunch. Carried.

ADOPTION OF SEPA GUIDELINES: These can be adopted by reference only. They had had their first reading last meeting. The council wished to table as this item had inadvertently been left off the agenda. Attorney Kelley stressed that the council should consider this very closely. The failure to adopt could affect the town considerably. If they are adopted then decisions fall under the guidelines of the state.

CHANGE OF MEETING TIME TO 7 p.m. - First reading of ordinance.

PLANNING COMMISSION APPOINTMENT: John Holman had been suggested. Councilwoman Ross moved that his name be confirmed as a member of the commission. Councilman Bunch seconded. Carried.

HILDEBRAND CONTRACTURAL AGREEMENT AND ENVIRONMENTAL WORKSHEET:

Councilwoman Ross and the mayor felt that Hildebrand was to have provided a map at this time showing the adjacent properties. Also, Malich and Ross would like input from the two absent council members. Councilman Malich moved to table to the next meeting. Councilwoman Ross seconded. Carried with Councilman Bunch voting no.

SEWER FEE REVISION - ORDINANCE #271 - 2nd Reading:

Councilman Bunch moved that Ordinance #271 be adopted after it is put into ordinance form. Councilwoman Ross seconded. Carried.

PARK CARETAKER: The clerk informed the council that Mr. Blake of Fox Island, who had agreed to move into a mobile home at the park, now would like the town to furnish the mobile home. The mayor stated that we cannot furnish a mobile home to anyone to live in.

MOLGARD DECISION: No ruling yet.

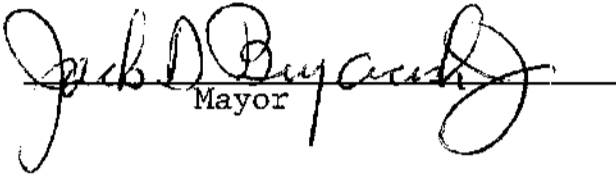
It was asked that a letter of appreciation be written to the mayor of Fife thanking him for the loan of his court clerk.

Mayor Bujacich said he would like John Hodges to review the unresolved questions that have come before the council. He is to make a list so these can be brought before the council for a solution.

Chief Tomlin asked the council if they had reviewed the operations manual for the police department.

Meeting adjourned at 10:12 p.m.

Tape 68, Side 1, 925 to End and
Side 2, 0 to 530


Mayor


Asst. Clerk

July 10, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. Present were Councilwoman Bogue, Councilmen Bunch and Malich, and Clerk Avery. Councilwoman Ross was out of town, Councilman Ekberg was ill and there was no attorney present. Attorney Johnson had tendered his resignation.

ANDERSON COMPREHENSIVE PLAN APPLICATION:

The Planning Commission had heard the request for R-2 zoning and had recommended approval.

There were no voices in opposition. Since she felt it was in the best interest and health and welfare of the citizens of the town to reduce the zoning from GS to R-2, Councilwoman Bogue moved that we apply this zone to that parcel of property. Councilman Bunch seconded. Carried.

Mr. Anderson said he wished to proceed with the annexation.

ANDERSON PROPERTY ANNEXATION:

The Planning Commission had recommended approval. There were no comments from the audience. Councilwoman Bogue moved that the petition for annexation of the property alluded to be granted. Councilman Malich seconded. Carried. Hearing closed.

SCANNELL COMPREHENSIVE PLAN APPLICATION PRIOR TO ANNEXATION:

This is only the first hearing on the application of the comprehensive plan to this parcel of property and no decision will be rendered at this meeting.

The mayor pointed out the location of the property, approximately a five-acre parcel, in the Shore Acres area. They request rezone from R-1 to R-3 to provide living units for the elderly and those of low income.

MIKE SCANNELL, of the Olympic Village Heights Investors, explained that they worked out the elevations so that little view would be affected. They wish to work compatibly with and within the guidelines of the town.

The Planning Commission had recommended zones of R-3 and RB-1.

Since this development would be across a busy interchange approach from the shopping area, Councilwoman Bogue asked if the developers had planned any pedestrian crossings. She was answered that no plans had been worked out as there was still a question of the direction of the interchange.

PAT DeLAPP, president of the Area Council, endorses the plan.

NORMAN McLOUGHLIN, of the Community Development Housing Authority, also endorses it. He said it is very difficult to find sites adjacent to shopping where low income housing could be developed. The plans for these units would be ideal for the elderly and infirm since each level has ground slope for entry.

YEOTA LOUVORIS, tenant of Norwegian Wood, said there is a severe problem existing at their apartment building. There is only one exit to an apartment. In case of fire, if the only entrance were blocked, a window would be the only fire exit. Lots of elderly people have moved out. A majority of young people have taken it over. She went on to tell the council that the elderly and low-income tenants were recently forced to provide proof of their income by means of bank records; otherwise rent would have risen to over \$200 a month. Mayor Bujacich

told her he would personally check on the lack of fire exits in the building.

There was a great deal more discussion. Scannell said this is a planned development for seniors only and the federal government specifies the tenancy and rents. The rents could run as low as \$50 a month to severely disadvantaged people. The council felt that, if rezone were given, there would be no guarantee that the property could not be used for any kind of housing because once the rezone is given, that's that, unless perhaps a contractual agreement could be written.

Since this meeting was for public input only the hearing was closed.

- The regular meeting was called to order at 8 p.m. and recessed for the third public hearing.

CAMERER PUBLIC HEARING:

Mr. Camerer wishes a variance to place a duplex on an undersized lot. The Planning Commission had recommended that the variance of 3800 square feet be denied. The mayor called for comments from the floor.

Mr. Camerer said the adjoining property owner, Dominick Bujacich, has no objection. Mr. Camerer provided a sketch of the lots in the Lewis Addition and pointed out that there are many other multi-family buildings in the area, most on lots of less than 10,000 square feet. His lot is larger and he feels that the present requirement of 15,000 square feet creates a hardship for him.

TONY CLOUD, 3522 Ross Avenue, said he is opposed. It is too big a variance--one-third more than the property available. The town council's current thinking is to larger lot size. The property does not qualify as a transitional use or a buffer since it lies in R-2, but Lewis Street itself has only single family residences.

Councilwoman Bogue asked Mr. Camerer how the granting of the variance would be advantageous to the people of the area. Mr. Camerer answered that it would allow others in the area to build a duplex also. It would treat the four empty lot owners equally.

- Councilman Bunch moved that the variance be denied since the existing multi-family units were all built before the ordinance was written. He felt this would violate the ordinance far too much. Councilwoman Bogue seconded. Motion carried unanimously. Public hearing closed. The regular meeting was recalled to order.

BILLS: Councilwoman Bogue asked why we need six copies of the Salaries and Benefits Survey. Clerk Avery felt they would be valuable for budget work. The council asked that only two be purchased instead of the six. Councilwoman Bogue also asked for an explanation of the Robinson and Noble bill. Mayor Bujacich and Jim Hibbs both said the geologists have been on the job since the meeting. Their extra bill entails water testing. Councilwoman Bogue moved that the bills be approved with the exception of the first-mentioned warrant. Councilman Malich seconded. Carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

- 1. Planning Commission letter on square footage modification. The hearing had been scheduled for tonight at council level but the Planning Commission postponed their decision. Councilwoman Bogue requested that a hearing be set, even a special meeting, as soon as possible. The hearing was then set for 7 p.m. on July 24. The mayor asked that interested parties be notified by mail of the hearing. The council did not agree and felt the notice should appear in the local paper only.

2. Mayor Bujacich then read from a letter from the Port of Tacoma. The mayor said he would like to invite one of them to attend our next meeting.

SPECIAL GUESTS:

DREW WINGARD was present regarding the supply line to the new fire station. Jim Hibbs explained that the existing line (8") down Erickson Street must be replaced with a bigger line as it will become part of the main from the new tank. It is in the plans and bid specifications to change over. Jim figures the town could do it for about \$1200. This amount, then, could be taken off the fire department bid. Since the town must upgrade the line anyway the mayor felt the town should do it now and the fire department can remove that portion from their bid.

Councilwoman Bogue asked Wingard about the fire exit situation at Norwegian

Wood. Wingard said it is within the code and is an accepted situation. He then went on to ask if the council would consider requiring smoke detectors for all rental units, especially the older units not covered by the Uniform Building Code. The council asked him to write up a proposal.

REPORTS:

Jim Hibbs had made up a list of all the problems that have occurred in the last 15 or so days at the park. Discussion took place on methods of averting the vandalism. The clerk said he has placed an ad in the local paper for a caretaker.

Mayor Bujacich told Jim that the Kiwanis Club wants to erect a large Big Toy at the park. He would like Jim to get a price to fence off the back corner. Councilwoman Bogue said that if any further offers are made by service clubs one project could be the small basketball court. The mayor asked Mrs. Bogue to work with the Kiwanians.

Sewer Treatment - None

Police - Chief Tomlin asked the council to repeal the abandoned auto ordinance.

Building Inspector - Mayor Bujacich said that John Hodges has made a complete study of our unfinished business. He asked that the council look over his report.

Engineer - Glen Sherwood could not be present so he asked Clerk Avery to give his report. He asked that the council:

Authorize preparation of plans and specifications for the Cascade Avenue LID so that bids can be opened and final assessment roll prepared.

Authorize preparation of plans and specifications for the second phase of the pavement marking program. The cost is estimated to be \$600 to \$800.

Authorize preparation of plans and specifications for the Jerisich Park pier and float. Approval by the Corps of Engineers seems assured and it is important to proceed to protect the funding.

Set hearing date for Six Year Street Plan - July 24, 1978.

The well screen is being installed and should be completed by Wednesday night. It should pull 150' - 16" by end of week. They should test pump by July 26 and be off the site by July 31.

Building Inspector - Councilman Malich asked Wayne if the town had approved a site plan concerning an addition at Harbor Landing Mall. He was answered that they are building a cooler/freezer against the side of the building. This work has actually been in progress over a year.

Councilman Malich went on to ask what can be done about the water seepage problem that exists in that building. It was agreed that this is a private matter since the building is built against a bank on the neighbor's property line.

ANDERSON REZONE ORDINANCE - First reading.

ADOPTION OF SEPA GUIDELINES: Second reading. This is to be adopted by reference only so no ordinance is necessary. Councilwoman Bogue moved that we adopt the SEPA guidelines by reference. Councilman Malich seconded. Carried.

CHANGE IN MEETING TIME: ORDINANCE #292 - Second Reading: Councilman Bunch moved and Councilman Malich seconded that Ordinance #292 be adopted. Carried. Councilwoman Bogue wished it noted that it is not always possible for her to get here at that time.

HILDEBRAND CONTRACTURAL AGREEMENT:

This had been tabled pending receipt of the map the council had asked for. The map had now been furnished but the council and the mayor felt it did not show all the property or the buildings.

The mayor said that three adjoining ownerships should be shown. It should show what is already developed there as well as what is yet to be developed. The plan is inadequate. The council requests that all his buildings be shown.

Councilwoman Bogue moved that the Hildebrand Contractural Agreement be tabled until the next regular meeting as the map is inadequate and the attorney was not present to answer the question that she needs resolved. Councilman Malich seconded. Carried.

Regarding the occupancy of this building by the Sheriff's Department, it was stated that they wish to continue to occupy the office downstairs. The mayor felt their occupancy was desirable but that they should be informed of the proposed rent. Also, the District Court rent needs to be adjusted in view of the large amount of space that they occupy. Councilwoman Bogue moved that the mayor be appointed to renegotiate the court rent and to arrive at a price for the Sheriff's Office. Councilman Bunch seconded. Carried.

HARBOR HOLIDAYS BILL: The council felt they should not be billed for the street barricades as they were needed by the town. The Harbor Holidays personnel will be informed that the pay for the extra police is their responsibility.

Councilwoman Bogue pointed out to the council that a sign at the entrance to Gig Harbor had been made by Glen Rogerson, the Eagle Scout, and she wished a letter of thanks be written and that the mayor sign it.

Councilwoman Bogue noted that Northview Terrace Apartments now has three wooden signs out. Wayne was asked to write to them advising them that they are allowed only one sign. She asked that the signs be picked up by the Street Department. The Cedars Apartments, also, has an extra sign.

Councilwoman Bogue reported that she had been in contact with Dr. Hruza and he has some free time this summer and will be happy to work with the town concerning building height and other problems.

Jim Hibbs said that he had gone over the ferry landing park proposal with Dr. Hruza and Councilwoman Bogue and we can now proceed with the little park.

TIDES TAVERN: The noise problem from the Tides was again discussed. Councilman Bunch wished the police department to enforce the deck closure with padlocks each night if necessary. They discussed the parking situation in front of the Paul Babich residence. No parking signs have been posted but the signs are torn down and people park there anyway. Some council members said the cars should be towed away anyway whether the signs are there or not.

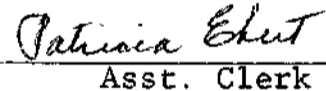
TOWN PARK ANNEXATION:

The clerk reported that the intervening property owner, Marshall Van Ostrom, did not wish to sign the petition. His signature is not necessary as the town can annex anyway under an appellate decision. Councilman Malich moved that we annex the town park, including any contiguous property. Councilman Bunch seconded. Carried.

Meeting adjourned at 9:50 p.m.

Tape 68, Side 2, 530 to End and
Tape 70, Side 1, 0-150


Mayor


Asst. Clerk

TOWN COUNCIL MEETING - JULY 24, 1978

The meeting was called to order by Mayor Bujacich at 7 p.m. Present were Councilwoman Bogue, Councilmen Ekberg and Bunch. Attorneys Johnson and Hess and Clerk Averv. Councilwoman Ross was out of town and Councilman Malich was commercial fishing. In accordance with the new policy, all the hearings were set for 7 p.m. to be heard prior to the regular business meeting.

ANDERSON VARIANCE REQUEST:

This concerns the road width in the newly rezoned property off Rosedale Street. The Planning Commission had recommended approval of a 20-foot road instead of the 30-feet required by law.

There were no voices in opposition. Councilman Ekberg asked Anderson why he could not contribute a 30-foot easement instead of only 20 feet. Mr. Anderson answered that he had no success with the negotiations from his neighbor, Mr. Fabre. If he can eventually work this out he will gladly give the remaining 10 feet. The council asked the building inspector about the permissibility of a narrower road. He answered that the ordinance DOES spell out that it will be thirty feet but the only problem he sees it that the fire marshal may object. The length is about 300 feet. Councilman Bunch felt it could become a problem if it ever became a through road. A question was raised on how it ever became broken up that way. Mayor Bujacich said it was years ago. Anderson tried to buy the additional property--now the 20-foot width is grandfathered.

Councilman Bunch moved that we allow the 20-foot easement with the stipulation that the easement be paved its full width with a raised edge. Councilman Ekberg seconded with the stipulation that the property come before the town for a site plan. Councilwoman Bogue said she was willing to make an exception

in this case since the property owner would otherwise be denied the use of his property. Motion carried. Hearing closed.

SHAIN SHORELINE MANAGEMENT PERMIT:

Mr. Shain requests permission to extend the lower deck of the Shoreline Restarant and use it for outdoor dining. The Planning Commission had recommended the development of the deck with the understanding that no entertainment be permitted.

In opposition, Mr. Wilbert, notified too late to voice his opinion at the above-mentioned Planning Commission hearing, wrote to voice his objection and tonight he wished this letter read for the record. Then Mr. Wilbert, in the audience, said he THINKS he might be in opposition. He owns the adjacent property and would not like the view from the apartments blocked by the deck or a wall that would be required by the liquor board. He criticized the Planning Commission minutes that stated DOCK instead of DECK. He would like the deck cut down some and the parking system reviewed. His main objection seemed to be that he had attempted to contact Arnold Shain but had been unable to meet with him to discuss the matter. At this point Shain entered the meeting and Councilwoman Bogue suggested that the hearing be postponed to allow the principals to discuss the problem.

SCANNELL COMPREHENSIVE PLAN APPLICATION AND ANNEXATION - Second hearing:

Regarding the council's prior concern over the crossing of a busy street, Scannell said he had received a map from the State Highway Department. The cloverleaf projected speaks to a traffic light at 56th Street; now the senior population should have no trouble getting to the shopping area. Scannell went on to say that about five acres would be zoned to R-3 and 1½ acres to RB-1. Councilman Bunch felt we should not be concerned with what he could put there but only with what we zone it could do. He felt he could not go for R-3, but possibly R-2 as it could be used as a buffer. Scannell said a project like this could not be built in four-unit clusters. He felt the site plan review would control this. Councilwoman Bogue felt it could be zoned under a stipulation called contract zoning. Councilman Bunch felt there were other potential problems--drainage, density, etc. Scannell said that R-3 zoning would permit 90 units but they plan only 60 with 34% in asphalt, buildings, walks, etc, and 67% in green belting.

Councilwoman Bogue said she would like to have the time to investigate this contract zoning and moved that this hearing be tabled to allow us to contact our attorney. Councilman Bunch seconded. Motion carried. Hearing closed.

SHAIN HEARING, continuation:

Mr. Wilbert said that he now finds no objection to Shain's proposal since he (Shain) would be willing to set the deck back 15 feet and it would no longer block view. The plans could be altered to include a fifteen foot setback from the south property line. The council felt that the use of the deck should be subject to annual review and perhaps a time limit on closure--the same as the Tides. Councilwoman Bogue absented herself from the meeting at this time on the basis of the appearance of fairness doctrine. She had spoken to Mr. Shain at his restaurant a few days before.

The building inspector was asked about the parking situation. He answered that it was hard to say whether the Shoreline had sufficient parking since everyone else uses the lot.

Attorney Hester, representing John and Frances Finholm, asks reasonable restrictions on the hours the deck is used. Beyond 10 p.m. would not be appropriate seven days a week. Shain asked for an 11 p.m. closure on Friday and Saturday nights because of a later dinner hour on those nights. Councilman Ekberg felt, with yearly review, that the permit could be extended to 11 p.m. on Friday and Saturday nights. Councilman Bunch did not wish the permit to pass to subsequent property owners. Councilman Ekberg moved that the Shoreline Development Permit for Arnold Shain be approved with the permit for use of the deck subject to yearly review, that the permit be issued to current owners only, that there be no entertainment or loud noise, that the deck lclose at 10 p.m. on Sunday through Thursay and 11 p.m. on Friday and Saturday, and that the plans be modified to not extend the deck within 15 feet of the south property line. Councilman Bunch seconded. Carried. The mayor instructed the secretary to furnish a copy of the conditions to Shain. Hearing closed.

HUBER SHORELINE MANAGEMENT PERMIT HEARING:

On June 9, 1978, the Planning Commission recommended denial of Mr. Huber's request on the basis of: 1. traffic, 2. Size, 3., Precedent, 4. Not meeting Shoreline Management regulations. Mr. Huber wished to go ahead with the hearing before the council.

Also in the file was a letter of protest from Moreen Goldman.

In behalf, DON HUBER, 3163 Horsehead Bay Dr NW., said they originally requested 10-15 units but came up with this present plan in accordance with Shoreline Management regulations. The view would not be affected for anyone in the area because there is already a large earth berm on street level. The garages would be at this level but would not be as high as the existing berm. They plan a 24-foot high structure. It would contain five units, within town zoning requirements.

Objecting were MOREEN GOLDMAN, 7521 Soundview Drive. She felt it would set a precedent. The road is already heavily traveled and there is no turn around. The density is already very heavy in the neighborhood. She feels the master plan is diametrically opposed to this use.

JOE SHORT, PO Box 243, asked that the Planning Commission recommendation be re-read.

DR STEVENS DIMANT, 2817 Harborview Drive, said he has always admired the beauty of the area and he quoted balance, views and natural features. View from the land and from the water should be preserved.

Huber said all parking would be off the street. It would still be a beautiful spot. He stressed optimum use of the waterfront.

Monte Hester stressed that some of the other permitted uses are more objectionable than the one proposed by Mr. Huber.

Councilwoman Bogue posed a legal question. Can it be only the legal owner who initiates this action? Huber said that Tom Morris had appointed him through an option. The attorney ruled that this was sufficient.

JEAN CHAPMAN, 2808 Harborview Drive, echoed the view of others who felt this area would make a fine public park. She did ask if the town will make provision for a turnaround on the street in view of the large number of cars driven to this spot. The mayor said he did recognize the problem and feels the town will HAVE to. He agreed with her and with others who feel that it would make a fine park but where the money to buy it would come from he does not know.

Councilwoman Bogue asked if public access to the water's edge had been provided Huber answered that he had not made such provision but that he could do so. Has an environmental assessment been submitted? The answer was yes.

Councilman Bunch moved that the request be denied on the recommendation of the Planning Commission specifically that it does not follow Shoreline Management requirements on the basis of open space and limiting density. Councilman Ekberg seconded on the basis of all the recommendations of the Planning Commission. Huber asked what evidence the town offers as proof. Motion carried. Hearing closed.

STREET PROGRAM:

Glen Sherwood presented the Six-Year Street Program, UAB Supplement Section. Priorities have been tentatively established as follows:

1. Harborview Drive from Novak to N. Harborview, 2. Rosedale Street, 3. Soundview Drive, 4. Pioneer, and 5. N. Harborview to Vernhardson. Councilman Bunch felt #5 was more important than the one given first place. Glen Sherwood said the UAB had assigned the priorities but the council can certainly change them. Councilman Ekberg agreed with the first order given and felt that Glen's plan was appropriate. Glen then presented the Basic Six Year Plan:

They are Cascade, Peacock and Woodworth. Hopefully Cascade and Woodworth will be completed this year as LID's. The priority can be accepted in this form and given different priority at a later date. Councilman Ekberg moved that we follow the engineer's recommendation. Councilwoman Bogue seconded. Carried. Hearing closed.

BILLS: Councilman Bunch moved that the bills be approved. Seconded and carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Findlay letter requesting extension of water service on Rosedale Street to his parcel of property about 1000 feet past the town limits. Mr. Findlay was present and Councilman Ekberg excused himself as Mr. Findlay is a client of his. Mayor Bujacich asked Glen about the proposed pressure. He was answered that there is virtually no pressure there now. Findlay said he would not need the water for some time--next summer perhaps--and would extend the school line. Councilman Bunch did not feel it was good business as we are trying to upgrade our own system. The only alternative would be the Harbor Water Company

and a neighbor is blocking it. The mayor felt the request was premature right now especially since our new well is not proven. The town will take the matter under advisement.

SPECIAL GUESTS: The Port Commissioner, scheduled for this evening, will be present August 14 instead.

REPORTS:

Water Department - Jim said the department needs from 48 to 60 meters since current development will take more than 33 of them. The rest would be needed for stock. The council agreed. Jim went on to report that the park was torn up again this weekend.

Sewer Treatment - None

Police - None

Building Inspector - The fire marshal has denoted on Brennan's plan that a fire hydrant must be placed on Rosedale Street even though Brennan is paying for one in the center of his property. The plan had been approved by the fire marshal, said the mayor, and he felt that one on the street was not necessary. "Write a letter tomorrow, I'll sign it, that the fire marshal had approved the plan with the fire hydrant and he is not obligating this town to buy a hydrant. If he doesn't want to approve it, that's fine. Put a red tag on it and stop it."

Engineer - Glen gave a report on the current well status. The contractor was able to pull the 16" casing to fully expose the screen. Altogether 150 feet were pulled. The screen is now in place and the next item is to get the fine material out of the well so it does not plug the screen. This should take about a week and then the pumping test can begin. The lifting of the casing took longer than expected. The casing could be brought up only two feet when it locked. The driller actually broke timbers bigger than 12 x 12's working it loose. He finally had to get bigger jacks. The casing locked again at 100 feet, but they now have it up.

Regarding the Woodworth LID we must pass a resolution that August 28 has been set as the hearing of Notice of Intent. Glen said side sewers would increase the cost of the LID to \$25,000 but he was told to include them and let the owners protest if they wish. The property owners will be notified by certified mail. Motion was made to adopt Resolution #135 by Councilman Bunch with second by Councilman Ekberg. Carried.

HILDEBRAND AGREEMENT:

A new map had been furnished showing the existing buildings as well as the proposed buildings. They followed a discussion of the agreement itself.

Councilman Ekberg questioned on page 1, asking that "evergreen" be inserted between aesthetic and screening. He then asked that Paragraph 1 add "and maintain" after "agree to provide." Councilwoman Bogue was concerned about the wording of paragraph 2 on page 2. It makes no provision that screening is to be provided forever. She would like it to specify that screening is to be here after Tract B is developed. Mayor Bujacich stressed that it is all one parcel of property despite the term "tract" and it cannot be divided and sold separately. Councilwoman Bogue suggested adding "portion of property referred to on the site plan as Tract B" in order to clarify the meaning. The council asked the attorney to see to it that it is understood that the tracts are not divisible. Councilman Ekberg moved that the agreement as amended, and the map, be accepted. Councilman Bunch seconded. Carried.

ANDERSON REZONE ORDINANCE - Continued.

GAS COMPANY TRANSFER REPORT - First reading.

ANIMAL CONTROL ORDINANCE - Attorney Kelley had redrafted this ordinance. Attorney Johnson felt it should be disseminated for passage next meeting.

Other business:

Big Toy in the park. Councilwoman Bogue is working on it.

Cascade LID? Glen is working on the plans.

Tides Tavern float. The attorney said the trouble lies in that so many people are involved. The information is coming from Stanley's attorney.

Councilwoman Bogue asked that the town write a letter of appreciation to Dave Johnson for his service.

Letter on Minimum Lot Size from Planning Commission. Date set for hearing August 14.

Councilwoman Bogue said she had received a notice that a guitarist would perform in our town but a sponsor is needed. She asked that she be advised if anyone knows of a suitable sponsor.

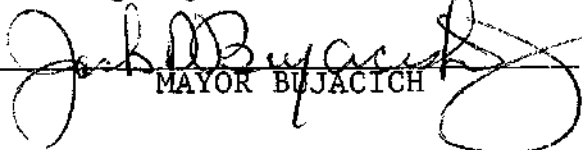
SEPA GUIDELINE FEES - First reading tonight. John Hodges passed out suggested fees.

Northview Terrace and Cedars Apartments signs: Wayne said he had removed the offending signs but they are up again. He will see to it that they are taken care of.

Councilman Ekberg asked about Dr. McCormick's signature on the petition. The clerk explained that the town is expected to do nothing but we would like to know who signed his name.

Meeting adjourned at 9:40

Tape #70, Side 1, 150 to End


MAYOR BUJACICH


ASST. CLERK

TOWN COUNCIL MEETING - AUGUST 14, 1978

The meeting was called to order at 7 p.m. with the first public hearing. Present were Mayor Bujacich, Councilwomen Bogue and Ross, Councilmen Ekberg and Bunch, Attorney Hess and Clerk Avery. Councilman Malich was commercial fishing.

SQUARE FOOTAGE AMENDMENT TO R-1 ZONE - First Reading:

The Planning Commission letter of recommendation was read. There were no voices in the audience either for or against. Since this was the first reading Councilwoman Bogue would like copies of all the information forwarded to Dr. Hruza for his comments. Councilman Ekberg would like these comments by the Thursday prior to the next council meeting on the 28th. Hearing closed.

SKANNELL COMPREHENSIVE PLAN APPLICATION, Continued:

The hearing had been postponed for the purpose of including a contract with the agreement. The contract was to be brought to the meeting by Ron Pemberton and he had not arrived yet. There was a postponement waiting for the arrival of the contract.

The hearing was reconvened at 7:25 with a great many senior citizens present. Ron Pemberton arrived and presented the document. He apologized for the delay. The contract had been drawn by Dave Johnson and Attorney Hess asked for a short recess while he looked it over.

The developers are eager to get the paper work done by October or the funding process will be delayed for another fiscal year. They want to present it to Farmers Home Administration as soon as possible.

Councilwoman Ross noted that the agreement does not mention the RB-1 zone. It was felt that this zone was necessary at this point--an integral part of the plan, but Pemberton said it was not a concern of theirs. The R-3 zone is the only contiguous property.

Councilwoman Bogue felt it could be acceptable if the attorney finds it okay and a time limitation is set. Perhaps a clause could be added under item 6. This contract could then be attached to the deed. Attorney Hess said that his main concern was the last paragraph that needs modification. His concern, too, was whether the developer has signed a contract with the Federal government for funds which would obligate them to perform in any way. Norman McLoughlin assured him that the life of the mortgage is 50 years. Councilwoman Bogue suggested that paragraph 6 be put in perspective so it can be phrased properly --then it would be just a matter of signature. The time limit finally agreed upon was two years. Councilman Ekberg then moved that the council determine the zone prior to annexation to be RB-1 on the 1/2 acre (more or less) parcel and R-3 on the five acre (more or less) parcel subject to the attached contract signed by the mayor. Councilwoman Bogue seconded. Motion carried. The applicant stated that he wished to proceed with the annexation.

ANNEXATION HEARING ON ABOVE PARCEL: The property is contiguous to the town. Councilman Ekberg asked if the department heads had yet made projections concerning service and utilities to the area. The answer was no, but the mayor said the utilities must be extended by the developer. Councilman Ekberg moved that the area previously described and set as zoned be annexed to the town. Councilwoman Ross seconded. Carried.

The regular meeting was resumed.

BILLS: There was a question on medical insurance. The council felt the entire bill should have been covered by insurance and they would like this bill reviewed. Also, they would like to know what the total bill was and why this \$71 was not covered. Councilwoman Bogue then moved that the bills be approved with the exception of Warrant #1067. Councilman Bunch seconded. Carried.

MINUTES: As there were no corrections or additions the posted minutes stood approved.

CORRESPONDENCE: Included under other headings.

SPECIAL GUESTS:

Don Hein, Bay Realty, presented a case for the Stanich Store sub-lease. When his office moved into the space formerly occupied by Stanich's Store and the liquor agency, they did not need all that space and wished to sublet. They were told their license could not be granted because the building did not meet the code. It has always been a non-conforming use under W-1.

He said the building has eight parking spaces. Two would be required for the beauty shop and the remainder are more than he needs for the realty office. He felt this was a better use than previously as the traffic situation has been eased since the liquor agency is gone. He felt the building should be grandfathered. Mayor Bujacich agreed that this was true--there were two businesses there in the past but our ordinance does not allow conditional use under W-1. Attorney Hess said it calls for a finding of fact by the council. He read aloud the intent clause of the ordinance concerning conditional use and he feels that the ordinance is very clear. You cannot take property away from someone but can a pre-existing use continue? It boils down to a finding of fact by the council.

Mayor Bujacich pointed out the case of the Ford garage. The judge has ruled on it and allowed it although three businesses exist there now in an R-1 zone. Perhaps the judge was not right but the same situation exists in a building not two blocks away.

Councilman Ekberg felt that adding a beauty shop was clearly adding a non-conforming use to a non-conforming building. No formal request had been made tonight but he supported the attorney's comments.

Attorney Hess said the applicant's \$50 will be returned to him and he can then file an appeal for an overturning of the council's decision. Hein was then instructed to return to the Planning Commission.

JIM BANNON, Peninsula High School Reunion Committee:

He explained that the committee plans a potluck at the town park on the 27th. They plan on about 150 people and would like permission to serve beer. The council felt that a time limit should be specified, a guest list provided in advance, and a copy of the banquet permit provided for the police department in advance. The time limit was set for noon to 6 p.m. The council approved.

VFW REQUEST FOR RECONSIDERATION OF CLOSING HOUR ON CONDITIONAL USE PERMIT:

A conditional use permit had been approved for the VFW Hall but the organization had written explaining that the prior request had been in error and they wished to have a closing hour of midnight instead of the previously stated 11 p.m. The council noted that the prior action had taken place at a public hearing and wondered if another public hearing would be required for further action. Councilman Bunch explained that the first letter had been written in haste and an error had arisen about the requested time. Councilwoman Ross moved that the typographical error on their application be changed from 11 p.m. to midnight in accordance with the request dated July 28, 1978. Councilman Ekberg seconded with the agreement that the time stated in the conditional use permit be changed also. Motion carried. It is understood that the permit is to undergo annual review.

REPORTS:

Street and Water - none

Sewer Treatment - none

Police Department - none. Councilman Ekberg had a question for the police. He said the council had received a joint letter from Mrs. Black and Mrs. Sather regarding an incident in the park. Chief Tomlin explained that he had talked it over with the mayor. He said he was not proceeding in a negligent or dangerous manner. Councilman Ekberg wished to know why the chief drove on the park grass. Tomlin said it is a small section the employees use as a service road. The police use it in an attempt to increase surveillance. The mayor suggested this road not be used if there is anyone else present in the park. Councilman Ekberg would like a reply to Mrs. Black and Mrs. Sather.

Chief Tomlin went on to ask for the hiring of the budgeted fifth patrolman. He would be needed eventually. Councilman Ekberg said he would like a copy of the duty roster.

Councilman Ekberg brought up the parking difficulty on Peacock Hill Avenue near Le Domaine Restaurant. The chief said most people parked off the roadway but some driveways were blocked. The council felt it should not be considered a problem unless stop signs are obstructed, driveways blocked, or streets clogged.

Councilman Ekberg would like the town to answer the letter and work out a solution with the police department.

Building Inspector - Wayne Goodno brought up Rod Molgard's driveway off Pioneer Way. Molgard has now spread bark dust across the driveway but it has not stopped traffic. He asked the council what they want done. Mayor Bujacich explained that the judge has ruled in our favor with a continuing fine until the council's decision is accomplished. The mayor would like the tape transcribed regarding the plantings and furnished to the attorney who should write the letter with a copy to the judge.

Wayne then presented the Cornell Environmental Impact Worksheet. He explained that the worksheet had been present in the file at the time the site plan was approved but the worksheet had never been filled out and was never considered. He asked that the council sanction it at this time. Councilwoman Bogue said that the environmental implications of the property were considered at the time the site plan was reviewed and she moved that we have reviewed it and find it has no significant impact. Councilwoman Ross seconded. Carried.

Councilman Ekberg asked Wayne about the driveway existing off Hunt Road at Islandview East. There is a travel trailer parked there on a concrete pad and it obviously uses the illegal driveway off Hunt Road. Wayne said he had written to every contractor and owner regarding the green belting next to Hunt Road. Mayor Bujacich felt they should be advised that they will end up in court. He said we should get a grader and grade out the ditch there.

Attorney - Bill Hess said that the contract, previously set aside, between the town and the school district has come to life. He has discussed it with the school district and a late comer charge has not been set. It will be set by Glen Sherwood and the school district. There is an application for water service pending and the man is very eager to hook up. He wondered if the man could be charged the regular fee with an agreement to cover the remainder. The mayor said he shouldn't be hooked up until the agreement is signed. A cash bond was suggested by Glen Sherwood. This was discussed and approved pending a figure from Sherwood.

COMMITTEE REPORTS: Councilman Ekberg said the Shore Acres Water Company revision is not yet complete but the parties involved will get together with Attorney Hess.

Engineer - The contractor has experienced some difficulty with developing the well. There has been an excessive amount of sand and an alternate method had to be undertaken to remove it. Air lift pumping has been initiated and the well was pumped for four hours today. This method will be charged for on an hourly basis. Jim Carr went on to give a report and explained the air lift method. We should finish toward the end of the week and pumping can be conducted next week. The amount of draw down is small for 500 g.p.m.

CASCADE AVENUE: The engineers are now field checking the preliminary plans. Glen went on to say that there is a small strip of land, part of Lot 13, which is a separate tax parcel listed as owned by Peacock Realty and one corner is several feet into the existing traveled roadway. The current owner said she got a quit claim deed from Peacock. This little lot presents problems to getting a street through there. Glen asked for the council's suggestions. Councilman Bunch felt the town may have had a deed from Al Gately but never recorded. Glen was asked to check with Gately. He will also check with the title company. Councilwoman Bogue asked Glen if he had received any protests to the roll. He answered no.

Councilwoman Bogue had met with the Kiwanis Club regarding their donation of a Big Toy to the park. She expected them at tonight's meeting but no one has called.

Mayor Bujacich asked about the protests filed against the Rosedale Street Park. The town clerk said he has heard nothing lately. It was being held up pending the Fisheries report. If there is an opportunity for us to respond the mayor said he would like us to.

DOG ORDINANCE:

It had already been passed at the second reading stage but Attorney Kelley had felt it should be reviewed since there was so much duplication. Attorney Johnson had not yet returned his copy to us. This current ordinance will be published and then reviewed by Attorney Hess.

ANDERSON REZONE - Second Reading: Ordinance #292 was passed upon motion of Councilman Ekberg with second by Councilman Bunch.

SEPA GUIDELINE FEES - 2nd Reading: This was tabled pending the drawing up of an ordinance.

Councilman Bunch said he was approached by a neighbor regarding the black-berry vine situation. The attorney was asked to research by our next meeting any ordinances concerning nuisance vegetation.

Regarding the fifth patrolman, Chief Tomlin cited the coming vacations and academy time. He presented schedules to Councilman Ekberg.

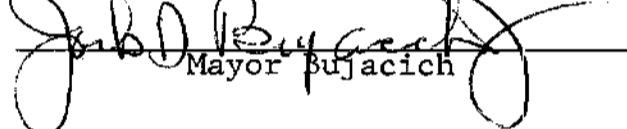
Engineer - Regarding the approval for the easements for the water transmission line, he asked the council if they wished to review them or have a possible executive session. Or would they agree to an open hearing and decision. In order to comply with federal guidelines the council must make a finding that the appraisals are proper and fair market values of the parcels involved. Councilman Ekberg asked for a review in writing by next meeting.

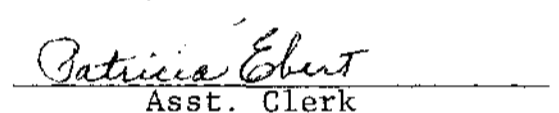
Mayor Bujacich said he represented the town concerning county transit service at a meeting in Tacoma. He said the Peninsula area would be interested in mass transit but the county commissioners evidently felt otherwise as witness the map published in the paper--they left the entire Peninsula out of the planning. A hearing will be held and he will make it plain that this area needs to be considered. No date has been set.

Jim Hibbs gave a report on the pumping figures for July. 21 million gallons were pumped. The peak capacity for the town is 29 million gallons in one month.

Meeting adjourned at 9:25 p.m.

Tape 70, Side 2, 0-606


Mayor Bujacich


Asst. Clerk

TOWN COUNCIL MEETING - SEPTEMBER 11, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. Present were Councilwoman Ross, Councilmen Ekberg and Bunch, Attorney Hess, and Clerk Avery. Councilwoman Bogue was away on vacation and Councilman Malich was commercial fishing.

HARBORVIEW PARK SUBDIVISION:

The abutting property owners had been notified by certified mail and all property owners within 300 feet were notified by regular mail.

Mr. Doug Webb, land planner involved with Wick Homes, presented another new plan. Three hearings had been held before the Planning Commission and three arrangements had been submitted. The developers felt the perimeter should be left in a natural green belt but otherwise they revised their plat in accordance with the concerns expressed by the Planning Commission: 30-foot right of way on the north and west lines of the property; variation in lot sizes; lowering of the number of lots; and the continuation of existing roads. They chose to build their half of the requested rights of way. They have included a "tot lot" play area. They propose covenants to accompany this plat. They have varied the lot sizes with an average of a little over 10,000 square feet. They revised the total number of lots down to 52. They agree to pave two off-site streets (Erickson and Stanich) to improve the plat. They plan to preserve most of the trees.

Ellen Michel, 7003 Stanich, adjacent to the proposed subdivision, said that the existing lots in the neighborhood are all over 12,000 square feet. She believes that these lots are way too small. She said it would create a burden on schools, water, sewer and electricity, and would contribute to a bad traffic situation. She feels the existing conditions should be protected and feels this subdivision would downgrade the area.

Katherine Puratich, 7011 Stanich, agrees with Mr. Michel's statements. She added that they don't have nearly enough water pressure there now.

Jerry Lerum, Soundview Drive, was concerned about the drainage. He would like to know how the drainage would be handled. Mrs. Michel also felt the drainage problem is severe there now.

Councilman Ekberg asked the size of the total development. He was answered 16 plus acres. Councilman Ekberg asked Webb if the developers would be willing to provide a map designating which trees must be left. Webb answered that this is already shown on the plat. The building and driveway spaces are outlined--otherwise the trees are to be left.

Mr. Webb agreed that the lots are somewhat smaller than the nearby lots but the homes would be in the price range of \$70 to \$90 thousand. The lot size is not the main thing. The other controls are more important. Now just anyone these days could afford a one acre lot with comparable housing. The school problem would still exist whether they are small or large lots.

Then plan underground storage or surface ponds to hold drainage water for slow release. They will not increase the rate of runoff.

Other matters discussed were: who would be responsible for the planted areas, such as the islands? The answer was that the covenants would cover this. Why was the tot lot located adjacent to a main thoroughfare. They felt this would be the best location because it was level and centrally located. The Planning Commission had approved the second plan with the request that Stanich Street be relocated. This was the reason for the third print but this is only a technical revision of the Planning Commission's approval. Dr. Hruza, the consultant, approved the second revision but has not seen the third. The islands in the cul-de-sacs were then discussed. The developer said that, in his past experience, the residents in these upper-price-range developments tend to add to the planting and beautification. Attorney Hess asked who would own these islands. Webb said the city would own them. It was asked who would own the tot lot. Webb said that if the city wishes to take ownership that would be all right with the developer. Other concerns were felt about the cul-de-sac islands. Councilman Bunch and the mayor felt there should be no islands but Councilman Ekberg felt that if the liability can be taken care of he felt they should remain.

Councilman Ekberg moved to table and the tabling motion should show request for a map that shows each lot and the area where the house will set with the protective covenants showing where the trees are to be left. He would like to see a larger vicinity map showing the adjacent areas and the connecting streets. He would like to see the third revision submitted to the consultant. He would like a full environment impact statement as suggested by the above consultant. There is no mention made of sidewalks. The final request is that the tot area and the cul-de-sacs are to be free of liability to the town. Councilwoman Ross felt the lot size was not consistent with the neighborhood. She would like to see larger lots and controlled density to alleviate the impact on the schools. She then seconded the above motion. Motion carried. The mayor instructed the secretary to make a complete copy of the motion for Mr. Webb. Webb questioned the need for a full impact statement as it could take six months and cost \$10,000. In addition he would like a concrete statement on lot size.

Attorney Paglia, in the audience, criticized the council's stand on lot size. He considers this council an arbitrary council. Attorney Hess felt the motion should be typed up now so the council can look it over and amend or delete any or all of the motion. Mayor Bujacich recessed this hearing until the transcription is finished.

McGILLIARD CONDITIONAL USE PERMIT:

Katherine McGilliard, 804 Fox Drive, Fox Island, formally withdrew the request because of overwhelming opposition from the neighbors. She stated that she will continue to look for a suitable location for the school. A full recess was then called to allow the audience to leave.

HARBORVIEW PARK CONTINUATION:

Attorney Hess explained that he had previously represented Bill Thornton before he became town attorney and he explained the extent to which he did represent him. He explained that this could be construed as a conflict of interest and he asked the council's opinion. There was no objection from anyone.

Attorney Hess brought up two points regarding the prior motion: Mrs. Ross's concern about the size of the lot, and the requirement of a full impact statement. He said that the ordinance, as it stands, is clear. The developer, if he chooses to develop those lots at the level of 9000 square feet, is in compliance with the law. Mrs. Ross may express her concern but that is all. Regarding the impact statement, he has consulted with John Hodges and a worksheet has been filled out. No threshold determination has been made whether the development has an adverse impact or not. This determination must be made and an individual designated to evaluate, draw a conclusion, and make a recommendation to the council..

Councilman Ekberg said that he stands corrected and asks that his request be stricken from the motion. Attorney Hess said the proper way is to move to rescind. Councilwoman Ross added that her concern is still valid but a concern only and not a restriction.

Councilman Ekberg moved to rescind the original motion. Councilwoman Ross

seconded. Motion carried. Councilman Ekberg then moved to table the hearing with the following stipulations:

1. That we be provided with a definite map that shows all lots and the area on these lots that can be built upon and the covenants, including the fact that they cannot cut outside those areas, be submitted to the attorney.
2. That we be provided with a larger vicinity map showing adjacent areas and connecting streets.
3. That the entire proposal be resubmitted to the planning consultant.
4. That liability is not to be borne by the town but by the owners of the development.

He went on to say that we have not discussed sidewalks so he makes no provision that sidewalks be included. At this point the developer spoke up and said they plan to include sidewalks on one side at the request of the Planning Commission, and these sidewalks will be shown in the future map. Councilwoman Ross seconded. Carried.

Attorney Hess said that in order to complete the process he recommends that the council designate a responsible official to evaluate the worksheet and make a threshold determination. Councilman Ekberg said he wished to follow the council's previous procedure that they make this determination themselves. They will consider the worksheet and come to a conclusion. The mayor asked that each department head go over the plat and make their recommendations. Hearing closed.

WOODWORTH AVENUE LID:

This is a hearing on the preliminary assessment roll. The entire cost of \$24,992 is to be borne by the property owner at \$18.16 per front foot plus side sewers (where needed) of \$640 each. The proposed paving will be 24 feet from wedge curve to wedge curve. There are no sidewalks but the areas behind the wedge could be graded to provide a walkway area.

No letters of opposition have been received, but Mr. Strasbaugh, 3909 Benson Street, asked if the town would agree to pay the engineering and administrative costs since it does benefit the town. These costs are estimated at \$4633, or 25% of the construction cost.

The council felt this LID bore no similarity to the Cascade LID. The Cascade LID was a unique situation and this is not the case here. Councilman Ekberg moved that we proceed with the proposal. Councilwoman Ross seconded. Carried. Hearing closed.

HARBOR LANDING SITE PLAN:

This is permission to use an outside walk-in refrigerator at the Harbor Landing Restaurant. There were no voices in opposition.

The Planning Commission recommendation was read. They recommend approval as it is a much needed improvement. Mrs. Lewis, owner, agreed to paint it and screen it and also provide some flower boxes in the front. The mayor felt this was the wrong way to do business since it was already installed before the site plan came up for approval. Councilman Ekberg agreed but felt it was a necessary improvement and moved that the site plan be approved with the stipulation that the addition be screened and painted. Councilman Bunch seconded. Carried. Hearing closed.

KING REZONE:

John Hodges reported on the environmental worksheet. The building department has gone over the worksheet and they recommend a negative declaration.

Robert Smiley, land use planner with Huesers, Inc., had prepared a study of 36 pages. He told the council that this parcel contains 5.3 acres, is fairly flat, and is bordered by county property on the south and the west, the new fire station on the north, and R-1 land on the east. The county property bears and Urban designation. They feel this parcel is not suitable for single family use. The noise is a factor here. They ask for B-2 use since it serves a broad area with regional aspects. They plan a top-flight restaurant, such as a Black Angus, which would attract clients and customers to this area where they would like to establish good quality retail stores. Offices are planned toward the rear with a central courtyard space. They intend to establish a 30-foot right of way at the rear which could be used ultimately as a right of way or as a buffer.

There was no opposition from anyone in the audience. The Planning Commission had recommended favorably.

Councilwoman Ross asked why B-1 zoning would not be sufficient and they answered that they felt the regional aspect could not be served under B-1. The ordinance spells out B-1 as a kind of neighborhood shopping; this development would draw

not only from the entire peninsula but through freeway traffic as well. Councilwoman Ross then asked them what assurance we would have that this plan would be used. They answered that they are willing to have the rezone granted subject to site plan approval. The Urban area of the county permits highly industrialized uses.

Councilman Ekberg said he felt the property was not unique and moved that the request be denied. There was no second. Councilman Bunch then moved that the request be allowed. There was no second to this motion either. Councilwoman Ross said she would be in favor of the rezone if it could be assured that this plan would be followed--perhaps through contractual agreement.

Attorney Hess recommended that this matter be tabled now and the contractual agreement written in accordance with their proposal. He recommended that the applicants engage an attorney who can write the proposed agreement and submit it to him. It must be a formal contract to which both parties agree. Mr. Huesers of the planning firm said they are facing a time problem. He is agreeable to the contract zoning but would appreciate a motion that would encourage them to proceed.

Councilman Ekberg said he would like to see more of a mixed zoning, perhaps some RB-1 and some B-2. Councilman Bunch withdrew his motion and moved to table this hearing until next meeting when a contractual agreement should be put together. Councilman Ekberg seconded. Motion carried. Hearing closed.

COPELAND CONDITIONAL USE:

The John Copelands wish to remodel an existing building into a duplex. This building was formerly a triplex existing under the grandfather clause. The Planning Commission had recommended favorably on the conditional use.

Mrs. Copeland was present. She explained that they intend to upgrade the property and to convert from a triplex to a duplex. It is a very large lot. They will renew the heating, wiring and plumbing. They need to add one dormer window. They will not change the height.

Councilman Bunch moved that the conditional use be approved. Councilwoman Ross seconded. Carried. Hearing closed.

SQUARE FOOTAGE AMENDMENT: Mayor Bujacich said he would prefer that this be tabled until Councilwoman Bogue can be present.

The regular meeting was resumed.

The minutes stood approved as posted as there were no corrections or additions.

CORRESPONDENCE:

1. Brennan/Olson protested the cost of connection to the school water line on Rosedale Street. This was referred to the engineer.
2. Nick Markovich, Jr., representing Bay Realty, protesting the refusal of the sublease. This was turned over to Attorney Hess. He was asked to advise the council of his opinion.
3. Complaint concerning ruined laundry because of dirty water. They claim the loss was \$191. The mayor has conversed with the police, and the water and fire departments. The town attorney recommended that this matter be referred to the insurance agent. Councilman Ekberg asked that the town department heads report via letter and let the insurance agent determine the liability. The mayor said he would like a letter to the fire department concerning their use of town hydrants. Attorney Hess then said there would be another way to handle this that would be better. He advised that the town deny the claim and let the complainant bring suit. Send a copy of the letter to the carrier.
4. Kiwanis Club regarding the Big Toy in the town park. They ask that the town provide a fence and a gate. This matter was tabled pending Councilwoman Bogue's return.
5. Elsie Burns, Grandview Place, asks for either mowing of the dedicated right of way near her home or possible vacation of the street. The council felt that they could neither vacate nor be involved in maintenance. They intend to leave the right of way in its natural state until the street is some day developed.

DRAINAGE PROBLEM:

The people on the beach below Ryan Street are complaining of the drainage down the hillside. Glen said the problem ties in with the Cascade Avenue LID. He had considered this one way of disposing of the surface water. He said that Hibbs is going to clear the area so they can look it over better. Attorney Hess advised that they get written permission from each property owner before they begin clearing.

MRS. DUGGINS, 3012 Islandview Court, asks permission to use the access off

64th for the travel trailer they park in their back yard. They will agree to place planters in the driveway to prohibit through traffic. Attorney Hess feels that a significant change, completely counter to the council's previous decision, requires a public hearing process and the council must find special circumstances to support their decision. Mrs. Duggins said she was not informed when she bought the lot. Attorney Hess will check out the procedural requirements.

REPORTS:

Street & Water - Jim said the street light has arrived but the control system for it will not be here until the 22nd. They will go ahead and install the light on a flashing basis. He was advised to buy and install "traffic revision" signs.

Sewer Treatment - Gary asked how long a time should be given before Olympic Village is required to hook up to the sewer system. They have a sewage problem of long duration. There was quite a bit of discussion. Gary said the ordinance specifies that they must be sent a letter. It was felt that 120 days after annexation might be a reasonable time limit. Councilman Ekberg felt that Gary should get together with the attorney on this. Mayor Bujacich said the should be the first reading of an ordinance that requires 120 days to hook up.

Police Department - Chief Tomlin said he has received many complaints regarding response time at night. He would like the council to approve a remote system at his home. This was okayed.

He went on to ask the council to review the ordinance concerning discharging of firearms in the town since he feels there is a loophole in the law. Councilman Ekberg asked the chief to work with the attorney to come up with a new proposal for the council to look at.

Building Inspector - Wayne said he had a request for permission from Terence Turner to open an antique shop in the home he occupies next to the Mustard Seed. The property falls in a B zone but this does not qualify as a home occupation.

Wayne asked for a change in the ordinance to cover split level homes. There was a great deal of discussion. Some felt the variance procedure was the way to go but the attorney said the council would be burdened with variance requests. The attorney was asked to check with Dr. Hruza.

Attorney - The Tarabochia/Ancich appeal has been filed on the suit. Hess would like the council to authorize Dave Johnson to handle this case since he is up to date on it. He will report back to the council.

Regarding the brush cutting ordinance, he had read it and it is constitutional. This ordinance prohibits unrestrained growth of undesirable vegetation over two feet in height. It is not a concern of environment since homes are categorically exempt from environmental concerns.

Markovich Hookup - There is a sustainable position, he feels, as the stub is ill placed. He asks the council's wishes. The council agreed that we should go ahead and do whatever is necessary to allow them to hook up because the town is really obligated through their agent.

The mayor told the department heads that they should submit reports to accompany the Environmental Impact Worksheets prior to the meeting when they are considered.

Engineer - WATER LINE EASEMENTS:

Regarding the easements for the water transmission mains, Glen Sherwood said he now needs the council to set a figure of fair market value for these properties. The total easement value is \$11,263.46, but if the route is changed (and this is a better way to go) the figure is reduced to \$6,000. Councilman Bunch moved that the figure of \$11,263.46 reflects just compensation for the properties on the list (attached) provided by the engineer and that the town accepts the appraisals. Councilwoman Ross seconded. Carried.

The tank site is appraised at \$12,675.00. The engineer was advised that the matter will be held in abeyance as the contract is in review by the town attorney and the matter will be resolved next meeting.

SIX YEAR STREET PLAN AND UAB SUPPLEMENT: Glen said he needs a resolution adopting them either this meeting or next. Councilman Bunch moved that Resolution #134, adopting the Six Year Street Plan and the UAB Supplement, be adopted. Councilwoman Ross seconded. Carried.

Glen then recapped the problems with the well:

Sand problems occurred during surging of the screen.

Air lift pump placed in the well. Test pump installed and pumped 1050 gpm. Sand problem disappeared only to reappear after pump

shut down. When the pump was started the next day it wouldn't turn and sand was felt to be the problem. The pump was pulled, cleaned

and reset. Pumping was done at 700 gpm. for 45 hours. The water was

clear--no sand. Pump shut down. Let aquifer recover. Next day, sand

problem. Each time sand occurred. Solution to the problem in progress now. An added screen will be installed with a gravel pack between the two screens. Then they will test-pump again 3 to 4 hours and well will be completed. This is hopefully completed by the end of next week. We hope to get the tank contractor on the site by the 22nd.

SEPA GUIDELINE FEES - 2nd Reading:

Attorney Hess asked that this be postponed as he has some groundwork to uncover basic ordinance. Tabled.

WASHINGTON NATURAL GAS ORDINANCE - 2nd Reading:

Councilman Ekberg moved that Ordinance #293 be adopted. Councilwoman Ross seconded. Carried.

BUDGET AMENDMENT -

First reading.

TIDES TAVERN DECK PERMIT REVIEW:

Clerk Avery said the 90-day permit is now up and must be reviewed. The previous permit had restricted closing of the deck to 10 p.m. on Sunday through Thursday, and 11 p.m. on Friday and Saturday nights. Peter Stanley, present in the audience, explained that he has a problem with Friday and Saturday nights. He said his tavern has a maximum occupancy posted, and this includes the deck. When he must close the deck at 11 p.m. all those patrons occupying the deck must leave the tavern as he cannot accomodate them indoors. If he could close the deck at midnight he could accomodate the influx better at that time as it is quieter by midnight. Councilman Ekberg asked how many months a year they use the deck? He was answered three or four. Mayor Bujacich said the boats and the float make more noise than the deck.

Mrs. Thomsen, in the audience, said the situation has improved considerably lately and she hates to see it return to midnight.

Councilman Ekberg moved that the deck hours be established at 10 p.m. Sunday thru Thursday, 11 p.m. Friday and Saturday except June, July and August, and 12 p.m. on Friday/Saturday during those three months. Again on an annual review basis. Councilman Bunch seconded. Carried. REVIEW SEPT. 1979.

ANNEXATION ORDINANCES - First reading:

Soundview Drive, Town Park and Anderson

BILLS: Councilwoman Ross moved that the bills be approved. Seconded by Councilman Ekberg. Carried.

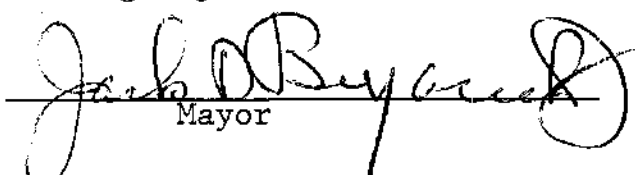
ACCEPTANCE OF THE CHINOOK AVENUE BLACKTOP:

Councilwoman Ross moved that the town accept that portion of Chinook Avenue that has been brought up to town specifications. Seconded and carried.

Jim Hibbs asks if the council can consider the acquisition of the fire station for town use. Mayor Bujacich said it must have another appraisal.

Meeting adjourned at 11:23

Tape #70, Side 2, 606 to End and
Tape #71, Side 1, 0-576


Mayor


Asst. Clerk

TOWN COUNCIL MEETING - SEPTEMBER 25, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. All council members were present as well as Attorney Hess and Clerk Avery.

KING REZONE REQUEST, continued from Sept. 11, 1978:

At the council's request the contractual agreement, furnished by the developer, was presented to the council and the attorney commented on it.

Attorney Hess said the contract is good so far as form goes but he needs the council to look it over as far as contents go. They have listed types of retail services that could be permitted but not necessarily built. They have listed the types of professional offices and other uses and he needs the council to go through these lists for their acceptability.

The 30-foot buffer zone in the rear has been reserved but not necessarily provided for road dedication.

The contract gives the developer a time limit--they say not later than 1979

for the start of development and in operation by 1984.

They ask for no rezoning at this time but only to accompany the building permit in the future.

Councilwoman Bogue abstained from further discussion and left the room as she had not been present at the prior discussion. Councilman Malich also abstained but did not ~~absent himself~~. LEAVE THE ROOM. (CORRECTED 10-9-78 BY C. MALICH.)

Mayor Bujacich said he had no quarrel with the contract except he felt that the road reservation should be an outright dedication at this time.

Councilman Ekberg asked if 1984 was not an excessive length of time. Attorney Hess answered that the developer was not absolutely certain as to the development of the site and felt it might be a strung-out affair so they would like a liberal period of time.

Councilman Ekberg would like to see an exact division of the parcel. He said he was not comfortable with B-2 for the entire parcel. He would like to see a division of, say, 60/40% with the rear zoned RB-1. Smiley agreed that the uses planned for the rear of the parcel do fit the RB-1 zone.

Mr. Huesers again stressed the regional aspects of the development. He said he feels that the contract assures RB-1 type uses. The owner has plans to develop immediately and the project will be under construction by next year. They see no purpose to draw a line from a pure planning point of view. To be limited by barriers does present problems. As to the time limit in the contract, the project would be substantially completed by 1984.

Mr. owner, Mr. King, was present. He told the council that his attorney had advised him that it would not actually be zoned B-2 until the site plan is approved. Councilman Ekberg said that was wrong and that was why the council feels they have to be so careful with zoning--the giving of the zone locks in the land use.

The council asked if the contract would be transferable if King decided to sell after the zone had been awarded. Hess felt it could be made non-transferable. The contract could probably be required to run with the land regardless of ownership.

The council wanted to know why the developer did not wish partial RB-1 zoning. Smiley answered that it might mean a design constraint they could not live with. The council continued to urge a delineation of zones and Smiley agreed on a 50/50 with differential of 10% either way. This agreed the front half would be B-2 and the RB-1 in the rear.

A discussion of uses not permitted showed that the unpermitted service stations had a redundant word in the phrasing.

Councilman Ekberg moved that our attorney get together with the King attorney and redraft the agreement with the western one-half zoned B-2, give or take 10%, and the east half zoned RB-1 give or take 10%; that the conditions be cut to two or three; and a thirty-foot right of way dedicated to the town at this time.

Smiley and Huesers were willing to set a fair price at today's value. Mayor Bujacich did not feel this would be feasible since others have given their land. Smiley said they would keep it in its natural state and then either dedicate or sell it at the going rate for RB-1 property. It would then be on the tax rolls and the town would receive revenue at the B-2 tax rate for it. The mayor did not agree as he did not want to strap the taxpayers to this plan. Huesers wants title to the whole thing while financing is being arranged. It was felt this could be worked out when the attorneys work on it.

Councilman Ekberg restated his motion and Councilwoman Ross seconded. Motion carried. Hearing closed.

The square footage amendment was postponed to old business.

The approval of the bills was postponed as all have not seen them.

Minutes: As there were no corrections or additions the minutes stood approved as posted.

Reports:

Street & Water - Jim said he needs about 100 tons of crushed rock at \$4.30 a ton. This is for road shoulders. Approved. Also, Jim said we should keep about 50 tons of sand on hand for winter. He can get this from the county.

Signal Light System - Jim said the cost is going to run higher than he estimated because he failed to consider the cost of wire when he figured it. This wire will run about \$700 but this amount will handle the future light at Borgen's corner and one he recently installed at the corner of Soundview and Grandview.

Regarding the drainage problem on the hillside below Ryan Street, the property owners have not signed permission letters so he will do nothing until they are received. Mayor Bujacich said we will wait for the next move.

Sewer Treatment - None

Police Department - None. Tomlin was asked why the patrol car has been stationed at the top of Pioneer. He answered that the patrol person on duty has reported trouble with cars stopping.

Building Inspector - Wayne said he received an application from Steve Anderson to build two houses on Ross Street next to the new McGuire house. The land falls away here, about five feet, and the houses could not meet the underground requirement for two reasons: It would be very wet and neither house could be connected to the sewer without pumps. The council advised Anderson to apply for a variance.

Attorney - Councilwoman Ross asked Hess if he had contacted Dr. Hruza concerning the split level height concept discussed last meeting. Attorney Hess said it was on his agenda but he has been away from work because of illness.

Engineer - The pump test is completed. The drillers wished to clear the turbidity from the water. The well had been pumped at 1000 gpm with small amounts of sand. The second screen and gravel pack did work. Twenty five gpm per foot of draw down is all that has been experienced. It is a very good well from a quantity standpoint. The chemical tests are not back yet but there is no problem expected. The tank contractor should be on the site within a week or two.

The drainage at Ryan creates a problem for the LID on Cascade and the problem must be resolved before the LID. He will talk with the attorney. The LID did not include a large expenditure for drainage.

Glen suggested placing the spare signal at the corner of Rosedale and Stinson and having the flasher a four-way stop. This was approved. Jim went on to say that the light planned for Borgen's corner cannot be hung until the light company makes provision for centering in the street.

BIG TOY IN THE PARK: There is confusion as to the location. Councilwoman Bogue had gone over the proposed location with John Bare. He had liked the upper area but there were concerns expressed favoring the lower side. She will meet with him again.

SEPA GUIDELINE FEES - 2nd Reading:

Attorney Hess asked for an extension as he had been ill.

SQUARE FOOTAGE AMENDMENT:

There was some discussion of postponing action on this but it was felt to be very important to resolve this matter. Councilwoman Ross moved that the ordinance be approved accepting the recommendation of Dr. Hruza. Councilman Ekberg seconded. Attorney Hess suggested basing the recommendation on the fact that it protects the health, welfare, and safety of the people of the town. Councilwoman Ross revised her original motion to make it clear that the ordinance is being changed because it is beneficial to the people of the town. Motion carried with Councilman Malich abstaining.

Clerk Avery went on to say that Ordinances 281, 282, and 283 had been reserved as substantive ordinances for the above action. Now it has been determined that they are not needed and the attorney said we can reuse these numbers. These numbered ordinances will be used for the same purpose.

Councilman Ekberg moved that the proposed change has no significant environmental impact and the request processed without further consideration of environmental impact. Seconded and carried.

BUDGET AMENDMENT - 2nd Reading - Ordinance #293: Councilman Bunch moved that Ordinance #293 be approved. Seconded by Councilwoman Ross. Carried.

ANNEXATION OF SOUNDVIEW DRIVE - Ordinance #294: Councilman Ekberg moved that Ordinance #294 be adopted. Seconded by Councilman Bunch. Carried.

ANNEXATION OF TOWN PARK - Ordinance #295: Councilman Ekberg moved that Ordinance #295 be adopted. Seconded by Councilman Bunch. Carried.

ANNEXATION OF ANDERSON PROPERTY - Ordinance #296: Councilwoman Ross moved that Ordinance #296 be adopted. Seconded by Councilman Malich. Carried.

THERMAL EFFICIENCY STANDARDS - 1st Reading:

John Hodges explained that this concerns HB 98 passed in December 1977. All cities must comply with it.

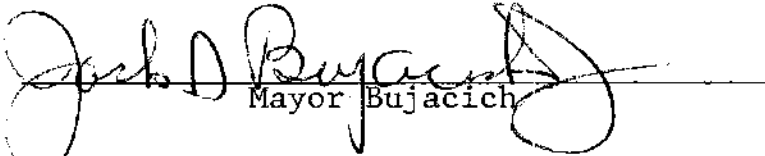
BILLS: Councilman Bunch moved that the bills be approved. Councilman Ekberg seconded. Carried.

Councilwoman Ross asked if the town has an ordinance against parking travel trailers in front yards. No, only against occupying parked trailers.

Councilman Ekberg asked when is the proper time in the hearing process to make a public decision on the environmental worksheet. Hess said it must be considered along with other considerations.

The meeting was adjourned at 8:56 p.m. followed by an executive session.

Tape #71, 576 to end and
Side 2, 0 to 146


Mayor Bujacich


Asst. Clerk

TOWN COUNCIL MEETING - October 9, 1978

The first public hearing was called to order at 7 p.m. by Mayor Bujacich. Present were Councilwoman Ross, Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery. Councilwoman Bogue was called out of town because her daughter was ill.

HARBORVIEW PARK Continuation:

The council had requested a larger vicinity map and a plat map showing the wooded areas, as well as resubmission of the plat to Dr. Hruza.

Doug Webb, Wick Homes Subdivision Management, presented a new vicinity map, a clearing plan and a revised plat. The plat shows that sidewalks have been provided along one side of each street. A new copy of the protective covenants was also provided.

The clearing plan shows the typical 60 x 70 foot areas to be cleared on each lot as well as the 20-foot driveways. All the remainder will be native growth protective areas. The town attorney had requested an additional sentence added to the covenants that required town approval to cut any further natural growth. An architectural committee will control the future preservation of the native growth.

The islands in the cul-de-sacs were eliminated in the plat unless the town wishes to retain them. The tot lot ownership has been provided for in the covenants in case the town does not wish to retain ownership.

John Paglia, speaking for the Glasscocks, the Puratches and Ellen Michel, said he was not in opposition, but representing the above parties regarding adequate protection against drainage and the responsibility for that drainage when the developer has gone.

Mr. Webb told him that all the drainage that can be diverted will be diverted to Stanich Avenue and a storage pond built to keep the peak rate of runoff what it is today. They will pipe the remainder to Soundview or else divert it elsewhere. The downspout drains from each home will be diverted to individual drainfields. They have done much soil work here. All the perimeter streets will be paved.

Attorney Paglia was concerned that utility stubs be extended to the perimeters of the property. Provisions will be made for future sewer and water connections to adjacent properties, Webb said. He explained the drainage system that was planned. It will be expensive--about \$1,000 per lot, and will not increase the rate of runoff--only the time it takes for the water to run off. This type of system is mandatory in King County where bonding for two years is common. Paglia suggested this type of bonding here.

The mayor called for comments from the audience.

Mrs. Glenn Easley, 6711 Soundview Drive, spoke on behalf of her neighbors. She said they feel they were given an inadequate chance for input and feel they are already overwhelmed by present drainage. These citizens signed a petition to ask for a further environmental study of the development.

Lewis Walker, 6801 Soundview Drive, said he was concerned with ingress and egress from this development and the water problem. There should be a considerable time spent solving the problem of runoff. The traffic problem on Soundview is considerable at this time.

Margaret Streeter, daughter of the Glasscocks who plan to build adjacent to the development, was concerned that the ground water supply might be altered by the creation of so much land clearing and the creation of future impervious cover.

Anders Johannesssen, a nearby property owner, was concerned that this is the orderly and opportune time to extend Stanich Avenue through to Hunt in a straight line.

Jim Goche, Rosedale Street, asked who will enforce the covenants. The answer was that in the beginning the town will and later the people named in the covenants. Goche then asked who militated against the EIS? Mr. Webb answered him that Wick Homes has mitigated and resolved every conflict or concern expressed by the Planning Commission and the Council. Councilman Ekberg also answered this question. He explained the extensive work done on this development so far. The Planning Consultant now recommends no EIS.

There was a tremendous amount of discussion concerning the drainage, its pattern, the possibility of diversion, etc. John Puratich eventually asked why a permanent solution cannot be provided now--such as a culvert to the Sound. Mr. Webb said that if easements were forthcoming they would gladly put in a direct pipe to the Sound in lieu of the retention system. Mayor Bujacich said he would be glad to pursue this plan.

Councilman Ekberg, upon the advice of the town attorney to make the threshold determination at this point, moved that the council finds that the project has no significant environmental impact and the application should be processed without further consideration of environmental impact. Councilwoman Ross seconded. The vote was Councilman Ekberg, yes; Councilwoman Ross, yes; Councilman Bunch abstained; and Councilman Malich, no. Motion carried.

Councilman Ekberg then moved that the proposal be adopted, with the maps included as part of the application, with the engineering of the drainage problem to be solved first by exploring the possibility of running a line to the Sound; in lieu of that the engineer is to approve an alternate plan. Councilwoman Ross seconded. Motion carried unanimously. Hearing closed.

The regular meeting was called to order.

KING ZONING CONTRACT, Continued:

The council had looked over the new contract and now asked a few questions. Councilman Bunch wished to know if this contract is transferable. Attorney Hess answered him that the new owners would be bound by the same contract. The council felt that this new contractual agreement covers all the aspects that had been of concern and Councilman Ekberg moved that the contract be approved. Councilman Malich seconded. Carried.

MINUTES: Councilman Malich wished the minutes changed on page 66 where it states that he abstained from discussion on the King rezone. He would like it changed from "he did not absent himself" to "he did not leave the room." Otherwise the minutes stood approved.

REPORTS:

Street & Water - Jim Hibbs said he would like to extend the main along Woodworth between Sutherland and Benson for about 350 feet prior to the black-topping. Approved. He was asked to put in the appropriate water services at the same time.

Sewer Treatment - No report

Police Department - No report

Building Inspector - No report.

Attorney - Attorney Hess said he had looked into the alleged violation by Rod Molgard. Molgard said a third party has a legal easement and he cannot block the driveway. One way to go would be to get the court to reimpose the suspended fine. Another way would be to evict or effect some compromise. The attorney said he did not see how the town can stop the use of the easement unless Molgard could buy it back.

Rod Molgard, in the audience, gave an explanation of the situation at the time

of the application and at the time of remodeling. He averred that he told the council of the easement and told them he could not close it. He cannot afford to buy the easement back now because the price is \$50,000.

Councilman Ekberg suggested that he, Mr. Molgard, and Attorney Hess meet and attempt to come to an agreement.

Attorney Hess further reported on the Duggins access off Hunt Road. He feels the town acted clearly and definitely and in the best interest of the health, welfare, and safety of the people of the town. The council felt it is the Duggins' problem, not the town's, and they are not to be allowed access.

Height Restriction Statute: Attorney Hess said he has studied this problem and feels the height could be easily controlled but he would like the council to tell him their intent. They answered that the restriction is to protect views for all. Hess will go ahead and work on it.

Markovich Sewer Connection: He had previously recommended that this hookup be made. He sees no reason not to pursue this course. All that remains is to direct the town staff to install the stub. Glen Sherwood brought up that where the stub was originally laid out is not where you want to put it now.

Engineer - Glen reported on the easements for the water main. The appraisals have been approved and now the council must determine who will make the contacts and pursue the acquisition of these easements. The clerk was designated to do so.

Cascade Avenue Drainage: Glen asked Attorney Hess to comment. Hess said he had looked into the law here and you can increase the drainage flow so long as it does not damage property. The Town should start considering if they should take over the responsibility. Though it was a natural flow, enhanced by the county, the town is using it and therefore has an obligation. Hess said the property owners should be contacted and asked if they will grant an easement.

Progress on water tank - Glen said the tank contractor has started clearing for the sub-foundations for the tank.

Woodworth LID - The survey crew will be here tomorrow.

SEPA GUIDELINE FEES - Tabled

THERMAL EFFICIENCY STANDARDS - ORDINANCE #297 - 2nd Reading: Councilman Bunch moved that the ordinance be adopted. Councilwoman Ross seconded. Motion carried.

MAC LOVELL OF ANSCO asked when the water mains might be constructed as they plan a 53-unit apartment in that area. Glen felt we could be under contract in about 90 days but probably four months. He will be kept informed on easement acquisition.

FIRE STATION APPRAISAL: The appraisal obtained by the town was vastly lower than the appraisal obtained by the fire department. The mayor would like us to write a letter to the commissioners stating the appraisal figure.

KING REZONE ORDINANCE - First reading.

FIRE DEPARTMENT ORDINANCE PERTAINING TO SMOKE DETECTORS - The attorney suggested tabling this matter pending further word from the State.

BILLS: Councilman Malich moved that the bills be approved. Councilman Bunch seconded. Carried.

Mayor Bujacich asked the attorney to review the Skrivanich water line when Wayne Goodno gets back. Jim Hibbs asked if he has a right to dismantle the hydrant since it is useless. He has tried to keep it covered but he is afraid someone on the fire crew might try to use it. He will consult with the fire department.

Councilman Ekberg brought up the following matters:

Concerning EIS and worksheets, he had talked with Attorney Hess. He feels that the mayor's office should be responsible for earlier dissemination so the Planning Commission could be in on the determination.

Contractually zoned areas should be so shown on a map.

The Planning Commission could spend some time at their next meeting and make a recommendation concerning the drainage problem.

He requested that the council remove the "no parking" signs on Stinson Avenue near his residence as there is no longer a need for them. Mayor Bujacich okayed.

He wished to know the particulars concerning the written application for the

mayor's position. Clerk Avery explained that a man named Jim Hall came in the Town Hall and expressed a wish to run for mayor. He left this letter.

Chief Tomlin asked the council's feelings regarding the angle parking near the Harbor Heights Business Center. It was felt this is a dead-end area and not a problem.

Meeting adjourned at 9:40 p.m.

Tape #71, Side 2, 146 to End

Jacob D. Bujacich
Mayor Bujacich

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING, OCTOBER 23, 1978

Present were Mayor Bujacich, Councilwomen Bogue and Ross, Councilmen Ekberg and Bunch, and Attorney Hess. Councilman Malich was not present as he was commercial fishing.

The first public hearing was called to order by Mayor Bujacich.

TELEPHONE UTILITIES SITE PLAN REVIEW:

The telephone company requests an addition to their warehouse and then plan a second road on the property in addition to a small access from Neel Court. Both roads will be one-way roads.

There were no voices in opposition.

Councilwoman Bogue wished to refresh the council's memory of previous action on this property by locating the minutes and the map that accompanied the prior decision. The minutes described the required green belting of the property. It was described as a natural green belt and open space. Bob Scott of the telephone company said they prefer not to plant trees since trees give cover and access to vandals. They would, instead, screen with slats in the existing cyclone fence. He described the Planning Commission's recommendation where they would be required to screen in stages, and they have agreed to do this.

Councilwoman Ross moved that we accept the site plan with the recommendation of the Planning Commission. Councilman Bunch seconded. Councilwoman Bogue, consulting the previously mentioned minutes, wondered if the telephone company could not be held to the agreement that they made concerning the natural green belt and open space, and moved that the motion previously made be tabled until the attorney has time to review the conditions of the planning commission recommendation and we see the site plan in question by the next meeting. Councilman Ekberg seconded this motion. There was uncertainty if a motion can be made upon a previous motion, but it was determined that the second motion is an undebatable motion that takes precedence. The vote was taken on the undebatable motion; it was two ayes and two nays. Mayor Bujacich broke the tie by voting no on this motion.

The attorney reviewed the recommendation of the planning commission. He felt the council would stretch their ability to try to enforce paragraphs (c) and (d). They are vague and one individual cannot be forced to benefit another individual.

The first motion, made by Councilwoman Ross that we accept the site plan with the recommendation of the commission, remained on the floor.

Councilman Ekberg asked the attorney what other courses other than the Planning Commission recommendation might be open to them. He answered that the council has the power to request any kind of screening, but their decision must benefit the citizens of the town. Bob Scott said, regarding the attorney's statement, that the screening would benefit only county property on two sides and the freeway on another; also, the other utility in town, the light company, has not been required to screen.

Councilman Ekberg amended the motion on the floor. He moved to amend that screening be provided on the entire perimeter of the property and this screen is not to include slats or a solid fence as suggested by the planning commission, but should be a dense screen of evergreens of a pyramidal shape. Councilwoman Bogue seconded the amendment. The vote was taken and it was two ayes and two nays. Mayor Bujacich again broke the tie. He voted no as he feels that this is commercial property and subject to vandalism so the less screening the better.

The original motion remained on the floor. A five minute recess was called at this point. When the hearing was recalled to order the original site

plan had been located, Councilwoman Ross said she wished to retract her original motion. A retraction does not require withdrawal of the second.

Councilman Ekberg moved that the public hearing be closed and the decision be tabled to the next meeting. Councilwoman Bogue seconded. The vote was taken at two to two. Again, Mayor Bujacich broke the tie by voting no; he could see no reason for the delay.

Councilwoman Ross then moved that the site plan be approved with the stipulation that fencing be provided on the south and west sides of the property, either slat or evergreen, at the discretion of the business, and the road paralleling SR-16 be one way and the vegetation on the berm be included. Councilman Bunch seconded. Councilwoman Bogue said she felt that the burden of responsibility for screening an aesthetically displeasing area is on the developer of that property. Councilwoman Ross said she felt the situation was different here; this is a piece of property bounded by county property and free-way and it is the duty of this council to protect the businesses of this town. Councilwoman Bogue countered with the fact that we have no control over county property and this is all the more reason to require trees. The vote was taken with Councilwoman Ross and Councilman Bunch voting aye and Councilmen Ekberg and Councilwoman Bogue voting no. The mayor voted for the motion and broke the tie. Motion carried. Hearing closed.

The regular meeting was called to order with approval of the posted minutes as there were no corrections or additions.

SPECIAL GUESTS:

JOHN HOLMAN, Harbor Holidays, was present to discuss the pending bill for police protection. This regarded the extra police. In the past the county had not billed for their help but this year the situation changed. At a meeting prior to the celebration the extra police had been brought up but at a much lower estimate. Holman said his organization would not be averse to sharing this bill. They could cover the top four items for a total of \$385. They know there is a need for protection but would like the council's feeling on continuing the celebration.

Councilman Bunch said he could see no direct benefit to the town and could see no reason why the town should pay the bill at all.

Peggy Greer, a member of Harbor Holidays, was present in the audience and she explained that they operate mainly on donations. They have a budget problem and wondered if some service organization might be able to help with the bill.

Mayor Bujacich, upon introspection, said he does not wish to abandon the celebration although this is not the way he felt last June 4. He said he feels it benefits small businesses and the clean-up job was terrific. He went on to say that he feels that the town has certain obligations and feels we should take care of this bill and work it out with Harbor Holidays. Councilman Ekberg felt that the committee should provide an outline of what they are planning and also exactly what they are asking of the town.

Harbor Holidays committee members are soon to have a meeting and they will discuss this and come up with ideas. They will figure the police protection at about a thousand dollars next year.

PUBLIC TRANSPORT BENEFITS AREA:

Mr. Yoshio Kosai, a member of the committee, attended this meeting to explain the program. The Peninsula had been omitted from prior discussion but there will be a hearing next Monday at 2 p.m. in the county commissioners' chambers and this area will be included at that time at the urging of the mayor. Originally the Narrows was considered a boundary and the Peninsula was left out. Now, it has been found that they can go outside the urbanized area. If the area is to be enlarged again yet another hearing will be required. An authority will be formed. Then a comprehensive study will be made as well as a means of raising revenues. They recommend raising the sales tax .03 of one percent. They follow election precinct boundaries to encompass their own boundary. They cannot serve an island so areas can withdraw if they wish but not if the area provides a corridor.

The mayor thanked Mr. Kosai for his presentation. At this point the mayor left the meeting as he had a prior commitment. Councilwoman Bogue took the chair.

RAYMOND ELLENER, 3404 Vernhardson Street, was next on the agenda. Wayne Goodno presented the building problem. Mr. Ellener began remodeling his residence, the old Kath house, and raised the roof and constructed a dormer--all without a permit. He was red-tagged. He has now applied for the permit and an over-height variance but Wayne would like to know the council's opinion. What is

the final solution? He has warned Ellener that the building permit fee has doubled but what are the council's wishes?

Mr. Ellener said he did not realize he needed a permit to repair his roof and add the dormer. None of his neighbors object. He is a merchant seaman and likes to work on his house when he is home from a trip.

Wayne said he allowed Ellener to close in his house to the weather. The council felt he should now proceed through normal variance channels.

Hildegard Ullberg, 9117 N. Harborview Drive, told of the flooding problem on her property. It has ruined her floors, both linoleum and hardwood, her carpeting, furniture and drapes. She said she bought the house from Stevenson who built it without a permit. The problem is drainage from the hillside and the drain is plugged at some point. She asked if this drain can be extended to the water.

Jim Hibbs said there is no easement there and no place to take the water. Hemley recently put in a new bulkhead and Jim felt the plug occurs from this bulkhead.

Councilman Bunch gave some background. He said Stevenson accepted the drainage as his problem and he put the tile it. Evidently Miss Ullberg bought the problems when she bought the property.

Attorney Hess said he was uncertain of the factual determination as to whether the town should involve itself. The town cannot make a gift of public funds--the town cannot make a gift if the town is not responsible. If changing the course of the water causes damage then the town becomes involved. The town has not maintained this drain so apparently the town is not involved. The problem is more intense now; perhaps the bulkhead is the reason. Miss Ullberg purchased the problem knowing the advantages and the disadvantages of the property. The town did not create it or intensify it. But if the town did contribute then the town can go in and correct it, or if there is other drainage work there the town could combine it with that other work.

Miss Ullberg was positive it has no basis in the bulkhead. The problem was there before the bulkhead work.

Councilman Ekberg felt the council could make no decision now. He asked that Attorney Hess, Jim Hibbs, and Miss Ullberg meet and try to arrive at a solution.

REPORTS:

Street & Water - Jim said the new light system is now in operation and he would like the council to set the hours. He suggested 6 a.m. to 9 p.m. with stop & go light and 9 p.m. to 6 a.m. with flashing light. This will be tried out at the start.

Sewer Treatment - None.

Police Department - Chief Tomlin asked if linoleum or carpet can be purchased for the floor downstairs; it is a very cold floor. They would be willing to lay it. He was asked to get estimates.

Building Department - None

Attorney - SKRIVANICH WATER LINE, BUILDING PERMIT & FIRE CODE REQUIREMENT: He feels it is apparant that the council delegated its powers of approval to the Fire Prevention Bureau and enforcement is up to that bureau. If the council approves he will contact Fred Smith and get him to commit himself one way or another.

CASTELAN SHORELINE PERMIT: The Planning Commission reviewed the application. That body was prepared to make a recommendation but the applicant withdrew. He suggested that the Planning Commission reconsider the case since their letter is not signed. Then the council can act on it. He felt that it was important that Mr. Root sign his letter in case it comes to court.

Engineer - A report was recently received from the geologists on the well drilling. They recommend a 500 gpm pump with a possible increase in flow only after some history has accumulated. The mayor suggested applying for a ground water permit and Glen said this is being done.

The final estimate on the Burt Well Drilling contract was included in the bills. Glen explained that \$912.50 has been added on the performance bond. The cost of the drill started at \$44,000 and ended up at \$128,000. The performance bond was required; the cost of the bond has been increased to keep pace with the cost of construction. The council agreed with Glen's recommendation. Glen said the 30-day final acceptance period starts now. Councilman Ekberg moved that we accept the completion of the contract. Councilwoman Ross seconded. Carried.

The tank site has been cleared and graded and the excavation for the pipe line system is now in progress.

Drain on Ryan Street - Glen said he talked with the mayor and Erdahl (on the beach) who said the three property owners involved would grant an easement for the storm drain. There would be no problem clearing along the alignment of the current drain. We need to define this route so the easements can be signed. The engineering cost will probably be included along with the engineering cost of Cascade LID.

Councilwoman Bogue asked where we are on the notification of the cost of the LID so far as the residents go. Glen said that preliminary notices were sent but no notices sent since the council decided there would be no side sewers included in the LID.

The Woodworth Avenue LID is in design now.

HILDEBRAND TANK SITE PROPERTY APPRAISAL: A fair market value was established in January 1977 and Mr. Hildebrand was paid that amount. HUD now has a hold on release of any more funds until the matter is cleared up. The recent appraisal established the value slightly less than the \$12,000 paid Hildebrand. It is suggested that the fair value be established at \$12,740. Councilman Bunch moved that \$12,740 be established as a fair market value including easements, appurtenances, etc. Councilman Ekberg seconded. Carried.

COMMITTEE REPORTS:

Councilman Ekberg met with Molgard and the town attorney. The meeting showed that the other party had no position for compromise. By next meeting we will know the options.

Big Toy in the Park: Councilwoman Bogue said the Big Toy people will present us with a model of the proposed park equipment.

SEPA GUIDELINES ORDINANCE - First Reading: The attorney said adoption by reference was wrong. The building department also wished to establish fee schedules. There were questions regarding time limits and the threshold determination. All this has now been accomplished in one ordinance.

ANDERSON SHORT PLAT - FINAL ACCEPTANCE:

Dave Anderson was present. He told the council that most of the past hearings were annexation and rezone hearings. Now is the final acceptance of the plat. The easement into the property is only twenty feet and it was accepted at a prior meeting.

Councilman Ekberg moved that the plat be approved upon the recommendation of the planning commission. Councilwoman Ross seconded. Carried.

KING REZONE ORDINANCE - 2nd Reading:

No ordinance number has been assigned at this time. The contract is still to be incorporated in the ordinance. We should complete the formality to bring the ordinance into being. Councilman Ekberg moved that the ordinance be approved. Councilwoman Ross seconded. Carried.

FIREARMS ORDINANCE - 1st Reading:

The attorney explained that the basis for this ordinance is that a resident of the town shot a neighbor's dog and this did bring up the need for revision of the ordinance. This is an attempt to tighten it up as our present ordinance does not prohibit the discharge of firearms unless it endangers someone.

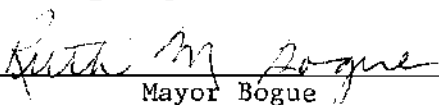
There was some discussion on the vast difference in appraisals of the fire station. The council decided on no answer to the fire department letter.

Jim Hibbs had a question on the new light at Pioneer. Three trees need to be trimmed or cut back next to the Lindner house so the light can be seen better. Councilman Bunch felt the trees are on town property but the council will look at them.

BILLS: Councilman Bunch moved that the bills be approved. Councilwoman Ross seconded. Carried.

Meeting adjourned at 10:05 p.m.

Tape #72, Side 1, 0-1056



Mayor Bogue



Asst. Clerk

TOWN COUNCIL MEETING - NOVEMBER 13, 1978

The meeting was called to order for the purpose of electing a mayor pro tem for this meeting. Councilman Ekberg moved that Councilwoman Bogue serve as mayor pro tem. This motion was seconded and carried.

The Town Clerk read the letter of resignation from Mayor Jack Bujacich. Councilman Malich moved that the resignation be accepted with regret and that the town show its gratitude for his years of long service. Seconded and carried.

The mayor pro tem asked the council if they were willing to decide on his replacement. Councilwoman Ross said she felt that his replacement should be someone with sufficient time to spend and with knowledge of the job and of the community and she moved that Councilwoman Bogue be appointed to fill the unexpired term of Mayor Bujacich. Councilman Malich seconded. Motion carried.

Clerk Avery then swore in the new mayor. Mayor Bogue then asked the council to pass a resolution honoring Mayor Bujacich's 23 years of service. Councilman Malich moved that a resolution be adopted. Councilman Ekberg seconded. Motion carried. The regular meeting was then recessed for the first public hearing.

VONDERHEIT VARIANCE REQUEST:

The Planning Commission had recommended favorably to permit this house to be built with less than 50% of the basement below grade. A house of overall height of 20 feet would be constructed. This would allow Vonderheit to hook up to the sewer without pumping.

There were no voices in opposition. Wayne Goodno said this house would no doubt affect the view for the three homes across the street, but any height no matter what it was would affect their view.

Councilman Ekberg moved that the variance be allowed with the overall height to not exceed 20 feet and that we permit a basement with less than 50% below grade. Councilman Malich seconded.

Mr. Anderson, Vonderheit's son-in-law, drew a plan showing how he wishes the main floor of the house to measure one foot above street level. The ultimate height of the house would then be 1½ feet higher than the quoted 20 feet.

Councilman Ekberg withdrew his motion. Councilman Bunch moved that the variance be allowed with the main floor no more than one foot above street grade. Councilman Ekberg seconded. Carried. Hearing closed.

ANDERSON VARIANCE REQUEST:

This is identical with the Vonderheit request. The Planning Commission's recommendation was identical. Steve Anderson, petitioner, said the site here is the same as the Vonderheit site.

Councilman Malich asked about drainage. Anderson said they plan to get together with McGuire next door and construct a french drain to Dorotich.

Councilman Malich moved that this variance be approved the same as the previous variance. Councilwoman Ross seconded. Hearing closed.

GARNER VARIANCE:

Mr. Garner requests a 15-foot rear yard setback variance in order to minimize view obstruction to other lots in the area. The Planning Commission recommended approval.

Mr. Garner presented a plat plan. He said only the garage will need the setback. The house will be 41 feet from this line. He is not allowed to climb stairs and requires a garage on the same level as the house. No one was in opposition but Glen Sherwood pointed out that this is the same property in question on the Cascade LID. His property line actually falls on the right of way. Even if we told him that he no longer owns that corner it would not affect the overall lot size so far as the requested building is concerned.

Councilwoman Ross moved that the variance be approved. Councilman Ekberg seconded. Carried. Hearing closed.

ELLENER VARIANCE:

This construction was red tagged. The Planning Commission has since heard the request for variance and recommends approval.

There were no voices in opposition. The council saw no problem but did not condone the way it was done. Councilman Ekberg moved that the three-foot variance be approved. Seconded and carried. Hearing closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS:

Christa Sandoval, 3517 Vernhardson, requests a home occupation permit to run a small beauty salon in her home. Wayne said she will live in the house. Councilman Ekberg saw no problem since it meets the definition in the ordinance. Attorney Hess said the definition is somewhat vague but the council should determine if this case fits the intent of the ordinance. Councilman Ekberg moved that the situation as described does meet the qualifications of the ordinance and a business license should be issued. Councilman Bunch seconded. Carried.

KING'S REALM ANTIQUES:

Gene Fera and Cindy Brunt, 3805 Harborview Drive, wish to open an antique shop in the street level space of Eddon Boat Company. They would like a business license under a conditional use permit. They would repair, paint, and improve the appearance of the building and replace the broken windows. They would clean up the grounds and thus enhance the view. If necessary they would be willing to sign a contract to that effect. They say they have the necessary off street parking available. They feel they would need the building for about six months only as they feel they will need larger quarters after that.

Attorney Hess felt it would be up to the Planning Commission to make a determination if conditional use can be allowed in a W-1 zone. At present, the ordinance does not allow it. They were advised to apply for a conditional use permit.

DALE HILL:

Mr. Hill was not present but a friend of his spoke for him. He explained that Hill wishes to use Goodman Avenue as a driveway to his proposed residence. The street is a dedicated right of way but unimproved. It has been used as a driveway to the Crites house for years.

Councilman Bunch asked Attorney Hess to rule on whether the Town could ever be forced to upgrade a street that was not brought up to specs. Councilman Ekberg felt a plan should be drawn up showing exactly what they want to do and have the building department make a study.

HOOTS SHORT PLAT:

Councilman Ekberg moved to postpone this plat since it came in back in June but the council was not given copies of either the Planning Consultant's or other reports and to postpone it to next meeting. Seconded and carried. It was asked that it be placed early on the agenda.

REPORTS:

Street and Water - Regarding prior approval to extend the main prior to the surfacing of Woodworth, Jim said he went over it with Glen and they feel they should extend it under Sutherland Street. This would be an expense of about \$400 more but we can get it back through water services. The council agreed.

Jim went on to report that the telephone company will start an underground project at Pioneer and Grandview and he feels that we should put a 12" main in the ditch at the same time.

He also reported that there is a fire hydrant behind Uddenberg's Store in the fire lane and it is in danger of being knocked down by a truck. Uddenberg will pay for the moving of this hydrant. Jim would like to replace the old one with a new one (about \$400) and Keith will pay for the installation. The old hydrant can go elsewhere. Okayed.

Sewer Treatment - Gary received bids on the stub to the Markovich building. It will cost about \$2700, and this is the lowest bid he received.

Police - Several months ago the chief gave the council copies of an operations manual to review. He asked if the council has any questions on it. He needs a resolution to adopt it. Councilman Bunch asked the attorney to go over it and make recommendations and it will be agended next time.

Attorney - No report. He asked what happens about Puratich after Markovich is taken care of. Gary said he has made up a form letter and it will be mailed to those who must hook up.

Engineer - Glen said a change order will be necessary as we need to change the piping arrangement at the new tank because the geologist said we must pump to

waste in order to get no sand in the tank when it first starts up. It would be less than \$500 and he feels it would be best to go ahead and do it and then write the order. Unless there is some serious objection they will proceed with this plan.

LIDS: Glen had copies of both LID's, not quite complete. We can call for bids by the first meeting in December.

SEPA GUIDELINES ORDINANCE #298 - Second Reading:

Councilman Ekberg moved that the original adoption by reference be rescinded and Ordinance #298 be adopted. Councilwoman Ross seconded. Carried with Councilman Malich abstaining.

FIREARMS ORDINANCE - #299 - Second Reading:

Councilman Bunch moved that Ordinance #299 be adopted. Seconded and carried with Councilman Bunch abstaining.

ULLBERG DRAINAGE PROBLEM:

Attorney Hess had submitted an extensive report, advising that the problem was not created by the Town but that the Town could extend the drainage across her property.

Jim Hibbs said he is sure that the tile is plugged and it can be unplugged. She could get a sewer roter to unplug it. The council felt they should have nothing to do with it since the town neither created it nor can solve it.

TAX LEVY ORDINANCE - First reading.

BUILDING DEPARTMENT REQUEST FOR THRESHOLD DETERMINATION: Councilman Ekberg felt this will be taken care of under the new ordinance and there is no necessity for determination tonight.

PIERCE COUNTY CONTRACT AMENDMENT: Councilman Ekberg asked that this be tabled since not all the reports are in at this time. Councilman Malich moved that the amendment be rejected. Councilman Bunch seconded. Motion carried with two ayes, 1 abstention and one nay.

STUDY SESSION: Mayor Bogue suggested a study session be held next Monday night at 7 p.m. to consider the preliminary budget. The next appointment to the council will also be discussed.

MARGARET BENNETT, executor for the Monett estate, asked permission to allow Russ Bischoff to cut one tree on December 1 or 2 in front of 2423 Shyleen Street to be used as a Christmas tree at Harbor Heights School. This tree blocks the view from her driveway. The council will look it over as it is on the right of way.

The clerk said this should be considered the first reading of an ordinance to annex the Scannell property as the BRB has declined jurisdiction.

BILLS: Councilman Ekberg moved that the bills be approved. Seconded and carried.

Meeting adjourned at 9:50 p.m. Tape #72, Side 1, 1056 to End and Side 2, 0 to 688

* All Council members were present as well as Attorney Hess and Clerk Avery

Ruth M. Bogue
Mayor Bogue

Patricia A. Ebert
Asst. Clerk

Regular Council Meeting, November 27, 1978

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwoman Ross, Councilmen Ekberg and Malich, Attorney Hess and Clerk Avery. Councilman Bunch was out of town.

BID OPENING:

Only one bid was received for the air compressor for the sewer treatment plant. This was given to Gary Tannahill for review and later awarding.

BID AWARD - STREET STRIPING:

Bids had been opened at 1 p.m. The low bid, Dahl Contractors, was recommended by Glen Sherwood. Dahl said that for an additional \$600 a better grade of paint could be used. This was not felt to be worth the extra cost. Councilman Ekberg moved that the low bid of Dahl Contractors be accepted subject to the approval by the State. Seconded by Councilman Malich. Motion carried.

HOOTS SHORT PLAT, continued:

The located was pointed out by Wayne Goodno. It is the corner of Ross Avenue and Novak Street. Reports had been submitted by the engineer and the planning consultant. The building department had tendered a negative threshold determination.

Councilman Malich asked if all four lots will be hooked up to the sewer. The sewer plan showed that they will. Gary Tannahill said he had not seen the plan and had no comment.

Tony Cloud, in the audience, said he was not against the plat but pointed out that the two homes above it are still on septic tanks. He would like to see the 10 foot easement continued past the plat so these two homes can also be connected to the sewer. Otherwise, these lots will be isolated.

Councilman Ekberg asked how the minimum lot size was complied with. Hoots showed him an old plan that shows how the lots have now been inverted to meet the minimum lot size. There followed a discussion on size of the sewer line and the number of services to be hooked to this line; more homes would be hooked up than the ordinance allows. It was found to be not possible to require an easement to the property above or Hoots would suffer through the additional cost of the line.

Mayor Bogue asked for a delay, thus giving the engineer a chance to look at the proposed and future sewer connections. Councilman Ekberg asked if Hoots would be agreeable about furnishing a fire hydrant. Hoots said he realized it would be a prerequisite. A discussion followed on curbs, sidewalks, drains and gutters--were these worked out here? Hoots showed that drainage will be to a ditch, but Councilman Ekberg felt there were unresolved questions for the engineer to answer.

Tony Cloud had another question on lot boundaries--he felt there was a discrepancy in lot size translated from the legal description to the plat. Attorney Hess said he felt this was not an appropriate area for the council to operate in. We must rely on a licensed land surveyor because the law relies on them. Hoots said the title insurance company has certified it and charged him for it. He felt the sewer question could be worked out in the future and he asked if the council would go ahead and approve it. Attorney Hess said this would not be an appropriate thing to do at this time as you would be delegating authority to others. Councilwoman Ross moved that the matter be postponed until the next meeting when the sewer line question will have been straightened out. Councilman Malich seconded. Carried.

APPROVAL OF MINUTES: Councilman Malich said the last minutes failed to mention who was present at that meeting. Councilwoman Ross asked that future minutes contain the identification of the votes.

BILLS: Approved upon motion of Councilman Ekberg with second by Councilman Malich. Carried.

CORRESPONDENCE: None

SPECIAL GUESTS:

Dale Hill, owner of two lots in the Wedlund Addition, said he has a sale pending on the lots off Vernhardson. He asks permission to construct a gravel driveway on the 60-foot unpaved right of way. He felt it might never become an improved street as a great deal of it lies in a gully. Mr. Hill's representative had appeared at the last meeting and he had been told that the council could make no determination without a plan. They now told Mr. Hill

the same thing. Jim Hibbs told the council that he and Glen Sherwood had gone over it and they felt the street would require an excessive amount of work because of the grades. Comments will be submitted by the engineer prior to next meeting when Mr. Hill will bring a plan along with an area map.

Mayor Bogue presented Wayne Willis's second liquor license application. This was his second attempt to obtain a Class H license for W.B. Scott's restaurant. Former Mayor Bujacich had written to the governor; Governor Ray turned the letter over to the liquor board, and this was the Board's reply. They refuse the license because it exceeds the population ratio and also because the church in the neighborhood has not sent a non-letter of no objection. In his letter, former Mayor Bujacich had maintained that the population of the town should not enter into their considerations, but the population of the entire Peninsula should be the determining factor as the town is only the hub of the area. Also, the tourist traffic should be a large consideration. Councilman Malich felt the proximity to the church was laughable--after all, they granted a liquor store immediately across the street from this same church. Also, the council felt the population density was not taken into account when a prior license was granted--a license of which the town council did not approve. No council member was opposed to the granting of a Class H license to Willis. The council felt the Board's objections were not valid. Mayor Bogue said she would respond by letter

Reports of Department Heads:

Street and Water - None

Sewer Treatment - Gary Tannahill, who had looked over the bid, said that it is complete and is within the price range. This will be the third blower designed for the system. The clerk said that \$6600 remains in the Sewer Construction Fund and felt the money should be used or it might have to be deposited in the Bond Redemption Fund. On the advice of the department heads Councilman Ekberg moved that we accept the low bid of Burham Sharp Company. Councilman Malich seconded. Carried.

Police - None

Building - None

Attorney - None

Engineer - None

SPECIAL GUESTS:

Jim Morton of the PAC told the council of the problems confronting the Peninsula if a proposed frontage road is constructed from Rosedale Street to the Purdy Treatment Center. The PAC's effort has been to get this road moved. They would like to approach the legislature to finish the two existing interchanges completely, and build a new interchange to the north to serve the new school and to serve the developing industry to the north of Rosedale Street, and to eliminate the proposed frontage road. They ask that the town pass a resolution to the legislature. Mr. Morton was asked to leave an address so the town can write a letter in support of his comments. All the council agree but Councilman Malich who abstained.

SCANNELL ANNEXATION ORDINANCE - Ordinance #297 - Second Reading:

Councilman Ekberg moved that Ordinance #297 be approved. Councilwoman Ross seconded. Carried.

POLICE DEPARTMENT POLICY MANUAL - Postponed as the chief was not here.

TREE CUTTING ON SHYLEEN:

The tree has proven to be on the right of way. No one else in the neighborhood has objection to the tree. It causes no trouble other than to block some view from the one driveway. The attorney advised that any circumstances that could be construed to be the result of negligence can cause liability to the town. Councilwoman Ross moved that Mrs. Bennett be given permission to have the tree taken down. Councilman Malich seconded. It was suggested that the motion include the clause that the tree creates a dangerous situation, a hazard to driving. Motion carried.

ORDINANCE REVISING PLAN CHECKING FEES - First reading.

The fees were found to be not in conformity with the UBC.

ORDINANCE ESTABLISHING STUDY SESSIONS - First reading. These will be held on the first Wednesday of each month.

PIERCE COUNTY FIRE DISTRICT #5 CONTRACT:

Copies were very recently distributed. The attorney and clerk asked for postponement to the next meeting.

GILMORE SHORT PLAT:

No proponents were present. Comments had been received from department heads.

There seems to be no problems--only housekeeping errors. It was determined by the planning commission to not be in a sensitive area. The threshold determination is of negative declaration. The application is dated June 16 and predates the requirement of increased lot size. Councilman Ekberg moved that it be tabled pending the engineer's report.

STREET NAMING:

In the Erickson Short Plat there is a small street serving four lots that Mrs. Erickson would like to name Homestead Place. There were no objections.

In the Northview subdivision the street names had never been accepted by the council. The Historical Society had recommended just one name for each street and the council would like to have had a choice of names. The names proposed by the developer were felt to be not suitable as there was a chance for a mixup with Bay Avenue and Bayridge being located near one another.

BUDGET HEARING DATE - First reading of budget - Next meeting at 7 p.m.
The Revenue Sharing hearing will be scheduled this meeting also.

The meeting was adjourned at 9:20 p.m. to be followed by an executive session.

Tape #72, Side 2, 688 to End

Keith M. Bogue
Mayor Bogue

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - DECEMBER 11, 1978

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwoman Ross, Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery.

The first two public hearings, the Ellwanger zone determination and the Carefree Condo site plan approval, were both postponed at Planning Commission level.

HOOTS SHORT PLAT, continued:

Wayne Goodno presented the current utility plan. At the last meeting there was concern over the size of the sewer line. Glen Sherwood and Gary Tannahill have approved this current plan.

Dr. Hruza, in his report to the council, thought there was an easement on one side but Glen Sherwood thinks it is a separate piece of property--not an easement. Joe Hoots said he wons it--a 30-foot strip, and it has been incorporated into the short plat. There was no indication of why Dr. Hruza thought it might be considered an easement. The only question remaining is that Novak Street needs to be shown in its entirety--just so the map can be considered complete. John Hodges said that Dr. Hruza wished it transmitted that the town should check with the county surveyor and have him attest to the fact that it is either part of the square footage or an easement.

There was a discussion on the utility plan and also on conditional approval of the plat. The attorney said it could be approved conditionally but he felt there were too many other concerns here and it gets into a gray area. He doubted that giving Mr. Hoots a break and approving it conditionally would get it completed any faster than giving the surveyor a chance to complete the mylar by next meeting. Mr. Hoots was certain that Nils Ronhovde felt that his mylar was complete in every respect. John Hodges explained that six different mylars had been submitted--nothing has been consolidated.

Councilman Ekberg moved that, upon the advice of the attorney, we table the hearing and give Hoots a chance to determine where the mylar does not conform to the engineer's letter of August 28, and give us a chance to determine whether the parcel of the 30-feet in question is an easement or not. Councilman Malich seconded. Carried unanimously. Hearing closed.

GILMORE SHORT PLAT, continued:

This is on the corner of Shyleen and Stanich.

There were questions on items 3 and 4. The attorney said that conditions can be put right onto the mylar so they would be included in the title insurance. Otherwise, it could be accepted only when all the utilities are completed. The attorney looked up Section 16 and a bond can be required before approval. Councilman Bunch did not care for bonding. Past procedures can be changed when they are found to be no longer acceptable. This was the authority for changing.

Councilwoman Ross moved that the council approve the plat with the stipulation

that the utilities--sewer and water mains--be installed as required by the council and final approval given when all the utilities are completed. Seconded and carried. Hearing closed.

HEDMAN/REYIER:

The mayor questioned the receipt of a deposit to the Water Fund of \$1325. on the plat. It was found that there were a great many unresolved areas in this plat.

Councilman Ekberg moved that the plat be returned to the staff for determination of whether the requirements have been met. Councilwoman Ross seconded. Carried. Hearing closed.

BUDGET HEARING - First reading:

Mayor Bogue asked for comments from the audience. MARIAN EKBERG, a member of the Pierce County Library Board, explained that they are presently growing out of their building. They are trying to meet the needs of a rapidly-expanding community and would like consideration from the town in this future regard. Ways of financing were discussed. The possibility of adding a basement or second floor to the present building were discussed. The mayor appointed Councilwoman Ross to act as liaison to explore the various possibilities and the Clerk will look into the possibility of a grant.

Councilman Malich asked the clerk to look into the possibility of an EDA grant for a fishermen's pier.

The possibility of a franchise and utility tax on garbage collection was discussed. The council asked the clerk to explore this feasibility.

The mayor brought up the uniform clothing policy for the police department. She asked if the council wishes to follow the same policy or would they perhaps wish to provide only the two initial uniforms and leave future clothing acquisition to the officer. The Street/Water/Sewer departments are furnished rental uniforms at a fee of about \$50 per department per month. Councilwoman Ross and Councilman Bunch felt the police department has a greater salary scale than other departments and the initial uniform was sufficient. Councilman Ekberg did not agree since the town requires a certain uniform.

Councilwoman Ross had checked into other town's fees for short plats. She found a highly variable fee schedule. We, so far, do not charge for short plats in the town.

There was no further discussion on the budget. The final acceptance and second reading will take place on December 26.

REVENUE SHARING - Public Hearing:

Clerk Avery said we have about \$15,000 in revenue sharing funds on hand now and we should receive another \$15,000 in 1979. The \$30,000 could be spent on just about anything and the money should be allocated although this allocation would not necessarily be binding. Councilman Ekberg asked Clerk Avery to make a notation of possible uses of these funds. Hearing closed.

APPROVAL OF MINUTES: As there were no additions or corrections the posted minutes stood approved.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORTS:

Street and Water - Jim Hibbs requested a change in the town's speed limit signs. He wished to reduce the number of signs by restricting the signs to the entrances of the town. The signs would state: "Speed limit 25 miles per hour unless otherwise posted." In this way he could eliminate 150 to 175 signs. The attorney will check into the possibility.

Sewer Treatment - None

Police - None

Building - None

Attorney - None. The council requested Attorney Hess to draw up an agreement regarding mobile home residency in the town park.

Engineer - The tank foundation was poured a week ago. There is no information on when the builder will be there. The design work has been started on the well and pumping station with the target date of the bid opening to be February 8. The Jerisich Park pier and float bid will be opened on January 18 and the Woodworth and Cascade Avenues LID's to be opened on December 21.

TAX LEVY ORDINANCE: 2nd Reading - Ordinance #300:

Councilman Ekberg moved that Ordinance #300 be adopted. Councilwoman Ross

seconded. Motion carried.

STUDY SESSION ORDINANCE - 2nd Reading - Ordinance #301:
Councilman Ekberg moved that Ordinance #301 be adopted. Seconded by Councilwoman Ross and carried.

WOODWORTH AVENUE LID ORDINANCE - First reading.

PLAN CHECKING FEE ORDINANCE - Attorney Hess asked that this be postponed to next meeting.

PCFD #5 CONTRACT:

This was tabled as the attorney was concerned with the length of the contract. He would like to check into it further. Drew Wingard had expressed some concern over the passage of a smoke detector ordinance. This is still in the offing by the State, and for all practical purposes it would be better to wait and see exactly what is required.

Concerning the prior discussion on the frontage road, the mayor asked if the council would like their position restated in another letter--to confirm the council's position. The council agreed and the the mayor said she would send another letter to them.

POLICE DEPARTMENT POLICY MANUAL:

Chief Tomlin felt our prior manual was not very thorough. This manual sets guidelines for future eventualities. It follows the guidelines of the Pierce County Sheriff's Department. Councilman Ekberg suggested some small changes. Mayor Bogue felt that someone more qualified should look it over and comment. Law and Justice Planning will be making an evaluation of the police department and they can look this over also.

Mayor Bogue said that one side of Harbor Heights Park is completely unfenced and the Rotary and FFA would like the town to do something about fencing it as the fitness trail is being damaged by vehicular traffic. The cost of a fence could run \$2000, and other less expensive methods were discussed. The attorney said an ordinance prohibiting motor vehicles in public parks would be one way to help control the situation. Jim Hibbs would like to erect a rail fence. The mayor will talk to the Rotary Club.

BUDGET ORDINANCE - First reading.

TOWN HALL PARKING REVISION: Clerk Avery suggested a change in the parking at the rear of the town hall. Parking is very difficult on court days. He suggested one-way traffic on Adams Avenue with parking on both sides of that street. Glen had looked it over and found no complaint unless Gilich Street is allowed two-way traffic. We could try it this way and if there is no problem we could change it. The attorney felt we would have to set up an ordinance but thought there might be easier ways than a one-way street. This is considered the first reading of an ordinance to make Adams a one-way street and meanwhile the attorney will check into it.

AMENDMENT TO MOBILE HOME ORDINANCE - First reading.

There were other suggestions concerning changes to our ordinances, but Dr. Hruza will be present at the January study session and he asks that all council members be prepared with just such suggestions.

BILLS: Councilman Ekberg moved that the bills be approved subject to being signed. Seconded and carried.

Meeting adjourned at 9:55 p.m.

Tape #73, Side 1, 0-605

Walter M. Bogue
Mayor Bogue

Fabricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - December 26, 1978

The regular meeting was called to order by Mayor Bogue at 7 p.m. Present were Councilwomen Ross and Melton, Councilmen Ekberg, Malich, and Bunch, Attorney Hess and Clerk Avery.

The clerk swore in Councilwoman Melton, recently appointed to fill the unexpired term of former Councilwoman Bogue. The first public hearing was then called to order.

HOOTS SHORT PLAT, Continuation:

The mayor asked the building department to give a brief recap. Wayne Goodno said that this is the seventh submission of the mylar, now updated to remove the mechanical errors.

Dr. Hruza had submitted an update also, which did not arrive until today.

There were no questions from the council. It appears that the questions of the easement has been solved.

Councilman Ekberg moved that we approve the short plat, dated today, as the official record. Councilman Bunch seconded. Councilwoman Melton abstained from voting. The motion was carried with the one abstention. The clerk was asked to mark the mylar as official. Hearing closed.

BID AWARDS - CASCADE AVENUE:

Glen Sherwood and the clerk had opened the bids this afternoon and now presented them. He said the official assessment roll plus 10% is \$18,456.

Spadoni	\$19,451.96
Shotwell	21,739.50
Tucci	23,962.60
Madsen	24,017.00
Woodworth	26,134.30
H & B	26,530.50

Glen said the town agreed to participate in the engineering costs, but the question here is now much can the estimated cost be exceeded. The attorney was not ready to answer this question but he said that acceptance of the bid can be conditional. Councilwoman Ross moved that the low bid of Spadoni Brothers be approved conditionally subject to the recommendation of the town attorney. Councilman Malich seconded. Councilman Bunch abstained from voting and the motion was carried with the one abstention.

BID AWARD - WOODWORTH AVENUE:

The assessment roll plus 10% is \$22,231.

Bids were received as follows:

Spadoni	\$24,333.75
Shotwell	25,905.00
Madsen	33,185.00
Tucci	33,951.50
H & B	34,705.00
Woodworth	36,307.50

The same problem of exceeding estimated cost exists here. The side sewer category is largely responsible here.

Councilman Bunch again abstained from voting. Councilman Malich moved that the lowest bid be accepted subject to the attorney's recommendation. Motion seconded and carried with one abstention.

FINAL BUDGET HEARING - ORDINANCE #302:

There was one question concerning the salary of the chief of police. Councilman Malich felt it was not right that the starting salary should be so high. Clerk Avery said he quoted the current salary as the starting salary. There was concern from others that the salary would be adequate enough to attract someone qualified. Councilman Ekberg said that, in the future, perhaps job descriptions will be established with salary ranges.

Councilwoman Ross moved that the council adopt Ordinance #302. Councilman Bunch seconded. Motion carried.

REVENUE SHARING:

The council has approved a revenue sharing budget of \$30,000 and the future spending of it can be determined tonight. State grants--the dock and street in the offing--require matching funds. The revenue sharing funds are the only matching money available. The money designation can be changed in case of an emergency. Councilman Malich moved that we set the revenue sharing money

aside. Councilman Bunch moved that the revenue sharing money be used for street improvement. Motion seconded and carried.

MINUTES: The minutes stood approved as posted as there were no corrections or additions.

SPECIAL GUESTS:

Dr. Rosenthal, veterinarian, wished to ask the opinion of the council concerning the establishment of a day-care animal clinic in Harbor Heights Square. Councilman Ekberg excused himself on the basis that Dr. Rosenthal is his client.

The Planning Commission had heard Dr. Rosenthal's request at their last meeting, at the recommendation of Wayne Goodno since no provision is made in the ordinance for the use that Dr. Rosenthal requests. The commission recommended that a conditional use permit would be the proper way and the building department should be advised to take such a permit.

Dr. Rosenthal explained that he would not maintain a hospital but a different concept in care. This would cover most out-patient care. An animal requiring further care would be referred to the Jones Animal Hospital. In this area the clinic would maintain only a reception room, two examining rooms, and a treatment room. They would maintain only scheduled hours--with no drop-in care. He had talked with other renters in the building, including the owner, and he had a signed statement that no one objects. He was averse to yearly review.

There was a great deal more discussion. A permitted use under B-2 is medical clinics--not necessarily human. Attorney Hess advised that it could be allowed as a matter of right with no conditional use permit required. No council member was opposed but the attorney said that the council could use discretion as the ordinance is vague--a council should interpret what was intended.

Councilman Bunch moved that we allow the conditional use permit with yearly review. Mayor Bogue said we must first determine what the permitted uses are. Councilman Bunch felt the conditional use permit was a more appropriate way to go since the yearly review would provide a means of checking on it. Attorney Hess then asked for time to review the conditional use section of the ordinance and will advise the council by next meeting.

DON PULLIAM, BIG TOY representative, presented a working model of the Kiwanis Club donation. This large model will be incorporated with the present Big Toy in the park. It will be added to after being moved to a new location in the lower area near the memorial Big Toy. The town is to consider the cost of fencing the area. The Kiwanis Club will provide a rubberized base. The town is to set the fence and provide a level site. It was moved and seconded that the generous offer be accepted. Motion carried. The parts will be ready for assembly in two or three weeks.

REPORTS OF DEPARTMENT HEADS:

Street and Water - None

Sewer Treatment - Gary asked the council to look at the dangerous tree situation at the plant. One tree has fallen on the fence and six others are ready to fall.

Police Department - Chief Tomlin has worked, or been on call, almost around the clock under bad publicity. The town is advertising now for patrolmen and a hiring list will be set up.

Building - None

Attorney - None

Engineer - Glen said he met with representatives of Wick Homes on December 18 regarding the drainage problem. They received a preliminary estimate on 36" drain tile from their site to the Sound. He questioned the need for tile as large as 36". A cursory check shows that 36" is not necessary. They will research the question and come up with an alternate plan for the specific program. He will have a report prior to next meeting. The proposal is to include figures that will be easily verified.

The tank contractor is due to start immediately after the first of January. He will move on to this job after the Richardson job.

Councilwoman Ross, speaking on behalf of the Gig Harbor Library Board, of which she is a member, asked if the Street crews can take regular care of the Library property. Jim Hibbs agreed, providing it was okay with the mayor and the council. Jim said his crew has worked there before. Mayor Bogue had no objection.

Councilwoman Ross went on to say that it had been brought to her attention that the mollusk sculpture at the Park needs a drain in the bottom and that the sculpture is very rough inside. The artist never returned to complete it. Jim said a drain was installed about two years ago but it cannot be kept free running. The town will again fix the drain and finish the interior.

SKRIVANICH WATER LINE - Attorney's Report:

Attorney Hess said that his memo to the council stated that he interpreted the communications from Mr. Smith as finding that Mr. Skrivanich has not complied with conditions of approval for his apartments which require the installation of a 6" water main. This question resulted from a motion made at the meeting of April 11, 1977, and a transcript of that meeting and the motion indicates that Councilman Ekberg moved that any previous motion made by him would in no way add to or delete from any of the requirements that the fire marshal had previously made or will make. Councilwoman Bogue seconded that motion and the motion carried with Councilman Hanson abstaining. Attorney Hess asked the fire marshal to go back over the situation. He wrote a lengthy letter which did not answer my specific questions and consequently that is why he (Hess) had to interpret his letter.

Councilman Ekberg felt that neither the fire marshal nor the attorney have correctly interpreted which the council had in mind. Therefore, Councilman Ekberg said he would meet with the attorney and report back next meeting.

MOBILE HOME ORDINANCE AMENDMENT - #303 - 2nd Reading:

Councilman Malich moved that Ordinance #303 be adopted. Councilman Ekberg seconded. Motion carried. The contract with Jim Hibbs will be ready next meeting.

PIERCE COUNTY FIRE DISTRICT CONTRACT:

The attorney advised that the contract tenure be reduced to one year. The clerk was asked to write to the Fire Department to resubmit the contract.

SHORT PLAT RECOMMENDATION FROM THE ATTORNEY:

This will be discussed at the study session of January 3.

WOODWORTH AVENUE LID - #304 - 2nd Reading:

Motion by Councilman Malich with second by Councilman Bunch that this ordinance be adopted. Carried unanimously.

LIQUOR LICENSE FOR CANDLE SHOP:

No objection to the renewal.

ANNOUNCEMENT OF OTHER MEETINGS:

Planning Seminar, UPS, January 17 at 7 pm.

Councilman Bunch asked the council about town policy on street repair. He asked if it was the town's obligation to repair Fennimore Street. It needs much work and widening. The town needs to spend money here since Woodworth will soon be upgraded. It was felt there should be departmental review on the cost of upgrading. Perhaps a general policy or orderly plan should be put into effect.

BILLS:

The bills were approved upon motion of Councilman Ekberg with second by Councilman Malich. Carried.

MOTOR DRIVEN VEHICLES IN TOWN PARK: Attorney Hess would like the council's decision on what is needed here. Councilman Bunch felt an ordinance was necessary to make them illegal.

FISHERMEN'S DOCK:

Dan Dawson, newly elected to the state legislature, asked the mayor if the town is still working on this. Councilman Malich was asked to contact Dawson.

BONDING: Councilman Ekberg is working on this. He is waiting for a letter from another bonding company.

REVISION OF BUILDING CODES: To next meeting. This will include fees.

The police Manual is being reviewed by Law and Justice Planning.

Meeting adjourned at 8:34 p.m.

Tape #73, S. 1, 605 to End, S 2, 0-36

Robert M. Logue
Mayor Bogue

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - JANUARY 8, 1979

The meeting was called to order at 7:10 p.m. by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilman Malich, Attorney Hess and Clerk Avery. Councilman Ekberg arrived at 7:30 and Councilman Bunch was ill.

The regular meeting was recessed for the public hearings on the agenda.

KING OFF-STREET LOADING VARIANCE: The planning commission had written with recommendations on all three variances. They had recommended that this off-street loading variance be approved, and the height variance be approved with restrictions.

Paul Brenna of the Callison Partnership explained that there are really eight loading zones on the site but they did not wish to have truck zones with dock-height facilities because they would not fit in with the aesthetics of the plan. It was found that further off-street loading facilities are not required so the need for the variance no longer exists. Attorney Hess said that since a finding has been made that it is not required the council need not vote. Mayor Bogue said that, on the advice of the town attorney and the building department, the need no longer exists. The variance hearing on this aspect is now cancelled.

YARD VARIANCE: The architect explained that they wish the abatement of the side yard requirement since the property to the north is the fire station and is not residential use. The fire station contemplates a 10-foot landscaped border. They felt it desirous not to include a 10-foot strip here but would gladly substitute green belting in other areas to make a more attractive layout. This would yield greater square footage in planting than if they used a straight ten-foot strip. In effect they would spread the planting out and create more open space. There were no voices in opposition.

Councilman Malich moved that the side yard variance for this property be approved. Councilwoman Melton wished to amend the motion so Councilman Malich withdrew his motion. Councilwoman Melton then moved that the request for variance be granted with the stipulation that the side yard requirement of the town's comprehensive plan is met. Councilman Malich seconded. Carried with Councilman Ekberg abstaining.

HEIGHT VARIANCE:

Brenna explained that the original layout has been changed. A road had divided the property into two segments because the property was identified by office use and retail business use. After the contours were taken they found that the unique features of the site include a mound of about eight feet in height that is covered with nice evergreens. This plan (displayed on free-standing boards) was the result. They now plan a village-type concept with all automobile traffic outside. They plan an interesting exterior with varying roof heights. The retail-type buildings seem to require roof heights greater than eight feet. The clerestory roof would run about 24 feet. The restaurant roof would run higher. They would vary the roof line here to give special identity to this building. The tower would create interest--it is a focal point of 47 feet in height, ten feet square. The restaurant roof would run 35 feet. The trees would be the approximate height of the tower. Their aim is to salvage the site. It would be a shame to strip the property.

The height of the tower was questioned. They said the the height depends on the slope of the roof and the roof slope is determined by the size of the building. The restaurant, naturally, is of greater size. Bob Huesers, Tacoma, spoke also on the subject of the tower. He said that, from an aesthetic point of view and also structurally, the height is required for the restaurant. Councilwoman Melton wondered how granting this variance could keep from setting a precedent. They answered that this project is unique, since it is near the freeway and blocks no view. Councilman Ekberg then asked if the tower would have any design--he felt the tower would be used in lieu of a sign.

There were no voices in opposition to the height variance.

Councilman Ekberg said his main concern was that the variance be tied to the preliminary sketches. Are these drawings the ones they are willing to be tied to? Brenna answered yes. These drawings will be submitted for the site plan review. Attorney Hess suggested that the booklet furnished to the council be used to prove incorporation--as a purely conceptual point. The architect said he would be willing provided the tree location works out.

Councilman Ekberg then moved that the variance be granted with the following stipulations: That the variance no exceed a height of 24 feet except the

restaurant will have a height of 35 feet and a tower, not to exceed ten square feet, will have a maximum height of 47 feet. That there will be no advertising on the tower and that the heights block no view and not be out of scale; that the booklet be attached, not to tie to specific architectural designs but to include the concept of the architecture. Seconded and carried. Hearing closed.

CORRESPONDENCE:

John Holmaas wrote asking that sewers be furnished to his development north of LeDomaine Restaurant on Peacock Hill Avenue NW. It is 330 feet outside the town limits. He would gladly annex but the intervening LeDomaine does not desire it. Since the BRB would probably deny annexation, as it would not be contiguous with the town boundary, they ask to connect to the town's system. They feel that the picture with the county has changed for the better.

Councilman Ekberg said he would rather see a request for annexation. The rest of the council agreed that they did not wish to consider the request without a petition for annexation.

REPORTS:

Sewer and Water - None. Councilman Ekberg asked Jim why so much pipe was purchased from Borgen and Johnson. Jim answered that it was for the sewer at the park. They then asked Jim why two chain saws were purchased. Jim answered that they were a real good deal--both of them were cheaper than the repair of one old one.

Sewer Treatment - Gary again brought up the condition of the trees at the Plant. Councilwoman Ross said she agreed that they are leaning precariously. The council agreed that the trees should come down. Gary Tannahill then asked if the wood should be taken to the park. This was okayed as Jim Hibbs said he will stockpile the firewood out of harm's way.

Police Department - The mayor said that two men from Law and Justice Planning have been here all morning. There have been a large number of applications for both positions.

Building - None

Attorney - None

Engineer - On October 23, 1978, the minutes do not reflect that a fair market value was paid to Hildebrand and he would like the council to correct these minutes to show that \$12,740 WAS PAID to Hildebrand. Councilwoman Ross moved that the minutes be corrected to read that \$12,740 was paid as opposed to the \$12,000 that the minutes show. Councilman Malich seconded. Carried.

The tank contractor is not back on the job, probably because of the weather. It will be the latter part of the week before he returns unless a thaw sets in and he cannot get his equipment on the highways.

Councilman Ekberg questioned the charge on the Parametrix bill for the Harborview Drive UAB. Glen answered that it is for a 36' wide paving from Novak to Borgens--design only.

Councilman Malich asked Glen what can be done to lessen the damage from thaw. Glen answered that load limits are to be observed on all streets.

Councilman Ekberg asked about some of the engineering projects cited on the bill.. If the Harborview Drive engineering nearing completion? A. It is getting close, however the engineering cost represents 10% of the total and we havent reached the total by any means. Q. The Jerisich Dock project? A. The plans and specs are through on that project and we are planning to call for bids as soon as the Corps of Engineers will issue the permit. Q. What is holding up the Corps permit? A. The protesting letters have been resolved but there is still a problem with the DOE and it has now surfaced that there is a problem with the Shoreline Management approval which the Town did about five years ago and there is a letter here for the mayor to sign and send to them to ask for an additional year's extension so that they no longer have objection to this.

COMMITTEE REPORTS: Councilman Ekberg said he met with Attorney Hess regarding Shore Acres water, the Skriivanich line, and other questions. These will be brought up at a later date.

ROSENTHAL CLINIC DECISION:

Councilman Ekberg again absented himself. Attorney Hess had recommended that the only way is by amendment to the ordinance. Councilwoman Ross wished it be allowed use in a B-2 zone but defined as to day use, small animals only. Councilwoman Melton would like it included as a conditional use and would like the definition that Dr. Rosenthal cited us. Councilman Malich agreed with Councilwoman Melton. This is the first reading of an amendment to the zoning code including the definition of animal clinic and a definition of conditional use in a B-2 zone.

PROPOSED LIABILITY CONTRACT FOR OCCUPANCY OF A MOBILE HOME:

The attorney said this is an outline and he would like the council to look it over. Jim Hibbs would like the police to continue to open and close the park. The attorney asked for specific conditions. What kind of limited coverage? Mayor Bogue asked Councilman Ekberg to work on this.

STREET NAMING - NORTHVIEW:

Names had been suggested by the historical society. They stressed that the name Insel was a must, but they suggested two or three names for each street in the plat. The council chose the following names:

INSEL AVENUE - The long street parallel with Stinson.
 WILKINSON LANE - The short street at the foot of Insel.
 EDWARDS DRIVE - The dead end street at the top of Insel.

BUILDING CODE REVISION - ORDINANCE #305 - 2nd Reading:

The passage of this revision removes the permit fees from the local code. The adoption preempts and makes redundant the town's building code. Councilman Ekberg moved that Ordinance #305 be adopted. Seconded by Councilman Malich and carried.

SUBDIVISION MANAGEMENT STORM DRAINAGE FOR HARBORVIEW PARK:

Doug Webb presented the proposal to the council. The runoff is now 1.9 cubic feet per second. After development it is estimated the runoff will be 7 to 10 cubic feet per second. This would mean a 30" pipe on Soundview, a 24" on Ryan and on down to the Sound. The cost is estimated at \$60,000. This is more than the original system would have cost. They asked if the town can participate in this project since it would benefit the town as well as the developer. If they cannot, then would they be allowed to go ahead with a late-comer's agreement.

Councilman Ekberg was in favor of the late-comer's agreement. He would like to see this taken up with the attorney and the engineer. The town was originally going to contribute labor to install all but the most difficult part of the line. Then the Town and Wick would profit from the late comer's agreement. The town's involvement would be labor only, to install the culvert. The attorney was much in favor of it, saying the problem must be solved eventually and this is a giant step. The top must get easements for the actual outfall at the beach.

Councilman Ekberg would like reports from the department heads regarding any particular problems. Glen was concerned that the town employees might not be able to finish the project within the developer's time frame. Webb will furnish model agreements by the next meeting. Webb asked if a paved ditch might be a possibility. This would be about 1/5 the cost of culvert. Glen's recommendation will be forthcoming on this.

The minutes were not approved since late distribution made it impossible for the council to read them in time. They will be brought up next meeting.

BILLS: Councilman Ekberg asked if an executive session might be called to discuss a bill. Attorney Hess felt no. A short recess followed. When the meeting was recalled to order Attorney Hess said it would be a proper matter to hear at an executive session. The meeting was then recessed for this executive session.

Upon recall to order, Councilman Ekberg moved that the bills be approved with the exception of the Parametrix bill and that the mayor be authorized to pay 1/2 of this outstanding bill. Councilwoman Ross seconded. Carried.

Mayor Bogue brought up the following items:

She said she had been unable to get information regarding possible ways to purchase the old fire station.

Smoke Detector Ordinance - The fire chief said this applies to rentals only

We must acquire property for the expansion of the sewer treatment plant. She asked if some council member would agree to look into this matter.

Concerning the upgrading of the streets, she asked if the council wished to get started. No action was taken.

Meeting adjourned at 9:48 p.m.

Tape 73, Side 2, 36 to 873

Keith M. Bogue
 Mayor Bogue

Patricia A. Ebert
 Asst. Clerk

* Correction to minutes: Councilwoman Melton moved that the side yard variance be approved with a stipulation that the minimum yard be six feet.

Regular Council Meeting JANUARY 22, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilmen Malich and Bunch, and Attorney Hess. Councilman Ekberg and Clerk Avery were not present because of illness.

STRAUB VARIANCE REQUEST:

The planning commission had written regarding the carport setback. When the members of the commission visited the site they found a fence which they felt obstructed view. They feel the carport completion would cause no problem. At the time of inspection Mr. Straub volunteered to reduce the size of the fence. The planning commission recommends approval of the 16 foot variance in setback providing the height of the fence is lowered.

The council asked why the fence existed without conforming to the ordinance. John Hodges answered that the fence also was built without a permit by the previous owner. That owner was asked to apply for a permit; instead they moved away. The new owner knew nothing of the problems with the fence and he went ahead and started the carport without a permit also.

There were no voices in opposition. Councilwoman Ross felt the present owners are not responsible for the fence height but if the present owner would be willing to lower the fence it would be a good deal. Mr. Straub said he would be willing to cut off the corner nine feet each way. He said the roof line of the carport would be as low as the existing fence.

Councilwoman Ross moved that we accept the request for variance with the stipulation that the fence is cut back as per the recommendation of the planning commission; that the roof of the garage be no higher than the existing 2 x 4's; and the corner posts stay as they are at this moment. Councilman Malich seconded. Carried unanimously. Hearing closed.

MINUTES: The King Yard Variance motion was felt to contain, as part of the motion, the stipulation that the minimum yard be six feet. The secretary was asked to research and correct if different. The minutes to this meeting and the December 26 meeting then stood approved.

CORRESPONDENCE: None

SPECIAL GUESTS:

Tim Brennan requests permission to use Goodman Avenue as a private driveway. He presented a letter, saying that the expense of building would be too great if he had to bring the road up to specifications in addition to the cost of a manhole and the cost of connection to a sewer some distance away.

Glen Sherwood said he and Jim Hibbs had looked at it and they felt the likelihood of extension of Goodman Avenue was not great. Brennan would eventually have to participate if it did become an eventual street improvement but the street would probably never be extended past Rust Street because of the grade.

Attorney Hess said the town could issue permission to do construction in a public right of way. Future improvement would come about naturally through an LID. Councilman Bunch wondered what liability the town might assume on the maintenance of an unimproved road. The attorney said he would assume no liability at this time unless many others lived on the road. Councilman Bunch felt the town should have an agreement to protect the town--perhaps attached to the deed. There was further discussion but Attorney Hess said he felt that we are looking at this in the wrong way--piecemeal development is wrong. Some sort of comprehensive plan should be developed for such properties. The council asked Glen to look into this as well as the furnishing of water and sewer and report back at the meeting of February 13.

HARBOR HOLIDAYS COMMITTEE: Spence Nordfors was present regarding the festival scheduled for June 2. They presented a letter, a rough draft, which showed their intent. They need council approval and sanction, and the support of the town, as well, so far as police protection is concerned.

Discussed were boat traffic last year, and the possibility of getting help from the Coast Guard, the sheriff's department, or the national guard with their barge. There were lots of unhappy property owners in the town affected by last year's celebration.

The expenditure of 50% of the cost of police protection was brought up. It was felt that the state auditor's office should be contacted to see if the expenditure of town funds can be justified.

Councilwoman Ross moved that we assume responsibility for 50% of the police protection bill pending the approval of the auditor. Councilwoman Melton seconded. Carried.

DUANE ERICKSON of the Rotary Club was present regarding the fencing of the remaining side of the Harbor Heights Park. The Rotary will have invested between \$2000 and \$3000 in the fitness trail and they ask that the town pay for the material for the fencing which the FFA will install. They would like special gates to make it impossible to get motor bikes through. The mayor told Mr. Erickson that a wooden fence had been discussed and found more aesthetically pleasing. She asked that someone from the Rotary Club meet with Jim Hibbs to work out the type of fencing. Councilwoman Ross was asked to work with them. The meeting will be arranged.

DREW WINGARD of the fire department, spoke regarding the fire lanes at Harbor Wood West and the Cedars apartments. He asked where the town stands regarding parking that obstructs fire lanes. Attorney Hess will research this question.

REPORTS:

Street and Water - None

Sewer Treatment - None

Police - Mayor Bogue reported that the panel interviewed fourteen prospective applicants on Saturday and are now doing an in-depth research. They hope to announce a new chief on Friday.

Building - John Hodges had a question for the attorney concerning the decision on reapplication for variance within a year. The attorney had ruled that if the applications are different the rule does not apply. Attorney Hess said he would like to take this question under advisement.

Engineer - Glen said the tank contractor is working on the tank and is up about 24 feet now. It should soon be visible from the highway.

Glen said he received a letter from Robert Helm of Wick Homes regarding the need for easements on the storm drain. He is bringing it up now in case the council wants to authorize him to go ahead; if so, he would like authorization to do so and no hold up will occur. The late-comers agreements are to be decided upon (having been received only this afternoon) and the council would like time to look them over. Councilman Bunch felt the estimate was very low and it might prove to be an inadequate system. Glen said the sizing is yet to be checked out. They will not accept an inadequate system, size-wise, until the system meets the town standards.

The attorney recapped the question: He said this is a combined attempt to solve three things: Wick Homes drainage, Cascade Avenue drainage, and the Ryan Street water problem. Now the only problem is the surveying of the easements--the price to run about \$500, according to Glen Sherwood. The council authorized Glen to proceed with surveying of the easements and preparing the descriptions. The meeting then adjourned for an executive session.

When the meeting was reconvened, Attorney Hess reported on the progress of the Tarabochia vs Town court hearing. Attorney Johnson is co-counsel. Hess said he sent him a copy of the notice from the court of appeals. Tarabochia has not proceeded with the appeal and, if not heard by March 21, the case will be dismissed. Attorney Paglia, in the audience, said the town should have asked for an abatement of the offending portion of the float. The violators have had the use of the float all this time and the town could have caused them to remove the float during the appeal period. Attorney Johnson will be asked to report by next meeting.

MOBILE HOME INSURANCE COVERAGE - To next meeting.

SITE PLAN FEE ORDINANCE - First reading.

PROPOSITION FOR FINANCIAL ACQUISITION OF OLD FIRE STATION:

Attorney Paglia, representing the fire district, said he would like clarification of the status of the property. He feels that the status comes under the jurisdiction of old Ordinance 72, and that the non-conforming use applies here. Thus, no rezone would be required. He only asks a declaratory decision as to its present status.

There was a great deal of discussion on this subject. Finally, Mayor Bogue said she wished to remind the fire commissioners and Attorney Paglia of the impeccable behavior of the town council when the fire district requested that the zoning of the site be delayed in hope of a fairer purchase price on the part of the district. "The council would do nothing to harm the people of the town," she said, and she suggested that his client ask for a rezone of the property. The mayor went on to say that the town has no plans to acquire the property at this time since they lack the funds to do so. The town does wish to act in a cooperative way with the fire district.

FEASIBILITY STUDY FUNDS TO CONSTRUCT A SENIOR/MULTI-PURPOSE CENTER:

Community Block grant funds are available to fund this study. The study could encompass the feasibility of constructing a multi-purpose center in the town to house a senior center, a library, and a museum. No action was taken.

BILLS: The bills were approved upon motion of Councilwoman Melton with second by Councilman Bunch. Motion carried.

The proposed bonding company is exploring the possibility of combining the two LID's with a substantial saving resulting. The project could also be financed by the town itself through the use of arterial street funds with the payments on the assessments coming directly back to the arterial street fund. The council preferred the first method.

Councilman Malich questioned the changing of finance companies. The mayor explained that the contract with McLean and Company expired in 1977. The attorney said that appointment of a finance company can be handled like a contract. The council should take action and direct the mayor to execute the contract. It was felt that a contract was not necessary so the mayor will look into this before next meeting.

The secretary questioned whether the minutes of December 26, 1978, had been approved tonight. It was felt that they had been approved along with the minutes of December 8, but Councilman Malich moved that the minutes of Dec. 26 be approved. The motion was seconded and carried.

Meeting adjourned at 9:35 p.m.

Tape 73, S. 2, 873 to end and
Tape 74, S. 1, 0-418

Deth M. Bogue Mayor
February 13, 1979

Patricia Ebert Asst. Clk.

The meeting was called to order by Mayor Bogue at 7 p.m. Present were Councilwoman Ross, Councilmen Bunch and Malich, Attorney Hess, and Clerk Avery. Councilman Ekberg arrived at 8:30 and Councilwoman Melton was out of town for the month of February.

The meeting was recessed for the first public hearing.
COLBERT HEIGHT VARIANCE: John Hodges said the applicant was not present. The applicant for the Mormon Church variances was not present either.

HUESERS SITE PLAN (KING PROJECT - "THE WOODS")

The planning commission had recognized that the applicant had provided ample parking on the site and that all natural vegetation will be left. They recommended approval of the updated site plan.

Bob Huesers, representing Mr. King, pointed out two changes that were made necessary by cost overruns; these changes do not affect the use or the layout. A small walkway has been eliminated between A-B and between E-F. This leaves more natural growth. It increases the covered space somewhat-- by 400 more square feet, but it leaves more open space. They have included refuse (waste) areas and made provision to dedicate 30 feet of right of way. The drainage has been worked out and gas, oil, and silt mechanisms have been taken care of. They plan only two exterior signs with small interior signs delineating the areas.

Mention was made of signalization at Hunt Road and Soundview Drive. This had been a suggestion in a preliminary report with emphasis on special conditions on the part of John Hodges, who said they envision a need for a signal in the future and this may be the means of acquiring it--through planned development. The mayor asked attorney Hess what his opinion was. He replied that the council could require it. The finding should be made by the council prior to approval and apply that condition to their approval. Huesers questioned the need for payment toward a traffic signal in the light of the tax base to be created by the development of this project. Also, who else would be required to pay for it at this time. He was reluctant to be tied to this.

Councilman Bunch felt this requirement should be dropped. Councilwoman Ross agreed. Councilman Bunch moved that the site plan be approved subject to approval by the town engineer of the drainage plans. Councilman Malich seconded. Councilwoman Ross amended the motion to include that this be considered the landscaping plan for the development and that the trees are to be left in their natural state. Councilman Bunch seconded and asked that the map be so marked. The amendment carried and then the original motion carried. Hearing closed.

MORRIS SETBACK VARIANCE:

Councilman Malich wished to abstain on the grounds that he is landlord for an apartment managed by Mr. Morris. Mr. Malich left the room.

John Hodges said that Morris requires a 15-foot front yard setback variance on his property at the foot of Harborview Drive (south). The request is consistent with that of other properties in the area.

Attorney Hess was asked why he had ruled that a second request could be made

on the same property within a year's time. He said that the word of the ordinance is clear but the question is whether or not it creates an ordinance which can be legitimately followed. It takes away property rights. It is fundamentally unconstitutional to remove the right to use property. His interpretation is that the ordinance in two instances is unconstitutional and should be stricken. Mayor Bogue explained that the original intent was to keep the same applicant from returning ceaselessly.

The planning commission had recommended favorably on the variance because the limited depth of the property made it difficult to build. Also, it would allow a garage and improve the view for adjacent property owners.

There were no voices in opposition. Councilman Bunch moved that the variance be allowed. Councilwoman Ross seconded. Carried. Hearing closed.

COLBERT VARIANCE:

Although the principal was not present the attorney ruled that the hearing should proceed as there might be people present in the audience interested in the request.

John Hodges pointed out the location, between the Borovich residence and the auto body shop, on Hunt Road. The applicant plans to build 16 condominium units and requests an eight-foot height variance on five of the buildings. He had previously requested a variance on the 50% below grade requirement but has since dropped that request. The site plan is scheduled for hearing on the 26th of February and Councilman Malich moved that the variance be tabled at this time to be included and heard at the same time as the site plan hearing. No schematic drawing had been included. Councilwoman Ross seconded. Carried unanimously. Hearing closed.

BRENNAN VARIANCE:

Mr. Eugene Brennan requests a two-foot height variance for an office building at 4418 Rosedale Street. A change in foundation was made necessary because of the drainage on the site. The recommendation had been approved conditionally by the planning commission--that the storage room be used only for the complex and for the office. Because of the soil conditions Brennan put in the basement. The main floor would make the building 26 feet high. The construction was stopped. The attorney ruled that the one-year restriction in the ordinance does not apply here. It is poor drafting of the ordinance.

There were no voices in favor or in opposition. Brennan has not completed his retention system. This is the largest part of the problem.

Councilman Bunch moved that the two-foot variance be approved. The motion died for lack of a second. Councilman Malich moved that it be denied as it is no legitimate hardship. Councilman Bunch seconded. The vote was Councilman Malich, yes; Councilman Bunch, no; Councilwoman Ross, yes. Motion carried. Variance denied. Hearing closed.

MORMON CHURCH CONDITIONAL USE PERMIT:

The planning commission had submitted a recommendation with a stipulation that a contractual agreement include (a) shoulders; (b) curbs and sidewalks on both sides of both streets adjacent to church property; (c) culverts and drains; (d) limited access to Rosedale; and (e) that site and area plans show all pertinent details. There were no voices in favor or in opposition. Councilman Ekberg arrived at this time and abstained from discussion.

Councilman Bunch did not favor access onto Rosedale Street. The possible traffic pattern was discussed.

Councilman Bunch moved that the conditional use permit be allowed. Councilwoman Ross seconded and amended the motion to read that the site plan will be required with the stipulation that the town enter a contract with the church as recommended by the planning commission. Councilman Malich seconded. Councilwoman Ross further amended that the motion is to include stipulation (e) specifically. Councilman Malich seconded the amendment. The second amendment carried. The first amendment carried. The original motion carried.

MORMON CHURCH HEIGHT VARIANCE:

The church requests a height variance of 13 feet 6 inches for the roof and 40 feet for the spire. The planning commission had recommended favorably.

There were no voices in favor or in opposition. The council felt this drawing of the spire caused no objection. The design could be tied to the preliminary drawing.

Councilman Ekberg moved that this variance be granted with the stipulation that the site plan be approved and the building style and spire be the same as the architectural drawing submitted with the application. Councilman Bunch seconded. Councilman Malich did not approve of the intended height. It had been noted that the new building would be two feet lower than the existing building. Mayor Bogue suggested that the issue be tabled until the site plan hearing and both could be heard at once. Councilman Ekberg moved to table the height variance hearing. Councilman Malich seconded. Carried. Hearing closed.

The regular meeting reconvened with a motion that the minutes be approved as posted.

Correspondence: None

Special Guests:

HARBOR HEIGHTS COMMITTEE. Spence Nordfors was again present to discuss the police protection costs. Most of the water-policing problems have been solved now and they ask further council sanction as follows:

That the Harbor Holidays committee pay up to \$450 as a maximum figure. They ask that the town pay anything over that figure. The mayor said the auditor had approved the expenditure of 50% of the policing costs but now the Pierce County Sheriff has a further requirement that their off-duty men be clothed in the uniform of the local police force. This is a real drawback as the town has clothing for only about two extra men, not 10 or 12.

Councilman Ekberg had not been present at the time the council voted to authorize the payment of 1/2 of the cost. He was not in favor. Councilman Bunch felt likewise.

Peggy Greer, board member, said they have limited funds. \$450 is the top price they can afford.

Councilwoman Ross felt we should stick by the 50%. She would like to see the town endorse Harbor Holidays and go along with their plans. She cited other towns who endorse their local celebrations.

Mayor Bogue felt the cost of policing could run considerably higher this year because of higher wages and also the off-duty rate for deputies is \$10 per hour now.

Spence Nordfors said that Harbor Holidays only wants a decision from the council. The council said their former decision stands. The Harbor Holidays committee then said there will be no celebration this year.

REPORTS:

Street & Water - Jim said there is a fire hydrant on Chinook Avenue with only 35-50 gpm flow. He would like permission to remove it as it is fed by a 2" line, vastly undersized, and it would be very inadequate if the fire department hooked up to it. Mayor Bogue asked the attorney and the engineer to make a study on this.

Sewer Treatment - None

Building - The greenbelting on Hunt Road next to Islandview Court, will be taken up next meeting when Mrs. Duggins will be here.

Attorney - Parking in fire lanes - not completed.

Regarding the fire hydrant without water, the main concern is negligence. The solution is to provide adequate flow to the hydrant.

Engineer - Storage reservoir is up to 72 feet now. It is to go to 100 feet and will probably be at that level by next meeting.

Bids were opened today on the pump and pumphouse contract. The low bidder was Ralph Company with \$45,900. The bid was reviewed and it is recommended that they be awarded the contract subject to the approval of DSHS. The engineer feels that Ralph Company is a reputable contractor who can do the job. Councilman Ekberg moved that the recommendation of the engineer be accepted. Seconded by Councilwoman Ross. Carried.

Glen told the council that a pre-construction conference was held today on the WOODWORTH and CASCADE LIDS. Spadoni desires to start Woodworth February 26 and Cascade on March 5. There is some settlement in the sewer trenches on both streets of recent origin. We are faced with a decision on excavation and water settlement of these trenches before the paving starts. It would run about \$1000 if the town does it and about three to four times that if the contractor does it. If it is not done there is a possibility these areas will need periodic patching.

Councilman Malich moved that we instruct the Street Department to follow the engineer's recommendation to try to correct the problem. Councilman Bunch seconded. Carried.

Don Hein, in the audience, a resident of Woodworth Addition, asked about the hole that opened on Woodworth last year when the cement truck fell into it. He asked what caused it. Jim answered him that it was rain that caused it.

Glen Sherwood gave a letter to the mayor this evening regarding the sidewalks in the Northview Plat. Leonard Kruze of Ryan Built Homes was present on this subject and he asked the council's consideration of the sidewalk situation on Insel Avenue. He spoke of grades of lots, of the planting that was already in place, the graveling of the shoulders; it all boiled down to the fact that they do not wish to place a sidewalk on both sides of Insel Avenue. They would provide only one at the foot of Insel, on one side of Wilkinson but would provide two at the top--on both sides of Edwards Drive. Councilman Ekberg asked for input from the various recommending bodies and postponement to next meeting.

Regarding Tim Brennan's request to use Goodman Avenue as a driveway, Glen furnished a sketch. The topography makes it necessary to hold the street entirely to the uphill side. Excavation much farther south is largely impossible because of the gullies. It is recommended that Brennan:

1. Hire an engineer to provide the topog for best street extension.
2. Install a 6" water main.
3. Construct sewer extension south as far as possible and pump into it or pump temporarily to Vernhardson and participate in extension of a line to the south and east of gravity sewer. It would be about 900 feet to the end of the Hedman sewer.
4. All costs to be borne by the developer.
5. The driveway should be from 12 to 15 feet in width, specifics of construction not mentioned.

Councilman Bunch moved that Brennan be granted the right to use Goodman Avenue subject to the recommendation of the engineer. Councilman Malich seconded. Carried.

Wick Homes Drainage - The developers were not prepared to proceed tonight. They will probably be here next meeting.

Clerk-Treasurer - The mayor suggested adding the clerk-treasurer to the reports heading on the agenda. She then asked Clerk Avery to explain more fully the possibility of using the Arterial Street Fund money to save the cost of issuing bonds. Clerk Avery explained the advantages and disadvantages but the council still preferred to issue bonds.

TOWN HALL PARKING: No statutes cover one-way streets. It should be established by ordinance. The attorney will have it ready next meeting.

Don Hein asked that water be stubbed out to several lots prior to the street improvement. This will add about \$450 to the cost of the project. The council approved.

GEORGE HOOVER: Mr. Hoover, a building contractor, has rented the Lunde house as his business office. Hodges asked if this building must now meet the zoning code in all respects. Does the business license only collect revenue or does it insure that the business complies with the zone? Is it subject to town ordinances? Clerk Avery reminded the council that we had taken Randy Pascoe to court on such a basis and the judge ruled that the business license is for revenue only.

Attorney Hess felt that the building and zoning code should be complied with when the business changes from full-time residential use to another use.

Councilwoman Ross moved that the business come in meeting all regulations of the ordinance for that zone and then a variance can be applied for through proper procedures. Councilman Bunch seconded. In other words, the license can be issued but for occupancy to take place the laws of the town shall be enforced. Motion carried.

MOBILE HOME INSURANCE COVERAGE:

Councilman Ekberg had checked with Jim Hibbs and he has a policy that provides minimal coverage for himself, but still adequate insurance is required and it cannot be done through the existing policy. It will be expensive if done through the town. Attorney Hess will draw up a contract with Jim. Jim will increase his insurance to the maximum as a temporary measure and Councilman Ekberg will continue to explore other avenues.

TARABOCHIA DOCK: Attorney Johnson was to have reported in person tonight but Attorney Hess will get his report in writing.

MOLGARD DRIVEWAY: The mayor said she had been approached by Charles Lindner who requested a left-turn holding lane into Sky Realty at the Molgard driveway.

Councilwoman Ross asked if the Fire Department had ever made a dedication of a road. John Hodges will check the records.

PLANNING PROPOSAL FOR THE SENIOR CENTER - Postponed.

SEWER MAIN ORDINANCE - First reading. To be taken up at the study session on Febraury 21.

POLICY ON EXTENSION OF SEWER MAINS OUTSIDE OF TOWN: If we do not wish to extend it will no longer be necessary to deal with Pierce County but we should be thinking about some criteria about this. We need to make a policy.

BILLS:

The bills were approved upon motion by Councilman Ekberg and second by Councilwoman Ross. Carried.

Councilman Ekberg felt, regarding the explanation about sidewalks earlier in the meeting, that consideration should not be given without reports from department heads in the future.

Councilwoman Ross, after consultation with the mayor and the attorney, said she wished to change her vote. She said she would like to reconsider her second to Councilman Malich's motion when he moved that Brennan's variance be denied. She moved that his variance be granted for a 2-foot variance in height. Councilman Bunch seconded. Councilman Ekberg abstained. Motion carried with Councilman Malich voting no.

Councilman Malich asked if council members can get membership in the town's health plan. Clerk Avery will check.

Meeting adjourned at 11:37 p.m.

Tape 74, Side 1, 418 to end and
Side 2, 0 to 757

Keith M. Zoque Mayor Bogue

Patricia A. Ebert Asst. Clk

REGULAR COUNCIL MEETING - ~~JANUARY 26~~ FEBRUARY 26, 1979

The meeting was called to order by Mayor Bogue at 7 p.m. All council members were present, as well as Attorney Graves and Clerk Avery. The regular meeting was recessed for the first public hearing.

FABRE SITE PLAN REVISION:

Mr. Fabre requests the removal of a fence from the approved site plan. The planning commission had recommended the removal since it serves no useful purpose. Councilman Ekberg asked for the reasons.

Mr. Boddington, representing Mr. Fabre, said that Fabre had NOT planned to enclose his decks but has now done so and no longer needs the fence. They felt the property would look much better with landscaping and low evergreens along with a rockery. Mention was made of the severe drainage problems in the area and Boddington answered that all the drain tile is now in on Fabre's property and most of the drainage is coming from the upper part of the adjoining property.

There were no voices in opposition. Councilman Ekberg asked why they preferred low evergreens? Why not something pyramidal to give a little screening? Councilwoman Ross said the planning commission had recommended the planting of fir trees. There was no objection. Councilman Ekberg moved that the site plan be changed, eliminating the fence as described, and substituting a dense evergreen screen to be planted and maintained. Councilwoman Ross seconded. Carried. Hearing closed.

Regular meeting recalled to order.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS:

MRS. DUGGINS again appeared requesting permission to place a ramp through the greenbelt across the ditch in order to get their trailer in and out about 15 to 20 times a year. John Hodges said the plat calls for a ten foot screen of the perimeter. There is no screen present at Lot 6.

Councilman Ekberg said he would not be in favor of granting the request. Councilman Bunch agreed and moved that the request be denied. Councilman Ekberg seconded. Motion carried.

SCOTT EAGAN, Troop #294, Boy Scouts of America, was present regarding a special

service project. He said he is beginning an Eagle Scout project and proposes to generally clean up Harbor Heights park, make tables and fire pits, and will trench for water if so desired. He will map and conduct a naming contest. He asks the council's opinion and their decision by next meeting. The mayor said there could be a possible conflict with the FFA project and asked that councilpersons Ekberg and Ross meet with Scott and help him complete his proposal by coordinating it with the other group.

REPORTS OF DEPARTMENT HEADS:

Street & Water - Later in meeting

Sewer Treatment - None

Police Department - The mayor introduced Jeff Snider, the new police chief. —

Building - John Hodges brought up the fact that AnnCo Properties has renewed their building permit on the former Kjellesvik/Johnson property several times. They were not ready, or unable, to build and have kept the permit in force. He asks that the council restudy the checklist and withdraw the negative declaration in view of the extreme development of the area. He asks that the council change or waive the original determination. The town attorney was asked to look into this renewal of the building permit.

Attorney - Darrell Graves, Attorney Hess's partner, is taking his place tonight. He felt it would be appropriate to further research the matter. He could have the answer by next council meeting.

Attorney Graves brought up the parking-in-fire-lanes problem. The memo is nearly completed and said the council may rest assured that this will be under the police powers of the town. It will be set in ordinance form. It was requested that copies be sent to the fire chief and the police chief.

Engineer - Marwan Salloum, taking Glen Sherwood's place, reported on the progress of the water tank. The last sixteen feet and the top will be on next week. On Woodworth Avenue, the tree cutting has not yet started. The pump and pumphouse are not yet approved by DSHS but will be by the middle of next week. The fire hydrant, brought up last meeting, is not yet decided. Cascade and Woodworth paving scheduled together -- from March 5 to March 9.

Clerk-Treasurer - No report.

Street & Water - Jim Hibbs presented prices on fencing for the park: Fir would run about \$1150, cedar about \$1700, and \$2000 for cyclone. These figures are for material only.

Big Toy Fence - This will run about \$475 for a 36" high fence with gate. We — will do the work ourselves. The council gave him permission to go ahead.

Drainage, N. Harborview Drive - To next meeting.

The fire department requests that the town fix the corner of Soundview and Hunt Road as their fire truck cannot make the turn. A catch basin and tile are needed on the SW side of the intersection and the cost would be about \$120 to install it with two or three hours of labor. Councilman Ekberg wished to re-view this until next meeting.

Jim then asked permission to order water meters. He needs about 100 3/4" and 6 one-inch meters at a cost of \$3200 total. The council agreed.

TOWN HALL PARKING ORDINANCE:

Thurston Lane and Adams will be made one-way. Councilman Malich moved that Ordinance #306 be adopted. Councilman Ekberg seconded. Carried.

SITE PLAN FEE -

The fee schedule had been left blank to be filled in by the various department heads. The basic fee of \$100 had been suggested and John Hodges suggested a sliding scale. This was postponed to later in the meeting as the fees needed some reworking.

ANIMAL CLINIC DEFINITION - ORDINANCE #307 - 2nd Reading:

Councilman Ekberg abstained and absented himself.

The passage of this ordinance would allow a veterinary clinic as a conditional use in a B-2 zone. Councilman Malich moved that Ordinance #307 be adopted. Councilman Bunch seconded. Motion carried.

ORDINANCE PROHIBITING MOTOR VEHICLES IN TOWN PARKS - First reading.

NORTHVIEW SUBDIVISION MODIFICATION OF SITE PLAN:

Mr. Kruze was again present regarding walkways in his development. The various department heads had responded. Jim Hibbs felt that if walkways had been required they definitely should be furnished. He felt we need walkways. Councilwoman Ross, after viewing the site, said that landscaping is completed on one side of each street in the development.

Councilman Bunch moved that the request be denied. Seconded by Councilman Malich. Attorney Graves asked if the planning commission had seen this and made a recommendation. Councilman Ekberg said it was his intent that the planning commission see it. Motion carried.

ISLANDVIEW SCREENING: Councilman Bunch proposed, and Councilman Ekberg agreed, that the whole thing should be reviewed. They asked the building department to do this.

SPEED LIMIT SIGNS: Attorney Hess had written a recommendation for the council's knowledge.

ORDINANCE BORROWING ROAD CONSTRUCTION FUNDS: 1st reading.

ORDINANCE REGARDING POLICING FIRE LANES ON PRIVATE PROPERTY: 1st reading.

SITE PLAN FEE SCHEDULE - ORDINANCE #308 - 2nd Reading:

John Hodges came back with adjusted fees. Councilman Ekberg moved that Ordinance #308 be adopted. Councilwoman Melton seconded. Carried.

ANNOUNCEMENT OF OTHER MEETINGS: March 7, 7:30 p.m. joint study session.

Councilwoman Ross said she will not be present next meeting.

Mr. Turner, a resident of Islandview Court, asked the liability if a tree fell on his house from neighboring property. Attorney Graves felt the council has no right to answer this question as it is a matter of private property.

Doug Howe of Hific Corporation, asked when the town plans to consider the extension of the sewer system to developers in the county. The council plans to address the problem but are researching the federal funding.

Councilman Bunch moved that the bills be approved. Councilwoman Ross seconded. Carried.

Meeting adjourned at 8:45 p.m.

Tape #74, Side 2, 757 to End and
Tape #75, Side 1, 0 to 80

Lucas M. Bogue
Mayor

Patricia Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - MARCH 12, 1979

The meeting was called to order at 7:13 p.m. by Mayor Bogue and recessed for the first public hearing. Present were Councilwoman Melton, Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery. Councilwoman Ross was out of town.

PUBLIC HEARING ON ZONE DETERMINATION - STROH PROPERTY:

This was presented by Peter Norman. The planning commission had recommended a zone of B-2 for this area but would find a study desirable regarding "contract zoning" of this area.

John Hodges pointed out the area in question. He said the police and sewer departments found an impact on development of this area. A negative declaration has been issued for the annexation and zoning only. The planning department recommends contract zoning. This parcel comprises 9.7 acres of Mr. Stroh's 15 acres and includes the existing house.

Mr. Norman, a partner in Harbor Associates, developers of the project, said the county zone is Urban and this allows commercial development. The Town's comprehensive plan, he said, also terms this commercial and they feel the intended use is consistent with the plan.

Councilman Ekberg asked if the remainder of the Stroh property is included in the proposed annexation. Norman answered no, they are leasing the 9.5 acres from Stroh. Norman was asked how they intend to buffer this B-2 zone from the R-1 adjacent. He answered through driveways and a 15-foot landscaped strip.

There was no opposition at this time. This is the first hearing only, intended for public input. The second hearing will take place next meeting. Councilman Ekberg said he would like further information from the planning commission before next meeting regarding what they consider "contract zoning" for the area. Hearing closed.

COLBERT SITE PLAN AND VARIANCE:

The variance application was considered first. In line with the current legal procedures, the mayor advised the council that if they have a conflict of interest or a conflict with the appearance of fairness, they should leave the table.

MARK SMITH, partner of Colbert, said he would attempt to explain what is

wanted in the way of a variance. They wish to build 15 single-family attached units. The eight foot variance need stems from the requirement of meeting the setbacks. Only some of the units in some of the buildings are affected.

There were no voices in opposition but the council, feeling that it is uncertain just which units are affected, asked for a postponement. Councilman Bunch moved that it be tabled and that more detailed plans be furnished by next meeting. Councilman Ekberg seconded. Carried.

The site plan, also, was tabled on motion by Bunch and second by Ekberg. Carried.

HANEBERG SITE PLAN AND VARIANCE - LATTER DAY SAINTS CHURCH:

The applicant did not abide by all five conditions delineated in the conditional use permit. They now appeal the fourth condition. The planning commission had specified Dorotich and Rosedale as the ingress and egress points; now the site plan has been drawn with Novak Street instead of Dorotich. There was a brief recess while the attorney reviewed the appropriate section of the municipal code.

Attorney Hess quoted 17.08.050B--council should determine the need for a public hearing in regard to changes in the conditional use permit. He said the council should consider the advice before them and act accordingly. Councilman Bunch moved that the public hearing be required because the conditional use permit was granted on the basis of people being present and they have the right to hear the appeal as well. Councilman Ekberg seconded. Carried. No hearing will be held tonight and we will advertise the appeal.

OLD FIRE STATION ZONE DETERMINATION:

The planning commission letter of March 9 was read. They recommend zoning to RB-1, not only the old fire station, but also the "old Ford garage." The recommendation is for public input only tonight.

John Hodges said there is no significant impact. Councilwoman Melton felt the mention of a road at the new fire station did not apply tonight.

Dr. Robert Monson, owner of the old fire station would like to remodel the building. He felt the RB-1 designation would be compatible. His only objective was to use the building for professional use. The only thing he would like to add would be a dental laboratory, perhaps not included in RB-1 use.

There was no opposition to the request but it developed that the notice had been published correctly but the adjacent property owners had not been notified through an oversight. This will be readvertised for March 26. Tabled. Hearing closed.

The regular meeting was recalled to order.

As there were no corrections or additions the posted minutes stood approved.

CORRESPONDENCE:

1. Planning commission recommendation on Castelan conditional use permit.
2. Attorney Hester, representing Richard Allen, asked for a postponement to the 29th or 30th as he will be in San Francisco on other business. Mr. Castelan said he also has a conflicting schedule, and cannot be here on those dates.

All the council agreed on the need for a public hearing. So far as the date of the hearing went, Councilman Ekberg felt we should continue the pattern as we have established it. Councilman Ekberg moved that it be held on March 26 and Attorney Hester asked for a 9 p.m. or later hearing.

3. Allen-Perovich-Bujacich conditional use permit letter of recommendation received from the planning commission. The council set this hearing the same night as Hester must attend this meeting also.

SPECIAL GUESTS:

Scott Eagan was again present regarding the Eagle Scout project. Scott said he had met with Councilpersons Ross and Ekberg. He had sent each member of the council a report with an addendum. He now asks the council's permission. Councilman Ekberg suggested that the council approve and endorse Scott to proceed and for the two councilpersons to work with him. Councilman Ekberg so moved and Councilman Malich seconded. Carried.

REPORTS:

Street & Water - None. Councilman Bunch asked Jim to check on a recently bulldozed driveway at the Copeland duplex.

REPORTS, Continued:

Sewer Treatment - None

Police - Chief Snider submitted a rough draft on department policy. Some of the council had not yet read it. Councilman Ekberg asked if this replaces the existing policy. Jeff said the previous policy, according to Law and Justice Planning, did not meet the needs of the department. This was postponed to next meeting.

Attorney None

DON HEIN, a special guest, asked about a business license for Linda's Deli in the Bay Realty building, 3411 Harborview Drive. No reference is made to grocery stores in the W-1 section of the code, but restaurants are allowed. This deli is not only groceries but sandwiches will be served on the premises. Attorney Hess said it is a matter of definition--a matter of zoning--as W-1 allows a restaurant but not a delicatessen. It is a pre-existing non-conforming building. It was felt that some determination should be made by the planning commission with a recommendation to the council. Mr. Hein was instructed to appeal to the planning commission on two counts.

REPORTS, continued:

Engineer - Glen Sherwood said the town received the last appraisal, Parcel Number 9, on the water transmission main project. This appraisal was for \$2022.08. In order to comply with the Community Development requirement on HUD-funded projects he asks that the council make a finding on the appraised value. Does this represent a fair value of the damages to Parcel 9 resulting from the installation of the main? Councilman Ekberg moved and Councilman Malich that \$2022.08 be considered a fair appraisal price for the above-named parcel. Motion carried.

Bids will be opened on April 6 on the transmission main if there are no objections. There were none.

The contracts for the pump and pumphouse need to be signed by the mayor and the clerk.

The top of the water tank is scheduled to be placed on Wednesday.

Woodworth - Rough grading and side sewers are completed, to be followed by storm drainage construction, then ballast and surfacing.

Cascade - Dr. Ryan has raised a question on the right of way. This complicates our plans slightly. He said a portion of the street has been vacated to him. This question has arisen before and the matter is being researched. The attorney suggested a title search as we need an abstract. Glen will contact a title company.

Jerisich Dock - Jake Bujacich had talked with the port commissioners and he recommends that the council write to the port and recite the fact that the dock was recommended by them (the port) and ask what they can do to help us as the preliminary estimates exceed the funds available. If the port can help it would make it easier to complete the project, especially their dredging help.

Shyleen Street - The question of acceptance of the street was brought up. Glen said there was some clean up but it is now done and the street is ready for acceptance. Glen recommends that the town accept the Shyleen improvements that now meet town specifications. Motion was made by Councilman Malich that we accept the engineer's recommendation. Seconded by Councilman Ekberg. Carried.

ISLANDVIEW TERRACE IMPROVEMENT ACCEPTANCE:

The engineer recommended that the improvements be accepted. As-builts were to be provided and they have arrived. All conditions have been met. Councilman Bunch moved and Councilman Ekberg seconded that the final plat of Islandview Terrace be accepted. Motion carried with Councilman Malich voting no.

HUNT ROAD AND SOUNDVIEW DRIVE CORNER:

This was continued from last meeting. The fire department wishes the corner widened for their fire trucks. Councilman Bunch asked that it be postponed to next meeting pending the comments of the engineer.

ISLANDVIEW SCREENING: The attorney's report was not ready.

ORDINANCE BORROWING ROAD CONSTRUCTION FUNDS - #309 - 2nd Reading:

It was moved and seconded that Ordinance #309 be adopted. Carried.

ORDINANCE PROHIBITING MOTOR VEHICLES IN TOWN PARKS - #310 - 2nd Reading:

It was moved and seconded that Ordinance #310 be adopted. Carried.

ORDINANCE POLICING FIRE LANES ON PRIVATE PROPERTY:

Research has revealed that the town does have the power to police fire lanes on private property but it proves to be more complicated than formerly thought. Should it apply to all now-existing apartment or only new construction? What requires fire lanes? It needs definition and marking thereof. The attorney said he is drafting a letter to Drew Wingard to establish these things.

HIBBS' CONTRACT WITH THE TOWN:

The only significant change is the amount of insurance required. Councilman Bunch moved that the contract be adopted. Councilman Malich seconded. Carried.

PHIPPS SHORT PLAT:

The applicant was not present. The hearing was tabled until he could be present as there were questions for him to answer.

SEWER MAIN CONSTRUCTION - Continued to next meeting. A copy will be sent to the engineer for his comments and then to Attorney Hess for legal format.

The mayor wished to circulate a proposed revision of the peddlers' license ordinance.

The council recessed for a short executive session and upon reconvention the bills were approved upon motion and second. Motion carried.

Meeting adjourned at 10:10 p.m.

Tape #75, Side 1, 80 to 1025

Mark M. Bogue Mayor Bogue

Patricia Ebert Asst. Clk

MARCH 26, 1979

The meeting was called to order by Mayor Bogue. Present were Councilwoman Ross, Councilmen Bunch, Ekberg and Malich, Attorney Hess and Clerk Avery. Councilwoman Melton was out of town. The regular meeting was recessed for the first public hearing.

FIRE STATION REZONE:

The planning commission had recommended a rezone to RB-1 for the old fire station and the old "Ford garage" to assure that it would not be "spot zoning." This was continued from the council meeting of March 12 when it was determined that property owners within 300 feet had not been notified.

Present was Dr. Robert Monson, purchaser of the fire station, who asked clarification of the present zone. He was answered that it is now R-1, single-family residential.

Randy Pascoe, current owner of the old Ford garage, was in opposition. He felt it would be a step backward in zone since his property has been used for retail sales since 1923. This would not really be the place for a professional office.

Chester Larson, 8012 Stinson, was interested in what happens. He thought the RB-1 designation for Dr. Monson is fine but feels that landscaping should be considered and that the street should be widened as it is one of the busiest in the town.

Councilman Ekberg felt the rezone of the old fire station is the most valid issue in the planning commission recommendation and the other two issues need not be considered at this time. The road dedication at the new fire station is valid and the issue of the old "Ford garage" fronts more on a commercial zone. Councilman Ekberg then moved that the property known as the "old fire station" be rezoned as RB-1. Councilman Bunch felt this would be wrong as it is spot zoning. "When are we going to protect the R-1 as it stands?" He was opposed to rezoning it anything but single-family residential. Councilwoman Ross felt that RB-1 is a feasible zone because the fire station WAS there and RB-1 is designed to protect residential property from the business zones. She felt it was an equitable solution to the problem. She said she was also very definitely against spot zoning but this is a unique situation because this also protects residences. Councilwoman Ross seconded the motion. The vote was tied with Councilmen Malich and Bunch voting no and Councilman Ekberg and Councilwoman Ross voting yes. The mayor agreed that rezoning to RB-1 would protect the residences and it is a unique situation. She voted yes for the motion and broke the tie. Motion carried. Hearing closed.

NORMAN ZONE DETERMINATION - STROH PROPERTY - Second hearing:

Peter Norman, on behalf of Harbor Heights Associates, explained that they intend to construct a shopping center. He showed the council the original of the market study and passed excerpted comments for the council. There was a letter from the planning commission with comments concerning "contract zoning."

Councilman Ekberg felt the planning commission had no specifics to offer.

Norman said his company has no objection as long as it can be worked out together. The adjoining properties and their zones were discussed. Mr. Norman was asked if his project is so located that the zone can lessen the impact on adjacent residential property. The area to be developed is 106,000 square feet of proposed market, drug store and shops. Also, concern was expressed over the adjacent Stroh property of five acres. The council was uncertain of what control they might have over the zoning of this property if it were annexed under BRB jurisdiction; it is immediately adjacent to the Islandview East subdivision.

Councilman Bunch felt the Norman property is best suited to business use; businesses should be kept near the freeway. Councilman Malich felt there is too wide a variance in zone along the frontage road. Councilman Ekberg felt the Stroh-five-acres concern should have no bearing on the council's decision on the Norman property.

There was no opposition from anyone in the audience.

The property is already zoned similar to B-2 in the county now and also that abutting the town. For this reason Councilman Ekberg moved that the zone be determined to be B-2. Councilman Bunch seconded. Vote was Malich, nay; Ekberg, aye; Ross, aye; Bunch, aye. Motion carried. At this point the petitioner had the right to accept or reject the proffered zone and to determine whether he cared to proceed with the annexation. Mr. Norman did so wish to proceed. Zone determination hearing closed.

ANNEXATION HEARING - NORMAN PROPERTY:

Mr. Norman spoke of the advantages to be gained from the annexation: the payroll, the tax base increase, the tax tenant obligation. Water availability would be adequate, according to the department head reports, but there would be an impact on the sewer system on Pump Station #4.

Councilman Ekberg asked that a financial analysis study be made similar to that made on Olympic Village, with comments from the engineer and the planning consultant. Councilwoman Ross was concerned with the Stroh property and she would like Mr. Stroh's opinion. Councilman Ekberg was also concerned with screening, ingress and egress, etc., but realized these would be dealt with at the site plan hearing. He felt that concern with the balance of the property (Stroh's five acres) should not deter this annexation. Councilman Malich moved that the decision on the annexation be tabled until next meeting. Councilwoman Ross seconded. Carried. Mr. Norman offered to approach Mr. Stroh. Hearing closed.

PHIPPS SHORT PLAT:

This was continued from March 12. The planning commission determined that the property does not lie in a sensitive area.

The property lies adjacent to the sewer plant; it is 2½ acres divided into four lots.

Remarks from the planning consultant noted that the access corridor exceeds the permitted length of 300 feet. Questions were asked on sidewalks and storm drains.

Gary Tannahill explained that the access corridor is only a 30-foot easement, not to be paved, with no feasible way to increase it to 60 feet. He went on to recommend a method of gravity sewerage of the parcel.

Steve Phipps said he is providing a 30-foot easement between the treatment plant and the McKenzie residence and the town is welcome to use it but it is not wide enough for a road. He asked that the sidewalks be waived at this time. They would benefit no one. He said he was forced to short plat the area in order to build his own home. He does not intend to sell, but only to farm the area. He asked that sidewalks be a stipulation of any future building permits.

Attorney Hess said that a short plat is required whenever a parcel of property is divided, but it was not required that it be divided into four parcels.

Some of the council were concerned that acceptance of this plat might jeopardize a through road that would take the pressure off Harborview. Ray Harries, of Thornton Surveying, said this is not the place for the East/West Corridor route. This is not the appropriate place for a through-fare.

There was more discussion but no concurrence and finally Councilwoman Ross moved that this issue be tabled to next meeting since the council is at odds and needs more research. Councilman Malich seconded. Carried.

COLBERT VARIANCE:

This was continued from March 12. Pete Colbert was present. He said that 10 of the units will be over legal height. A variance of eight feet was requested since the property slopes downward somewhat to the rear of the property. The buildings marked with a cross are those in question.

There was no opposition from anyone in the audience.

Councilman Bunch moved that the variance be approved. Councilman Ekberg asked that this variance be tied to the units in question. Colbert refused to be pinned down to certain units, saying that this could not be ascertained until building is in process. Councilman Bunch withdrew his motion and moved that the variance be denied. Councilman Ekberg seconded. Motion carried unanimously. Hearing closed.

COLBERT SITE PLAN HEARING:

Mr. Colbert was no longer present. Motion was made by Councilman Malich with second by Councilman Ekberg that the issue be tabled until it can be determined if Mr. Colbert wishes to proceed. Carried. Hearing closed.

CASTELAN SHORELINE MANAGEMENT HEARING:

Councilman Malich, being the adjacent property owner, left the meeting room.

John Hodges said this hearing concerns Lots 1 and 2, Block 3, Millville Addition and goes 162 feet into the water. The planning commission letter was read and the DNR letter was mentioned.

Mr. Hernando Chavez, consultant engineer hired by Castelan, explained the planned moorage and the leases in existence. He told of the two Bolton drawings in existence that seem to contradict one another.

Allen Overland, attorney for Castelan, brought up the adjacent land ownership. He said the assumption of the Allen/Perovich/Bujacich claim is wrong--they own no tidelands--only uplands. Castelan leases the tidelands in front of Lots 3 and 4, known as Block C. Allen owns only a 1/6th interest in Lots 3 & 4.

Frank Hanson, Department of Natural Resources, confirmed the lease of Block C by Castelan. He said the lease extends for ten years and is renewable.

Shirley Babich, 2915 Harborview Drive, felt the permit should be approved as this development is in keeping with the character of the town.

Mike Castelan feels this operation is very much needed. It dates from 1931, in part, and also from 1947.

In opposition, Monte Hester, attorney for Allen, John Bujacich and Carl Perovich, said the facts are obviously in dispute. The Bolton survey encroaches materially on its neighbors as it is closer than 12 feet to the sidelines. There is uncertainty as to the validity of the claims. In addition, Castelan plans all of the 20 spaces as rentals--he doesn't even own a boat.

Dick Allen felt the difficulty lies in the discrepancy between the two Bolton surveys. The sidelines over the tidelands should be extensions of the lot lines on the land. Instead, the lines bend and overlap. Allen went on to say that he does own the tidelands from the meander to mean low water. Allen said that if he does not receive consideration at this hearing he and his attorney will proceed with litigation and see if they can break the DNR lease.

Nick Tarabochia felt that most docks in the harbor have not encroached on neighbors' waterfront.

Mike Galligan spoke in favor of the helpfulness of people like Tarabochia and George Bujacich in providing moorage free to fishermen.

In rebuttal:

Allen Overland explained why the lines bend or veer to the west beyond the inner harbor line. He said the infringement is only 2 or 3 feet.

Nick Jerkovich spoke in favor of the Castelan project.

Mr. Hanson, DNR, said that in regard to Block C there were waivers signed by the abutting property owners. Bob Frisbie and Monte Hester objected to the opening of this file but the council asked Mr. Hanson to proceed as this is a valid lease in addition to an application for a lease for Lots 1 and 2.

Jim Hanson, former councilman, said it was unfair for the opposition to threaten legal process. The council shouldn't be forced to consider or determine in that light. The property lines are not their concern.

Mr. Hanson, DNR, said that beyond the line of mean low water only the DNR sets the boundaries, so all this talk of extension of upland lot lines has no bearing.

Councilman Ekberg, after it had been determined that there was no further public input, moved that the public hearing be closed. Councilwoman Ross seconded. An addition to the motion was that the decision be postponed until April 23. Councilman Bunch seconded the addition. Carried. Hearing closed.
at 7 p.m.

ALLEN SHORELINE MANAGEMENT HEARING:

Councilman Malich abstained from this hearing also and remained absent from the room.

Mr. Allen wishes to restore an existing dock and erect a storage shed along with a 10-foot wide driveway from Harborview Drive to the shed. The planning commission had written a recommendation on the proposed construction; they recommended approval in keeping with the fishing village concept of the town.

In favor, Jim Adams, an attorney standing in for Monte Hester who had to leave the meeting, explained the project. There are no adverse environmental aspects. It is for the owners' use only.

Mike Castelan was opposed, saying the height of 24 feet was too great. They should lower it and provide parking. There is a lack of proper piling and support for the dock. In addition, Castelan still owns the lease.

Marion Stancic, owner of a home on Harborview Drive above the property in question, said the height would interfere with view for his house.

Allen said it would not be moorage--only loading and unloading.

Rosemary Bujacich, Tacoma, feels they could bring their boat here to moor if they had the use of the shed.

Michelle Gonzales wonders where Allen plans to put machinery on a dock that is partially deteriorated. Also, the parking infringes on her father's land.

Allen saw no drawback to the physical improvement of the site. He felt it was entirely possible to make a road down to the shed.

Frank Hanson, DNR, again said that Allen would have to work with Castelan because he (Castelan) DOES have the lease.

Councilman Ekberg moved that the public hearing be closed. Councilman Bunch seconded. Councilman Ekberg added to the motion that the decision be postponed until April 23 at 7:01 p.m. Councilman Bunch seconded. Carried. Hearing closed.

The regular meeting was reconvened.

As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Planning Commission letter on Hein non-conforming use. It was agreed that the proposed deli would indeed be a restaurant. Councilman Bunch moved that the deli be allowed as a restaurant. Before it was seconded two questions were brought up: whether a deli is allowed at all in W-1, and second, whether the pre-existing use allows two businesses in that building. Councilman Ekberg seconded. Carried. Councilman Bunch moved that the second business be allowed as it would not be an expanded non-conforming use since restaurants are legally allowed in W-1 zones. Councilman Malich seconded. Councilman Ekberg wished it noted that this business is subject to all qualifications of the zone. Carried.

REPORTS:

Street and Water - Jim Hibbs wished to create a walkway along N. Harborview from Goodman School to the park. He then said he would like to connect a water line along Prentice from Fuller to Goodman School. The mayor also asked that a walkway to the new school on Rosedale be considered also.

There was discussion on the type of fence at Harbor Heights Park. As there was no agreement on the material to be used, the question was postponed to next meeting.

Sewer Treatment - No report

Police - Chief Snider again brought up the policy manual. Councilman Malich moved that the police department policy manual be adopted. Councilman Bunch seconded. Carried.

Planning/Building - No report.

Attorney - No report

Engineer - Jerisich Park. No approval yet from the Corps of Engineers or the port.

Cascade Avenue - There is a problem with a contested right of way. A time extension has been requested by the contractor and we will know by next meeting.

Woodworth Avenue - Crushed rock this week.

Tank: The stairway is now being installed after the delay of placing the top. The paint color must be chosen now.

Pump and pump station - The notice to proceed was issued with an effective date of April 1 and completion by June 29.

Problem at Hunt and Soundview - The problem was referred to him and he checked it out. He suggests a culvert extension uphill of 6 to 8 feet. No wider turn is justified because of drainage problems. Okayed.

Water transmission main - Glen has made the application to the BRB for the franchise and needs a motion that the council authorizes it. Councilman Malich moved and Councilman Bunch seconded that the council authorize the application. Carried.

HUMANE SOCIETY PROPOSAL:

Chief Snider has been in contact with the Tacoma/Pierce County Humane Society and they now agree to contract with the town so that we can enforce our leash law. Councilwoman Ross moved that we accept their fee schedule. Councilman Bunch seconded although he felt the fee schedule was unreasonable. Carried.

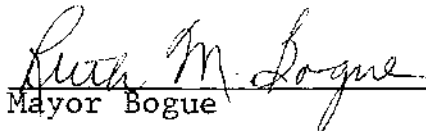
OLD FIRE STATION REZONE ORDINANCE - This rezones the property from R-1 to RB-1. First reading of the ordinance.

BILLS: Approved upon motion of Councilman Malich with second by Councilman Bunch. Carried.

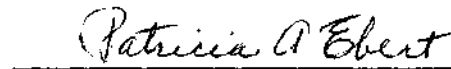
Meeting adjourned at 12 p.m.

Tape #75, Side 1, 1025-End
Side 2, All

Tape #76, Side 1, 0-336



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING, APRIL 9, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilmen Ekberg, Malich and Bunch, Councilwoman Melton, Attorney Hess and Clerk Avery. Councilwoman Ross was out of town. The regular meeting was recessed for the first public hearing.

NORMAN PETITION FOR ANNEXATION OF STROH PROPERTY:

This had been continued from the last meeting in March pending receipt of further information. A cost-benefit analysis had been prepared by Clerk Avery. He explained the basis of his computations, feeling the town will be required to annex the road in the near future.

Regarding the balance of the property, the five-acre parcel still retained in the county, Mr. Norman had approached Mr. Stroh. Mr. Stroh told him that, depending on the conditions imposed, he would be amenable to the possibility of annexation.

Regarding drainage, screening and traffic, Councilman Bunch's concern was that the drainage should be made to run to the west.

Mr. Norman made a small correction on the plat map. The Islandview subdivision line had been delineated incorrectly. His concerns were that he be allowed two entrances on Kimball Drive and two on Hunt Road, but he will locate none anywhere near the bend in the road. The extension of roads was discussed as well as screening in adjunct with "The Woods" development adjacent.

There were no voices in opposition. Councilman Ekberg moved that, in the light of recent information and the cost-benefit analysis, the Norman property be annexed. Councilman Malich seconded. Carried unanimously. Hearing closed.

PHIPPS SHORT PLAT:

This was also continued from March 26. The concerns had been sidewalks, the

width of the access road, etc. Councilman Ekberg commented on the memo from Attorney Hess concerning reducing the number of lots from 4 to 2. Mr. Phipps explained that he was given the property by his father-in-law and cannot make it into just two lots as he would have a problem with the title insurance company; they would fear that he might default. Also, he had understood that the town might buy some land from him for enlargement of the treatment plant.

Councilman Ekberg asked Attorney Hess about eliminating potential users of the road. Hess replied that the main concern was to split out the lot on his own property. He could leave the remainder in one lot and eliminate all concerns. Phipps was in agreement, but wished to create only three lots since the town does not want his property--he is willing to combine lots 3 and 4.

Gary Tannahill asked for a utility easement here of 20 feet as this would provide future gravity sewerage of schools, etc., should the need arise.

The mayor asked Attorney Hess if the council could change the mylar verbally or should the physical changes take place prior to acceptance? Ray Harries suggested that the change be voted and the conditions given to Thornton and an extra hearing eliminated. Attorney Hess said this is not a severe case but perhaps it is better to see a final product before it is voted on. The council can recommend explicit conditions, then the council can take a look at them and sign them off at the next meeting.

Councilman Ekberg agreed that there is more than one question to be resolved; for instance, it can't be accepted as a right of way since it is not a 60-foot street. He then moved that the short plat be approved pending the following changes in the mylar: That the council has determined that the existing Lots 3 and 4 be combined into one lot, Lot 3; that a road easement shall end at the East end of Lot 3 in a line drawn northerly across to Lot 2; and from that line to the West end of the property a 20-foot utility easement shall be granted; that all curbs, sidewalks, gutters, and storm drains be waived and that the road from Harborview Drive to the aforementioned line will not be a dedicated public street. Councilman Malich seconded. Motion carried. If corrections are made in the mylar and submitted prior to next meeting then the approval can be given at the meeting. Furnish a copy of the motion to Thornton. Hearing closed.

The regular meeting was recalled to order.

MINUTES: As there were no corrections the minutes stood approved as posted.

CORRESPONDENCE:

1. Clerk Avery told the council that he had letters from the planning commission that require the setting of hearing dates. These letters will be read at the appropriate time:

- Rosenthal animal clinic - April 23
- Brennan Height Variance - April 23
- Hoover Rlty.Variance Req. - April 23

2. Planning commission letter regarding Victor L. Lyon, Realtors, Better Homes and Gardens appeal on a decision of the building inspector for a sign change. This items has been postponed until later in the meeting giving the attorney a chance to research the ordinance.

SPECIAL GUESTS:

Paul Fatland suggested an annual bid contract on towing. He told of the special circumstances in towing when the owner of a vehicle is ill or unable to make his own decision about which tow firm to call. Often the owner is charged inflated prices by unscrupulous operators. He would like to see the town come up with a contract for such circumstances and a specific price mentioned in the bid. The police department could draw up the specs--perhaps not the price itself, but certain specifications to eliminate padding. The council agreed.

Vernon Garner, Rainier Avenue, has applied for a building permit on his property, part of which is in dispute regarding the Cascade LID. Since the ownership of the corner is uncertain he no longer has the required setback and he feels he should not be required to apply for a variance since it is not his fault.

Attorney Hess explained the background of the corner in dispute. Peacock Realty conveyed title to this property to the town in 1962. It was never recorded. In 1974 Peacock Realty quitclaimed this parcel to Garner IN ORDER TO CLEAR TITLE. It is now a legal question of who owns the land. The legal theory is that the town owns it--the quitclaim has no particular legal significance. Garner did not give value and therefore did not buy it. Attorney Mullin has since recorded the deed. On the basis of the information he now has the Town owns it since Garner did not give valuable consideration for it.

Garner explained the situation. He purchased the property in 1974. He wanted to purchase the remainder of Lot 13 at the time of sale but was assured it was his through quitclaim deed. He feels he has complied with the law all the way. He feels he needs only the clarification of the building permit and the right to proceed.

The appeal for the decision of the building inspector is denied, the council agreed, as they were willing to abide by the decision of the attorney.

Dr. Karl Peterson, Cascade Avenue, was present regarding sewer stubbing of Cascade prior to completion of the LID. Dr. Peterson said it was understood that the trunks would be put in for the upper lots prior to the paving. He feels the town is backing down and not doing what was promised.

The mayor refreshed the council's memory with a copy of the minutes from the meeting when the decision was made. Councilman Bunch had moved to eliminate the stubs from the LID as there was so much objection from the property owners. Dr. Peterson felt the town is backing down and they had agreed to pay for the stubs at the time and not charge until the hookup is made.

The council discussed the number needed in the immediate future and how much they could cost. It was considered that 3 or 4 stubs might suffice at this time.

Gary Tannahill was against it. He said the same situation is coming up soon on Ross Avenue. The town cannot afford to pay for stubs all over town. Councilman Ekberg agreed with Gary. He felt that all future street extensions cannot be anticipated. The council decided to take no action.

Raulin Vonnegut, Crescent Valley, asked the council's permission to connect to the Crescent Valley water line. There is one parcel of property keeping his property from abutting the line. The matter was postponed for further research.

REPORTS:

Street & Water - Jim Hibbs told the council that he would like the town to prohibit left turns off Harborview on to North Harborview Drive. Austin Way could easily (and safely) become the left turn procedure. Attorney Hess said a statement of findings should be made as well as a recommendation as to the solution. Glen Sherwood said a traffic count had been done and the UA plans show the elimination of these left turns.

Councilman Malich moved and Councilman Bunch seconded that, in accordance with recommendations of the street department and the engineers, no left turns be permitted at the corner of Harborview Drive and N. Harborview Drive. Carried.

Sewer Treatment - None

Police - None

At this point the clerk reported on the search of the minutes regarding connection to the Crescent Valley water line. The minutes spoke to limiting connection to owners abutting the line although the BRB did limit connections to 300 feet from the line. It could go back to the BRB for recommendation but Councilman Ekberg saw no reason to change town policy. The Vonnegut request was denied.

Building/Planning - John Hodges introduced Mr. Paul Edminister of Projects West. The developer plans to build at Stanich and Lewis. They plan a typical daylight-basement house. Hodges asked if the town will accept the previously-accepted type of home built at Islandview East because the problem here will be a question of existing grade as opposed to finished grade. He asked a policy decision. The council approved the proposed construction but agreed that John should continue to bring such matters before the council until a new definition is written.

Attorney - The sign at the former Village Realty is somewhat against what our ordinance requires. It was decided that to alter an existing sign a variance would be needed. Hodges said it was a non-conforming sign and he denied it. They appealed to the planning commission and they have a right to appeal to the council. The council has to hear the appeal. Hearing set for April 23.

Engineer - Parametrix said the contractor requests an extension on the completion of Cascade Avenue. Councilman Ekberg moved that on the engineer's recommendation the council extend the completion date to May 21. Councilman Malich seconded. Carried. It was suggested that someone contact the property owners on Cascade and see if the sewer connections could be accomplished. This would fulfill the council's objectives. Marwan Salloum was appointed.

Bids, Water Transmission Main - Bids were opened Friday at the town hall and the low bidder was Redford Construction with \$80,944.27. Glen said that Redford's reputation and experiece were researched and he recommends that they be awarded the contract subject to DSHS approval. The easements must be in hand first and Clerk Avery will follow up on them. Councilman Ekberg moved that the Redford Construction bid be accepted subject to the approval of DSHS. Councilman Malich seconded. Carried.

Tank - Glen reported that the tank contractor had the outside steps completed and the painting is finished inside. The outside painting will be subject to the weather. The contractor has requested a change order of \$2630 and it involves installation of two inches of oil sand under the tank bottom and revision of piping and gate valves for system control. The piping change makes for complete flexibility, allowing pumping to tank or system, or even pumping to waste while tank is in service. Glen recommended that the change order be approved. Councilman Malich so moved and Councilman Bunch seconded. Carried.

Glen said he received a request for an additional change order of \$4800 for increased costs of labor and material due to time delay in the start of construction. Glen feels the contractor was held up because of the delay in drilling but the engineer will review further with the town attorney before they bring the matter to the next meeting.

REZONE OF OLD FIRE STATION - ORDINANCE #311 - 2nd Reading:

Councilman Ekberg moved that Ordinance #311 be approved. Councilwoman Melton seconded. Councilman Malich felt that councilwoman Melton should abstain from voting on this issue as she was not present at the original hearing on this matter. Attorney Hess advised that there is a difference between the original consideration and what is being done right now. This is more of a formality. Councilman Malich felt that if this formal rezone motion failed to pass the rezone issue would be dead. Councilwoman Melton said that her seconding of the motion is her decision whether or not it is legal and she did not need anyone to question her right.

The vote was taken: Ekberg and Melton, aye; Bunch and Malich, nay. The mayor broke the tie by voting aye. Motion carried.

TREE CUTTING ON WOODWORTH AVENUE: This had been an agendad item but it was settled when some of the staff visited the site. The people in question did not intend to cut any trees. The matter was taken care prior to the meeting.

The mayor said the Rotary Club is planning a BASH-type auction and asked if the mayor or council would volunteer their services.

AWC Convention, June 12, Spokane.

Glen Sherwood brought up the Ross Avenue LID petition, Dorotich to Rosedale, and he found that the signatures represent 61% of the frontage. It is a relatively strong petition and the only problem lies with the width of the right of way at the Bussanich property. There are also several vacant lots with no side sewers and a lack of water mains. Does the council want curbs, gutters, sidewalks, what finished width? He asked that they consider these things prior to next meeting.

ANNEXATION ORDINANCE - NORMAN PROPERTY - First reading.

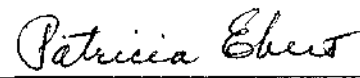
The bills were approved upon motion of Councilman Ekberg with second by Councilman Malich. Carried.

Meeting adjourned at 9:52 p.m.

Tape #76, Side 1, 336 to End and
Side 2, 0 to 134



Mayor Bogue



Asst. Clk.

REGULAR COUNCIL MEETING - APRIL 23, 1979

The first public hearing was called to order by Mayor Bogue shortly after 7 p.m. Present were Councilwomen Ross and Melton, Councilmen Ekberg and Bunch, Attorney Hess and Clerk Avery. Councilman Malich was ill.

CASTELAN SHORELINE MANAGEMENT DECISION:

The public hearing had been closed at the last meeting and all that remained was the council's right to ask questions and to make a decision. Councilwoman Ross asked Castelan how the granting of the lease would enhance his property. His attorney answered for him, clarifying the existing lease on

the tidelands from mean low tide to the meander line. The application on file is from the meander line to the inner harbor line out to the outer harbor line. Councilwoman Ross then asked how the lease affects Allen's right to use his property. Allen answered that he has free use of his tidelands and would be allowed access to and from his property.

Councilman Ekberg said he wished that more accord had been reached by both parties involved. He went on to say that, taking the application on its own merits, listening to the testimony presented and viewing the site, the application falls within the guidelines of the Shoreline Master Plan, it would be an asset to the community, and, following the recommendation of the planning commission, and included in this the fact that all illegal floats currently there be removed, he moved that we approve the proposal as submitted. Councilman Bunch seconded. Carried. Councilwoman Melton did not vote. Hearing closed.

ALLEN SHORELINE MANAGEMENT DECISION:

There was no discussion involved. Councilman Bunch moved that the request be granted. Councilwoman Ross seconded. Councilwoman Melton did not vote. Motion carried. Richard Allen questioned whether the height of the building was approved. Okayed. Hearing closed.

BRENNAN HEIGHT VARIANCE REQUEST:

The site of the proposed house is on Goodman Avenue off Vernhardson Street. The planning commission recommendation was read; their recommendations concern the road and the planting of trees of limited height.

Chet Larson, the adjoining owner, asked approval for Brennan. He said the proposed variance would not affect him in any way.

There were no voices in opposition.

The size of the lot was questioned. Councilman Bunch did not feel the lot was large enough under current minimum lot-size regulations, but it was pointed out that this was pre-platted property and meets the standards under the grandfather clause. The tree question was not considered relevant to the variance. Councilman Bunch moved that the variance be granted. Councilwoman Melton seconded. Carried. Hearing closed.

ROSENTHAL CONDITIONAL USE PERMIT REQUEST:

The B-2 section of the ordinance had recently been amended to include animal clinics as a conditional use. Dr. Rosenthal is now applying for that permit. The planning commission had recommended favorably.

Councilman Bunch moved that the conditional use permit be granted to Dr. Rosenthal. Councilwoman Ross seconded. Carried. Hearing closed.

LDS CHURCH APPEAL:

This appeal regards the request from the church to have a driveway into their site from Novak Street instead of Dorotich Street (as granted in the conditional use permit dated 2-13-79).

Merwyn Haneberg, architect, representing the LDS Church, explained that, because our parking requirements are so stringent, they cannot place the church in its best location, continue to use the old building while the new one is being constructed, and supply enough parking spaces without using Novak Street as their access road. They had always planned the Novak access because otherwise they would lose 10 to 11 parking spaces since the property lines in that corner form a sharp inside angle. They could spend an additional \$70,000 if they tried to move the building because fill and retaining walls and cost of rent through loss of the old building would run that high. If they could use the Novak Street access they would agree to chain off that driveway at all times they were not using the building.

Tony Cloud, immediately abutting property owner, questioned the access to Novak. He presented alternate plans, including moving the building. He felt the Novak access could change the character of the neighborhood.

Daniel Jackson, 3518 Harborview Drive, questioned whether Novak was a logical access. In addition, he was concerned about who would open and close the gate.

Peter Katich, 3509 Ross Avenue, was concerned about the amount of traffic on Novak. He felt it was a major intrusion into the neighborhood.

Marie Lovrovich, owner of abutting property, also concurred. She did not feel that the town needs another through street.

Councilman Ekberg asked the number in the congregation. Bishop Rulon Clark was in the audience and he answered that they have about 350 people. They hope to be good neighbors and to provide good-looking facilities to help to improve the neighborhood.

Merwyn Haneberg said the parking was approved by the planning commission but Mayor Bogue clarified that the planning commission only RECOMMENDED approval. Haneberg said he understood and went on to say that the slope at the upper part of the site is very steep--there is a fall of one foot in eight.

Councilman Ekberg said he ~~traded~~ to prefer the Novak site utilized with opening and closing at hours other than Sundays and special occasions--only to lessen the impact on Rosedale Street. Councilwoman Melton agreed, feeling that Rosedale could be the main access at present. Councilman Ekberg moved to grant the appeal from the condition of the conditional use permit. Councilman Bunch seconded. Motion carried. Conditional use portion of hearing closed.

HEIGHT AND PARKING VARIANCES:

The height variance hearing had been postponed until it could be heard as a package with the site plan review. The planning Commission had recommended approval of a height variance of 13 feet for the main building and 46 feet for the spire.

Merwyn Haneberg showed a superimposition of the new structure over the old. The new building will be lower by some ten feet. The spire will be a slender structure, interfering with no one's view.

There were no voices in opposition.

Councilman Bunch moved that the height variances be granted. Councilwoman Ross seconded. Councilman Ekberg suggested that the height variance be tied to the drawing. Councilman Bunch so included. Councilwoman Ross seconded the inclusion. The sketch is to be known as Exhibit H. Motion carried. Height variance closed.

VARIANCE FROM PARKING REQUIREMENTS:

The architect applied for a variance of six parking spaces. The planning commission had recommended that the variance be granted.

John Gilich, in the audience, was concerned over the sensitive situation here; he felt it was allowing something pretty overwhelming for the neighborhood. He felt that they should give up Novak as an access or reduce the scale of the building to reduce the number of spaces needed.

Councilman Bunch, feeling that the access on to Rosedale was steep and dangerous, was in favor of allowing access on to a fifteen-foot-wide right-of-way abutting the property on the west. Perhaps the church would donate 10 feet to widen this access. Gary Tannahill, consulting the map at the rear of the room, said the access shows 30 feet.

Tony Cloud had plans showing diagonal parking which would permit 163 spaces.

Bishop Clark said that Rosedale Street would be widened by twenty feet at their property's edge. The fir trees would be on the town's right of way. There was further discussion regarding the cutting of the trees.

Councilman Ekberg moved that, subject to site plan approval, we grant the approval for the parking variance not to exceed twenty stalls. Seconded and carried. Parking variance closed.

SITE PLAN: The planning commission had recommended approval as submitted.

Merwyn Haneberg said that, since the planning commission had required sidewalks on Rosedale and Dorotich, the four very-large fir trees would have to go. They would replace these with other smaller trees and shrubbery. They plan large lawn areas that would flow right into neighboring lawns. They plan hydrants, mercury vapor lights, catch basins, storm drainage and drainage on down the hill

Attorney Hess felt that Councilman Bunch's point was very important. The access on to busy Rosedale Street is very dangerous with the possibility of negligence involved. He felt it was important to request an engineering study to look into the 30-foot right of way.

John Hodges said the landscaping and green belting plans are to be presented prior to obtaining a building permit. The principals plan to improve Novak Street from the current street end to the church property. They plan to install oil, gas and silt separators for the parking area. Water system improvements are needed so far as fire protection goes.

Other oppositon: Tony Cloud had a concern over the landscaping. He feels the six-foot planted area near the parking stalls would largely be taken up by a car.

Councilman Ekberg would like to approve the site plans contingent upon a report from the engineers as the principals have now waited too long. He then moved that the site plan be approved as presented with:

1. All special conditions as outlined by the planning department on page four of their memo including the improvement of Novak.
2. Novak is to be used only on Sundays and special events and this to have a six-month review.
3. That there be heavy screening with dense evergreen plantings on the perimeter of the parking area interspersed with small shrubs.
4. Approval of all of this is subject to the engineer's report on the safety factors of Rosedale Street ingress and egress, and to comply with the sidewalk provisions on Rosedale the mayor be granted the authority to approve the sidewalk around the trees. Councilman Bunch seconded. Carried.

Hearing closed.

VICTOR L. LYON REALTY, BETTER HOMES AND GARDENS, APPEAL OF THE BUILDING INSPECTOR DECISION:

This concerns alteration of a non-conforming sign. The applicant had a right to appeal to the town council. The planning commission had recommended a temporary sign variance since the applicant claimed it would not be needed for very long as the building would be moved.

There were no voices in opposition. Attorney Hess said the issue here is sign size but a height variance is not permitted so the council decision is the only alternative.

Councilman Bunch moved that the variance be denied as there is no time specified for removal when the building is moved. Councilman Ekberg seconded. Motion carried and appeal denied. The council agreed that the sign must be made conforming.

HOOVER REALTY VARIANCE:

The building inspector had refused a certificate of occupancy since the parking area, being non-paved, did not comply with the B-1 section of the ordinance.

The owner, Charles Lindner, and the adjacent owner, Charles Hunter, plan to remodel the building and create an entirely different site plan and feel that asphaltting at this time would be too costly since it would be torn up in six months to a year. The planning commission had recommended approval for six months only.

There were no voices in opposition but Attorney Hess counseled that the variance section of the code is very strict and is not applicable in this instance. The council then should determine the intent before they make their decision.

Councilman Bunch moved that the variance be denied because it is illegal. Councilwoman Ross seconded but felt she would like to work with the people and can not since it would go against an ordinance of the town. The vote was taken and it was split with Councilman Ekberg and Councilwoman Melton voting no and Councilman Bunch and Councilwoman Ross voting yes. The mayor felt that special circumstances apply and that the development is unified and coordinated. She voted against the motion. Motion denied. Councilman Ekberg moved that the variance be granted for six months with review at the end of that six months, and with the possibility of only one six-month extension. Again, the vote was split in the same manner and Mayor Bogue voted aye to break the tie. Motion carried.

The regular meeting was called to order, but John Hodges said the Phipps decision had been inadvertantly left off the agenda. He asked if the council would consider it now. Councilwoman Melton moved that the short plat be approved as amended. Councilman Ekberg seconded. Carried.

As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

Two hearings need to be set as there are letters of recommendation from the planning commission. Dr. Madison and Ed Conan hearings were set for May 14.

SPECIAL GUESTS:

Wallace Minor, member of the Eagles, told the council how the Eagles Hall took over the completion of the float and received a trophy at the Daffodil Parade.

They now need money to redecorate the float and send it to the next parade. They ask the town for a donation in this regard. Clerk Avery had checked with the office of the State Auditor and found that this cannot be done.

Mr. Minor went on to ask for permission to have beer at the town park on May 6. A motion was made by Councilwoman Melton that we issue a letter with permission to serve beer in paper cups with closing time of dusk and with all regulations of the liquor board met. Councilman Bunch seconded. Carried. Mr. Minor was asked to leave his name with the clerk and that he will be responsible for this permission and that he is notify the town police of the date of the picnic.

Reports: None

SMOKE ALARMS: The planning commission recommended that the council reconsider their action as the state legislature does not intend to pass it this session. Councilman Bunch felt it would be too difficult to enforce. No action was taken.

BUJACICH CONDITIONAL USE PERMIT REVIEW:

There have been no complaints concerning the fish fertilizer plant and Councilman Bunch moved that the permit be extended for another year. Councilwoman Ross seconded. Motion carried.

WICK HOMES STORM DRAINAGE:

Doug Webb of Wick Homes was present. He showed a plan of the terrain and told the council that he had been in contact with Mr. Erdahl who lives at the terminus of the drain. Mr. Erdahl was agreeable to the plan, having been told that the town will eventually become responsible for the maintenance of the pipe. Webb said Erdahl and the other two property owners will sign the easement with the town.

Webb said his firm has now decided to start at the beach with a 24-inch culvert system and work backward. It would not disturb the beach as there is a sizeable concrete pad for dispersal of the water. They plan a rock-lined open ditch on Ryan and Soundview. The system will cost between \$55,000 and \$65,000 --much more than a retention system, but they felt this would be the way to go especially if the town will grant them a late-comers agreement for the maximum period of fifteen years. Wick Homes would like approval of the concept. They would like the engineers to calculate the benefited area and figure the reimbursement amount.

Glen Sherwood felt the open ditch would not be satisfactory at all, but this is a big step toward resolution of the town's drainage problem. Care must be taken in late-comer agreements overlaying one another. Gary Tannahill suggested that the first of the late-comers reimbursement go toward buried culvert on Ryan Street.

Councilman Ekberg proposed that copies of the Wick Homes proposal, in writing, go to the various department heads for their comments. Webb, though, would like a commitment from the council. Engineering plans are expensive. Councilwoman Ross suggested that perhaps the town could help by paying the closed-ditch portion on Soundview and Ryan. No decision was reached.

1969 CLASS REUNION: Since no name was available from the petition the matter was postponed.

AUTHORIZATION FOR BIDS ON JERISICH FLOAT: Councilman Bunch moved and Councilwoman Ross seconded that bids be authorized on the float and piers. Motion carried.

THRIFTWAY LICENSE RENEWAL: No objection from the council.

The mayor told the council that Dr. Peterson is willing to pay for one or more stubs on Cascade Avenue. He wished a late-comers agreement drawn up by the town. Attorney Hess and Glen Sherwood will get together on this.

BILLS: The council held an executive session and approved the bills after the tape recorder was shut off.

The meeting adjourned at about 10:45 p.m. Tape #76, Side 2, 134 to end

Ruth M. Bogue
Mayor Bogue

Patricia Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - MAY 14, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilmen Bunch and Malich, Attorney Hess, and Clerk Avery. Councilman Ekberg was out of town. The meeting was then recessed for the first public hearing.

CONAN VARIANCE REQUEST:

The planning commission had recommended approval of the requested ten-foot setback, with height no higher than the present roof line, with a side yard no less than eight feet and the rear yard maintained at 20 feet.

Ed Conan explained that his home, a flat, water-roofed house, is probably no higher than 11 feet. He said he just plans to continue the house line eight feet farther toward Finholm's. The house fails to conform to current setback requirements because it was built long before the regulations went into effect.

There were no voices in opposition.

Councilman Malich moved that the variance be approved with the understanding that he goes no higher than the existing house and extends it only the way he says he will. Councilwoman Ross seconded. Councilwoman Melton amended the motion that the height, rear yard, and side yard conform to the recommendation of the planning commission. Councilman Malich seconded the amendment. The amendment was carried and the original motion carried. Hearing closed.

DR MADISON VARIANCE:

Dr. Madison had already begun construction of a carport when the LID survey of Cascade divulged the correct front lot line and showed the need for the variance. The planning commission had recommended approval of the six-foot front yard variance.

There was no opposition to the proposed variance.

Councilwoman Ross moved that the front yard setback variance of six feet be approved as recommended by the planning commission. Councilman Malich seconded. Motion carried. Hearing closed.

HEDMAN SHORT PLAT:

This was postponed until later in the meeting as the council needed time to refresh their recollection.

CORRESPONDENCE:

1. Mitts short plat. The recommendation of the planning commission had been received by the clerk and the hearing was set for May 29. Councilman Malich questioned the moving of a zoning line.

2. Letter from Ross Anderson relative to appeal.

Clerk Avery explained that Anderson recently applied for a building permit to remodel the existing storage warehouse, formerly the VFW Hall. The permit was denied by the building department as a warehouse is an illegal use in W-1 districts. Hodges went on to explain that the original building had been non-conforming but was made to conform when the boat works went in there and the W-1 was amended to include boat building. Now the warehouse becomes non-conforming and a non-conforming use cannot be expanded or remodeled.

Ross Anderson was present. He said he bought the building contingent on the basis that he could use it. He said Jake Bujacich told him it was okay as it was non-conforming. He put on a new roof and rewired the building. He received a business license from the town. Now he requests the building permit. He showed the council what he would like to do. In altering it he would move the building and conform to current maximum height regulations. He said the neighbors all approve of it.

Attorney Hess said it would be well to table this and resolve the problem of prior use. He asked to render his opinion next meeting.

3. Councilman Ekberg had written (since he would not be present this meeting) and agreed to a clarification of the minutes of April 23 regarding the Castelan decision. He wished it clarified that the motion applied to Lots 1 and 2 and this motion was not to approve or disapprove the DNR lease of Lots 3, 4, and 5.

Councilwoman Ross moved that the minutes of the meeting of April 23 be clarified to show that the motion by Councilman Ekberg concerning the Castelan conditional use permit "pertains" to harbor area Lots 1 and 2 only. This does not signify that the Town of Gig Harbor approves the leasing of harbor land in front of Lots 3, 4 and 5 to Castelan or anyone else.

There was no second to this motion. The mayor questioned the possibility of a second by someone who was not present at the first meeting. Attorney Hess

explained that the clarification is of the minutes only. Councilman Bunch seconded but only on what Steve (Councilman Ekberg) said and not on what is meant in the letter.

Councilwoman Melton was hesitant, feeling that we are voting on a letter, on a question of whether he did or did not say that, and moved to table the present motion and asked that the minutes be typed word for word on what was actually said. Councilman Bunch seconded. Motion carried, with Councilman Malich abstaining and Councilwoman Ross voting no.

Councilwoman Ross said, "In view of the fact that the motion has been tabled I would like to have the clerk write a letter to the Corps of Engineers and Bert Cole and the Department of Ecology informing them that the minutes of our meeting concerning the Castelan Conditional Use Permit has still not been resolved, and there are no official minutes and no action can be taken until it has been resolved." Councilwoman Ross so moved. Councilwoman Melton seconded. Carried, with Councilman Bunch voting no and Councilman Malich abstaining.

4. St. Nicholas Catholic Church requests permission to serve wine and beer at the church picnic in the town park. Councilman Bunch asked if this permission cannot be made administratively in the future instead of bringing it before the council each time. Attorney Hess said ye, if very precise guidelines are established with no delegation of power.

5. Ron Moblo, 9114 Prentice Avenue, said a survey monument is missing on his street and there is a land altercation over the missing monument. The mayor called for research on this to be reported next meeting.

6. Mayor Bogue brought up a letter from the Liquor Control Board regarding reissue of the Candle Shop license. The letter has turned up missing. There was no objection from the council so no action will be taken.

HEDMAN SHORT PLAT:

Dr. Hruza had recommended a 30-foot right of way dedication and Glen Sherwood had asked for 28 feet instead. This would permit Hedman to maintain a 9000 square foot lot size and eliminate the need for variances.

There followed a discussion on whether a right of way is a deed or an easement. Attorney Hess said that unless public conveyance is made to the town the town does not own the right of way. Attorney Hess said he did not have enough facts in mind and would like to research this matter further. This was tabled to next meeting upon motion by Councilman Malich and second by Councilwoman Ross. Carried.

REPORTS:

Sewer Treatment - None

Police - A monthly police report has been submitted by the Chief and passed at the table.

Attorney - None

Engineer - Marwan Salloum asked the council's approval to call for bids on Harborview Drive paving. There was no objection.

On the Ross Avenue LID, Marwan needed the council's standards. Did they wish curb and gutter, thickened edge, sidewalks? Councilwomen Ross and Melton both preferred sidewalks. Marwan said there could be a problem in this regard as part of the right of way is only 25 feet wide. After further discussion Councilwoman Ross moved that the town go for bids on Ross Avenue to Dorotich Street according to the plans of the length of the wide street, meeting the specifications of the town, and from that point where the street curves to Rosedale Street there shall be no sidewalks. Marwan clarified that she meant sidewalks on both sides. Councilman Malich seconded. Carried.

Woodworth Avenue is completed and the engineers recommend that the council accept the street. Councilman Malich so moved and Councilman Bunch seconded. Carried.

Cascade Avenue - The blacktop has been finished and the monuments are being reset.

The tank has been finished completely and the transmission main was started today, and will possibly be finished by mid-June. They start on the pump and pumphouse next Wednesday.

Change order - Because of the 6-month delay in the awarding of the contract there is a request for a change order on the water tank. An executive session will be held tonight because of the possibility of litigation.

Street & Water - Jim Hibbs requests a call for bids for another light utility vehicle. This was approved.

Jim went on to ask permission to have Spadoni overlay the corner of Austin

and N. Harborview. It would cost about \$1745 and make for better pavement marking prior to the left turn changes on Harborview Drive.

Building and Planning - John Hodges reports that the Victor Lyon Better Homes and Gardens sign has not been removed. The sign is to be moved to Puyallup and John wondered if the council wished to set a time limit on its removal. Councilwoman Melton moved that they be given one month from today to move the sign. Seconded and carried.

Hodges gave a brief explanation on the business existing at Lewis and Pioneer. It is a private home and the Minardi's maintain a receiving station there for their business that is located in Seattle. The planning commission will make a determination tomorrow night on whether it is considered a home occupation.

DRAINAGE - WICK HOMES

The principals were not present tonight as planned. Instead, John Puratich a neighbor, said Wick Homes is cutting a narrow road into their property near his driveway and they are clear cutting in there and taking truck loads of logs out of there. John Hodges had looked into it. Wick Homes had advised him they would be clearing the roads only--no building sites are being cleared. Hodges was asked to make daily inspections.

Margaret Streeter feels they are not abiding by the agreements and feels the town should keep a close watch. She said they are burning in there, too, and all night long. John was asked to stop at the fire district headquarters and remind them of this burning.

1969 Class of Peninsula High School had written previously regarding permission to have beer at their reunion at the town park. Susan Teixeira has now written as the person responsible and the council approved the usual letter.

ORDINANCE RELATING TO THE CONSTRUCTION OF SEWERS - 2nd Reading - ORDINANCE #312: Councilwoman Ross moved that Ordinance #312 be adopted. Seconded & carried.

RESOLUTION RELATING TO SEWER SPECIFICATIONS - RESOLUTION #137: Councilman Malich moved that Resolution #137 be adopted. Seconded by Councilman Bunch. Carried.

REPORT OF AD HOC PERSONNEL COMMITTEE:

Councilpersons Melton and Ekberg had met with appointee Les Crowe regarding non-union employees. It was their conclusion that a professional personnel specialist be hired to perform a desk audit. Then a salary schedule can follow. Councilwoman Ross moved that the council accept the recommendation of the committee and act upon it. Councilwoman Melton seconded. Carried. Rex Lester was recommended to perform the desk audit.

Mayor Bogue proposed a first reading of an ordinance establishing salary schedules.

AWC convention will be held in Spokane. Mayor Bogue does not plan to go.

Mayor Bogue showed a PAC map regarding establishment of a road to alleviate traffic through town. The PAC requests the council's opinion on Vernhardson. Most of the council did not approve it, although Councilman Malich was in favor.

REPORT ON TOWN DOCK: The Port of Tacoma is considering participating in the funding requirement on the Town Dock. They will answer on May 24.

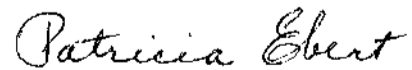
An executive session was held at this point in the business meeting. At the conclusion of this session the bills were approved upon motion of Councilwoman Melton and second by Councilwoman Ross. Motion carried.

MINUTES: Councilwoman Melton moved that the minutes be approved as posted with the exception of the hearing pertaining to Castelan/Allen shoreline management permits. Councilman Bunch seconded. Carried, with Councilman Malich abstaining.

Tape #77, Side 1, 0-587



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - MAY 29, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwoman Ross, Councilmen Malich and Bunch, Attorney Hess and Clerk Avery. Councilwoman Melton and Councilman Ekberg were not present. The meeting was then recessed for a public hearing.

CONTINUATION OF HEDMAN SHORT PLAT:

The hearing had been postponed last meeting pending a report from the town attorney who had since tendered a report to the council regarding the 20-foot street dedication. It was the attorney's recommendation that the 28-foot dedication be accepted. John Hodges had recommended the acceptance of the plat upon compliance with the engineer's recommendation that a sum of \$1375 be paid for extension of adequate water supply to the area. Councilwoman Ross moved that, in view of the past history of development, and following the recommendation of the planning commission, and with the stipulation that we withhold our signatures until the sum of \$1375 is paid as required, the short plat be accepted. Councilman Malich seconded. Carried. Hearing closed.

The regular meeting was reconvened with acceptance of the minutes as posted.

CORRESPONDENCE:

There were four letters from the planning commission. Hearing dates were set on three of them: Hein, H agerty and Johnson, and Traaen. These were set for June 11. The recommendation on Ross Anderson was to be heard later in this meeting.

SPECIAL GUESTS:

Scott Eagan, Boy Scout, was present regarding the park naming contest. He gave the proposed names and the reasons for their choice and asked the council to make the selection from the following names:

The Picnic Place
Gig Harbor Green
Monzingo Park
Harbor Heights Park

Councilwoman Ross moved that Gig Harbor Green be accepted as the name for the park. Motion seconded and carried with Councilman Bunch voting no.

Scott went on to tell the council that the parking lot at the entrance to the park is eroded and he asked for proper grading and catch basins to stop further erosion. This was referred to the department heads and the engineers. Mayor Bogue thanked him for a job well done.

REPORTS:

Street & Water - Jim Hibbs reported that the low bid for a service vehicle was submitted by Dick Boyles - \$4319.85. Councilwoman Ross suggested that this decision be postponed until a full council is present, and Mayor Bogue asked Hibbs to submit a definite idea of what he expects to realize with this purchase.

Sewer Treatment - None

Police Department - None

Building and Planning - Hodges reported that he has been in contact with Wick Homes and they agreed to reduce their hours of clearing to 8 a.m. to 6 p.m. He has checked the area several times a day and the clearing is proceeding according to plan with all interior roads now cleared. He asked the engineers to make a recommendation on temporary drainage problems.

He went on to say that he met with the residents of Norwegian Wood complex and they are very concerned with the above clearing situation. They would like a three-way stop sign, an overhead street light, cross walks, a speed bump, more frequent security patrols, painted lines on the center and sides of the street. In addition the smoke from the burning aggravates the emphysemic condition for some of the residents and Hodges said we may have a lot of company in the town hall.

Attorney Hess said he would recommend against the speed bump on a public street as it is considered a traffic hazard. All the needs stated by the residents of Norwegian Wood could be required of a developer in the future. No action was taken by the council.

Hodges went on to say that Norman Hemley had been excavating and filling on Harborview Drive at Burnham Street. He was stopped and told that he was required to file an environmental checklist on the basis that this was a major project.

Attorney - Bill Hess said he received a letter from the town's special counsel, David H. Johnson, with regard to the Tarabochia decision. A court of appeals ordered a settlement conference which was held on May 15. At that time Mr. Tarabochia's attorney, Mr. Markovich, was given ten days to determine

whether he wishes to pursue the appeal. He does not know the outcome. If the appeal is pursued Johnson will file an appropriate motion for dismissal.

In addition, Johnson has filed an amended copy of an answer requiring attorney's fees on the basis of a recent court decision which allows for attorney's fees when someone files an appeal simply for the purpose of delay and not for the purpose of adjudicating an issue. Mayor Bogue felt we should contact Mr. Johnson and Attorney Hess agreed. He will do so.

Engineer - Glen Sherwood said the tank contract is completed. He recommended that the contract be accepted as complete. A motion is needed to start the thirty days for withheld monies. Councilman Malich moved that we accept the completion of the well but not the tank. This was restated to read that we accept the contract on the tank as completed. Councilman Bunch seconded. Carried.

The pump station contractor is working and the masonry walls are up. They plan a completion date of June 11.

The water main contractor is making good progress with 3000 feet installed. Cascade Avenue is essentially complete and he should have a final estimate next meeting.

Ross Avenue LID - The total estimate is \$29,949.50 with a per-lineal-foot cost of about \$13.80 without sidewalks or side sewers. For sidewalks add about \$8.00 per lineal foot and \$600 each lot for side sewerage. The total cost for a 50-foot lot would be \$1690. The street will be paved 24 feet wide, wedge curb, thickened edge and sidewalks. The engineers now ask council approval of whether to create the LID or not--whether to send notices or not. There were questions on whether the LID would pass or fail. Glen said that after notification, if 60 % of the property owners object, the LID dies. Probably 10 property owners are involved. The attorney must prepare a Resolution of Intent and they would like a hearing date set. Councilwoman Ross moved that the attorney be directed to prepare the resolution. This was seconded by Councilman Malich.

Glen said a traffic count was made at the Molgard/Sky Realty driveway and Tom Stumpf suggested that no through traffic sign be posted and enforced. Mr. Hess will be furnished a copy of this report.

Establishment of road monuments: Glen said they sent the council a copy of their estimate which indicates that it would cost \$80 a monument to establish the position of the monument. Mayor Bogue refreshed the council's memory. She said that, because a citizen reported trouble with the monument, it was discovered that such difficulty had happened on more than one occasion and we felt that perhaps we should have the engineers survey and reestablish those monuments. So, she asked for a cost basis on this.

Glen said the memo makes no mention of the number of monuments. He assumes the estimate is in the range of 50 or thereabouts. That would be \$50 to check and verify they are in place or not. If they aren't the cost is \$84 to reset the ones missing or in incorrect location. It was decided that a list would be made of the critical or important ones.

John Hodges asked if Norm Hemley could address the council. Norm said he was caught in the act of taking dirt from behind the Hobby Hut and filling in behind the Brous house. He said he is trying to create land that is useful. The property was zoned commercial and has been kind of a garbage dump and he would like to upgrade it. He went on to say that he would like to create a road improvement there by having a part of Burnham vacated and dedicating a part of his land for a road that would allow a left turn holding lane to be developed. It would make it easier for school bus turns, also. Mayor Bogue clarified that Hemley needs to file his environmental checklist and there is no way he can be given permission at this time.

ANDERSON WAREHOUSE BUILDING PERMIT:

This had been postponed from last meeting to allow for a hearing before the planning commission. They have since discussed it and recommend approval of the updating and modernization of the building.

Councilwoman Ross said that the problem of the present use stems from assurances of the past mayor and chief building inspector that it was a permitted use at that time. Because we relied upon those assurances the town will issue a special permit to the applicant to continue the present use. This present use will not be transferable or assignable. Therefore, Councilwoman Ross moved that the application for a building permit to remodel the building commonly known as the old VFW Hall located at the southeast corner of the intersection of N. Harborview Drive and Vernhardson will be approved. Councilman Bunch seconded. Carried.

PARK USE GUIDELINES:

Mayor Bogue had suggested tentative guidelines. There was discussion on cleaning, requiring a deposit, etc. Too many problems could be associated with this so the council agreed to try it this way. Councilwoman Ross moved that the council adopt these guidelines for use of the park by groups. Councilman Bunch seconded. Carried.

EKBERG LETTER:

This was tabled upon motion by Councilman Bunch. Seconded and carried with Councilman Malich abstaining.

Councilwoman Ross asked if anything further has been done about connecting the sewer at Chapel Hill Church. Gary Tannahill said they requested an extension and it was granted because of extenuating circumstances.

JERISICH PARK PIER AND FLOAT:

Acceptance of the bid had been postponed until this meeting. The clerk had prepared a tabulation of the financial breakdown.

The Port of Tacoma had granted \$30,000 in matching funds but this still left a deficit of \$24,040 with items 7 and 9 eliminated.

The clerk explained that the town had a general government surplus last year and this year he estimates this surplus at \$24,885, enough to build the dock, less items 7 and 9. The sewage pump-out station was felt to be not necessary since the marinas on each side will be required by law to provide this facility.

The mayor felt it was a much-needed facility and she said she would be glad to gamble on it although she feels a tremendous responsibility for the budget this year.

The council was hesitant, feeling they should have the full council to vote on an issue of this magnitude. Waiting until the meeting of June 11 would be very close to the bid expiration.

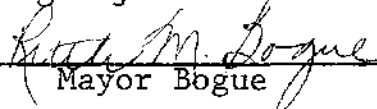
Councilwoman Ross moved that we accept the low bid of Manson Construction Company, deleting items 7 and 9, for a total of \$120,361.00, plus tax of \$6,137.95, making a total of \$126,498.95. Councilman Malich seconded. Carried.

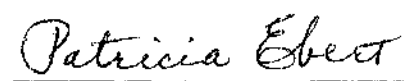
Councilman Malich expressed concern over the parking situation at the Tides Tavern. He asked that the police department increase their surveillance.

The bills were approved upon motion of Councilman Malich. Seconded and carried.

Meeting adjourned at 9:01 p.m.

Tape #77, Side 1, 617 to End


Mayor Bogue


Asst. Clerk

JUNE 11, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue and then recessed for the first public hearing. Present were Councilwomen Ross and Melton, Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery.

HAGGERTY ZONE DETERMINATION:

This is the first of two hearings concerning the zone determination on a parcel of property that is undergoing annexation proceedings. Hodges pointed out the property as abutting the Telephone Utilities property that was recently annexed; it left a small triangle of land with no access whatsoever.

Mark Haggerty, one of the owners, was present. He said it is a 1.67 acre parcel of land-locked property. Telephone Utilities would give him access thru their property. He felt the property did not lend itself to residential use since it is bordered by the freeway, and the only access is used by big trucks. He is asking for B-2 zoning. In addition, the annexation of the parcel would result in a squared-off boundary. He would like to use it for a business park or storage-type mini-warehouses.

The mayor read the planning commission letter regarding the determination of zone. They felt it was not good residential property and has poor ingress and egress since they must use the telephone company road. They recommended the same zone as that of the telephone company with the same restrictions applied.

Councilwoman Melton felt the planning commission failed to cite sufficient reasons in their letter of recommendation. Other discussion revealed that there was a discrepancy in the stated size of the parcel. Councilwoman Melton moved that the request go back to the planning commission with the request that they speak to the discrepancy in the stated size and the land-locked quality of the site, and also that specific reasons be stated for their recommendation of the zone. Councilman Bunch seconded. Councilman Ekberg said the intent was not to delay the second hearing; a letter will go out tomorrow so they can consider the answer at the council meeting of June 19. Motion carried. Hearing closed.

HEIN VARIANCE REQUEST:

This concerns a corner lot at 3906 Sutherland Street. Mr. Hein has requested a variance of 10 feet insetback. The planning commission had recommended

approval of the request. Mr. Hein, the owner of the lot, wishes to pass the variance along to the proposed buyer of the property. The council, concerned over the transferability of a variance, heard from Attorney Hess. Mr. Hess said he could find no reference to transferability in the law. His opinion is based on a general review of zoning considerations. He said that a variance, by law, should only be allowed if the physical dimensions of the property are so unique that it makes it virtually impossible to be used otherwise. Normally a variance is tailored to a project. The applicant is asking for a general variance which can be used by any subsequent owner. Secondly, no property owner has any vested interest in zoning. The right to use of land is usually in the form of a covenant. It is unclear what a variance permit would do. Thirdly, the permission expires in one year, according to Sec. 17.84.040 B. The council has to make a policy decision. Generally the weight of the law is against transferability but there is no solid authority, which gives the council an opening to make this decision.

Mr. Hein explained that he made the application for the variance because the lady was out of town. He applied for her and a set of plans was submitted. She would like to realize as much view as possible--that is the reason for the application. Councilman Ekberg asked if the sale was contingent upon the granting of the variance. Mr. Hein answered yes.

There was no opposition from the audience.

Councilman Bunch moved that the request be denied. Councilman Ekberg seconded with the statement that it should not be the council's position to enter into real estate speculation, as well as the attorney's recommendation. Councilwoman Melton was concerned about how the year's wait would affect a future property owner. Attorney Hess said this section of the ordinance was unconstitutional--it can be ignored because it deprives a property owner of his rights. Vote on the motion was three nays and two ayes. Motion denied. Councilman Malich moved that the variance be approved. Councilwoman Ross asked for time to discuss it further; she was against granting a variance that would be transferable, especially one that involves speculation. The motion died for lack of a second. Councilman Ekberg said he saw no unique situation here and it was not a case of hardship. Councilman Bunch moved that we deny the variance as requested. Councilman Ekberg seconded. Carried with Councilman Malich voting no. Hearing closed.

TRAAEN VARIANCE REQUEST:

Mr. Lloyd Traaen, 7002 Soundview Drive, requests a variance to complete a garage that was started many years ago, long before he bought the house. He needs an 18-foot setback. The concrete pad is in place as well as two walls. He would tie it in with the existing roofline. The planning commission had recommended favorably, saying the original work predates the adoption of the ordinance. They request that the garage roof be no higher than the existing house roof. All the neighbors are in favor, according to Traaen. Barbara Glasscock, an adjoining property owner in the audience, was in favor, as well as Margaret Streeter, another neighbor.

There was no opposition from anyone in the audience.

Councilwoman Ross said that, since the wall was already existing, it is a unique situation. It would improve the neighborhood and she moved that the variance be granted in accordance with the recommendation of the planning commission. Councilman Ekberg seconded. Carried, with Councilman Bunch voting no. Hearing closed.

KIMBALL DRIVE/M.B.HUNT ROAD ANNEXATION:

Clerk Avery had attended a BRB hearing on the Norman annexation. The BRB had approved the annexation provided the town annex the road. Wm. Thornton requested the BRB to invoke jurisdiction so Avery withdrew the petition. Our utilities are in that road and there is a necessity for traffic control. In an effort to save time for Norman, Avery suggested that the annexation of the road take place this way and the Norman property can go up for hearing on June 29. Councilman Malich moved that the petition be accepted. Councilwoman Ross seconded. Carried. Hearing closed.

The regular meeting was recalled to order.

MINUTES: As there were no additions or corrections the minutes stood approved as posted.

CORRESPONDENCE:

1. Planning commission recommendation that the Harborview Drive Shoreline Management permit application be denied. The bids are coming in on June 18 and the mayor requested holding in abeyance the council hearing until we know if any

- bids are low enough. A hearing will be held the first meeting in July.
2. Norman Squires variance request. The planning commission recommends approval. Hearing set for June 25.
 3. Victor Lyon variance on sign. The planning commission recommends approval.
 4. Phillip Glasscock request for circular stairway. The planning commission feels that no variance is necessary. A sewer easement is involved here.

Mrs. Glasscock, present in the audience, explained that the wrought-iron stairway will be used outside. The center support would be off the sewer easement and the treads could be swung out of the way if access to the easement was required.

Attorney Hess said she has the right to use her property in this way provided she does not permanently block the easement. Councilman Ekberg felt there should be a written agreement--no formal wording is necessary. All the council agreed. The letter will be drafted and Mrs. Glasscock can sign it before she returns to California. Mrs. Glasscock went on to ask if the name of the street serving her prospective house, and the houses of Puratich and Michel, can be changed to Stanich Lane to differentiate it from Stanich Avenue which is being extended through Harborview Park. The mayor said this must be checked out with the post office.

SPECIAL GUESTS:

Mr. Helm, Wick Homes, explained that they are now developing the perimeter road, requested by the town at the site plan hearing, and they will be paving only 1/2 of two roads. There is a question now because there are several trees near the centerline. If they pave to this centerline there will be trees left standing with no support. They would like to know how the council would like this handled.

Councilman Bunch was all for supporting the site plan. Councilman Ekberg felt the right-of-way should be cleared to two feet on the other side of the centerline. Any tree with a trunk within two feet of the centerline should be removed. He so moved. Seconded and carried with Councilman Malich voting no.

Mrs. Glasscock had further to say. She said her property is being encroached upon. She asked that the 30 feet next to her property remain unpaved and uncleared. Councilman Ekberg asked the engineers and the building department to look at it and asked no more clearing to the corner of Lots 8 and 9 until next meeting.

REPORTS:

Street & Water None
Sewer Treatment - None
Police - None

Planning & Building - Hodges said that Mrs. Creighton, Wheeler Street, told him there is a floating dock constructed at the head of the bay. This is evidently a violation of the Shoreline Management Act and the council will look at it.

Engineer - Marwan said that Cascade Avenue is finished to their satisfaction and asked the council to approve it. Councilman Malich moved that Cascade Avenue be accepted. Councilman Ekberg seconded. Carried.

Transmission Main - The main is now complete and they hope that testing will be completed this week.

Pump and Pumphouse - The pump has been detained for one to two weeks.

Pre-Construction Conference, Jerisich Park - The conference was held this morning. Dredging will be started two weeks from today.

Attorney - Regarding Tarabochia vs Gig Harbor, the judge gave Mr. Markovich a certain period of time to decide if he wants to settle. The period has now run out. Johnson and Paglia will continue with the case now.

Councilwoman Ross said that Scott Eagen wondered about a park dedication. Has a date been set? She was asked to work this out with Scott.

RESOLUTION #138 - ROSS AVENUE LID:

Councilman Malich moved that the resolution be adopted. Councilwoman Ross seconded. Carried.

EKBERG LETTER: This had been postponed twice pending, first, the transcript of the motion, and then the clarification. The minutes of the meeting of April 23 had been approved with the exception of the portion that concerned the motion. Councilman Ekberg expressed amazement that the council waited for him to be present before taking action. He wrote the letter only because he wasn't going to be here.

Councilwoman Ross read from the transcript when Allen Overland said they were waiting for the town's approval so they could lease Lots 3, 4 and 5 from the DNR. She wished it noted that the town did not mean that the approval of the

permit meant the town approved the lease of lots 3, 4 and 5. There was no action concerning this.

Councilman Bunch moved that the remaining portion of the minutes of April 23 be approved. Councilwoman Melton seconded. Carried with Councilman Malich abstaining.

PAVING AT ENTRANCE TO GIG HARBOR GREEN:

Jim Hibbs had a proposal from Spadoni for \$588.56 for paving the entrance to the park. This is the area talked about last meeting. Scott Eagan had pointed out that the area is eroding badly.

There was discussion on this, concerning conservation of funds, postponing the paving until later in the year, etc. Councilman Ekberg moved that the work be done. Councilwoman Ross seconded. Carried with Councilman Bunch abstaining and Councilman Malich voting no.

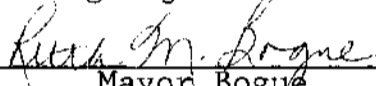
TRUCK BID: Jim said his plans for a generator fell through and he would like to know if the council would approve the purchase of the small truck. Councilman Malich moved that the bid be denied. Councilman Bunch seconded. Motion carried with two aye votes and three abstentions.

After an executive session the meeting resumed with approval of the bills upon motion by Councilman Bunch and second by Councilwoman Ross. Carried.

VACANCY ON PLANNING COMMISSION: Mayor Bogue had recommended Doug Sorenson for the vacancy on the commission. She asked if the council would care to confirm this appointment. Councilman Malich moved that the council confirm the appointment of Doug Sorensen to the planning commission. Motion seconded and carried.

Meeting adjourned at 10:10 p.m.

Tape #52, Side 2, 002 to 794



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - JUNE 25, 1979

The meeting was called to order by Mayor Bogue at 7 p.m. Present were Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery. Councilwomen Ross and Melton were out of town. The meeting was recessed for the first public hearing.

HARBORVIEW DRIVE STREET WIDENING SHORELINE MANAGEMENT HEARING:

This hearing had been published and property owners notified because the street lies within 200 feet of the shoreline. The planning commission had recommended denial with the possibility of further public input. Letters had been received from Julian Schmidtke and Nick Tudor objecting to the project.

Mayor Bogue called on the engineers. Glen Sherwood pointed out the area on the map. The road is presently 22 feet wide with gravel shoulders and open ditches. They propose to widen it to 36 feet curb to curb with sidewalks on both sides (UAB standards). There would be major channelizations at Stinson and N. Harborview Drive. This plan would not take any property but would absorb some parking areas, especially at the Beach Basket, where it would lie 6 to 8 feet behind the existing curb. The right of way is considerably wider than that. One driveway would be eliminated north of Novak Street--this property would require a retaining wall. Glen then explained the four-lane channelization at Borgen's corner. There would be free left-and right-turn lanes with stops for north bound and southbound traffic on Harborview Drive. This is the actual traffic flow. Councilman Bunch was against the free left turn lane as he felt it would be dangerous.

In opposition, Eileen Gately, part owner of Galleries 4, was opposed as she felt the channeled corner was unnecessary and no one had advised the business owners.

George Bujacich was opposed. He feels it is taking our residential district and making it a freeway for out-of-town traffic.

Nancy Finly, also part owner of Galleries 4, said she does not like the concept of parkways in this little town.

George Borgen felt it was not the wishes of the people to design it this way. He said he was not against the improvement but felt there was a lack of input and the people of the town should have quite a bit of say.

Barbara Glasscock saw no need for sidewalks on both sides. Glen said the UAB Standards require them on both sides. Also she asked if there are plans for storm drains. Glen answered yes.

Julian Schmidtke was opposed because of the parking. He said he just couldn't see an asphalt highway--it would only add to the traffic problems. Instead of a sidewalk a boardwalk would be more in keeping with the character of the town.

Tony Skansi asked if it would be possible to have three lanes in this 36-foot wide street. He asked if it might not be the time to plan for a two-way left turn lane in the center. Glen answered that there is space for this lane and it could be done within the 36-foot paved width.

When questions came up of where the money is coming from Glen answered that 90% comes from the State Urban Arterial Fund and 10% from the local community. Clerk Avery said the 10% is available in Revenue Sharing funds.

Mayor Bogue explained that this project is part of the six-year plan for street improvement. This project was submitted for public approval only because the law states that Shoreline Management Regulations apply within 200 feet of the water's edge. The bids were opened on June 18 and the tabulation is ready for the council. There are time constraints regarding UAB funding. The commitment to be under construction within 18 months is nearly up.

Glen explained that the right of way at Borgen's corner is actually 100 feet wide with paving to 48 feet of that 100 feet.

Regarding property acquisition there is one small 10-foot-wide section on Mr. Skansi's property that would be purchased.

Small changes can be made at this point--or any time during the job--with change order, at extra money of course.

Councilman Bunch was opposed to the channelization--he said he would go for a green/red/yellow light. Councilman Ekberg would like to see a tabling of the decision tonight but would like to ask the engineers to better fit this plan to meet the wishes of the citizens. He then moved to table the decision. Councilman Malich seconded. Carried. Hearing closed.

ALLEN/BUJACICH/PEROVICH SHORELINE MANAGEMENT HEARING:

Councilman Malich excused himself from the council table as this was a conflict of interest for him. Attorney Hess ruled that a majority of a quorum remained and the hearing may proceed.

The planning commission had made no recommendation on this subject as they require a legal opinion. Attorney Hess said that no recommendation is the same as an affirmative recommendation, but the council could return it to the planning commission if they so desired.

Councilman Ekberg moved that the matter be returned to the planning commission with all Town services made available to them to help them solve the legal aspects. This was seconded by Councilman Bunch. Motion carried. To be heard at planning commission level on July 3. Hearing closed.

HAGGERTY JOHNSTON DETERMINATION OF ZONE, 2nd Hearing:

The planning commission had been requested to amplify their recommendation. They did so and recommended contract zoning.

There were no voices in opposition. Councilman Ekberg asked the attorney if the council could stipulate no tree removal or land clearing until site plan approval. Attorney Hess felt the RCW would be in effect only with a comprehensive plan that specified and included land outside the town boundaries.

Councilman Ekberg asked Haggerty what uses he intends for the property. He was answered that a construction warehouse or mini-warehouses would be just about the only uses possible. Councilman Ekberg then said that he felt the uses specified under B-1 would be more applicable. Haggerty agreed that B-1 would fit their intended uses. Councilman Ekberg then moved that the property be zoned B-1. Councilman Bunch seconded. Councilman Ekberg amended his motion that the zoning be subject to item #3 in Hodges memo (recommendation subject to threshold determination). Councilman Malich seconded the amendment. Amendment carried. Original motion carried. An environmental checklist must be submitted and the threshold determination can then be made.

HAGGERTY/JOHNSTON ANNEXATION:

Attorney Hess recommended that the annexation question be heard subject to the

same regulation as above. Mr. Haggerty said he wished to proceed with the annexation hearing as the zone was acceptable to him.

There were no voices in opposition. The street, water and sewer departments find no impact from the annexation. It would be beneficial to the town and provide a more contiguous boundary. Councilman Ekberg moved that the annexation be approved. Seconded and carried. Hearing closed.

VICTOR LYON VARIANCE REQUEST:

The planning commission had heard their sign variance request on June 5 for a 32-square foot free-standing sign. They recommended favorably. John Hodges said that the company had removed the former sign as requested by the council.

Dave Blank, controller of the company, said the sign will be less than half the size of the previous sign but this size is the only one permitted under the Better Homes and Gardens franchise.

There was no opposition. Attorney Hess ruled that a variance to the sign code is allowed.

Councilman Ekberg felt the variance required is small. They have improved the signage in the past and he moved that the variance be granted. Councilman Malich seconded. Carried. Hearing closed.

SQUIRES VARIANCE:

Norman Squires wishes to build a garage in his rear yard and requests a 24-foot rear yard and a two-foot side yard variance. The planning commission had recommended approval as this disturbs view the least for others and would preserve the fir trees in the side yard.

There were no voices in favor or in opposition. Councilman Malich moved that the variance be approved. Councilman Ekberg seconded. Carried with Councilman Bunch voting no. Hearing closed.

BID AWARD:

Only one bid had been received--from Active Construction. Councilman Malich moved that the bid award be tabled to next meeting. Councilman Ekberg seconded. Carried. Walt Smith was present. He said that it will be too late to start the project this year if the work doesn't get under way soon.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: Planning Commission recommendations were received regarding Finholm, Michaelis, and the site plan approval on the condos. These were set for the July 9 meeting. The Jerisich Park variance was set for July 9 also.

SPECIAL GUESTS: None

REPORTS:

Street/Water, Sewer Treatment, Police, Planning/Building, and the Attorney submitted no reports.

Engineer - Glen Sherwood said there has been a delay in the delivery of the pump. It is now due to arrive on Wednesday.

The pumping station requires a change order of a transfer switch for emergency power. This will run \$1200 and the engineers recommend approval. This will be presented next meeting as a formal request.

The main has been completely laid and half has been tested. Testing will be completed by Wednesday.

The dredging is slated to be started on Jerisich Park next week.

Clerk-Treasurer - No report.

LIQUOR LICENSE APPLICATION NOTIFICATION - WALT'S DELI:

There was discussion on this. Based on the square footage of the building the parking regulations are met. Councilman Malich moved that we take no action. Councilman Ekberg seconded. Carried.

WICK HOMES STORM WATER PROPOSAL:

Sherwood explained the drainage has been estimated and based on figures developed for the 25-year storm for the entire drainage basin. The engineers felt the 100-year storm should have been the basis. Wick proposes to spend \$65,000 and for an additional \$7000 (paid by the town) a 100-year storm system could be established. This would be a very economical way to develop the ultimate system. Wick wishes a late comers agreement but Glen felt it would not be in the town's best interest to get involved in such extreme

bookkeeping as there could be three late-comers agreements evolving out of one.

Gary Tannahill strongly recommended that the Town allow NO on-site disposal.

Webb outlined their proposal and asked for resolution tonight. He felt the late-comer agreement could be easily handled by taking the total acreage and dividing by the amount of money involved. The administration of the late-comer bookkeeping gets 10%.

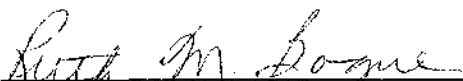
Councilman Ekberg preferred the drainage system over the retention system, and the 100-year storm over the 25-year storm. Clerk Avery said the \$7000 would be available through the Arterial Street Fund. Councilman Ekberg went on to say that, assuming that the plans are correct and the funds are available, he moved that we authorize a maximum of \$7000 as recommended by the engineers, and also moved that we approve the system as submitted by the engineers and administer a late-comers agreement with 10% of the cost set aside as administrative cost, and subject the final drawings for the approval of the department heads. Councilman Bunch seconded. Carried.

There was a great deal of discussion on Mrs. Glasscock's problem concerning non-paving of a road. The council realized it would mean a change in the site plan. Councilman Malich moved that the street remain unpaved. Councilman Ekberg seconded for purposes of discussion. The vote was taken: Malich, aye; Ekberg, nay; Bunch, nay. Motion denied.

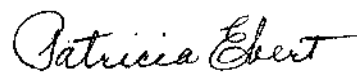
The bills were approved upon motion and seconded. Motion carried.

Meeting adjourned at 10:40 p.m.

Tape 77, Side 2, 794 to end
Tape 78, Side 1, 0-636



Mayor Bogue



Asst. Clk.

TOWN COUNCIL MEETING, JULY 9, 1979

The meeting was called to order by Mayor Bogue at 7 p.m. Present were Councilwoman Melton, Councilmen Ekberg, Bunch and Malich, Attorney Hess and Clerk Avery. Councilwoman Ross was out of town. The meeting was recessed for the first public hearing.

ALLEN SHORELINE MANAGEMENT PERMIT HEARING: This was continued from June 25. A letter was received today from Allen asking that the hearing be again postponed to July 23. Councilman Ekberg moved to continue to that date. Seconded by Councilman Bunch. Carried, with Councilman Malich abstaining. Hearing closed.

HARBORVIEW DRIVE SHORELINE MANAGEMENT PERMIT HEARING: This also was continued from June 25. A public meeting had also been held on Thursday, July 5, to obtain public input regarding this hearing. Bob Thorpe had been appointed spokesman for the group in opposition.

Waite Dalrymple was present from Parametrix. He presented slides of alternate possibilities for developing Borgen's corner. The first plan showed paving 59 feet edge to edge. They eliminated planters and street parking. There would be three lanes of traffic and a two-way left turn lane with painted islands. The four lanes would not widen the street more than it is now nor would it usurp the parking in front of the businesses. They propose sidewalks on both sides of the street all the way. Between Borgen's and Eddon Boat the width will be increased from 22 feet to 36 feet of paving plus sidewalks. The UAB would have waived one sidewalk as a matter of flexibility.

An alternate plan was shown that would be paved to 42 feet, eliminating one lane of traffic, the planters, and one sidewalk. There would be no two-way left turn lane.

Bob Thorpe, spokesman for the concerned citizens, stressed the special characteristics of the town that could be destroyed, the decrease in vehicle size, the question of safety, the increased speed that would be detrimental to the merchants, and the possibility that the east/west corridor would be sacrificed.

He pleaded that the intersections be kept as simple as possible and in keeping with the country-town atmosphere; that the lane widths be decreased in keeping with today's car sizes; that evidence be shown for the need for all those parking spaces around Clay Hill; that the possibility of graveled

parking strips be explored as being more in keeping with the flavor as well as providing pervious cover; the recommendation that curbs and gutters be removed entirely; that paved sidewalks give way to graveled.

Dalrymple said it would kill the project to decrease the street width.

Letters of objection had been received from Nick Tudor, Julian Schmidtke, and Partners Financial. Terry Cosgrove, their representative, was concerned with how much this would affect their property.

Mayor Bogue asked for comments from the department heads:

Jim Hibbs said that if we deleted one sidewalk at this time then later developers would be required to build that deleted sidewalk at the cost of the developer. He felt it hardly seemed wise not to put in the sidewalk at this time under the grant. He felt it was a good engineering plan. Jim Landon felt we should go along with the plan. Chief Snider feels the real issue is safety. The stop signs, medians, lane width, all make for good turning space and thus provide safety. The double left turn lane would eliminate some dangerous situations.

Walt Smith, the only bidder, asked only that rejection or acceptance take place tonight because time is getting so short. Dalrymple said the money is available and must go to construction by the end of August.

At this point an executive session was held with the town attorney. Upon reconvention, Councilwoman Melton moved that the council accept Plan G as submitted by Parametrix with sidewalks on both sides of Harborview with a total paved area of 48 feet, however there would be three lanes as formatted on Plan K as opposed to the four lanes on Plan G. Councilman Bunch seconded. Councilman Ekberg praised the engineering staff and said he appreciated the valued opinions of the concerned citizens. He said he would not be in favor of the motion but would approve taking the 10% matching funds earmarked for the project and use it in a manner to provide more safety. The vote on the motion was two to two. Mayor Bogue broke the tie by voting against the motion. Motion did not carry. The bid award was not considered. Councilman Ekberg asked for consideration for the designing of the safety factors. Hearing closed.

FINHOLM VARIANCE REQUEST:

The variance concerns the corner lot setback for the Edward Finholm property located at 8922 Franklin Avenue. They request a variance of 17 feet on Fuller Street in order to construct a garage. The planning commission had recommended favorably.

There was no opposition to the request. John Hodges said it would cause no obstruction to view or traffic safety. Councilman Malich moved that the variance be approved. Councilman Bunch seconded. Carried. Hearing closed.

MICHAELIS VARIANCE REQUEST:

This concerns property at 9110 Woodworth Avenue. The property backs on to the Goodman School yard and a variance of 6 feet in side-yard setback is required because of the narrow width of the lot. The school district had recommended favorably by letter. There were no voices in opposition. The planning commission had recommended favorably.

Councilman Bunch moved that the variance be approved. Councilman Malich seconded. Carried. Hearing closed.

HARBOR SUNSET CONDO SITE PLAN APPROVAL:

This is the same 16-unit condo formerly known as Carefree Condos. The plan has been completely changed to eliminate the need for height variances.

The planning commission had reviewed the plans on June 17 and have recommended favorably.

Discussed were the possibility of a through street to the AnnCo property to the south and the drainage.

Tom Johnson, architect, said the project was completely redesigned from the original. The height problems have been eliminated. They hope to capitalize on the view that is there. There will be screen plantings to the west. They will preserve the existing trees and supplement them with indigenous vegetation. The buildings will be wood-frame with a pitched shake roof and full daylight basements.

Larry Braund asked the engineers to present their plan for the drainage set at a meeting last Tuesday. Glen said the package they are considering will involve \$100,000 with various owners sharing in the ratio of their square footage to the total: Dr. Doel, \$28,000; Harbor Sunset, \$9,000; AnnCo, \$26,000;

and Peter Norman, \$37,000, and this includes their share of the agreement to Harborview Park. Now Mr. Braund showed the drainage pattern and the possibility of a retention pond in case the other plan should fail. They feel they can comply either way to the suggestions of the town engineers.

Mayor Bogue asked Glen if the provision for on-site retention is adequate. Glen agreed that the pond area is quite large but no figures have been provided as to the amount of the drainage.

There were questions concerning the use of the side yard as a road. Councilman Bunch felt the road created a corner lot. Attorney Hess ruled on the use of side yards as a road. He feels it meets the ordinance as an unoccupied space. The council should make the determination. There were questions on the possibility that the road through the parcel could join the side road and become a place for horseplay. The developer said they plan to block off the road with breakaway posts so only the fire department can get through. Then ensued a discussion on the use of grass over the roadway or the possibility of using cinder blocks filled with soil and planted with grass.

Sidwalks were discussed and the possibility of the side road being a real street or only a road easement.

Councilman Ekberg moved that the site plan be approved with the following conditions: "That all storm water be handled in the manner of which Glen elaborated with the agreement of property owners to go down Hunt Street to Soundview. That the west side of the property, which I believe is shown on the map as planted about three quarters of the way down be planted in the same width all the way the entire length of the west property line. That the area designated between the two breakaway posts as a lane that would be the fire department access be maintained with cinder blocks on sides, filled with dirt, and planted with grass or low ground cover which would be maintained to allow proper traction for the fire department vehicles yet would still allow a semblance of a planted side yard."

Councilman Malich seconded. Councilman Bunch questioned whether it can be approved until the setbacks are met or a variance needed. He felt the easement road constitutes the front yard and makes it a corner lot. The motion carried with three ayes and one nay (C.Bunch) Hearing closed.

JERISICH PARK VARIANCE:

This variance concerns the side-yard setbacks on the water, 8 feet on both east and west side yards. The planning commission heard the request on June 19. At this time they voted against the variance, feeling a fishermen's dock was needed more.

Clerk Avery said the funds to build this dock are recreational grant monies and cannot be used for any other purpose. Unfortunately, the requested variance was not even discussed at that planning commission meeting.

The contract has been let on the design. There were no voices in opposition. Councilman Ekberg moved that the variance be granted as requested. Councilwoman Melton seconded. The vote was taken as follows: Aye, C. Ekberg and C. Melton; No, C. Bunch and Malich. Mayor Bogue broke the tie by voting yes. Motion carried. Hearing closed.

The regular meeting was called back to order.

MINUTES: Glen Sherwood brought up the Wick Homes Storm Water Proposal. The minutes do not reflect the amount of money that Wick Homes would like to recoup under the late-comers agreement. They would like to collect \$15,000 over and above the \$50,000 investment; therefore the minutes should reflect that part of Councilman Ekberg's motion was ". . . propose that we administer a late-comers agreement for them for the overage of the difference between the \$50,000, the total cost less the \$50,000, less our \$7,000." Otherwise the minutes stood approved as posted.

CORRESPONDENCE:

Manson Construction will start work on the town dock on July 18. Ray Ellener reports a monument is missing and requests restoration. This will be taken care of in conjunction with the street dept. monument survey. Planning Commission recommendations were received on Williamson, Allen (Mitts subdivision), and Moore/Fraychineaud. All were scheduled for council hearing on July 23.

REPORTS:

Street & Water - None
Sewer Treatment - None

Police Department - Chief Snider said they had turned in a written report.

Planning/Building - John Hodges asked the council's opinion on a building permit request. They request a basement that would be 75% below grade but would not be a conventional basement. The council had no objection.

SPECIAL GUESTS:

Pierce County Fire District #5 requests the acquisition of a section of the Stinson Avenue right of way. They request title to a parcel of property 8.6 feet wide by 31 feet long on which the old fire station is built. They make the request so the building can remain intact and the sale can go through. The property was given to the town in 1963, according to Drew Wingard, and this building predates the town's incorporation. It was a 30-foot county road at that time, Drew said, and they are now asking for it back.

The attorney ruled that public property cannot be given to a private agency; if a gift of public funds can be given at all it could be to such an agency as the fire department. It must be in the best interests of the citizens of the town. Attorney Hess said he would like to look up the conveyance document.

There was a discussion on the possibility of obtaining a right of way behind the new fire hall in exchange for the vacation of this right of way. Councilman Ekberg felt it should be considered an exchange.

Councilman Bunch felt it was not in the best interest of the town to give the property away and so moved. The motion failed for lack of a second. Councilman Ekberg moved that it be researched more thoroughly with the possibility of an exchange. Councilman Malich seconded. Carried.

REPORTS: continued:

Engineer - Glen Sherwood now presented the change order on the pumping station transfer switch. He asked the council to authorize the mayor to sign it. The motion was made and seconded to approve Change Order #1. Carried with Councilman Bunch voting no.

Glen went on to say that the water main construction is completed and the pump is expected to be tested and on the line by the end of the week.

A hearing should be set for a six-year street plan which must be completed before the end of July.

Mayor Bogue told Glen that she will meet with the engineers to discuss a sidewalk around Clay Hill.

BID AWARD: No longer applicable.

Scott Eagan requests an evening ceremony for the park dedication. The mayor asked that he wait for Councilwoman Ross's return.


Regarding the guidelines for the town park, the closing hour was set a 8 p.m. for groups. Now a request has come in from a group in Tacoma that gives pop concerts. They wish to use the Crescent Valley Park from 7:30 to 9:30 or 10 p.m. on August 19. The council had no objection.

Chuck Lindner had written regarding the closure of the south end of Stinson Avenue. He asked vacation for part of the street. The council would like a map or sketch before next meeting.

BILLS: Motion to approve by Councilman Malich with second by Councilwoman Melton. Motion carried.

The meeting was adjourned at 11:18 p.m.

Tape #78, Side 1, 636-End
Side 2, 0-772



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - JULY 23, 1979

The first public hearing was called to order by Mayor Bogue at 7 p.m. Present were Councilwomen Ross and Melton, Councilman Bunch, Attorney Hess and Clerk Avery. Councilmen Ekberg and Malich were not present.

MITTS ADDITION HEARING:

This is a parcel of 4.10 acres, with 2.63 acres in General Service zone and 1.47 acres in R-1. Comments had been received from various department heads and agencies. The drainage from the plat was felt to pose a problem and the Department of Transportation said that one access from the plat on to the frontage road will have to meet their specifications. Small housekeeping changes have been made in the plat and it now meets the standards of the planner and the engineer. The planning commission had recommended approval with zoning recommended but the mayor pointed out that this is simply approval of a long plat and zoning is not to be considered at this time.

Ralph Shulich, one of the owners, said he was not here for a zone change but felt that this plat has been a long time in process and he would like to get the plat approved so it can be sold.

There were no voices in opposition.

Mayor Bogue said recent word from the state explains the possibility of setting aside conservation easements instead of the usual green belting. The easements could perhaps be a tax break for the developer, but more important to the Town the easements would run with the land and could not be tampered with as green belting has been.

Councilwoman Melton moved that the Mitts Addition long plat be approved including, but not limited by, screening outlined by the planning commission on Lots 5, 6, 7, 8, 9, and 10, also including the storm drainage as outlined by the town engineer, and suggest that the passage of this is to follow the intent of Section C, zoning code 17.56 and 17.56.020. Councilman Bunch seconded. Carried unanimously. Hearing closed.

ROSS AVENUE LID:

The engineer explained that the proposed LID covers Ross Avenue from Dorotich to Rosedale, including sidewalks on both sides from Dorotich to the end of the plat (about 125 feet from Rosedale Street). The paving would be 24 feet wide with thickened edge and curbs. The sidewalks would be adjacent to the property line with a small separation. The estimated cost of \$31,139.17 was mailed to the owners. Letters of objection were received from:

Bennatts, in favor of the paving, but opposed to the sidewalks.
Clementina Anderson was opposed to the LID as well as the stub.
Martin Bussanich was opposed to the cost of the project as well as protesting the loss of his privacy.

There were no other voices in opposition, nor were there any voices in favor.

The original petition did not address sidewalks. The sidewalks were part of the council's input. The sidewalk cost is \$6400 and elimination of them would cut the cost about 25%.

Someone in the audience questioned why the property owners have to pay for this part of Ross Avenue when another section was paid for by the town. Glen Sherwood told her this was not true--the original section had been oil mat and was restored to better condition yet as part of the sewer project.

Councilman Bunch moved that the LID proceed as submitted by the engineers with the sidewalks deleted on both sides. Councilwoman Ross seconded. Motion carried with Councilwoman Melton voting no. The engineer said the ordinance must be prepared for adoption at the next council meeting. The attorney said a 30-day period ensues in which to receive protests. This is the first reading of the ordinance. Hearing closed.

MOORE REZONE:

The petitioners are asking for B-2 use, for the Moore and Fraychineaud properties. The department head reports show very little impact. The planning department has filed a declaration of non-significance. The planning commission recommended favorably with uses limited to retail and boutique-type operations.

Councilman Bunch felt this application was similar to one heard recently where the seller stands to profit if the zone change is awarded. Nancy Finley, one

of the owners, said the escrow has already closed. Peri Moore authorized them to go ahead with the hearing as her agents. There is no contingency involved. Attorney Hess agreed. The new owners simply step into the shoes of the old owners. He said he sees no reason why the hearing can't proceed normally.

There were no voices in opposition but Gary Tannahill said the hedges in front of the properties could pose a problem so far as safe vision purposes are concerned.

Councilman Bunch moved that the application be approved. Councilwoman Ross seconded. Carried unanimously. Hearing closed.

WILLIAMSON SHORELINE MANAGEMENT HEARING:

Mr. Williamson of the Gig Harbor Marina wishes to construct seven additional moorage spaces. There was little impact noted on the department head reports, but the fire department felt there should be more hydrants and a main to these floats. John Hodges questioned the parking requirements. The planning commission had recommended favorably with provisions.

Walt Williamson showed an aerial photo of his property pointing out that there is ample parking for everyone. He does plan to blacktop but the cost is prohibitive and he asked for a possible five years to accomplish this. He plans also to put in a pump-out station at the end of the float by 1980.

There were no voices in opposition but a discussion ensued on the amount of parking spaces that are available for the marina customers as well as those leased to the Cellar Restaurant. Williamson said he leased a strip of land from John Gilich several years ago on a 28-year lease. Part of this space is leased to the Drohans. It was felt there was uncertainty as to how many spaces Williamson has. There is no way to tell when it is unpaved. Councilwoman Melton felt the conditions there now are unacceptable. Could it be graded and graveled? Councilwoman Melton then moved that the Shoreline Development permit be accepted with the provision that he meet the fire department requirement for a pump, and follow the ordinance for dust-proof parking for approximately 108 spaces. Councilman Bunch seconded. Carried. Hearing closed.

SIX-YEAR STREET IMPROVEMENT PLAN HEARING:

Glen Sherwood outlined the 1980 projects:

Rosedale Street West to the Town limits

Ross Avenue

Portion of Harborview Drive from Harbor Landing to Dorotich Street

1981 Project:

Tie between Pioneer and Stinson

1982 Project:

Peacock from North Harborview to the town limits

1983-1985 - Pioneer and Soundview to Hunt

Gary Tannahill felt Rosedale was very important because of the high school, but Soundview all the way to the Town limits is important as it is starting to deteriorate. Gary then asked if this hearing can be postponed as Jim Hibbs is not present and he has some input. Sherwood said it should be submitted to the State by July 31 but it can be held up some. The mayor asked for copies of the engineer's plan and postponement to next meeting. Hearing closed.

ALLEN, ALLEN, BUJACICH, PEROVICH SHORELINE MANAGEMENT PERMIT HEARING:

Ralph G. Turco, attorney for Allen, gave an opening statement, prior to the opening of the hearing. "The application for a permit to develop a finger float in front of Blocks 3 and 4 in the Harbor Area which the State must have a conditional use permit granted by the City in order for them to proceed to consider whether or not they will grant a lease. Now, in accordance with the general plan one criterial is that all neighbors be considered and that the neighbors try to work together to get the highest and best use out of the moorage facility. Mr. Castelan has applied for a conditional use permit in front of his property and it has been granted, from which there has been an appeal by Allan and others. Mr. Allen has obtained from this council a permit for the development of his dock which was granted by the council, appealed by Mr. Castelan. Next, is that between the Harbor Area and the uplands is an area called Block C, basically tidal area, and this is leased by Mr. Castelan, and a lawsuit is pending to see whether or not that lease is a valid lease from the State. Now, in order to get a walkway from the pier out to the finger pier out in front in the Harbor Area we would have to go across Block C since the Corps has not decided whether that lease is valid or not, at the planning board we withdrew part of the drawing which shows a walkway over Block C. Now that brings us to good faith, dealing, and bargaining between the parties. We have today arrived at a tentative agreement, typed out by Mr. Overland. (He

passed a copy to the mayor.) Turn to page 2. It is spelled out what the parties will do and it's tentatively agreed on page 1 that Castelan will surrender to Allen and the others and assign over to them Block C Tidal Area. #2, that Allen will assume the duties of the lessee and make the payments on Block C. #3, that Mr. Castelan shall address a letter to the State of Washington Office of Natural Resources advising them of the same, about the application for lease in front of Lots 1 through 5, and they shall be modified to allow Mr. Allen to have a portion of the lease which is 78 feet in breadth from the line that is common between Lots 5 and 4 to the east, and that would be a measuring point. Of the 78 feet, thirty feet would be reserved for access for Mr. Castelan to get into his proposed project for which this council has already granted a permit. #4, spells it out in more detail. #5, If we can come to this agreement, which is a tentative agreement, that Allen will dismiss his lawsuit, both parties will dismiss their appeals to the State, both parties agree to operate their respective facilities in the Harbor Area in such a manner as to try not to interfere with one another, and we set out an exhibit to attach to this to show where the access area is so that our vessels can maneuver in and out of Mr. Castelan's project and out of our project, and there is a time limitation from October first of this year that Mr. Castelan must complete his project or the access lane will then be ours. It gives him a time limitation so that we don't get someone sitting on the fence and not doing anything. We have checked with the State of Washington and, if this agreement goes through, whether since they will only lease to us based upon your giving us a conditional use permit, they said to us tentatively if you give us a conditional use permit that they will modify their lease to accommodate our private agreement. Now, the reason I bring this before you is, one, you MUST know we are dealing in good faith. You MUST know that both the parties are trying to get this matter---this cannot be looked at or presented to you on the basis that someone is a Johnny-come-lately and making a complaint about their neighbor getting to use the facilities and we not getting to use ours. I do not think that it's proper that the council be so informed of our good faith in dealing. Now, there are some prospective problems with all of this and one of those is that, if the matter gets procrastinated and put off too long, I am afraid that the Allens and others on their permit will lose by default because if this goes on too TOO long and nothing ever gets signed everyone will lose interest in it and we will not be prepared for the tentative hearings that are set for September, and so forth, so my proposal to the council is that you either hear us tonight or give us a date certain within August and we will pass on this so that if this tentative agreement does not get signed for any reason that my client's position will not be harmed or jeopardized in that continuation of a hearing. We are ready to proceed tonight. We have maps and drawings and what we are basically asking for is a finger pier to be moored to pilings in the area described. We have withdrawn any walkway."

Michelle Gonzales, Castelan's daughter, objected as her father, fishing in Alaska, has not even seen this agreement let alone signed it, and she is totally unprepared and not represented by counsel. She asked for a postponement.

Attorney Hess said there are two issues to keep clear here. One is whether or not the council wants to approve Allen's application based on the merits of the Allen application. The second involves disagreement and the ownership of the property. Can the town issue a permit to Allen to do something on property that is owned or controlled by others? I advised the planning director and he advised the commission that the town does NOT have the right to issue a permit on someone else's property. If you do it is just simply annulled because you can't give away someone's property rights to another.

He advised the council that they could consider the merits of the Allen permit right now. "You could give some sort of expression of your belief as to whether or not this applied-for construction is in your minds acceptable to the Town and in conformance with the Shoreline Management Act. As to the status of ownership I don't think you can legitimately give a permit at this time. This is an attempt on their part to solve their difficulty. If the parties can reach an agreement and sign that agreement it would remove any concern on the part of the council."

Councilwoman Ross felt we had heard all this many times before. We are only voting on the Shoreline Management aspect and she moved that, upon the advice of the attorney, the permit be approved pending the agreement being signed and the workability of the two parties involved. She withdrew her motion when the mayor reminded her that the hearing had not yet been opened. The mayor asked if the council wishes to open the public hearing or postpone to some other time. There was a great deal of discussion over the agreement.

Dick Allen felt that the State would not necessarily lease to Castelan if they know that Allen wished to lease it also.

Councilwoman Ross moved that we have the hearing that was originally scheduled tonight. The motion died for lack of a second.

Councilwoman Melton, feeling that Mr. Castelan had a right to speak and it was reasonable and fair to allow that, moved that we postpone the hearing at the council's request to August 13. Councilman Bunch seconded. Carried with Councilwoman Ross voting no.

Attorney Hess suggested that we obtain DNR position on lease-hold interest in those lands. Allan asked if the letter could include a query as to the DNR's position if both Castelan and Allen have a permit from the town.

The regular meeting was then called to order.

As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

Clerk Avery said the planning commission had made a recommendation on the Hoover rezone. The hearing has been tentatively set for August 13. Okayed.

John Hodges had a letter from Allen withdrawing a planned walkway from the above application.

Mayor Bogue had a letter from the planning commission regarding Dr. Hruza's suggestions. The commission requests a study session with the council. The date was set for July 30 at 7 p.m.

SPECIAL GUESTS: None

REPORTS:

Street and Water - None

Sewer Treatment - None

Police - Chief Snider had submitted a written proposal regarding the hiring of an extra man on the force. He said the additional patrolman would free him to pursue various grants, administer his crime prevention policy, and take care of matters that come up in the daily routine. Clerk Avery said the remaining four months of the year is the only salary that would be unbudgeted. There are funds available for these four months. Councilwoman Ross moved that we approve the hiring of the additional patrolman. Councilman Bunch seconded. Carried.

Building/Planning - None

Attorney - Attorney Hess said he received a communication from an attorney regarding the Garner lawsuit and he requests an executive session with the council.

Engineer - The contractor has started on Jerisich Park. All the pilings but one have been pulled.

The water main project has been completed. They recommend acceptance as complete so the 30-day hold period can start. Councilwoman Melton moved that the water main be accepted. Councilwoman Ross seconded. Carried.

FIRE STATION STREET VACATION REQUEST:

All the department heads have commented. Attorney Hess said that Clerk Avery has now received the conveyance document--a copy of the deed. It restricts the town to only giving it back to the people who gave it to us. The council should decide what the benefit is to the citizens of the town. If you do not give it up a court could find you didn't own it in the first place. Councilman Bunch moved that for the best interests of the citizens of the town the request be denied. Councilwoman Ross seconded. Carried.

ACTIVE CONSTRUCTION REQUEST TO REJECT THEIR BID:

Councilwoman Melton moved that the bid be denied. Councilman Bunch seconded. Carried.

UAB MEETING: Mayor Bogue reported on the meeting with the Urban Arterial Board last week. It was agreed that the town can appear at the the regular Board meeting in October. The funds, allocated to the town, would not be expended before that time. She said a firm of architects offered sketches of other possibilities at no cost to the town and she hoped the town could make a proposal of an alternate plan at that meeting.

WATER METER BIDS: The clerk asked for postponement as the water superintendent is not here.

MOORE PROPERTY REZONE - First reading.

SCOTT EAGAN has asked for a ceremony at the park and Councilwoman Ross will get in touch with him.

SKY REALTY PROPOSAL: Copies are to be made for the council to look over before next meeting.

PUBLIC DISCLOSURE INFORMATION - The filing deadline for reporting of financial affairs has been extended to April of each year.

Mayor Bogue told the council that a church group has approached her asking for the use of the town hall each Sunday for about six months. The council felt that if you let one group have such a use then others could request the same. They did not approve.

An executive session was held on the Garner matter and the Personnel Reclassification ordinance. When the regular meeting resumed the bills were approved upon motion of Councilwoman Ross with second of Councilwoman Melton. Carried.

Meeting adjourned at 10:55 p.m.

Tape 78, Side 2, 772 to end
79, Side 1, 0-824

Ruth M. Bogue
Mayor Bogue

Patricia A. Ebert
Asst. Clerk

SPECIAL MEETING - JULY 30, 1979

Present at this special session were Mayor Bogue, Councilwomen Ross and Melton and Councilman Malich.

The reclassification ordinance, Ordinance #313, was passed at this special session.

Ruth M. Bogue
Mayor Bogue

REGULAR COUNCIL MEETING AUGUST 13, 1979

The meeting was called to order by Mayor pro tem Bunch at 7 p.m. Present were Councilwoman Melton, Councilman Ekberg, Attorney Hess and Clerk Avery. Mayor Bogue and Councilwoman Ross were out of town and Councilman Malich was commercial fishing. Attorney Paglia, in the audience, protested, saying that a quorum would not be present as the protem would be a voting member of the body.

ALLEN SHORELINE MANAGEMENT HEARING, continued from last meeting:

Attorney Turco was present. He said the agreement is nearly complete and the only point of contention remaining is a three-foot overlap. If the parties involved agree to this three feet this will solve everyone's problems. Allen Overland could not reach Castelan on this three-foot portion. The attorney asked conditional approval tonight pending the signing of the agreement.

Allen Overland, representing Castelan, said that Castelan had signed the agreement and it was flown down last Thursday. Now this three-foot overlap has come up. It is a mistake--an oral mistake. Castelan has signed the tideland assignment back to the Allens. The town attorney has received no answer from the attorney general's office as the attorney general does not wish to disturb the pending agreement. The agreement is not finalized as Castelan is on a boat off Ketchikan tonight. The hearing should be continued.

Attorney Hess had recommended that the town not issue a permit until the rights are clarified. The issue could be approved, disapproved, or approved conditionally, but not issue the permit. The town should not involve themselves in the agreement.

Councilwoman Melton moved that the Allen Shoreline Management permit be granted subject to a signed agreement that has been negotiated by both parties involved. Councilman Ekberg seconded and amended to approve the application subject to the applicant providing Attorney Hess with proof of the ownership involved.

Councilman Ekberg said he seconded the motion but he would like some clarification from the attorney. He felt the real question is the right to use the property. Attorney Hess agreed but added that the agreement is not something the town should involve itself in. Councilman Ekberg then amended that the application be approved subject to--that the permit be held up until actual proof is provided the attorney of the ownership involved. Carried. Hearing closed.

The regular meeting was called to order.

MINUTES: The minutes were approved upon motion of Councilwoman Melton with

second by Councilman Ekberg. Carried.

CORRESPONDENCE:

The planning commission had written regarding their hearing on the library variance. The council hearing was set for August 27.

SPECIAL GUESTS: None

REPORTS:

Public Works - Gary Tannahill wrote a letter requesting permission to close Shyleen Street where it enters McDonald. He said leaving it open creates a safety hazard and he would like to put up posts to keep the cars and trucks out. The issue is postponed to next meeting.

Gary went on to say that, with the new high school due to open, there is no room on the road shoulders for foot traffic from Highway #16 to the school. He would like to call for bids for a walkway--it would run between \$3000 and \$4000. The council approved drawing up the specs and seeing how the bids come in.

Gary had submitted to the council an excerpt from the municipal code regarding mandatory connection of restaurants, etc. to the water system.

Police - None.

Building - Hodges said there has been a request from Cellar Arts to move to the Galleries 4 building next to the Union station. Parking would be the only possible problem. There was no comment from the council.

Attorney - Regarding the disputed Garner property, Mr. Garner just delivered to the town a quit claim deed on that 20 X 40 triangle of land. Mr. Adams, Garner's attorney, delivered to the town attorney a quit claim deed whereby the town would quit claim to Mr. Garner the total disputed parcel. If the council agrees to this, Hess asked the council to approve the acceptance of the quit claim deed from the Garners and approve the signing of the quit claim deed by the present pro tem. Councilman Ekberg moved that it be accepted by the town. Councilwoman Melton seconded. Carried.

Engineer - Glen reported that the pumping station is in service. There had been a problem with the automatic controls but the questions are now resolved and he recommends the contract be approved as complete so the 30-day hold period can start. Councilman Ekberg moved that the council accept the pumping station contract as complete. Councilwoman Melton seconded. Carried.

Glen went on to say that they received a letter from DSHS regarding the final payment on Referendum 27 funds. The letter did say to submit a plan regarding sewers outside the town limits. It was part of the agreement when the town got the funds. Attorney Hess did not feel it was a legitimate request and he will respond to DSHS.

SIX YEAR STREET IMPROVEMENT PROGRAM:

This was continued from last meeting. Gary Tannahill said he would like to add walkways or else widen N. Harborview between Peacock and Vernhardson. Priorities were discussed. Councilwoman Melton moved that the Six Year Plan be accepted with two amendments:

1. Peacock Hill Avenue and North Harborview from Peacock to Vernhardson moved to 1981
2. Proposed street from Pioneer to Rosedale moved to 1982.

Motion seconded and carried.

NORTHVIEW PLAT ACCEPTANCE:

Clerk Avery told the council that the developers have completed the plat as per their agreement. He recommends acceptance of the plat. Councilwoman Melton moved that, on the recommendation of the clerk, the Northview plat be accepted. Seconded and carried.

ORDINANCE #313 - SALARY SCHEDULES - Second reading for clarification:

Councilman Ekberg moved that Ordinance #313 be approved. Councilwoman Melton seconded and amended the motion to include that the pay of the police chief be set at level 33. Motion and amendment carried.

ROSS AVENUE LID:

John Paglia, speaking on behalf of John S. Bujacich and Neda Skansi, told the council that the street was improved in 1958 at the cost of \$1308.40 to the property owners who brought it up to the THEN standard with the agreement that the town would blacktop it. He feels that it was a breach of faith on the part of the town. Paglia said that Antone J. Skansi told him the policy at that time was that the owners graded and graveled the street and the town blacktopped, and the residents there feel it unfair that a LID is thrust upon them. They had understood that once the road was brought up to grade it would be taken care of by the town.

Paglia again iterated that this is an illegal meeting and he wished the record to so reflect.

Paglia asked that this matter be set over as Skansi is fishing and could not be present. Attorney Hess said that 30-year-old good faith obligations have no bearing on the legality of creating a LID. This was tabled pending research by Attorney Hess.

ORDINANCE #314 - MOORE REZONE ORDINANCE - 2nd Reading:

Motion by Councilman Ekberg and second by Councilwoman Melton to approve Ordinance #314. Carried.

Gary Tannahill said that the water line on Ross Avenue should be upgraded if the LID goes through. This cost would be borne by the town.

Attorney Hess said that, regarding the LID, if, in 30 days after passing the ordinance owners of over 60% of the assessed valuation file written protests the council is divested of their authority to create the district. He will research this question.

GUARANTY FUND ORDINANCE, First reading:

This was requested by the bonding company.

WATER METER BIDS - BADGER METER COMPANY:

Gary Tannahill recommending accepting the Badger bid, the only one received, but it is competitive. Councilman Ekberg moved that the bid be accepted. Seconded and carried.

SKY REALTY:

They request vacation of the end of Stinson Avenue. The attorney said they must file a formal petition and have a public hearing and all.

Glen Sherwood said that adoption of the Six Year Plan must be made by resolution. Councilman Ekberg moved that RESOLUTION #139 be approved. Councilwoman Melton seconded. Carried.

BILLS: Councilwoman Melton moved the bills be approved subject to Councilman Bunch's signature. Seconded. Carried.

Meeting adjourned at 8:10 p.m.

Tape #79, Side 1, 810 to End and Side 2, 0-83



Mayor pro tem Bunch



Asst. Clerk

REGULAR COUNCIL MEETING - AUGUST 27, 1979

The first public hearing was called to order by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilmen Ekberg and Bunch, Attorney Hess and Clerk Avery. Councilman Malich was not present.

PUBLIC HEARING - WOODWORTH AVENUE ASSESSMENT ROLL:

This is confirmation of the roll, the cost of which was established by the cost of construction and paving. There were no written protests received. Mayor Bogue asked for input. There were no protests. It was specified that the acceptance of the roll was to include the first reading of the ordinance. Councilwoman Ross moved that we proceed with the LID assessment roll. Councilman Bunch seconded. Carried. Hearing closed.

PUBLIC HEARING - CASCADE AVENUE ASSESSMENT ROLL:

The town agreed to pay for the engineering costs here. One written objection was received from Dr. Ryan who feels that he was wrongly assessed for 18.7 feet of road that was paved many years ago. Glen said it was true that the paving did not front on the driveway that was paved and Glen felt this was a question for the council's comment. It is mostly a matter of judgement because, technically the frontage to the driveway is not paved. The front footage basis was used as a formula for ascertaining the cost to property owners. The attorney said the judgement was good here. Councilman Ekberg agreed with their opinions.

The mayor called for protests. There were none. Mayor Bogue asked the council their opinion on the written protest. The council wished to take no action; instead, Councilman Ekberg said he felt the motion was sufficient to show that they intended to take no action on the protest. He then moved that the Cascade Avenue LID assessment roll be accepted upon the advice of the engineer and the attorney. Motion seconded and carried. First reading of ordinance included. Hearing closed.

PUBLIC HEARING - LIBRARY VARIANCE:

John Hodges explained that Glenn Behnke withdrew the application.

The regular meeting was recalled to order.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

Peninsula Helmsmen's meeting on peninsula water resources on November 6 at the Fire Hall. Mayor Bogue asked for attendance from the council. Planning Commission letter on Hoppen height variance. This is scheduled for council hearing on Sept. 10.

SPECIAL GUESTS:

Mark Smith was present regarding the storm water system for Harbor Sunset Condos. They worked out an agreement with Sitts and Hill. Dr. Doel and Peter Norman also retained the above firm for their storm water systems. Harbor Sunset intends to pay their share of the late comers agreement into an escrow account. They are two months past their site plan approval date and they would like to have a building permit, as construction is becoming more costly all the time and the good summer weather is nearly over.

There was a great deal of discussion. Attorney Hess suggested that this application be treated the same way as the first application--whoever comes first builds it and gets the late comers agreement.

Harbor Sunset would construct an on-site system that could allow them to go ahead with construction since the Wick Homes drainage system is no-where near agreement. The attorney said the system is only as good as the maintenance--whose responsibility is the maintenance?

Councilman Ekberg asked for review and recommendation from all department heads and asked that this discussion be suspended until next meeting. The mayor asked for suggestions from Mr. Smith, in writing, and asked that this be postponed until next meeting. Smith said this was in process two months ago and asked for a choice of the two systems for them to work up. Councilman Bunch agreed, and the mayor said the proposal must be submitted IN WRITING before next meeting with the comments included from the department heads.

REPORTS:

Public Works - Gary again brought up the proposal that was submitted last meeting regarding widening the Rosedale Street shoulder for walking room. He had gotten bids from local contractors. Spadoni's written estimate, for a five-foot widening of Rosedale Street from the frontage road to the school, a distance of 600 feet, was \$3470. The funds are available, said Clerk Avery. The council approved the expenditure.

Regarding the public establishments' connections to the water supply brought up last time, Gary said the situation arose through annexation and he asked for a time limit to make the situation legal, or does the council wish to enforce the ordinance? Attorney Hess felt an ordinance more adaptable might be considered--otherwise it is certain to end up in a court of law. This matter is to be turned over to Attorney Hess next meeting. Councilwoman Ross asked that a time limit be set on hookups.

At this point an executive session was held. At the close of the session Clerk Avery introduced Jack Shirley, the financial counsel, from Seattle.

FIRE DEPARTMENT REQUEST FOR EMERGENCY MEDICAL SERVICES:

Drew Wingard was present from the fire district. He requests permission to enter the question on the November ballot. The town must, however, do the submitting. Drew said it must go to the Election Department by the second week in September. It is a six-year levy of 25¢ per thousand each year and would allow the district to hire three additional EMT's although eventually there will be paramedics. Perhaps an aid car can be purchased out of their regular funds.

Councilwoman Melton moved that the Town of Gig Harbor put the request for Emergency Medical Services on the ballot in November. Seconded and carried.

REPORTS, continued:

Police - none

Planning/Building - John Hodges told the council that a variance granted to Ann Nichols has expired because building did not start within the year. Mrs. Nichols has asked for a waiver of condition. The council refused the waiver.

Hodges went on to tell the council that certain fire hydrants at the new high school have failed to provide sufficient fire flow. He will have another meeting on this tomorrow.

Attorney - Attorney Hess said that appeals have been filed on both recent Shoreline Management permits. The principals have decided on a settlement conference and the Shoreline Hearings Board has named the town as defendant in both actions. He would like someone present at the hearing to speak for the town. The hearing is scheduled for September 5. He asked if the council

wishes him to attend--it could be expensive. The council does not wish to send anyone.

Regarding the Molgard access, Attorney Hess said he noticed that the driveway is now paved. This is a real violation of the court's order. The council wished Hess to pursue this matter.

Engineer - The Jerisich Park contractor plans to come in next week.

Clerk-Treasurer - Clerk Avery told of the grant awarded by DSHS two years ago. The town, at that time, gave their intent to cooperate with the grant conditions. He and Attorney Hess met with their representative last week. The council must now pass a resolution to the effect that we will cooperate with the City of Tacoma regarding interties for water. He now introduced the resolution. Attorney Hess said it should be noted that we agreed to do this at the time the grant was made. Motion was made and seconded that RESOLUTION #140 be adopted. Carried.

NORMAN ANNEXATION - Tabled to Sept. 10

ROSS AVENUE LID - ORDINANCE #315 - Second reading:

Attorney Paglia, present in the audience, felt there would be a sufficient number of objectors to kill the petition. Councilman Ekberg moved that Ordinance #315 be adopted. Seconded and carried.

GUARANTY FUND - ORDINANCE #~~136~~³¹⁶ - Second reading:

Councilman Bunch moved and Councilman Ekberg seconded that Ordinance #316 be adopted. Carried.

PACIFIC ALPINE SHORT PLAT:

The proposed plat lies at 56th and Soundview Drive. The property would be divided into three lots. Mr. Biggs, the engineer for this plat, was present. He said this property is one of three parcels destined to be served by a common sewer/water ditch to be laid in the highway right of way. The highway department has no current plans or funds to build this road.

There was a great deal of discussion that this concerns parcels beyond this plat under consideration tonight. The plat mylar does not contain utility drawings. No storm water is concerned with this plat. It is nearly level.

Councilman Ekberg said he would like to study it further, exploring other possibilities, with department head reports. Attorney Hess recommended that the staff put their recommendations in writing and that Hodges put the recommendations in composite form so the council can consider and strike or add recommendations. Councilman Ekberg moved to continue this issue until next meeting. Seconded by Councilman Bunch. Carried.

STREET VACATION PETITION:

John Holman and Bill Reed request vacation of an alley between Franklin Avenue and N. Harborview Drive. Holman wishes to remove blackberry vines and plant fruit trees.

Attorney Hess said that vacation can be made only if the public benefits. It cannot be given to an individual. Does the petition comply with the requirements of law? Public hearings are required, with posting, and a long process to follow.

Holman said he would be glad to take care of the property without vacation if he can be assured of non-use by the town as long as he can plant trees. Attorney Hess said that possibly an agreement could be made for adjoining property owners to use the alley, but one council cannot bind a succeeding council, so all they can say is that this council will take no action. At this point Holman withdrew his petition.

APPEAL FROM DECISION OF BUILDING INSPECTOR:

Pacific National Bank of Washington requests a non-conforming sign. The council stood behind the decision of the building inspector.

It was mentioned that the Wick agreement will be taken up on September 10 but the agreement did not mention the 10% processing charge.

The bills were approved upon motion of Councilwoman Melton and second by Councilman Ekberg. Carried.

Councilman Ekberg said that, in discussing storm water retention systems, he does not approve open pits. He would like to see an ordinance against them.

It was asked if the salary schedules, recently enacted, are retroactive to August 1. The answer was no.

The mayor asked if the council would bring suggestions or general guidelines regarding removing trees on rights of way in cases where the right of way is permitted to be used as a driveway. Agenda this item.

Gary Tannahill asked again about the blocking of Shyleen Street. Councilwoman Ross so moved and Councilman Ekberg seconded. Carried.

Meeting adjourned at 10:10 p.m.

Ruth M. Bogue
Mayor Bogue

Patricia Ekert
Asst. Clerk

REGULAR COUNCIL MEETING - SEPTEMBER 10, 1979

The meeting was called to order by Mayor Bogue. All council members were present as well as Attorney Hess and Clerk Avery. The meeting was recessed for the first public hearing.

HOPPEN HEIGHT VARIANCE: John Hodges presented the request. Mark Hoppen, who plans to build on Bayridge Avenue, is asking for a 12-foot variance in height. The natural topography of the land means the house would be placed low on the lot. It would have a sub-basement and would be 36 feet high to the peak of the roof but the house would measure only 16 feet high at the road--3 feet below that of a standard daylight-basement house. The planning commission had unanimously recommended approval based on the steep slope of the lot and the problems arising from the unusual topography provided the yard setbacks are met. Hodges said he approves the request.

There were no voices in favor nor in opposition. Councilman Ekberg moved that the variance be approved since it is a unique situation and recommended by the staff of the town. Motion seconded and carried.

The regular meeting was reconvened with consideration of the minutes of the last meeting. Councilwoman Ross questioned whether the blocking of the street meant Shyleen or McDonald. The minutes are to be corrected that they refer to the blocking of McDonald. They stood approved as corrected. Gary Tannahill, who entered the meeting at this point, said the reference is to the INTERSECTION of Shyleen and McDonald.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORTS:

Police - Chief Snider brought up his proposal for the leasing of police vehicles. The memo he wrote in April of 1979 explains why the town needs three vehicles. This proposal is for two leased vehicles with the current car to be changed to an unmarked staff car. The council then asked if there are funds in the budget to cover this expense. Clerk Avery said this year's budget contains no funds for the proposal.

The chief said they now have only one car that is functioning--the old Pontiac is barely usable. It is too hard to provide double coverage. The council questioned whether he had looked further for leasing. He answered yes--most agencies will not lease a car for police duty. The council asked him to prepare a report showing the difference between a 24-month and a 36-month lease; whether there is a lower residual balance. The chief will come back with an addendum to these figures at the next meeting.

Planning/Building - Hodges showed the council plans for houses to be constructed at Islandview Terrace and asked their opinion. They told him to be certain that the basements are 50% below grade.

Attorney - No report.

Engineer - Glen said that Marwan and the DSHS engineer made an inspection of the water improvements. They are considered very satisfactory.

Public Works - None

WICK HOMES LATE COMERS AGREEMENT:

Doug Webb made another presentation on the part of Wick Homes. Most of the material presented had already been heard by the council but Wick Homes now wants an agreement to cover the entire cost less \$16,000 he estimates to be Wick's share of the drainage plan. It was never an option to put in an on-site pond. It is unfair under these rules to expect Wick to finance \$50,000 (as was originally offered). The project is expected to cost \$80,000 and it was felt that it was too tough a project for the town crew to handle. Wick will ask for no interest even if they get no money for ten years. They wish to get a portion of their money back. It does not cost the town a cent--the risk is on Wick's part. Councilman Ekberg questioned why it now becomes an \$80,000 project. Webb answered that the pipe size needs to be greater, among other things.

Herb Chaffee, owner of Wick Homes, said it is a gamble if they get even a penny back.

Councilwoman Ross asked Chaffee where the prior \$50,000 figure came from. He answered her that Webb committed them to that figure.

Larry Braund, Johnson Braund representing Harbor Sunset Condos, said the proportionate share of the cost is in favor of Wick Homes. He would like to see a system that is studied in its totality, with each responsible for a total share.

Allan Bond said he felt the problem cannot be approved on a fragmented basis. As a possible solution, one way is to have it studied and costed as a whole. He felt the town should assume responsibility as a LID project. In the meantime each developer could put in a retention system. There are assured inequities in process at this time.

At this point the council took a recess. When the meeting resumed Councilman Ekberg asked the comments of the town engineer. Glen Sherwood said he feels that Braund covered it fairly well because to do a proper job there has to be substantial extension which costs a great deal of money. If you take that number as the cost of the entire basin then Wick Homes is not necessarily that far out of line at \$50,000; the \$16,000 is way short.

Attorney Hess said there are many unanswered questions. Which criteria should be used to assess late comers? The map is not an adequate attachment to the agreement because the divisions are arbitrary--some developed areas may need to connect to the system and pay their share. This is not a fair way to assess. There is no good definition on assessing costs at this time.

Allan Bond again iterated that the council has an opportunity to develop on a rational basis--an engineering firm could design and cost the system. Assessment would be made at the time the permit is applied for. There could be a built-in escalator clause. In the meantime the storm water retention system could be engineered to connect to the future system.

Councilman Ekberg wished to accept Attorney Hess's advice and wished that the council would make an earnest attempt to arrive at a solution. Mayor Bogue felt that an appointed committee from the council could work it out.

Councilman Ekberg moved to table the issue while an appointed committee from the council works with the town staff and Wick Homes to arrive at an agreement. Motion seconded and carried.

HARBOR SUNSET CONDOS DRAINAGE:

Larry Braund, engineer representing Mark Smith and Pete Colbert, began his presentation. Councilman Ekberg asked if this issue should not be tabled also since it is a matter of the same drainage basin.

Mark Smith felt they were here in good faith and asked to go ahead with his proposal; that we owed them the courtesy of making their presentation. Mayor Bogue agreed since we did ask for alternatives.

Braund said they analyzed the property above that of the condo property. They came up with a 27" concrete pipe across their front footage as their direct responsibility. They ask temporary on-site retention along with putting in their share in the street. The maintenance would become part of the home-owners responsibility for the general maintenance of the condos. The on-site system retains oil and silt, instead of releasing it into the drainage system. The engineer agreed the onsite homeowners agreement would be worth something in this instance.

Councilwoman Melton moved that, for ALL properties in the drainage area, this problem be tabled until we have come to a conclusion what the standard will be for that area. Councilman Ekberg seconded. Carried with Councilman Malich voting no.

Ken Fishburn, attorney for Harbor Sunset Condos, asked if this is a moratorium on development in that area. The answer was yes, but it was agreed that all concerned may enter into future discussions.

NORMAN ANNEXATION ORDINANCE - 2nd Reading:

The annexation does not include Kimball Drive--it is the Norman property only. Councilman Bunch moved that ORDINANCE #317 be adopted. Seconded by Councilwoman Melton. Carried with Councilman Malich voting no.

PACIFIC ALPINE SHORT PLAT:

All utilities have been removed the the State Highway right of way and have been placed on Soundview and 56th. Lot 1 is not served under this plat. The plan is compatible with both owners--both have hired the same engineering firm to design the utilities.

Mr. Biggs, an engineer, explained that the plan provides sewer service to three owners. It is designed to be built in one unit and turned over to the town. It includes fire protection to Olympic Village.

There was a discussion whether it would be considered a legal short plat if utilities were not provided to one lot of the plat. The engineer said it would not be cost effective at this time to pick up that one lot. They do not plan to develop it. It was land left over from the power line and the highway department rights-of-way. It would probably ultimately be developed by the adjacent lot owner who is one and the same as the owner of this plat.

A short recess was declared at this point and Councilman Ekberg left the meeting.

There was a great deal more discussion, upon resumption of the meeting, on the legality of leaving this lot off the plat. Attorney Hess said the standard is whether the property is contiguous or not. He feels that Lot 1 did not need to be shown on this short plat. Tom Orser, the owner, agreed to remove Lot 1 from the plat. Councilwoman Melton moved that the Pacific Alpine short plat be approved deleting Lot 1. Councilman Malich seconded. Carried.

LID ORDINANCE ASSESSMENT ROLL - ORDINANCE #318 - CASCADE AVENUE:

The protest period has expired and the ordinance is valid. Councilman Bunch moved that Ordinance #318 be adopted. Councilwoman Ross seconded. Carried with Councilman Malich abstaining.

LID ORDINANCE ASSESSMENT ROLL - ORDINANCE #319 - WOODWORTH AVENUE:

Councilman Bunch moved that Ordinance #319 be adopted. Seconded by Councilwoman Ross. Carried with Councilman Malich abstaining.

MOLGARD PROPERTY: Councilwoman Ross asked if anything had been done on the Molgard problem. Attorney Hess said no.

ORDINANCE CLARIFYING SECTION 1.08 - 1st reading.

KIMBALL DRIVE ANNEXATION ORDINANCE - 1st reading.

Mayor Bogue asked if the council was prepared with suggestions regarding the cutting of trees on rights of way for driveways. AGENDA NEXT MEETING.

Councilman Bunch asked about the Historical Society. Mayor Bogue said they are moving this month. She asked the council's opinion about the town assuming the cost of sewer and water services to the building they are renting. Councilman Bunch wondered if this was legal. Clerk Avery said this is the only utility service assumption that the state law allows.

John Hodges asked if a building permit can be issued on the Brunac subdivision where their drainage system had already been approved. This was okayed.

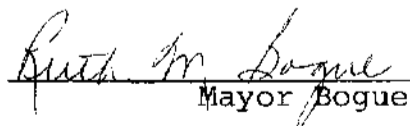
Councilman Bunch questioned the number of parking spaces available to the new business across from the Union station. Hodges said they have six spaces in the rear of the building.

The bills were approved upon motion of Councilwoman Ross and seconded by Councilwoman Melton. Carried.

Mayor Bogue appointed Councilman Ekberg chairman of the committee that will work on the drainage problem. Councilman Bunch and Councilwoman Melton were appointed to work with him.

Meeting adjourned at 10:00 p.m., after an executive session.

Tape #80, Side 1, 0-879



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - SEPTEMBER 24, 1979

The meeting was called to order at 7:09 p.m. by Mayor Bogue. All council members were present as well as Attorney Hess and Clerk Avery.

MINUTES:

It was pointed out that there was a typographical error on page 1 of the minutes under police report. The correction is 36-month instead of 26-month lease. Otherwise the minutes stood approved as posted.

CORRESPONDENCE:

Mayor Bogue read a letter from the planning commission concerning their recommendation on the Washington Photo hearing. The council hearing was set for October 8.

SPECIAL GUESTS:

Walt Williamson wished the minutes of the July 23, 1979, meeting clarified. He asked what the council meant when they alluded to "dust-proof" parking. The municipal code was consulted and it stated that parking areas are to be constructed in accordance with specifications established by the town engineer. Glen Sherwood said this means two inches of crushed rock with two inches of hot mix asphalt over it. Williamson said he bought a book from the town and it specified nothing that stipulated blacktop and he went ahead and graveled with crushed rock. He has every intention of paving eventually but asks for a five-year delay in order to allow the construction of additional moorage spaces.

There was a great deal of discussion on the parking requirements of the town. Councilwoman Melton said her intent, when she made her motion, was to provide that surface then and to follow our engineer's recommendation, not five years from now, but now. Williamson again appealed the council's decision.

Attorney Hess said that Williamson has made his appeal tonight but feels he can request a reconsideration of the council's decision. The council could go ahead and reconsider at this time if they wish or they can set a hearing date. The question then arose if, because the prior hearing was a shoreline management hearing, a future hearing should be based on that same standard. John Hodges also brought out that shoreline management regulations provide a very definite appeal procedure.

Councilman Ekberg wished that the reconsideration be made at a public hearing and moved that the staff determine whether a hearing CAN be held and what the procedures are to see if an appeal can be made. Councilman Bunch seconded. Carried.

An executive session was held at this point.

REPORTS OF DEPARTMENT HEADS:

Public Works - None

Police - Chief Snider brought a second lease proposal from Boyles Chevrolet. He presented figures on a 36-month lease as opposed to a 24-month lease.

Councilman Ekberg said he would be in favor of a lease, either 24 or 36 months. The probable life of a vehicle would be only two years anyway. The police department is rapidly becoming self sustaining.

Clerk Avery was not in favor of leasing but outright purchase could probably be made through transfer of funds. He felt that if Boyles did not participate in the state bid agreement that we could not buy through him. Perhaps a lease now/buy later arrangement could be made, Avery said, but the chief felt that 6 to 8 months is too long to wait for a state bid call.

There was a great deal more discussion on this subject. Whether to lease one or two vehicles, was discussed, as well as buying outright, or buying one and leasing the second. Councilman Bunch then moved that we go to the 24-month lease plan for two cars. Councilwoman Melton seconded. Carried.

Planning/Building - John Hodges had some questions for the council but said he could postpone them until the end of the meeting.

Attorney - None

Engineer - Glen Sherwood said that the Jerisich Park contractor has the piers under construction now and the floats are on the barge at the site.

Regarding the Ross Avenue LID, the protest deadline is September 26 and a petition has been filed.

Clerk-Treasurer - Clerk Avery said that Attorney Paglia has presented him with the protest petition. The signatures must be checked against the original. Paglia said all but four were on the recall petition.

SPECIAL ASSIGNMENTS:

Councilman Ekberg, chairman of the committee appointed to work on the drainage problem, told the council that he and Councilwoman Melton met with town

officials on Thursday and with developers in the Soundview Drive area on Friday: Smith, Bond, Norman and Wick Homes were present. The proposed plan is to have a line constructed from the Bay up to this point on Soundview Drive--a tight line as designed by the engineer. The group of Smith, Bond and Wick would put into escrow prior to the issuance of any building permit an amount not to exceed \$3800 per acre of their development. This is based on an estimated cost of not to exceed \$100,000 to run that line. If the total cost is less than that the proportionate share would be refunded to the parties, and if the proportionate share were to exceed that there would be no additional assessment to the property owners.

Smith and Bond projects, which are near the upper part of the area, would be allowed to build on-site retention systems designed to meet the town engineer's requirements and such system would be a temporary system only. It would be maintained to operate trouble-free by the owners or any homeowners association until such time as the total system for this area is designed and extended to their property. When it is extended to their property they would be required to shut down the on-site retention system which was temporary and connect to the total system.

The next part would be Wick Homes, which is primarily developing in the lower part of the area, would be allowed to direct their drainage for the major portion of their lot through an easement from the northeast corner down through an existing easement to tie in to the line coming up from the Sound. The major portion of their area would be drained directly out to the Bay. The remainder of the area would be drained out to Soundview and down an open ditch prior to dumping the water, and by doing these things Wick Homes would not need, nor be required, to provide any temporary on-site retention system.

Also, all three owners, Smith, Bond and Wick, would install in the streets on their property bordering, for the storm water collection, a tight-line pipe, prior to any occupancy permit being issued, the pipe to meet the engineers requirements for the yet-to-be-designed system.

Incumbent in this proposal, a late-comers agreement would be entered into by parties, to be reasonable and agreed-to at a later date

As of tonight an additional--one more property in the area, that we refer to as the Norman annexation--has expressed an interest in going into it at this point. He is not here--could not be here. As an alternative, rather an either/or solution since he can't be here to speak directly to it, the alternate would be to allow this party--a ten-acre parcel--to participate in this initial program as outlined, agree to all the stipulations except that if Mr. Norman came in, making it a four-division agreement to fund this line, there would be no late-comers agreement, but if these parties that have participated would, therefore, not be responsible for any future assessment to the storm water problem in the basin area to be designed.

Councilman Ekberg asked for an either/or motion from the council. He went on to add that we do not have, at this point, a monetary amount due to the lack of information as to the total acreage site. Again, the 3800 is the figure we have set as the maximum, talking to all the people. It would be divided out, and if Mr. Norman came in it would be proportionately set by the number of acres into the hundred thousand dollar figure, so obviously it would turn out to be less than the 3800, and again that figure would be reduced so that they would not participate in any greater share than that amount.

Councilwoman Melton moved that the recommendation that Councilman Ekberg made, either/or, be accepted. Councilwoman Ross seconded. Norman would be allowed the on-site retention. Councilman Ekberg amended the motion that there would be a contractual agreement between these parties. As soon as the money is placed in escrow, the building permit can be issued. The amendment carried and the original motion carried.

ORDINANCE ANNEXING KIMBALL DRIVE - #320 - Second Reading:

Councilwoman Melton moved that Ordinance #320 be adopted. Councilman Ekberg seconded. Motion carried with Councilman Malich voting no.

ORDINANCE CLARIFYING SECTION 1.08 OF THE MUNICIPAL CODE - #321 - 2nd Reading:

Councilwoman Ross moved that Ordinance #321 be adopted. Seconded and carried.

First reading - TAX LEVY FOR EMERGENCY MEDICAL SERVICE: This is required for placement on the November ballot, explained the clerk.

SCHOOL DISTRICT LATE COMERS AGREEMENT:

Councilman Ekberg was concerned about liability connected with adoption of this agreement. There was some discussion on this point but Attorney Hess said

there could be a possible, but not probable, cost. Councilwoman Ross moved that the council accept the late comers agreement with Peninsula School District. Councilwoman Melton seconded. Carried.

Councilman Ekberg felt it was paramount that the engineers design a total system. There have been some design costs expended by some of the parties involved, and he felt that possibly some of that cost might be recoverable since it was directed by our staff. Perhaps some work already done can be used by our engineers. Gary Tannahill told of future problems that will develop in the north end and asked if a similar design project can be done there. Approved.

The mayor asked the council to look at the streets in Harborview Park.

The Office of Community Development will be giving a training session to the planning commission at one of their regular meetings next month. The council is welcome to attend.

The bills were approved upon motion of Councilwoman Melton with second by Councilman Malich. Carried.

Meeting adjourned at 8:50 p.m.

Tape 80, Side 1, 879 to end and
2, 0-68

Ruth M. Bogue
Mayor Bogue

Patricia A. Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - OCTOBER 8, 1979

The first public hearing was called to order by Mayor Bogue at 7 p.m. Present were Councilwomen Ross and Melton, Councilmen Malich and Bunch, Attorney Hess and Clerk Avery. Councilman Ekberg was not present because he was ill.

WASHINGTON PHOTO SITE PLAN:

Clerk Avery said there have been a number of calls regarding the proposed building, especially the U.S. Post Office who said they have a lease on the property yet. The sub-lease would not be in keeping with the terms of the lease. They said a letter was forthcoming but it has not arrived. There was no one present representing the photo company and Mayor Bogue asked if, in light of the lease to the postal authorities, anyone might wish postponement of this hearing. Councilwoman Melton moved that the hearing be tabled. Councilman Bunch seconded but asked the building inspector to determine the amount of parking required by Gray's Furniture and also to look into ownership of the street. Motion carried.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

1. Concerning the Ross Avenue LID, Parametrix has checked the petition of protest and found that it bears signatures representing 66% of the property owners. The project must now be dropped.

Tony Skansi wished to speak on this subject. He gave a small history of the development of the street. He feels the town was negligent in not improving the street (oil matting) as was done at that time. Mayor Bogue said the minutes can be researched again. Tony said the minutes are very sparse--they mention only that the street was graded and accepted. Councilwoman Ross said "maintain street" was mentioned in the minutes. It was agreed that the minutes will be researched and the situation reviewed by the council.

2. Planning Commission recommendations were received on Nichols and the school. Hearings were set for October 22.

SPECIAL GUESTS:

Helen Ellwanger, who had requested audience this evening, was not present.

REPORTS:

Public Works - Eugene Brennan would like to build a small bus stop adjacent to the Chateau Marie apartments on Rosedale. The building, consisting only of a roof and partial sides, would be only temporary in nature as it would be located in the right of way. Brennan would gravel the shoulder so the bus can get off the roadway. The council asked that the area be staked out so they can look it over and that a sketch be provided.

Police - None

Planning/Building - None

Attorney - Regarding the Molgard problem, Hess said he cannot locate the

original complaint. He checked with the judge and the former town attorney. He does have the judgement itself and he is now proceeding to commence action.

Engineer - None
Clerk-Treasurer - None

SPECIAL ASSIGNMENTS:

Mayor Bogue told of the special meeting between the staff, Dan Dawson, Pat Patterson, concerned citizens and the UAB. This was an attempt to reach an agreement. One sidewalk would have to be concrete and to their specifications. The town can design deck and viewing areas. The UAB could give a time extension to prepare an alternate design at their meeting of October 18. There could then be a special meeting to consider redesign. If they give an extension then we can ask Parametrix to go ahead with the redesign. Tony Skansi asked to be included in the study session.

OLD BUSINESS:

Ordinance Establishing Emergency Medical Services - Ordinance #322 - Second Reading: Councilwoman Melton moved that Ordinance #322 be adopted. Seconded by Councilwoman Ross. Carried with Councilman Bunch voting no.

NEW BUSINESS:

Cutting of trees on rights of way: Mayor Bogue has prepared some suggested guidelines and also some suggested guidelines for use of the town hall. AGENDA NEXT MEETING.

Pierce County Fire Marshal Contract:

This is the same contract as before, only the amount has risen. A question arose as to the validity of the office of the fire marshal. John Hodges said the service from that office is much slower now. Councilwoman Melton felt that we could not provide that service ourselves for the 37¢ per thousand that Pierce County charges. The council questioned whether the local fire district could perform this service. The mayor said the decision will be postponed until next meeting when we will have more information.

Ordinance creating a storm sewer system - first reading.

Ordinance adding as an addendum the lease for police vehicles - first reading. Clerk Avery said we must legally modify the budget as no funds were provided for this purpose.

Water service connection fee ordinance - 1st reading.

The bills were approved upon motion of Councilman Malich with second by Councilwoman Melton. Motion carried.

Comments from the council:

Councilwoman Ross asked for an ordinance controlling the use of the new town dock. Work will be done on guidelines before next meeting.

She asked what will be done about the sewer ditch across Vernhardson. Gary answered that Spadoni has been contracted to repair it.

Councilwoman Ross asked Gary about the water running down from the corner of Lewis and Pioneer. Gary said the owner has asked for a time extension to create a holding tank for this surface drainage.

Councilwoman Melton asked that a free-right-turn lane be constructed to turn right on to Stinson from Grandview. Councilman Bunch felt the turn should be made less tight--either widen Stinson or move the light pole. This will be worked out as Gary felt it might be wise to create a left turn holding lane at this corner also.

Councilwoman Ross asked if a left turn holding lane could be created for left turns into the high school.

Meeting adjourned at 8:09 p.m

Tape 80, Side 2, 74 to 362

Ruth M. Bogue
Mayor Bogue

Patricia Ebert
Assistant Clerk

TOWN COUNCIL MEETING - OCTOBER 22, 1979

The meeting was called to order by Mayor Bogue at 7 p.m. Present were Councilwomen Ross and Melton, Councilmen Bunch and Malich, Attorney Hess and Clerk Avery. Councilman Ekberg was not present. The meeting was then recessed for the first public hearing.

WASHINGTON PHOTO SITE PLAN REVIEW:

A letter had been received from the postal authorities stating that they still hold the lease on the property in question and that it cannot be sub-leased to anyone. They request that the council deny any request before them. Councilman Bunch moved and Councilwoman Melton seconded that the site plan be denied. Carried. Hearing closed.

WILLIAMSON APPEAL:

This concerns appeal of the parking requirements stipulated in conjunction with the Shoreline Management permit awarded to Walt Williamson at the Gig Harbor Marina.

Williamson had written stating his problem. He agrees to pave a parking area for 105 cars and asks an additional five years to complete the remainder of the paving. In the meantime he will apply crushed rock to the unpaved surfaces and will provide water to the float for fire fighting purposes. John Hodges was queried and replied that 105 spaces would meet the criteria.

There was a great deal of discussion, such as how much time may elapse before a building permit becomes void; whether a shoreline management permit was issued, whether the Corps of Engineers has awarded a permit. Mayor Bogue asked if the Shoreline Management people have been notified of the delay. They have not been. Councilman Malich felt that, since Shoreline Management gives an applicant two years to begin the project once a permit is given, there is not time limit for completion. Clerk Avery felt there were definite parameters, such as five years, for completion. It was suggested that the staff undertake a research project concerning the time frame.

After further discussion Councilman Bunch moved that the appeal be denied. Councilwoman Melton seconded. Williamson felt the motion was out of order, that he would be denied the right of research as previously requested.

Councilwoman Melton saw no particular hardship. "Perhaps this is not the time to be doing the dock if there are financial problems here. We face the problem of adhering to town ordinances and, whatever that time frame is, I'm recommending that it be followed."

Williamson felt that if that was the intent of the motion, fine, "but in other words I can go ahead and build the floats and someone here will tell me how much time--four months, two months, eight months, or five years, that I can do the blacktop, is that true?"

Councilwoman Melton answered, "Yes, that's what I, as far as I'm concerned it's a total project. If you want to start the floats first and it take-- and the time limit is four months or six months--I'm not real sure what it is-- the ordinance says something about that--and at that point in time the project is completed, the blacktopping is as much a part of that project, as far as I'm concerned, as the floats are." The motion was carried with Councilman Malich voting no.

Attorney Hess said "I think it's only fair to Mr. Williamson to advise him that he held a dialogue with Mrs. Melton concerning what she thought should be done and that was not necessarily the position of the council and if he takes any steps in reliance on his interpretation of what she meant they may be to his detriment."

Councilwoman Melton asked that the ordinances and the UBC be researched regarding time limits and the results forwarded to Mr. Williamson.

PENINSULA SCHOOL DISTRICT VARIANCE AND SITE PLAN:

Attorney Hess said that the two hearings could be heard contiguously but voted separately.

The planning commission recommendation was read. They had recommended that the height variance of 17 feet be approved and the site plan approved with the following stipulations:

That the driveway be an additional 4 feet wide with the extra four feet being a walking path as amended on the site plan and that the entrance be widened to a width recommended by the town engineer.

In addition it was suggested that the school district, the town engineer, and the county get together and discuss the problems of

street widening, crosswalks, new signs, etc., and decide early in the game who is to do and pay for what.

There was no opposition to either the variance or the site plan from the audience. Present were Mac Martin; Roger Rue, the architect for the district; Principal Williamson, and others from the school district. There was a great deal of discussion on the site plan regarding traffic patterns, flow, safety, etc. No accord was reached and the mayor suggested that our town engineer make a recommendation on the site plan so far as traffic was concerned.

Councilwoman Melton moved that the height variance and site plan be tabled until the engineer can meet with the school engineers and review the ingress and egress of school traffic. Councilman Malich seconded. Carried. Hopefully this can be accomplished before next meeting. Hearing closed.

NICHOLS VARIANCE REQUEST:

This is a re-hearing of a variance in lot size. It had previously been granted by the council but the permit expired because of the one-year time limit.

The planning commission recommended approval with the requirement that the right of way be cleared 200 feet to the north for a clear view.

The property will be bulkheaded in two places and the house moved back to allow parking next to the right of way. Edward Nichols was present. He said he had applied in September but the town mislaid the papers. This time lapse had now put them into the wet weather and they cannot build. The council assured him that he would have a year from this date to obtain his building permit.

There was no opposition from the audience. Councilman Bunch objected on the basis that this was a very small lot and the variance would now be great in view of the 12,000 square foot minimum lot size. In addition, there would be traffic problems with the coming revision of Harborview Drive. Councilwoman Ross did not agree, feeling that this was a unique situation. Councilman Malich, feeling that a hardship exists, moved that the variance be granted. Councilwoman Ross seconded. The vote was two to two: Ross, aye; Melton, no; Bunch, no; Malich, aye. Mayor Bogue, feeling that special circumstances exist here, broke the tie by voting aye. Motion carried. Hearing closed.

The regular meeting was reconvened with a motion that the minutes be approved as posted. Councilwoman Ross made the motion and Councilman Bunch seconded. Carried.

CORRESPONDENCE:

1. Pierce County Boundary Review Board notification that the 60-day period has elapsed on the Haggerty/Johnson annexation. Clerk Avery said this should be considered the first reading of the Haggerty/Johnson annexation ordinance.
2. Ryan/Rainier property owners' letter protesting the condition of the Goerig house on the corner of those streets. John Hodges said he had researched the matter and requests a Notice and Order to the property owner (Abatement of dangerous building) from Attorney Hess. Attorney Hess said he had not been advised of this but will investigate and report back next meeting.

REPORTS:

Public Works - Gary asked if the council had looked over the prospective bus stop building that Brennan would like to erect outside his apartment building on Rosedale. They had and they do not approve. They felt Mr. Brennan should provide the building on his own property.

Gary went on to ask if the council would care to consider narrowing the paving within the Wick Homes subdivision to 22 feet. The council saw no reason to change the engineer's design.

Police - None

Planning/Building - None

Attorney - None

Engineer - None

REPORTS OF COMMITTEES OR SPECIAL ASSIGNMENTS:

Mayor Bogue told the assembly that the UAB granted the town's request for an extension of time to redesign the Harborview Drive. We requested March 1 and they granted that. If the architects charge design fees they would not be covered by UAB funds. It could cost \$3000 but included would be designs for sidewalks throughout the town. They are designing the modification for the bikeways and sidewalks on the Harborview project. Does the council wish to concern themselves only with this portion of the project or do they wish the total consideration? Councilwoman Ross moved to look at the entire package, not to exceed \$3000. Councilwoman Melton seconded. Carried with

Councilman Bunch voting no.

PIERCE COUNTY FIRE MARSHAL CONTRACT - Alternatives researched: *
John Hodged contacted Marshal Jones and there is a conflict of interest there. Our local fire department has no enforcement powers. Councilwoman Melton moved that we authorize Mayor Bogue to sign the Pierce County Fire Marshal contract, dated September 11, 1979, at 37¢ per person. Councilwoman Ross seconded. Carried.

ORDINANCE CREATING A STORM SEWER FUND - ORDINANCE #323 - 2nd Reading:
Councilwoman Melton moved that Ordinance #323 be adopted. Seconded by Councilwoman Ross. Carried.

ORDINANCE ADDING AS AN ADDENDUM POLICE VEHICLE LEASE - ORDINANCE #324 - 2nd Reading:
Councilwoman Melton moved and Councilwoman Ross seconded that Ordinance #324 be adopted. Carried.

ROSS AVENUE RESEARCH OF THE MINUTES:
DeDe Watson, UPS student attached to our local government, found two entries:
1. July, 1955, Request that Ross Street be built.
2. August, 1961, Councilman Bujacich moved that the town grade said Ross Street, undertake its maintenance, and lower the catch basin.
Councilman Bunch said the motion said nothing about paving of the street. The town should assume the grading of the street and that is all.

WATER SERVICE CONNECTION FEES - ORDINANCE #325 - 2nd Reading:
Councilwoman Ross moved and Councilwoman Melton seconded that Ordinance #325 be adopted. Carried.

GUIDELINES: Mayor Bogue had requested consideration of possible guidelines for cutting of trees on rights of way and for the use of the town hall. There was discussion on both sets of guidelines but no conclusions were reached.

TOWN DOCK GUIDELINES: Tabled.

BILLS: The bills were approved upon motion of Councilman Malich with second by Councilwoman Melton. Carried.

OTHER BUSINESS:
Councilwoman Melton asked if the corner of Stinson and Grandview will be widened. Gary told her that it is being worked on but it is a major project as the power pole could be moved only at considerable expense.
It was mentioned that work is being done inside W.B.Scott's restaurant. Hodges was asked to check on it.
Councilwoman Ross asked about the Molgard case. Attorney Hess said a motion for Show Case was filed today with the hearing set for November 29.
Mention was made that the Galleries Four lot is not yet paved. Hodges was asked to check on this also.

The mayor announced that the Port of Tacoma will hold their meeting here on October 25 at 3 p.m. She asked that council members attend if possible. Councilman Malich will prepare a proposal for a fishermen's dock.

Meeting adjourned at 9:40 p.m.

Tape #80, Side 2, 362 to end and
Tape #81, Side 1, 0-115

Ruth M. Bogue
Mayor

Patricia Ebert
Asst. Clerk

TOWN COUNCIL MEETING - NOVEMBER 13, 1979

In the absence of Mayor Bogue, Councilman Ekberg assumed the chairmanship. Present were Councilwoman Ross and Councilman Bunch, Attorney Graves and Clerk Avery. Councilwoman Melton and Councilman Malich were not present. Greg Jones, the new Planning Director, was introduced.

The meeting was called to order at 7 p.m. and recessed for the first public hearing.

SCHOOL DISTRICT SITE PLAN AND VARIANCE:

Planning Director Greg Jones gave a report on the site plan. He explained that they had met with engineers, department heads, and members of the school district, and had come up with a four-point program which covered the main access to the school, a secondary access for emergencies, sidewalks, and channelization for a left turn lane. There were no comments from the audience, for or against.

Councilman Ekberg asked about the westbound lane of traffic, feeling that right turns without a deceleration lane would slow the whole lane. Greg said no channelization was planned here as, normally, in a 25 mile per hour zone, no slowing lane should be needed.

Discussed also were water problems existing at the high school. Councilwoman Ross moved that the site plan from Peninsula School District be approved with the stipulation that the four points from the engineer and planner be considered and that the occupancy permit be issued only when the water problem to both schools is solved. The motion died for lack of a second.

Councilman Bunch felt the four-point program did not agree with the council's wishes. He moved that the site plan be re-done and "go back to what was discussed at the last meeting and to listen to what the council has to say. The council said then that the entrance WILL BE on the access road." The motion died for lack of a second.

Chairman Ekberg called for a short recess at this point. When the meeting resumed he again asked for a motion from the council.

Councilwoman Ross again moved that the site plan be approved based on the four-point program developed by the engineers and the planning staff and with the stipulation that the occupancy permit is granted only when the water supply to both schools is solved. Councilman Ekberg seconded. Carried.

VARIANCE FOR PENINSULA SCHOOL DISTRICT:

Greg Jones said the requested 17-foot variance request seems to be in order. There were no comments either for or against.

Councilman Bunch moved that the variance be approved. Councilwoman Ross seconded. Carried. Hearing closed.

REVENUE SHARING FUNDS HEARING:

This is a public hearing to determine possible expenditure of those funds. Clerk Avery said we anticipate revenue of about \$18,200 in 1980 and we still have 1979 funds left of \$10,200.

Requests have been received from various departments as follows:

1979: Police - Lights and equipment for new police vehicles,
Approximate cost \$2,000 to \$2,500.

Keysort card system, Approximate cost \$600

Admin. Auto reader for accounting machine.
Approximate cost \$3,500

1980: Public Works:

Program development for a new building to house
town vehicles next to Sewer Plant, cost unknown.

Planning-Base Map set, approx. cost under \$3,000

Admin. UAB Project redesign, approx. cost \$5,000 to \$7,000
Remodel basement and former court space,
Approx. cost under \$2,500

The planning/building department said the base map set would create a 400-

scale map of all property lines, all sewer and water lines, streets, rights-of-way, zoning, locating property by property description. It would be a valuable tool that would maintain constant date on what is happening in town. It was determined by the council that this expenditure could be moved up to 1979.

Mayor Bogue had left a written request for funds to redesign the UAB project. Also to redecorate the former Peninsula Historical Society room into a part of the police department and the upstairs office into a planning office.

The council agreed that the map should be moved into the 1979 Budget. Councilwoman Ross moved that the Revenue Sharing plan be accepted by the council with the change that the map be moved from 1980 to 1979. Councilman Bunch seconded. Carried. Hearing closed.

The regular meeting was reconvened.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: The planning commission had written recommendations from two of their public hearings. The council must set dates for these. It was determined that the Steele and the Hunter variances will be heard Nov. 26. Clerk Avery brought to the Council's attention that the last meeting in December and the first meeting in January fall on Christmas Eve and New Year's Eve. It was determined that the meeting dates would be changed to December 26 and January 2. These must be advertised.

SPECIAL GUESTS:

Mr. Dick Bradley of the Department of Social and Health Services was present instead of Mr. Bob Kastema, project director for the proposed prison. He is administrator of the Kapa program and explained the decision process for the prison site. He said that Governor Ray had determined that the prison would be located on land that was already state-owned and the selection process considered slope, fault lines, emergency services, fire departments, and areas free of environmental sensitivity. Various selection processes followed and five sites developed. Of those five, three sites were selected by the governor and her staff.

He went on to say that the facility would encompass about 60 acres. It would not be a maximum-security facility, but more like Shelton. There would be about 500 male inmates. Private enterprise would be allowed to come in and hire the inmates and pay a prevailing wage. The institution would employ about 250 people with a biennial budget of about 18 million dollars. They are looking into using refuse as a source of power. The governor will make the final selection after the plans are drawn. Chairman Ekberg thanked Mr. Bradley for his presentation.

REPORTS OF DEPARTMENT HEADS:

Public Works - Councilman Bunch asked Gary about Foster Street. Gary said that repair would cost about \$7800. Clerk Avery agreed that there are sufficient funds available in the Arterial Street Fund. Councilman Bunch also asked that something be done about Fennimore Street. He then moved that Foster Street be repaired upon the recommendation of the public works superintendent. Councilwoman Ross seconded. Carried.

Gary went on to say that he had a recommendation on the connection of water at Olympia Village.

Police - None

Planning/Building - Greg Jones brought up a problem at Harbor Sunset Condos. The fire department had commented on the fire lane--they see no need for it. The owners would like to amend the site plan to eliminate it. Gary Tannahill added that a change should be made in the water line requirement. Councilwoman Ross asked for a written recommendation from the fire department.

Regarding the minimum lot sizes in R-1 zones, Greg said Book Publishing Co. made a drafting error and left out significant portions. Updates of the ordinances will be made.

Street names are needed for new areas of the town and he suggested developing guidelines with implementation from the planning department.

Attorney - Darrell Graves told of the agreement for the street drainage system. It is a draft copy. He asked the council to look it over and approve it next meeting. AGENDA.

Engineer - None

GUIDELINES FOR THE TOWN DOCK: Greg Jones had proposed possible rules. The council took no action but it was felt that the police might like to input some suggestions. AGENDA.

UAB RESOLUTION #141:

Councilwoman Ross moved that Resolution #141 be adopted. Councilman Ekberg seconded. Carried with Councilman Bunch voting no.

HAGGERTY/JOHNSTON ANNEXATION - ORDINANCE #326 - 2nd Reading:

Councilman Bunch moved that the annexation ordinance be adopted. Seconded by Councilwoman Ross. Carried.

Councilman Bunch asked about the Molgard problem. Attorney Graves answered that an order to show cause has been filed.

BUDGET - Preliminary hearing set for November 26.

TAX LEVY FOR 1980 - First reading

Gary Tannahill said the water fund has about \$3300 left in the equipment fund and he would like to purchase a 1974 jeep for \$2600. It is in very good condition. It would replace the 1969 International. Councilman Bunch said he did not approve the purchase of used vehicles. Councilman Ekberg agreed, feeling this year's funds could be saved and lumped with next year's to buy new vehicles. The purchase is subject to the mayor's approval.

Vernon Garner was present and he questioned the status on the burned-out dwelling petition. The attorney (now on vacation) was necessary to draw up the abatement order. He will be back on Friday. The papers can probably be served by the end of the next week. The principals will be furnished copies of the ordinance.

Councilwoman Ross asked about the parking situation at W.B. Scott's. Greg said the parking has been reviewed and judged to be sufficient. The permit for expansion will be issued on proof of the parking.

Regarding a parking agreement, Greg Jones said it can be filed with the county recorder and will remain as an encumbrance on the title. It can be implemented as an amendment to the zoning ordinance.

The bills were approved for payment upon motion of Councilwoman Ross with second by Councilman Bunch.

Meeting adjourned at 8:51 p.m.

Tape # 82, Side 2, 0-445

Chairman Ekberg

Patricia Ebert

Asst. Clerk

REGULAR COUNCIL MEETING - NOVEMBER 26, 1979

The meeting was called to order at 7 p.m. by Mayor Bogue. All council members were present as well as Attorney Hess and Clerk Avery. The meeting was then recessed for the first public hearing.

STEELE VARIANCE REQUEST:

Barbara Steele requests a front yard variance of six feet in order to add a deck to her residence at 7209 Pioneer Way.

Greg Jones gave his report. He said the residence is a modular unit atop a full basement with no real control over the access to the house. The rear entrance to the house is built into the second story and this deck would give access to that door. The visual impact would not be great as the proposed deck would be between 15 and 20 feet above the level of Shyleen Street. There were no comments from the audience either in favor or against.

Councilwoman Ross said she felt that special circumstances exist here and that it is a unique situation that meets the requirements of the ordinance. She moved that the council approve the request for the variance. Councilman Ekberg seconded. Motion carried. Hearing closed.

HUNTER VARIANCE AND SITE PLAN:

A variance of three feet in height is requested. The council felt that since the variance and the site plan are tied together they should be considered together. Charles Hunter plans an office building in an RB-1 zone. He plans a daylight basement on the north. The slope to the lot is not great and it would require fill to level the parking lot. He plans twice the parking that is required. Greg Jones pointed out that Hunter could build the same square footage in a building on one level but one parking lot would have to be eliminated. Greg said the site plan meets the requirements and the landscaping also. The planning commission recommended approval as they feel the site complies with the intent of the variance provisions of the ordinance.

The Planning and Building staff recommends seven conditions and Hunter agreed.

1. All sidewalks to be built in the right of way adjacent to the property line.
2. Curb and gutter shall be provided along both frontages as noted above.
3. The area between existing paving on Grandview and the sidewalk shall be paved. The area between existing paving on Stinson and the sidewalk will be landscaped.
4. One parking lot light shall be installed in each lot.
5. Both driveways shall be a minimum of 24-feet wide.
6. Location of catch basins shall be resolved with public works.
7. Fire hydrant locations shall be shown.

It was noted that a mistake exists on the site plan concerning lot area. It was corrected to 27,000 square feet.

Councilman Ekberg felt that the development seems a bit much for the site. The RB-1 zone was meant to be a buffer zone. Special circumstances do not allow a two-story building. He said he had grave reservations.

Charles Hunter said the proposed building is not next to any residential property and it is R-3 across the street. He is not trying to raise the grade as the Myers building is seven feet higher and this parking lot will be more on grade and level. Next door the Cornell development fills 100% of the site because of the parking. Gary Tannahill told the council that it wouldn't be feasible to lower the building into the ground more as it could not be connected to the sanitary or storm sewers if it were.

The planning commission had recommended that parking not be permitted on Grandview Street and this was one reason they approved the taller structure as it provided twice the parking required.

Councilman Ekberg said he would prefer a tall building with ample parking to a more spread-out building with less parking and moved that the variance with the seven requirements put forth by the staff be approved. Councilman Bunch seconded. Carried.

The site plan portion was discussed next. The intent of the ordinance was discussed so far as front yard parking was concerned. The attorney felt the frontage along Stinson is the side yard. Grandview Street is the front yard and the portion of the parking lot north of the building line is in violation. The first four stalls will have to be eliminated. Hunter would also like to keep them as the planning commission had recommended no parking along Grandview Street.

Councilwoman Ross moved that the site plan be approved as recommended by the planning commission and the planning staff and subject to the seven requirements with the exclusion of the first four parking spaces that face Grandview be eliminated. Councilman Malich seconded. Councilman Ekberg asked her if her motion includes that no parking be permitted on Grandview Street. Attorney Hess said that Mr. Hunter cannot be charged with the responsibility of no parking on Grandview Street. Councilwoman Ross amended her motion to include that no parking will be allowed in the front yard setback on Grandview Street. Councilman Malich seconded the amendment. Councilman Ekberg amended that the motion did not in any way refer to the regulation of parking on Grandview Street. The amendments carried and the original motion carried. Hearing closed.

BUDGET: This hearing is meant for public input. The department heads were asked to explain their budget requests.

Greg Jones said the planning department has been segregated out of the regular budget. At first glance it seems much higher but is, in fact, only about \$243 more than when it was still a part of general government. He is asking for the extra money to cover aerial photos and drafting tools.

The police budget was discussed. Chief Snider said he did not question the dollar amount--only the distribution of that budget. He had hoped for a six-man force but now will settle for a five-man force.

Mayor Bogue interjected that department head salaries have been established at the fifth level to include a merit increase cushion.

Public Works explained that they plan to buy a new backhoe and 1 or 2 trucks and will create a pool to lease them to other town departments and thus restore the money to the equipment fund.

The Clerk-Treasurer said he addressed modified priorities--there is no great surplus in any of the funds.

Budget hearing closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: Four letters of recommendation had been received from the planning commission. Hearing were set for the four on December 10.

SPECIAL GUESTS:

Brian Jones, Boy Scout Troop #217, working toward a merit badge, was present.

DEPARTMENT REPORTS:

Public Works - none

Police - none

Attorney - Concerning the abatement of the house on Rainier, Attorney Hess found that the town has never adopted an ordinance to abate. He asked the council to consider this the FIRST READING of the UNIFORM CODE OF ABATEMENT OF DANGEROUS BUILDINGS to adopt by reference if they see fit. Greg Jones said he has been in contact with the owner. They do not know whether to tear down the house or attempt to restore it. If they tear it down they lose the right to a two-story residence as it would no longer meet the code. If they remodel they can keep that aspect as it would be about 40% of the cost of the house to remodel.

Concerning Molgard, his attorney has asked for a continuance and it was granted to December 5.

Planning/Building - Councilwoman Ross had questioned the home occupation being conducted on Lewis Street. Greg Jones said it appears to be in direct violation of the zoning ordinance and he will keep the council posted.

1980 TAX LEVY - ORDINANCE #327 - 2nd Reading:

Councilman Ekberg moved that Ordinance #327 be adopted. Councilwoman Melton seconded. Carried.

DRAFT AGREEMENT REGARDING STORM SEWERS:

There was some discussion on this--whether Wick Homes plans to use the easement for storm sewerage or not. Attorney Hess will add page nine, eliminating the late comers agreement if Norman participates in the agreement, but he asked that the principals be furnished copies.

OLYMPIC VILLAGE WATER CONNECTIONS:

Gary had written a memo to the council asking if they wish adoption of his proposal and what time frame. The council asked Greg Jones and the staff to draw up a bare bones ordinance.

GUIDELINES FOR TOWN DOCK:

Discussed were limitation of the size of the vessel that may tie up at the dock, limitation to day use or overnight, posting of rules, suggestions for sign-in at the town hall or a central spot.

The attorney said there must be an ordinance written to make it enforceable by law. Violation would be a misdemeanor with a suggestion of lesser punishment, perhaps \$100 fine, and certainly no jail sentence. This is considered the first reading of that ordinance.

Councilman Ekberg felt that guidelines 3, 4 and 5, would be applicable with a maximum time limitation set. A sign is to be placed with rules listed.

FOSTER STREET REPAIR:

Councilman Bunch asked Gary how the repair of Foster Street is coming. Gary answered that he wrote a purchase order to Spadoni Bros. Councilman Bunch then asked about Fennimore Street. Gary said there are no immediate plans.

RENEWAL OF CLASS E-F LICENSE, TERRY GROSHONG AT FINHOLM'S: Mayor Bogue said it appears to be a transfer of ownership at the store. No detrimental evidence is known about him and he appears okay. The council approved it.

Councilman Bunch asked again about the parking situation for Scott's restaurant. He asked where are the leases? Where are the parking areas? Attorney Hess told him that that the parking is a compromise. The expanded area in the rear will include parking for Scotts, Bonneville's, the Bath Locker, and the architect's office. No provision has been made for O'Broclains.

Councilman Ekberg asked the planning staff to provide scale drawings from Pioneer to Stutz Fuel, on both sides of the street, prior to next meeting.

ORDINANCE TO ADOPT BUILDING PERMIT FEE SCHEDULE FOR 1979 - 1st reading to adopt by reference:

UAB MEETING FOR REDESIGN OF HARBORVIEW DRIVE - The plans are ready so the meeting was scheduled for December 3, 1979, at 7 p.m.

BILLS: Approved upon motion of Councilwoman Melton, with second by Councilwoman Ross. Carried.

Meeting adjourned at 9:49 p.m.

Tape #83, Side 1, 0-988

Ruth M. Bogue
Mayor Bogue

Patricia Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - DECEMBER 11, 1979

Mayor Bogue called the meeting to order with a request that Clerk Avery read an item of correspondence. This was a letter of resignation from Councilman Malich. Councilman Ekberg moved that Councilman Elect Dan Jackson be appointed to fill the unexpired term of Mr. Malich. Councilwoman Melton seconded. Carried. Councilman Jackson was then sworn in by Clerk Avery.

Present at the meeting were Councilwomen Melton and Ross, Councilmen Bunch and Ekberg, Attorney Hess and Clerk Avery. The regular meeting was then recessed for the first public hearing.

HOLMAN VARIANCE:

Greg Jones explained that Holman requests a front-yard variance of 17 feet in order to construct an addition to his home on Franklin Avenue. It meets the criteria of the code: the slope is too steep to provide access unless it is set fairly close to the road; it is not the fault of the owner; the same conditions exist for other owners on the street. The planning commission has recommended approval.

In favor were John Holman, the owner, and Bill Reed, a neighbor. In opposition was Mrs. John Smith, who said the view would be obstructed somewhat for her home across the street.

Councilman Bunch said he would like to see the motion include assurance that the carport remain a carport--and not be enclosed as a garage--to eliminate the hazard of backing out into the street.

Mrs. Smith asked if the council knew that Holman plans a swimming pool and a tennis court? Why could the addition not be moved back? Jones answered that the house would not work well if it were moved back--it would be about ten feet below the road. He added that the carport does not affect the view. The addition affects the view to some extent but it is within the height allowed by the zoning ordinance.

Councilman Ekberg moved that, on the recommendation of the planning commission, the Holman variance be granted with the stipulation that the structure delineated as a carport, be built and maintained as a carport. Councilman Bunch seconded. Motion carried. Hearing closed.

EVA BERG VARIANCE:

Greg Jones said he has received word that Mrs. Berg wishes to withdraw the variance request as she intends to replat. Hearing was not held.

CHAPEL HILL CONDITIONAL USE PERMIT:

The church proposes a small addition of Sunday school classrooms and a small amount of storage.

One comment concerned water supply. The school district plans to take care of the fire flow problem in the spring as the current supply is not adequate. The planning commission had recommended approval provided the fire flow problem is solved.

In the audience, Bob Angster, an elder of the church, recommended approval. There were no voices in opposition.

The height is well within the requirements of the R-1 zone. The planning staff saw no problem and recommended approval.

Councilman Ekberg moved that we follow the recommendation of the planning staff and the planning commission's recommendation regarding fire flow and that we require site plan approval prior to the acquisition of a building

permit. Councilwoman Ross seconded. Carried. Hearing closed.

LAND CLEARING ORDINANCE:

This proposed ordinance had been written by Dr. Hruza and Greg went over the points with which he did not agree. He recommended that the term "lots" be changed to "land" to make better understandability.

Under 3, C,F, and H., he does not include commercial property as a dwelling. He recommended substitution of the word "building," for "dwelling" and to add the term "undeveloped" under E.

It is a fairly strict ordinance, Jones said. The ordinance does not prescribe any conditions under which the Planning Director issues the permit. He suggests that it be tied to uses in the zoning ordinance.

In the audience, Sarah Hunt said no one had better tell her what trees she can cut on her own property. She said she feels what the town is really worried about is multiple dwellings--wholesale clearing. Otherwise, people should be able to do what they want to on their own land.

Bob Michaelis asked why this ordinance should be needed. There is not that much land left in town.

Bob Frisbee suggested a straight-across-the-board exemption of R-1 land. He asked if liability has been considered by the town.

John Paglia feels it is too much legislation.

Councilman Jackson asked if something could be incorporated here as far as preserving views is concerned.

The public hearing aspect was then closed. The mayor explained the concerns that prompted this proposed ordinance. She asked that concerns, in writing, be submitted to Mr. Jones prior to next meeting.

SPECIAL GUESTS:

BERT UDDENBERG, State Mutual Savings Bank, introduced their attorney, Bill Bergston, who told of the particular problem with which they are faced. The bank intends to build a new branch on the corner of Pioneer and Tarabochia and presented preliminary plans to the building department. The public works director then informed them of the storm drain that goes through this property on the diagonal. They said they were told that they would have to relocate the drain. This line does not show on the preliminary title report. They feel the city should be responsible for rerouting this drainage. The mayor asked the town staff to obtain information on this.

MERWYN HANEBERG, LDS Church:

Mr. Haneberg appeared on behalf of the water supply to the church. He said the church had been led to believe by Mr. Hibbs that the town would construct a main on Dorotich Street. This included a hydrant. They tendered drawings to this effect and plans were approved by the fire department based on the proposed town main. When the contractor attempted to buy the permit he was refused for lack of fire flow. They request that fire flow be waived until the town installs the hydrant. Possibly the city might go in on extension of the line if the church supplies the pipe. He asked for amelioration by the council. Fire flow measured on Rosedale is 2100 g.p.m. The fire department requires 2342 g.p.m.

Greg Jones explained that the public works department agrees that we need the line up Novak and across to Ross. This would complete the loop and replace the bad pipe. Glen Sherwood said it would certainly be no disadvantage to the town to have the church provide the materials.

Jack Bujacich, in the audience, commented on the replacement of the rotten 2" line on Ross and Novak. He said it wouldn't pay to replace the line only between Ross and Harborview on Dorotich--these homes already have sufficient flow.

Attorney Hess said the burden of providing fire flow is the developer's burden.

Mayor Bogue said the town is not willing to waive the fire flow requirements. She asked that the staff provide some alternatives for cooperation in the project between the church and the town by the meeting of December 26.

JEAN BRODSACK, regarding the Multi-Purpose Center funding:

She said the county is short about \$40,000.00 for operating funds for next year. They may have to close one center by January and it would be the Peninsula Center. She and Linda Antonucci, manager of the center, told of

the many services provided to senior citizens and to youths. They left information for the council to look over. They are hoping the town budget can provide half the manager's salary.

UAB HARBORVIEW DRIVE:

Jack Bujacich said he was concerned because he feels we are taking away the parking except in one basic area. He protests the design and feels it is a waste of the money that was acquired.

Bill Reed said this did come up at a study session last Monday. This week they looked into the possibility of adding more parking. What they did end up with is somewhat of a compromise.

John Paglia, on behalf of the Skansi Brothers, alleges that the city has no title to the mound where Finholm's sign is. He described the somewhat remote means by which the road developed.

Robert Betts, Bellevue, representing Scofield and others, asked if it would be an option for the council to consider the bikeway a trade-off for more parking areas.

Judy Stancic, resident, mentioned the dangerous area of Clay Hill so far as children are concerned and feels we need walking and biking paths.

Ken Hore said perhaps the bike trail can co-exist with more parking.

Glen Sherwood said it is unknown if the town owns the mound, but then no one else appears to own it. The town does own the right of way and there should be no real challenge. He said we still need the two easements and they are the people who say they own the mound.

Mayor Bogue closed the hearing as there was no further public input.

SPECIAL GUESTS, continued:

DAVE JOHNSON, representing Ross Anderson and Chet Dadisman, said his clients intend to petition for vacation of a part of the right of way and he pointed out the area on a map. He asked that the council look at the area. The possibility of developing a street there is remote and his clients plan no development of the property.

Attorney Hess said this is not before the council for vacation. It is not an official petition at this point. He simply asks the council's feeling.

Councilman Bunch was opposed to vacation. Mayor Bogue said that would have to be remuneration. No conclusion was reached.

MINUTES: Chief Snider wished his statement clarified regarding the budget section of the last meeting. He said that, depending on what the Town gives to the union will mean whether we have a five-or six-man force. He said he would rather have four contented employees than five discontented. Otherwise, the minutes stood approved as posted.

CORRESPONDENCE: Clerk Avery had received three recommendations from the planning commission. Hearings for these were set for December 26.

REPORTS:

Public Works - None

Police - None

Planning/Building - No further report. Councilwoman Ross asked the disposition of the Neptune USA business operating on Lewis Street. Greg Jones said the property owners were advised that they are violating the ordinance. They will cease operating out of their home and will find new storage as soon as possible.

Attorney - Regarding the storm drainage agreement, only Peter Norman has replied. He advised that the Molgard appearance took place but has been postponed until Judge Hester gets back from vacation.

Greg Jones asked if the council would take time to hear an appeal from JOHN BRAATEN, Peacock Hill Avenue. Braaten has sold Christmas trees on his property in the past but this year the operation has expanded and the building department has told Mr. Braaten that it is illegal to maintain sales, distribution and storage of Christmas trees in an R-1 zone. Now Braaten is here to appeal to the council. He asked if there was any leeway. It is all set up now and there is only about ten more days remaining.

Jones produced a signed petition from the neighbors who have no objection. Councilman Bunch, who lives directly across the street, said it is not bothersome to him and it is probably one of the better locations for this

use as there is lots of room and parking.

The council usually requests that matters to be considered at the meeting be placed in their trays by the Thursday prior to that meeting. Councilwoman Melton moved that, because of the late arrival of the information pertaining to this matter, the action be tabled until next meeting. Seconded and carried.

REPORTS, continued:

Engineer - Glen Sherwood ^{delivered.} ~~delineated~~ plans and specs to Greg Jones for the storm drain. They have made application to the Corps of Engineers and Shoreline Management. There are easements required. NOTE: STORM DRAIN to Puget Sound.

If the UAB on Harborview proceeds, April 1 is the deadline for the awarding of the contract. The Shoreline permit must be re-heard and the easements requested.

Clerk-Treasurer - Clerk Avery said that the bond counselors request an ordinance to provide for the LIDs on Woodworth and Cascade. This is considered the first reading of those ordinances providing for the sale of bonds.

UBC/ABATEMENT OF DANGEROUS BUILDINGS - ORDINANCE #328 - 2nd Reading:

Councilman Ekberg moved that Ordinance #328 be adopted. Seconded by Councilwoman Melton. Motion carried. The attorney counseled on the implementation of this ordinance. Does the council wish the Planning Director to enforce the ordinance? Councilwoman Ross moved that the Planning Director be given the power to make decisions regarding the enforcement of this ordinance. Seconded and carried.

UBC/FEE SCHEDULE ORDINANCE - ORDINANCE #329 - 2nd Reading:

Councilman Ekberg moved that the ordinance be adopted. Seconded by Councilwoman Ross. Motion carried.

TOWN DOCK USES ORDINANCE - ORDINANCE - #330 - 2nd Reading

Ken Hore, in the audience, asked if there are prohibitions against rafting. This was discussed but no conclusion was reached. Councilwoman Ross felt that perhaps overnight moorage should be prohibited. Greg Jones said he received a copy of the City of Kirkland's rules regarding their dock and they charge a moorage fee to cover the wear and tear and repairs of the dock.

It was felt that the proposed rules are only guidelines for the present. If, after a few month's use we find the rules need revision, then we can change them. Councilwoman Melton moved that we adopt Ordinance #330. Councilman Ekberg felt there should be mention of no commercial use of the dock so Councilwoman Melton restated her motion to include that the present rule #6 become rule #7 and rule #6 read that no commercial use of the dock is permitted. Councilman Ekberg seconded. Carried.

Mayor Bogue asked for clarification of the Braaten business. Does he require a license? She was answered that issuing a license would jeopardize the council's tabling of the matter.

BUDGET: A study session was set for December 26 at 6:30 p.m.

UAB/HARBORVIEW DRIVE: There was quite a bit of discussion regarding the acceptance of the plans that had been prepared. Discussion also included whether the matter should be returned to the planning commission for their recommendation. Attorney Hess felt that planning commission recommendation was not necessary. The council could not agree on the plans but Marwan said the alteration can be made within the 36-foot width.

It was finally decided that no motion was necessary since it is not a matter of acceptance of these plans but only setting of a hearing date. The Shoreline Management hearing was set for December 26 at 7 p.m.

WATER HOOKUP ORDINANCE - First reading.

W.B. SCOTT PARKING ISSUE: Randy Dugger was present regarding the issuance of the building permit which has been held up pending study of the parking. Attorney Hess had written a memo stating that the issuance of the permit is an administrative decision.

Jones had prepared a parking study for the entire block where Scott's is located. He showed that Scott's is furnishing more parking than many other businesses. Jones, therefore, made the administrative decision to issue the building permit.

PIERCE COUNTY LIBRARY PROPOSED CONTRACT:

Discussed were the hours of operation and the possibility of increasing those hours. Joy Blake, librarian, felt it was a matter of budgeting and the district hopes to be open more hours by 1981. There were no further questions from the council. Mayor Bogue will discuss the contract further with Pierce County Library directors.

Councilman Ekberg moved and Councilman Bunch seconded that the bills be approved. Carried.

Meeting adjourned at 11:37 p.m.

Tape #83, Side 1, 987 to end and
2, 0 to end and
#84, Side 1, 0-137

Beth M. Bogue
Mayor Bogue

Patricia Ebert
Asst. Clk.

REGULAR COUNCIL MEETING - DECEMBER 26, 1979

^{Mayor}
~~Councilwoman~~ Bogue called the meeting to order at 7 p.m. following a study session on the budget. Present were Councilwomen Ross and Melton, Councilmen Ekberg and Jackson, Attorney Hess and Clerk Avery. Councilman Bunch was out of town. The regular meeting was then recessed for the first public hearing.

RICKARD SHORELINE MANAGEMENT PERMIT:

Greg Jones, Town Planner, explained why the development permit is needed. The owner needs only three stalls, since he also has a three car garage for parking, but has provided six stalls. The parking lot is well designed and unobtrusive. It is easy to secure and provides no traffic problem. There could be some runoff problem and catch basins should be provided. The planning commission had recommended approval subject to providing adequate drainage facilities. Jones said it is an appropriate use of land and it is appropriate to issue the permit.

The mayor asked about screening from the water side. She was answered that it would not be visible as there is a net shed between the lot and the water.

There were no comments from the audience.

Councilwoman Ross moved that the town accept the permit as submitted and that the Shoreline Development permit be granted with the stipulation that the application be in compliance with regulation #8 of the Shoreline Master Program parking section so as to not pollute Gig Harbor. Councilwoman Melton seconded. Carried. Hearing closed.

DISHMAN VARIANCE - #3-79-03:

Jones explained that the Dishman's propose to build a fence with 48" high posts and stakes at least 42" tall. They require a setback variance and the decision is a two-part one: Can they build the fence that high, and can they encroach into the right of way.

The staff felt the proposed height was not a good idea. It is a busy intersection; the sight distance is not good. The planning commission had recommended denial. It is not consistent with the health, welfare, and safety of the community and it does not meet the criteria of the ordinance.

Councilman Jackson asked who would be responsible for a fence on the right of way if it became necessary to take it down. Attorney Hess said the town would have no responsibility as it is within the right of way.

It was pointed out by Jones that if the fence were built only 36 inches high it would be within the height requirement of the ordinance.

Comments from the audience:

Mr. Dishman said Dorotich Street is raised higher than his property and the height of the pickets would be lower than the level of visibility. He felt there would be no vision problem, it would enhance the property, and it would keep his own dog in and keep other animals off the lawn. There were no voices in opposition.

Councilwoman Ross asked Dishman if a 36" high fence would be too low. Dishman answered that it would be nice to have at least the supporting structures a little higher. 36" is a little low.

Councilman Jackson felt that parked cars create a greater visibility problem. Gary Tannahill agreed, saying that there will be some "no parking" signs painted on the street by Bay Realty and across Harborview also.

Because of the planning commission recommendation and the advice of the town staff Councilwoman Ross moved that the council deny the request for the variance. Councilman Ekberg seconded. Carried with Councilman Jackson voting no.

The encroachment was next considered. Councilman Ekberg moved that the council deny the right of encroachment. Seconded and carried with Councilman Jackson voting no.

UAB PROJECT - Shoreline Development permit:

Greg Jones said that the permit addresses only the physical development of a 36-foot wide street, paved curb to curb. Shall a Shoreline Management permit be issued for a road? Jones suggested that the proposed development be coordinated with interested parties at a later date.

Mayor Bogue called for comments:

Jack Bujacich disagreed with Jones because he felt there was a dual thing here. He felt the UAB would disagree also. He feels the plan has already been adopted. He wishes to be on record as disagreeing with that plan.

Bob Frisbee urged the council to vote for this road and set a hearing date for local people's intake. The road must be under contract no later than March. (He was corrected to April). He urged that this Shoreline permit be voted on tonight.

Stevens Dimant asked what the prime purposes are in reconstructing the road. Glen Sherwood answered him. The purposes are to upgrade an inadequate street presently there and make it safer. To provide better interchange between the two main parts of town. To provide and control storm drainage. To provide a place for pedestrians. Traffic volume in this area is in excess of 9,000 cars per day.

John Paglia, speaking as a property owner, asked if this project is anything other than boon-dogging. Repair of this road is not the solution to the traffic count. There should be a road from Highway 16 to serve the areas that need it and those areas lie beyond the town limits.

Gary Tannahill answered him. He said the council asked that these funds be allocated to the by-pass but the UAB said the project would cost far more than the funds now available. It is true that it is only a band-aid, but a badly needed one.

Robert Betts, appearing at the request of property owners on the water side of the road, said they request a drainage easement on the water side. How are you going to handle storm water? What monitoring problems do you have in mind and what do you require of the property owners? Glen Sherwood said the street drainage is not significant in this instance. Already 36 feet of impervious surface drainage is going into the Sound. The existing culvert will be extended to allow the roadway section to be built.

George Ancich asked if the 36 feet was driving space. Mayor Bogue answered him that it must be available for traffic, including parking.

John Paglia asked if the flow would not require an environmental impact statement? Sherwood answered him that an environmental assessment was made and should be in the town's files or the engineers can furnish a copy.

Mr. Betts asked if a 36-foot wide roadway will allow the council to add additional asphalt in key locations for adequate left turn lanes in some future time. Greg Jones assured him that the town has sufficient right of way area to do this. Mr. Betts asked if the council has considered undergrounding of utilities. Otherwise, a conditional use permit is required as a part of this process. Jones answered him that old utilities pre-date the master plan--only the new ones require undergrounding.

Councilman Ekberg, at the close of the public input, said he feels the project is consistent with the goals of the Shoreline Master Plan and moved that the substantial development permit be granted and that part of the motion is that any future design be open to public meetings. Councilwoman Ross seconded. Motion carried. The hearing was then closed and discussion ensued on the design phase of the project. First, it was decided that a special meeting would be called for January 7. Jones suggested sending a notice to interested parties in advance of this meeting. Jack Bujacich wished it noted that people will lose their parking and that they be so advised. Frisbee suggested it be noted that it is an open meeting. Further discussion ensued and Councilwoman Melton asked that, since there are no public hearings scheduled for next meeting, this hearing take place at 7 p.m. on the night of the 14th at 7 p.m., and that no other public hearings be scheduled.

BUDGET ORDINANCE - ORDINANCE #332 - Second reading:

There were no comments from the audience. Councilman Ekberg moved that Ordinance #332 be adopted as there as no further input or discussion. Councilwoman Melton seconded. Motion carried.

MINUTES: Glen Sherwood wished the minutes of the last meeting corrected to read "delivered" instead of "delineated" speaking of turning the plans and specs over to Gary Tannahill. He also wished it noted that the storm drain in that paragraph refers to the storm drain to Puget Sound. Otherwise the minutes stood approved as corrected.

HILDEBRAND SHORT PLAT:

Greg Jones said he feels that a short plat is not a matter of public hearing. Primarily it is an administrative decision and the planning commission has determined that it is not within a "sensitive" area; it is now before the council for their concurrence.

Mayor Bogue questioned if the council should approve the mylar and other requirements of the plat. She was concerned because historically the council has reviewed and made those decisions.

Jones said that usually short plats are interior land divisions not concerning the public welfare. Attorney Hess believed that the council has to approve short plats but would like an opportunity to discuss it with Jones and he preferred to table this discussion in order to research the question and make this determination.

Ray Harries, manager of Thornton Land Surveying, asked if this means tabling to later in the meeting or to some other date. He wondered why the council cannot proceed as in the past. Since all needed information is present the council decided to proceed and take it up later in this meeting.

SPECIAL GUESTS:

Jack Bujacich asked someone to come and look at the drainage problem at his mother's home. It is a problem that developed when the LDS Church extended their drainage system. Bujacich maintains that the catch basin is too high and needs a great deal of work. Gary Tannahill said this was true but it is difficult to do the work at this time with the weather like it is. He will keep an eye on it.

REPORTS:

Public Works - none

Police - Chief Snider said both cars are painted and will have their lights and radios installed on January 4. Both the TNT and the Gateway will do articles on them.

Engineer - none

Clerk-Treasurer - Clerk Avery presented Jack Shirley, financial consultant to the town, who will make the LID bond presentation. Councilman Ekberg moved that we accept the proposition as outlined in the letter of Dec. 10. Seconded and carried.

BOND SALE - ORDINANCE #331 - 2nd reading:

Councilman Ekberg moved that Ordinance #331 be adopted. Councilwoman Melton seconded. Carried.

PIERCE COUNTY LIBRARY CONTRACT:

The mayor had circulated the contract to the department heads and asked if the council would like to make suggestions on the proposed contract.

WATER HOOKUP ORDINANCE:

Attorney Hess had made some modifications. This was postponed until the attorney returns to the meeting room.

Councilman Jackson brought up the need for funds for the multi-purpose center. He said he was aware that the town could give no money to a facility outside the town limits but he would like the council to write a letter to the county commissioners in support of the agency. The mayor suggested that Jackson draft the letter.

The dock regulations are to be posted as soon as the local sign painter returns from vacation.

Greg Jones reported that the LDS church has decided not to hook up to the water main on Harborview. They feel that if they put in a new hydrant and new pipe on Rosedale that they will get the required fire flow. They have been told that if they do not get the required flow their permit will still not allow combustible material on their construction site.

HILDEBRAND SHORT PLAT:

Attorney Hess agreed that the state summary gives enabling legislation but our town ordinance is somewhat unclear and approval of the town is indicated on the mylar by the mayor's signature. He feels the council still has to review and approve the plat in question.

Jones said the mylar needs a few housekeeping changes but suggests that approval take place subject to these changes.

Harries asked that the requirement to build storm drains be amended to allow them to be either built or bonded subject to a time limit. Sherwood said some control must take place during construction. A time limit should be applied to the construction program. In the meantime on-site retention must be required. Harries suggested the storm drainage problem be solved at the time of the site plan approval. Sherwood said it must be pinned down and remembered so it isn't forgotten down the line. Jones felt it could be required prior to issuing a building or occupancy permit. Harries maintained that the whole question could be solved by adding covenants to the mylar--these covenants would run with the land and be disclosed through title searches.

Councilman Jackson moved that we approve the request, with suggestions as outlined by Mr. John Hodges and Mr. Sherwood. Seconded. Harries then requested that curbs, gutters and pavement be waived until site plan review. This topic was discussed but Jones felt it was not a major problem. Jones felt it would be far better to have improvements taken care of now. Attorney Hess felt that Harries was making a perfect argument at this time. This application should be treated the same as those in the past. The mayor called for the question and the motion carried.

REPORTS, continued:

Attorney Hess asked if he should be doing a report on the street drainage agreement. Should he get some action going? The council agreed.

Planning/Building - Jones brought up school bus shelters. He said he would work with schools and police and come up with some requirements and then some local service organization can take over. He asked the council if they wished him to spend some time on it. They agreed he should look into it.

Jones went on to talk about the fitness trail at the park. He wrote a memo about it but not much can be accomplished until the cycle situation is under control.

Concerning short plats, the ordinance is not clear on public improvements. When are public improvements required, especially in the case of the Hildebrand plat? Once the mylar is signed can we enforce the requirements? The council felt we must be consistent with what was done in the past. Research was requested.

WATER HOOKUP ORDINANCE - #333 - 2nd Reading:

Attorney Hess said he had made a few substance changes. He recommended that we strike "private" water systems. One other area is paragraph C where we should add "for use within the town limits." In form he made changes under B concerning length of time to hookup property which is annexed. Councilwoman Melton moved that the ordinance be adopted including all corrections and additions. Councilwoman Ross seconded. Carried.

Councilman Ekberg brought up the Christmas tree lot. He wished the issue explored and feels a letter should be written that it will not be tolerated in the future. Councilman Ekberg moved that the town deny Mr. Braaten's request for appeal. Seconded and carried.

Councilman Ekberg asked Clerk Avery if he had researched a way to sign the bills other than individual bills. Clerk Avery said a list can be made up but we must have an ordinance that certifies an audit officer. It will be forthcoming.

Councilwoman Ross asked Gary Tannahill how he hopes to solve the parking problem on Harborview Drive at Dorotich Street previously mentioned. Gary said he plans to eliminate spaces before and after each side of the intersection on both sides of Harborview Drive.

Councilman Ekberg asked why we are still paying a school crossing guard. The hiring of the guard was supposed to be in lieu of the traffic light. Perhaps the school patrol could assume these duties. The council wished the staff to explore the possibilities. Mayor Bogue appointed Councilman Ekberg chairman to bring a report to next meeting.

BILLS: The bills were approved upon motion of Councilwoman Melton with second by Councilwoman Ross. Carried. Meeting adjourned at 9:52.

Kevin M. Bogue
Mayor Bogue

Tape #84, Side 1, 137 to 1229

Patricia Ebert
Costelbank

REGULAR COUNCIL MEETING - JANUARY 14, 1980

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilmen Ekberg, Jackson and Bunch, Attorney Hess and Clerk Avery.

BID OPENING - BACKHOE:

Two bids were received as follows:

Smith Tractor & Equip., John Deere,	New machine	\$21,825.00
	Demo	20,000.00
Tool Crib, Seattle, & Case	New Machine	20,052.10
Puyallup Tractor	Demo, 110 hrs	18,972.79

Both bids were less trade.

Gary Tannahill had looked at all the machines today. All meet the specifications. Councilman Jackson had a comment to make. He felt it was very early in the year to make such a large expenditure. He felt it was this body's responsibility to determine that public funds are spent properly. He said there were questions from citizens of the town regarding the purchase of the Jeep. He questioned the need to spend such a large sum of money. Could the old equipment be restored? Could there be a lease agreement? He had visited the shop and feels there is inadequate housing for men and equipment. Councilman Bunch agreed that we do not have any place to house the backhoe now. A question was put to the public works department regarding the past cost of maintaining the old hoe.

Tannahill answered that no records were kept in the past--only recently have any receipts been saved. The only reason the police department leased their cars was that they had no cash funds to buy. It would cost considerably more to lease than to buy. This department has the funds to buy. It could cost eight to ten thousand to recondition the machine but his object was to get rid of abused equipment. The department needs equipment on an emergency basis often and the old hoe just could not be depended upon.

Mayor Bogue agreed that a new facility is needed for men and equipment. Several avenues were explored but the evaluation of the public works department showed that the town should make an effort to acquire new equipment. Old equipment is not cost effective, not safe, and has too much down time. She said she felt it was an appropriate decision for the superintendent of the department to make.

Councilwoman Melton agreed, saying that the department heads, being the true professionals, should make the decision on what they need. Councilwoman Ross felt that a lease at \$1650 per month was too much to pay. Otherwise, a ten thousand dollar investment in an old machine was not wise because we would still have an old machine. She felt the only reasonable decision was to buy new equipment.

Tannahill was asked which of the machines, new or demo, he would choose. He answered that he had no preference. The demos are perhaps the better choice because they have had all the bugs worked out.

Councilman Ekberg moved that the bid for the Case backhoe at \$18,972.77 be accepted. Councilwoman Melton seconded. Carried with Councilmen Bunch and Jackson voting no. Bid Hearing closed.

UAB HARBORVIEW DRIVE PUBLIC HEARING:

Mayor Bogue said that to date five public hearings have been held on the design aspect prior to tonight. She stressed that UAB regulations decree that the paving must be a finished surface of 36 feet wide, curb to curb, with a sidewalk on one side. She then opened the meeting for public input.

JACK BUJACICH owns property near the curve. He said he also represents other property owners in the vicinity. He said they are quite concerned at the lack of parking. The original plan met all the guidelines but the new plans will take most of the parking away. He will lose half of his parking and none has been provided for Plancich or Duvall. They are all good taxpayers. They need their parking. The docks and net sheds need parking. The Coast Guard station needs parking. All that we need is a two-lane driveable road and leave the parking there.

ANTONE SKANSI preferred the original plan. He sketched on the board a road with lanes as follows: 8', 11', 11', 8', and 5'. He said this was the original plan and it would have allowed a separate lane for left turns.

EARL FRAYCHINEAUD spoke against left turns on Clay Hill. They are not necessary and would only cause more confusion.

JOHN PAGLIA felt that Clay Hill will be developed eventually. It is far better to create a left turn lane now than to stop vehicular traffic later for cars turning left.

Councilman Jackson asked Bujacich if he would agree to restoration of the 19 parking spaces between Novak and Stinson. Bujacich branched off, saying it would be far better to do away with the path now and consider the whole town's pedestrian or bicycle lanes at a later date. Also, there is no reason to tear up the existing sidewalk.

MR. HINES of Peninsula Light feels that the design is a difficult question when it comes to the light company exit and entry. They have no other suggestions forthcoming with the exception of a stop light for different users. There is no solution at present. The intersection they have now is the best design yet.

GEORGE ANCICH felt there was no reason to tear up the sidewalk from Novak to Stinson. He also felt there was no reason for a bike path. You seldom see someone walking. Instead, we need parking on both sides of the street.

ROBERT BETTS, Bellevue, representing owners on the north side of Harborview abutting the light company, said his clients specifically request left turn lanes. They have no plans at present but feel it makes good planning sense. He felt Skansi's preference for a road of 48 feet makes the best sense. Also, regarding the curve and the mound, the old right-of-way has not reverted back to the former owners--Gilich and Scofield, as promised.

DICK ALLEN felt that between Stinson and Novak the street should remain the same. Leave the present sidewalk and parking on both sides.

BRECK ADAMS, owner of Eddon Boat, said he was completely forgotten so far as parking goes. He is not opposed to improvement but would like to see improvement in drainage as well as parking.

MARWAN SALLOUM clarified that the sidewalk cannot be less than 5 feet in width. The only sidewalk between Stinson and Novak is only 3 feet.

BOB FRISBEE said he would like to see a bicycle path all the way through the Harbor. Possibly we could move away from the 36 foot width with the long-range plans and additional funding.

NICK TARABOCHIA JR feels the street should be left the way it is. The fishing industry along the waterfront needs parking. He said he has nothing against joggers or bicyclers but no one seems to ride bicycles.

JACK BUJACICH could not understand throwing away the original \$50,000 for this plan. Now we come back to an architect's drawing which no one seems to like. He said he feels the estimate will come in way over the bid. It is a drastic move to go to the drawing. Mayor Bogue interceded, saying the original plan is not lost--these are only modifications to that plan.

DICK ALLEN said that a hydrant near his house eliminates 30 feet of parking.

GEORGE BORGAN felt the original plan was not good. He said he agrees with some of the people here but he still does not know what has happened to his corner.

BRECK ADAMS asked that the council not make a decision tonight. The mayor reminded him that there was a two-week period open for comments but none were received.

As there were no further comments from the audience the hearing was closed to further public input.

Councilman Bunch said that no design has been shown for the corner of Stinson. Street drainage problems have not been addressed. Mayor Bogue and Salloum told him that the plans have been available in the town hall for some time.

Marwan said that bids take 30 days or more, giving sufficient time to delete or reduce to meet the amount of money available. The original engineering plans were for a 36-foot wide street, curb to curb, and would only take one to two weeks if no width change is taken into account. Mayor Bogue asked him how long it would take to add the Clay Hill storm drain to the plan.

Marwan answered a couple of days. A deadline was discussed. Marwan stressed that we should give ourselves time around the bid acceptance period because if the project came in higher than the money available then the council would have time to decide which portion to eliminate. Mayor Bogue told him that she understood that we were going to build into the bid structure a way to bid on certain aspects so we could choose those portions that coincide with the budget that we have. Gary Tannahill pressed for a decent roadbed and an open-end paving project that could start at the most important point, near the light company, and go as far as the funds would take it. The council felt an open end contract was uncertain.

Councilwoman Melton moved to table the issue until next meeting. Councilman Ekberg seconded. Carried.

MINUTES: Councilwoman Melton noted the discrepancy at the beginning of the minutes where Mayor Bogue was mislabeled councilwoman. Otherwise, the minutes stood approved as corrected.

CORRESPONDENCE:

1. Planning commission recommendation on Reed variance. Set for Jan. 28.
2. Transfer of liquor license at the El Rey Restaurant. The council was hesitant, knowing nothing about the transferee. They asked that a check be made for change of business license.

REPORTS:

- Public Works - None
- Police - Postponed
- Planning/Building - Greg Jones said that development activity is picking up sharply.
- Attorney - Bill Hess said he would like to recommend regarding the storm sewer agreement. He had a meeting with Jones and a prior meeting with Tannahill and he feels that the council should involve the town in an overall drainage study in order to handle problems as they arise. The Hildegard Ullberg problem, among others, must be resolved sooner or later and cannot go on without the Town's involvement. We should set priorities or be involved in lawsuits.
- Engineer - none
- Clerk-Treasurer - None

COMMITTEE REPORTS:

Councilman Ekberg said they are proceeding to explore a worthwhile alternate to the school crossing guard and will report more concrete results at next meeting.

STORM SEWER AGREEMENT:

Attorney Hess said there was one response after last meeting from Peter Norman. Subsequent to that time he met with Wick Homes who wished to propose changes. More comments have been received and he will write them up in more complete form by next meeting.

Mayor Bogue said Wick Homes indicated that, as soon as the agreement is signed, they are ready to come in and apply for building permits. The attorney said this is probably the most essential change of question. When is the agreement effective? When they sign it? When they apply for site plan approval? When they come in to get a building permit? When does the Town go out and start building the storm drain? The attorney felt the only workable way would be that Wick Homes would deposit the fee and the Town would start building the drain.

PIERCE COUNTY LIBRARY CONTRACT: The previous meeting was snowed out and they will meet tomorrow morning at 9:30.

Councilman Jackson had done some research regarding some comments he heard. The comments were that the Gateway had printed in error regarding the UAB decision. He found the statements untrue.

REPORTS, continued:

Chief Snider said the Tacoma News-Tribune carried the story tonight on the new police vehicles.

Further discussion on the boat dock: The dredger will return shortly and the float will be disconnected from the dock. The sign is still in the design phase.

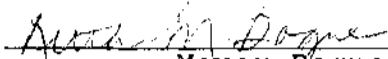
Councilman Jackson asked for a follow-up on the business at Pioneer and Lewis. Jones answered him that the owners are phasing out the storage at their residence. Councilman Ekberg asked if a letter had been mailed regarding the Christmas tree lot. Jones said he would get the letter out right away.

ORDINANCE DESIGNATING AN AUDIT OFFICER - First reading.

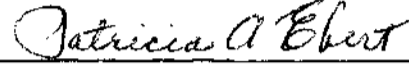
Councilwoman Ross said she had received a call from Mrs. Egan asking if the Boy Scouts can plant flowers and otherwise beautify the town. It was agreed that they should attend a meeting to discuss the location.

The bills were approved upon motion of Councilwoman Ross with second by Councilman Ekberg. Carried.

The meeting was adjourned at 9:20 after an executive session.


 Mayor Bogue

Tape #84, side 1, 1229 to end
 side 2, 0-474


 Asst. Clerk

REGULAR COUNCIL MEETING - JANUARY 28, 1980

The meeting was called to order at 7 p.m. by Mayor Bogue. Present were Councilwomen Ross and Melton, Councilmen Ekberg, Bunch and Jackson, Attorney Hess, and Clerk Avery. The meeting was then recessed for the first public hearing.

REED VARIANCE:

Planning Director Jones described the property as the corner of Franklin Ave. and Uddenberg Street. It is a steep slope and Uddenberg Street is not constructed and probably never will be. The petitioner must still request a variance as it is legally a corner lot. The house predates the ordinance. Because of the special conditions a setback is not really necessary. Reed will set the addition 16'6" from the side lot line. This is not the result of the action of the petitioner. The variance would not be in conflict with nor be detrimental to the public welfare. The Planning Commission had recommended favorably.

Public input: The owner, Bill Reed, said they would upgrade the house as well as restore it. There were no voices in opposition.

There would be no increase in height; in fact, the roofline will be lowered and no view will be affected.

On the recommendation of the Planning Department and the Planning Commission, Councilman Ekberg moved that the variance be approved. Councilman Bunch seconded. Carried unanimously. Hearing closed. The regular meeting was then recalled to order.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: There were four letters of recommendation from the Planning Commission. These were set for hearing on February 11.

SPECIAL GUESTS:

William Young, 7129 Citron Lane SW, Tacoma, owns three duplexes at 6421 Soundview Drive. He is having septic tank and drainfield problems. The drainfields have now surfaced and there is no more property on which to expand. He requests hookup to the Town's sewer system. He said he feels that surface water from the subdivision across Soundview is responsible for his problem. A letter from the County Sanitation Department was sent to the town saying this condition could be a detriment to public health.

Gary Tannahill said the three duplexes would not add a significant burden to the Town's system, but with all the trouble we have had dealing with Pierce County he would not like to tackle it.

Councilman Ekberg said he felt that annexation is the route that should be explored. Councilman Bunch and Councilwoman Ross agreed.

Young said he had no alternative. He would like to proceed with the annexation but would like a temporary permit while the proceedings are taking place. Clerk Avery said annexation could take six months and Young would have to request R2 or R-3 zoning. The only interim measure is a contract with Pierce County. Councilman Ekberg asked Young to proceed and to work with the town staff toward a temporary solution.

REPORTS:

Public Works - none
 Police - none

Planning/Building - Jones said we now have all forms prepared to enforce the abatement of dangerous buildings ordinance. We must now get a title report and he has ordered it. Jones went on to say that there are several places in the ordinance that site plan review is required. Building permits are required for minor modification. Does the council require site plan review although the remodel is minor? We do not have a remodeling permit. He asked for a statement from the Council regarding legislative intent.

Attorney Hess said the Council has basically defined their intent so far as site plan review goes and as such could delegate authority in this regard.

Jones then went on to say that he plans to begin the rewriting of the zoning ordinance shortly as he now has a new assistant. He introduced the Planning Technician/Building Inspector, Tim Johnston.

Public Works - Gary Tannahill said the State is having a surplus vehicle auction and he would like to take the Datsun pickup and the International Carryall to be sold. He has the three-wheel Cushman scooter and the Pontiac police vehicle on which he would like to have the authority to call for bids for these last two items. The council told him to go ahead and advertise for bids for these items. The council told him to go ahead and advertise with the right to refuse any and bids included in the ad.

LIQUOR LICENSE TRANSFER: The police had investigated the licensees and there was no record. It was felt there would be no problem with the application and the council approved the transfer.

UAB - HARBORVIEW DRIVE DESIGN APPROVAL:

Planning Director Jones presented the same drawings as we had last meeting and also design drawings. Mayor Bogue again explained the proposed paving of 36 feet curb to curb with a sidewalk on one side. She asked that if a motion is made to approve it that it would probably be wise to include in that motion that storm drainage at the intersection of Harborview and N. Harborview be included in the design and also that, however the bid is worded, that it can be in sections. In other words, that certain sections can be bid independently of others.

Councilman Ekberg said that there has been quite a lot of input and that it has been helpful in looking at this situation. The main consideration that is facing us is that we will be improving a main arterial through town that carries a lot of vehicular and pedestrian traffic, and we have to see that it carries it safely. We've got a surface area of 36 feet which is flexible. He then moved that we accept the proposed design project as submitted on the table, and that the remaining portion of the engineering aspect such as storm water control be integrated into it for the bid. He added that he would like to see it put to bid, broken down not only into a total bid but separately into the storm water portion and the paving. Mayor Bogue said one of the suggestions of the people on the UAB staff was that it be broken down into complete sections of the roadway from point to point. Councilman Ekberg then said he would amend his motion to leave what he said and then also add that it be broken down into two complete sections from N. Harborview to Stinson and from Stinson to Novak. Councilwoman Melton seconded.

Jack Bujacich asked if this plan in front of him is the plan to be accepted. He wished to protest as this is not the original design. This design takes most of the parking away. He said he felt sure that the Council is voting on the plan in front of them.

Mayor Bogue asked Councilman Ekberg to restate his motion. He said we have to get a bid. We have a 36 foot wide road, we have had five public hearings on it, we have a Shoreline Management permit on it. It has parking drawn on it. If the plan doesn't work we can get a can of point and paint in some more parking spaces. The main purpose of the arterial is to get people through there and not to provide parking all the way through there causing more congestion. The original plan was wider and not workable. This lesser roadway is for the safety of the citizens of the town. He called for the question.

While Mayor Bogue called for the vote Bob Frisbee continued to protest. The vote was taken as follows: Ekberg, aye; Ross, nay; Melton, aye; Bunch, nay; and Jackson, aye. Motion carried three to two.

PIERCE COUNTY LIBRARY CONTRACT:

There was quite a bit of discussion on the proposal from Pierce County. Councilwoman Ross asked if the decision can be postponed until after the February 6 meeting of the Gig Harbor Library Board. She felt there may be other possibilities.

PIERCE COUNTY FIRE DISTRICT #5 CONTRACT:

Clerk Avery said that on page 2, item 2, he would like the contract reflect that the \$1.00 and the separate 25¢ both would come from the Town but he would like it stated that these funds would be transmitted when the revenue is received from the Treasurer's Office.

Councilman Jackson moved that we approve the contract with the stipulation that the Clerk has made. Councilman Ekberg seconded. Carried.

LAND CLEARING ORDINANCE - 1st reading of revision:

Councilman Bunch wished to see a change under Section 5, page 3, under exemptions, eliminate "dead". There was a discussion on penalties. Jones asked for comments from the council during the next two weeks.

CHAPEL HILL SITE PLAN:

This is again on the council regarding the addition to their building. The site plan approval was a condition of the conditional use permit.

Parking was discussed. They have over the code already, Jones said. Councilman Ekberg felt there was no question on this and moved that the site plan be approved. Seconded and carried.

Councilman Jackson asked about the barges moored in the Harbor. Jones told him that they are outside the harbor lines and are not under Town jurisdiction. The DNR has inspected them on two occasions. It is within their jurisdiction. The barges are there without a DNR permit. They are still working on it and will be here within two weeks to verify the graphic. The owner may have up to a year to correct the situation.

It was brought up that there is a "Deli" sign near the Jerisich Park dock. The regular dock sign is to be ready in about a week. In the meantime, Gary will erect a temporary sign.

Chief Snider said that it is very difficult to determine ownership of the boats moored at the dock. Registration information takes at least two weeks from Washington, D.C.

Councilman Ekberg asked that the actual vote be shown in the minutes in the future.

The bills were approved upon motion and second. Motion carried.

An executive session was held before adjournment. Meeting adjourned at 8:52.

Will M. Bogue
Mayor Bogue

Tape #84, Side 2, 474 to 1047

Patricia Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - FEBRUARY 11, 1980

The meeting was called to order at 7 p.m. by Mayor Bogue and then recessed for the first public hearing. Present were Councilwoman Ross, Councilmen Ekberg, Bunch, and Jackson, Attorney Hess and Clerk Avery. Councilwoman Melton was out of town.

HARBOR SUNSET CONDO SITE PLAN MODIFICATION:

Planning Director Jones showed the before and after site plans for the condominium. The parking has been redistributed--none has been lost. The development no longer needs the fire lane. The developer has purchased an additional fire hydrant. The removal of the fire lane would create more green space and provide a better buffer. The planning staff, the planning commission and the fire department all recommend it.

The hearing was then opened to public input. There were no voices in favor nor in opposition.

Councilwoman Ross said that, due to the recommendations of the fire department and the staff, she moved that the revised site plan be approved as recommended by the petition. Seconded and carried unanimously. Hearing closed.

MOSHIER SITE PLAN PUBLIC HEARING:

Planning Director Jones said he had been critical of the original parking layout; then a number of changes were recommended and the developer responded to most of the suggestions in the memo. The entire apex of the triangle has been landscaped. There is no access other than Harborview Drive. This provides cleaner circulation around the parking lot. The Planning Commission recommended

approval subject to several conditions:

1. Screening - heavy natural evergreens.
2. A parking agreement on the R-1 property that it remain R-1. Parking is permitted in the R-1 zone as a transitional use. Jones pointed out the intensity of the use if they agree.
3. Sidewalks. No policy has been set by the Council on that portion of Harborview Drive. This was left open to their requirements.
4. Lights. The commission recommended low-level lighting on posts not over four feet high.
5. Double striping on the parking lot.

Jones said the site plan works quite well now. The majority of the traffic flow is on Harborview Drive. This plan now has good access and better landscaping. Does not have design problems now.

The attorney recommended pinning down the type of evergreen--an evergreen could be a deciduous tree.

The landscaping was originally shown all on the right of way. It is now all on the site and is much more heavily landscaped.

Sidewalks - no long range plans for the area. Tannahill made no recommendations--it could develop on either side of the site.

Councilman Bunch questioned the low lighting. He felt the area could be subject to vandalism. Chief Snider said the building will have structural lighting. The parking lot light was kept low keyed as it is mainly in a residential area.

The council questioned the need for sidewalks at present. Also, they felt there could be a problem with only one access for fire protection's sake. Jones said the building is easily accessible from the roads on either side.

There were no voices in favor or in opposition.

Councilman Ekberg questioned Jones's original comment in his staff recommendation that the building was too large for the site. Jones said Moshier literally added to the site from the R-1 zone.

Parking spaces were discussed. Total spaces provided are 31 with a requirement of 25. The dining area seats 106 and the bar 55.

Councilman Ekberg, feeling the petitioner has met the requirements of the ordinance, moved that the site plan be approved as presented here with the recommendations that the Planning Commission made as to screening-- a strip not less than twenty feet wide of non-deciduous evergreens; strike number 3 regarding sidewalks, and include numbers 4 and 5. Councilwoman Ross seconded. Carried unanimously. Site plan hearing closed.

MOSHIER VARIANCE HEARING:

A variance of 10 feet 6 inches is requested, based on the height of the original building which is 25 feet 6 inches. The same height is requested to maintain the character of the building. The special condition that exists here is that the existing building is grandfathered. The petitioner wishes to maintain the architectural size. No view is obstructed. The remainder of the conditions are fulfilled.

Public input: None

Councilman Ekberg moved that the variance of 10 feet 6 inches be granted. Councilwoman Ross seconded. Carried unanimously. Hearing closed.

LINDNER SITE PLAN:

Jones said that Lindner wishes to remodel the existing garage on the site to RB-1 use. This is an intensification of the use and the entire site must be reviewed anew. The Planning Commission had recommended approval subject to:

1. Parking area to be asphalted.
2. Driveway to Pioneer Way eliminated.
3. Curbs and sidewalks provided.
4. Storm drains extended to the main storm sewer.

Staff recommends the site plan with the possibility that cross traffic be eliminated. There is a possibility that this parking lot could be combined with the Hunter lot next door and one access could thus be eliminated.

Public input: None

Councilman Ekberg said he had looked at the site and moved that the site plan

be approved with the four recommendations of the Planning Commission. He said he would like to see some cooperation between the two owners but confined his motion to this site plan. He said that his motion should include under #2 that this area should be landscaped. Councilman Jackson seconded. Carried unanimously. Hearing closed.

As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

Mayor Bogue said a letter was received from the Gig Harbor Library Board that Mrs. Ekberg is resigning. She accepted the resignation with regret.

SPECIAL GUESTS:

John Holman appeared on behalf of his previously approved variance. He requests amendment of condition. He wishes to place an enclosed garage within the current 20-foot setback instead of a carport eight feet from the front property line. The council had originally stipulated that an enclosed carport would not be permitted. Holman wishes to keep the addition in line with the original house and he wishes to keep the old variance but to amend the condition. He does not wish to undergo a long setback in having to go through the entire variance procedure again.

A discussion ensued whether this should come before the public since the original action took place at a public hearing. If not, it is a matter of interpretation. Attorney Hess said that the ordinance is unclear. He finds it to be a matter of degree and not type--if the council finds the same then they can consider what is placed before them tonight. The mayor said that there is historical precedence in this body for finding in lesser degree. Councilman Jackson moved that, since historically this type of decision has been made before, since we are finding in lesser degree, that we make the correction of the building line as stated. Councilman Ekberg seconded. Carried unanimously.

Jim Madden was present on behalf of the old Catholic Church building. Mayor Bogue said the building has been offered free of charge to the Historical Society. For various reasons they declined. The church must be moved because they need the land for parking. The building is now available to the town. It does need some maintenance. The mayor went on to say that the building does have some historical significance as it is one of only two mission churches in southern Puget Sound. Does the council wish to explore the matter further? Councilman Ekberg moved that the council ask for further information. Councilwoman Ross seconded. Carried with Councilman Bunch voting no.

REPORTS:

Public Works - Tannahill said we had such good results in selling our vehicles at the auction that he has decided not to advertise the two vehicles mentioned at the meeting of January 28 but will take them to the auction instead.

Gary went on to say that he had given the council a memo on storm drainage and asked their opinion. They would like further input from other towns.

Police - None

Planning/Building - Greg Jones explained the resolution form he has begun to use for transmitting Planning Commission recommendations. He said the form is used for clarification. Does the council wish their hearings set for February 25? Okayed.

Jones went on to report that his staff is working with Tacoma Utilities regarding permission to lay a water line along the Cushman power line right of way.

The building inspector is working at enforcing the sign ordinance.

Attorney - Bill Hess has submitted a draft on storm drainage in response to comments by Wick Homes and Peter Norman.

Hess went on to report that Tomlin did not show up at the hearing this morning. The Town is now involved in five lawsuits.

Mayor Bogue reported that she, Tannahill, and Jones had completed interviewing six engineering firms. They have narrowed it down to one firm and this firm can be re-interviewed before the council if they wish, or whatever the council desires. Councilman Ekberg felt it was basically an administrative function to make the choice. There is no matter of a contract. Kramer, Chin, and Mayo of Tacoma was chosen.

PIERCE COUNCIL LIBRARY CONTRACT:

Councilwoman Ross reported that the problem of gifts and donations has been solved to everyone's satisfaction. The after-hours use of the building has also been solved. The Town should control the maintenance and set the standards for the use of the building. Mayor Bogue suggested that a separate agreement be signed prior to signing of the Pierce County Library Contract. It is agreed that use of the building must be spelled out prior to the signing of the contract.

STATE MUTUAL SAVINGS BANK STORM DRAIN:

Attorney Hess said he had met with Mr. William Bergsten, the attorney for the bank. Bergsten wished to discuss some sort of compromise. He expressed his annoyance with the Town because the Town would not be very specific in its responses to him concerning the position the Town may ultimately take with regard to the storm drain that goes through the property because, so far, we have not said that it's ours by prescriptive right. We won't say it is because that is for the courts to decide and we won't say it's not--if we did it would then become a private storm drain that someone could do something with. No one has responded with specificity to him. Why should the Town give up any of it's possible options at this time?

Bergsten said if the Town does not claim it they are trespassing. He would be willing to tell his client not to sue if the Town would share in half the cost of relocating the easement.

Planning Director Jones said the Town would recommend the handling of the storm drainage problems no matter where it is located. It is the responsibility of the property developer to handle it--it is part of the site plan requirements.

Attorney Hess asked if the council wishes him to respond. The council said they would take it up under site plan review.

Councilman Jackson had further items to discuss:

The deli sign is still up at the dock. Jones said so far as he can see the sign is legal. It is in a C-1 zone and they are allowed off-site signs in that zone. Jones said he will research further.

Jackson asked about the latest illegally-parked boat at the dock. Tannahill said they found the boat belongs to a man who is imprisoned for illegal geoduck fishing.

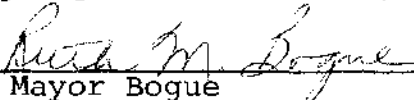
Jackson further asked if the old covered boathouse will be taken into account at the same time as the barge that is illegally moored. He was told yes.

Councilman Ekberg said he would prefer to see the Planning Commission vote tabulated in their resolutions as well as their minutes.

BILLS: Approved upon motion of Councilman Ekberg with second by Councilwoman Ross. Motion carried unanimously.

Meeting adjourned at 9:22 p.m.

Tape #85, S.1, 0-747



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - FEBRUARY 25, 1980

PRESENT: Mayor Bogue, Councilpersons Ross, Melton, Ekberg, Bunch and Jackson, Attorney Hess and Clerk Avery

ABSENT: None

PUBLIC HEARINGS: McGraw Variance
Doel Site Plan and Variance
Ryan Street Outfall

The public hearings were rescheduled for March 10, 1980, because of inadequate notification.

1. CALL TO ORDER: 7 p.m.
2. MINUTES: Approved as posted.
3. CORRESPONDENCE: a. Resolution from Planning Commission re George Borgen variance hearing. Scheduled before council 3-10-80.
4. SPECIAL GUESTS: a. Kramer, Chin & Mayo, Inc., base map presented and Dick Warren and Jerry Newlin, engineers for KCM, introduced.
b. Dan Munk, Daffodil Float committee, present with request for funds for the float from the Town for the Puyallup Daffodil parade. Referred to the Harbor Holidays committee.
5. REPORTS: Public Works - None
Police - Chief Snider had submitted a report and asked for comments. He was complimented on an excellent report.
Attorney - Bill Hess said the Tomlin appeal to the Civil Service Commission was withdrawn this morning. The five

lawsuits he previously mentioned have now been reduced to three.

6. COMMITTEE REPORTS: Mayor Bogue said she is continuing to work on the library contract.

7. OLD BUSINESS: STORM SEWER AGREEMENT: The council instructed the attorney to resubmit the contract based on the attorney's analysis of comments of developers.

PROPOSED LAND CLEARING ORDINANCE - 2nd Reading: Attorney Hess said the penalty section has been slightly rewritten.

Public Input: Bob Frisbee expressed concern re liability and suggested adoption of 1979 UBC, Chapter 70.

Gary Gerritzen feels that this is an erosion control ordinance and suggested that the name be changed.

Cclmn Ekberg moved that ORDINANCE #334 be adopted with a short title to read "Erosion Control & Land Clearing Ordinance", and to eliminate under Exemptions, the words ". . . dead, or. . ." . Cclwmn Melton seconded. Cclmn Ekberg modified his motion to include revised penalty section be utilized in accordance with the recommendations of Attorney Hess. Cclwmn Melton seconded the modified motion. Motion carried with Cclwmn Ross and Cclmn Bunch voting no.

8. NEW BUSINESS: MILEAGE REIMBURSEMENT ORDINANCE UPDATING - 1st Reading:

IN OTHER BUSINESS:

Ccmn Jackson again asked about the boat at the dock. The Chief of Police is attempting to notify the owner.

The "deli" sign has been removed from the piling and returned to its owner.

Planning Director Jones was asked to report next meeting on the developments with DNR re barges in water near Clay Hill.

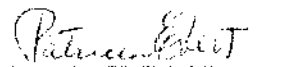
BILLS: Vouchers #2849 thru #2893 have been approved for payment this 25th day of February 1980.

ADJOURN: The meeting adjourned at 8:20 after a short executive session.

Tape #85, Side 1, 747-1282



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - MARCH 10, 1980

PRESENT: Mayor Bogue, Councilpersons Ross, Melton, Ekberg, Bunch and Jackson, Attorney Hess, Clerk Avery

ABSENT: None

1. CALL TO ORDER: 7 p.m. Cub Scout Webelo Den of Pack #264 presented the flag.

PUBLIC HEARINGS - DOEL SITE PLAN:

The plan shows 68 units in 17 buildings on 6.9 acres of land 400 feet south of Hunt Road on Soundview Drive. The main access is Soundview with a chained fire access off Hunt Road. Improvements to Soundview include sidewalks, paving to edge, and connection to storm drain. Project unanimously approved by the Planning Commission. The developers plan to retain much existing vegetation.

Public Input:

Allan Bond spoke in favor of the project.

Opposed were John Paglia, who questioned the paving off Hunt Road; Dick Kuehn, adjoining property owner, who felt there was too little screening and was concerned about water runoff; Steve Griswold was concerned about the pet population and the responsibility of maintenance; and Kate Griswold was concerned about the impact on the school.

Council Concerns:

Environmental checklist is 14 months old. Negative declaration issued.

Increased traffic and load? There will be room for a

lane on Soundview, if necessary.

Motion: Councilman Ekberg moved for approval with the inclusion of the eight recommendations of the Planning Commission. Melton seconded. Carried with Jackson voting no. Hearing closed.

DOEL VARIANCE REQUEST

Variance in height requested of 1½ feet for 7 of 17 buildings. Topography makes it impossible to maintain a uniform appearance without the variance. Grounds for variance do exist. No adverse effect on surrounding areas.

Public Input: In favor, Allen Bond, feels it impacts no surrounding area. Improves project for those that will live there.

Opposition: None

Council Concerns: Dan Jackson felt a variance should apply to extreme cases. Otherwise the developer should design the buildings to go with the topography. Councilman Bunch felt it was only a matter of changing roof styles and moved for denial. Motion seconded by Jackson. Motion failed to carry as Ekberg, Ross and Melton voted no.

Motion: Following the recommendation of the Planning Commission and Planning Staff, it was moved that the variance be granted for buildings 10 thru 16. Ekberg/Ross. Carried with Bunch and Jackson voting no. Hearing closed.

McGRAW VARIANCE REQUEST:

The principals request variance from B-2 zone parking regulations. The only parking now is on the street. With elimination of a building there will be four spaces. Requirement is nine. Building predates ordinance but since structural work is being done on the building the parking must meet the ordinance. Planning Commission recommended denial.

Public Input: McGraw said building would be improvement to the Town. They have gone to considerable expense buying property adjoining for parking.

Opposition: None

Council Concerns: Time limitation possible but felt to be unfair. Parking more than 50% short now. Would set a precedent.

Motion: That variance be denied. Bunch/Ross. Carried unanimously. Hearing closed.

BORGEN VARIANCE REQUEST:

A height variance of 3 feet requested over the back of an existing retail area. Only an office space. Building pre-exists current zoning. Addition to be no higher than existing building. No view affected. No fault of the petitioner. No adverse effect on any surrounding property.

Public Input: None

Motion: Since the Staff and the Planning Commission approve, it was moved that this variance be granted. Ross/Melton. Carried. Hearing closed.

RYAN STREET OUTFALL SUBSTANTIAL DEVELOPMENT PERMIT:

Proposal is to enclose drainage in 36" pipe all the way from Colvos Passage to Soundview Drive. Easements are required but are in process.

Public Input: None in favor

Opposition: Vern Garner questioned size of pipe. He was concerned over construction time. Will traffic be cut off?

Motion: Councilman Ekberg felt it was in best interests of health, safety, and welfare of the people and moved that it be approved as stated in Planning Commission Resolution #80-02. Seconded and carried unanimously.

2. MINUTES:

The new format of the minutes is an attempt to make reading easier.

Motion: Councilman Ekberg moved that the minutes of the February 28 meeting be approved. Ccwmn Melton seconded. Carried unanimously.

3. CORRESPONDENCE:

1. Letter from the Robt. Johnstons appealing the administrative decision re a railing on their deck. Attorney Duane Erickson presented their case. The building permit had been awarded by John Hodges but no mention was made of the required height of the railing. Then, on Dec. 19, the inspector advised her that the railing did not conform as it was 9" too low. The Johnstons are asked for relief on the basis that it would not conform with the original railing on deck. Also she maintained that she was never advised of specific requirement on height. Attorney Hess advised the council that they have no authority to lessen the requirements of the code.

Motion: Cclmn Bunch moved that the appeal be denied for the good of the Town. Seconded and carried.

2. Planning Director Jones asked that a hearing be set for March 24 for State Mutual Bank's site plan review.

4. SPECIAL GUESTS:

Rudy Moller was present re a proposed addition to the park at Sunrise Beach. Asks that the council write a letter to Park and Recreation Dept. and the County Commissioners that this addition land be acquired.

Motion: Cclmn Jackson moved that a letter be drawn up to Pierce County Parks & Recreation and the County Commissioners. Cclwmn Ross seconded. Carried unanimously.

5. REPORTS:

Public Works - Memo received from State re inspection of new access road. This acceptance was to be held in abeyance until landscaping is completed. Mayor will research.

Police - None

Planning/Building -

1. As part of a work-study program, DeeDee Watson is working on the comprehensive plan, a review of goals and objectives.

2. UAB project update: Bid opening scheduled for March 21. Easements remain with three yet to be received. Two owners require a portion of the right-of-way be vacated in exchange for the granting of the easements.

3. Tarabochia Barge Update: Tarabochia has requested a lease from DNR to park the barges there permanently. DNR has no enforcement powers.

4. Another 50-foot dock has appeared at the end of the Tarabochia dock that is involved in a lawsuit. Asks council concurrence to enforce using the attorney if necessary.

5. Goerig house. The building inspector is in process of implementing the abatement ordinance. The B/P Dept. feels the building should not be rebuilt but the insurance company is standing firm on rebuilding it. A private architect is to inspect the house for the Bldg. Dept. and it is hoped that this will influence the insurance company.

6. King Project. Contractual zoning stated that the right of way was to be deeded to the Town by 12/31/79. They did not comply--zoning is now null and void.

7. The Planning Commission has had a couple meetings with the State. They have been told that they must clearly state the findings of fact. They request that each member of the council note their reasons for voting on all motions. Attorney Hess feels that findings are implicit and reflect the intent of the body.

Attorney - Molgard Issue:

The attorneys were moving for repeal of criminal charges as it was essentially a civil matter. Instead, Molgard's attorney is now filing for Writ of Mandamus. Now the matter is back in criminal court.

Clerk-Treasurer: Received Corps of Engineers permit on Ryan Street outfall line.

6. COMMITTEE REPORTS: Re the Park and Recreation District report, the impetus was on need for utility service to the proposed park next to Harbor Heights school.

Councilman Ekberg is still working on a plan for a crossing guard.

7. OLD BUSINESS:

PIERCE COUNTY LIBRARY CONTRACT: Mayor Bogue had tendered a memo to the council. The library board has been agreed to the suggestions. If the proposed changes are incorporated, it goes before the attorney.

MILEAGE REIMBURSEMENT ORDINANCE UPDATE - 2nd Reading:

Motion: Cclwmn Melton moved to approve at 25¢ per mile. Cclwmn Ross seconded. Motion failed as Bunch/Jackson/Ekberg voted no. Motion to approve at 20¢ per mile. Seconded and carried unanimously.

TOWN DOCK ORDINANCE AMENDMENT - 1st reading:

Cclwmn Jackson requested adding "Subject to impoundment" to the ordinance. Attorney said we could proceed and find out if we can impound without the above addition spelled out.

Planning Director Jones said the Land Clearing Ordinance goes into effect on Wednesday. A newsletter concerning this and other information goes out with the utility bills.

8. NEW BUSINESS:CHAMBER OF COMMERCE MEMBERSHIP

Motion: That someone be appointed an ex-officio member with no funds expended. Motion by Cclwmn Jackson. No second - motion died. Cclwmn Ekberg moved that we thank the Chamber for the offer and that Greg Jones be appointed a contact person. Seconded and carried.

ORDINANCE BORROWING FUNDS TO PAY ENGINEERING COSTS:

First reading

ADOPTION OF 1979 UBC - First reading

Councilwoman Ross concerned that zoning ordinance provides inadequate parking for restaurants. Jones will take this into account in re-write of zoning code.

10. OTHER MEETINGS: AWC CONVENTION, Olympia, June 17-20

11. BILLS After a short executive session Vouchers #2894 thru #2950 were approved for payment upon motion, second & carry.

12. ADJOURN 10:53 p.m.

Tape #86, Side 1 all and Side 2. 0-68

Robert M. Bogue
Mayor Bogue

Patricia Ebert
Asst. Clerk

REGULAR COUNCIL MEETING - MARCH 24, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Ross, Bunch and Jackson, Attorney Hess, and Clerk Avery.

Absent: Councilwoman Melton

PUBLIC HEARING: STATE MUTUAL SAVINGS BANK SITE PLAN - SP-80-02 7 p.m.

The petitioner requests approval of a site plan for a bank with drive-in facilities, parking for 25 cars provided although only 12 spaces are required. Less than 25% of site is covered. Planning Commission recommended approval subject to relocation of storm drain, sidewalks, landscaping, and preservation of a fir tree.

Council questioned whether a drainage easement is required. Shy had work already started on site? Planning Director Jones said it was only utility work, relocation of the drain, and tearing down the old building.

Public Input: Bert Uddenberg, senior vice president, felt it would be a real asset and would quadruple their present parking.

No opposition.

Council: The circulation pattern was questioned. Fire flows okay. Building 14½ feet tall with partial basement.

MOTION: The site plan be approved as per Resolution #80-07 with the inclusion under #1 that a written utility easement be obtained by the Town. Ekberg/Jackson. Carried unanimously. Hearing closed.

MINUTES: Councilwoman Ross asked that the minutes reflect, under Reports #4, that the council did ask for enforcement on the dock. The secretary was asked to verify the tape. It was so verified. The minutes then stood approved as corrected.

CORRESPONDENCE:

1. Planning Commission request for amendment to RB-1 zone, adding "consulting services and business offices of a character similar to those listed above."
2. Request for amendment to existing conditional use permit to allow Elks Lodge to occupy VFW Hall. These set for hearing on April 14.

SPECIAL GUESTS: BOB COON OF DEPARTMENT OF NATURAL RESOURCES

Mr. Coon voluntarily appeared to explain the State's position regarding the barges moored off Clay Hill. He said a portion of the barges is within the Harbor area, and part is within the State-owned tideland. He said the problem the State has is that this is a navigation area and the DNR leases the navigation area. He realizes the Town is concerned with the appearance. There are problems with denying the use of the navigation area, but before any lease is granted the leasee must prove Corps of Engineers and Shoreline Management permission. An occupancy fee is charged for such unauthorized use; in this case \$78 per month. Mayor Bogue cautioned the council on the appearance of fairness doctrine and thanked Mr. Coon for coming to the meeting.

MURRAY ANDERSON, "THE WOODS"

Planning Director Jones said the failure to dedicate the road to the Town made the zoning contract for this project null and void. Attorney Anderson asked for modification of the contract to allow the project to go forward. He said the deed was not delivered by December 31 for various reasons. They now tender the deed. If the council accepts it the project can go forward. They plan to start construction this Spring. The interim and ultimate financing is assured. Attorney Hess found no problem and suggested the deed be accepted as tendered. Mayor Bogue noted that a clause was missing in the deed.

MOTION: The original contract be amended to accept the deed on March 24, 1980, and that the deed be subject to correction (the above omitted clause) and the engineer's approval of the legal description.

Ekberg/Ross. Carried unanimously.

MR. JACK SHIRLEY - BONDING CAPACITY REPORT

Mr. Shirley was complimented on the clear report. He recommended that some adjustment be made in the water rates. Councilman Ekberg was appointed to research this question.

REPORTS:

Public Works - none

Police - Chief Snider had submitted two memos:

1. Civil Service rules. The Council had had no chance to read this. Snider needs to present it at the May meeting of the Civil Service Commission and asks input by next meeting.
2. Security Ordinance - first reading. It was decided that public input will be called for. To be advertised and discussed next meeting.

Planning/Building:

1. Professional Service Agreement with KCM. Mayor Bogue, Attorney Hess, KCM and Jones approved it. Jones asked council approval.
2. Parners Financial formally requests vacation of a street. By resolution the council must set a hearing date. Council approved setting of a date that meets the requirements of the RCW's.
3. Lions and Kiwanis letters re violation of sign ordinance. It was felt that an entrance sign should substitute for the various church and club signs. Jones suggested the C of C be approached as a civic project.
4. Tarabochia Dock - Tarabochia was notified that he must apply for building permit and must comply with Shoreline Management. He has submitted an application for exemption from SMP and for a building permit. Since then, Kramer, Chin and Mayo visited the dock and sent a memo. If the dock is a public facility it is required to be safe for general public use. KCM found it to be too narrow and unstable. Jones said he cannot issue a building permit because of the memo and will so advise Tarabochia.
5. Memo on Alternative Land Use Control Systems: Jones said he would welcome a study session to discuss this. He will furnish further reading material to the council. A date for a joint study session will be proposed at the next planning commission meeting.

John Paglia, in the audience, asked Jones if he was aware that Tarabochia had brought in another dock and what is the Town doing about it? Jones said he was aware of it but has not yet had time to get to it.

OLD BUSINESS: JERISICH PARK DOCK ACCEPTANCE:

Clerk Avery said a letter from Parametrix verified that a sidewalk is now in place. IAC now asks the Town's acceptance.

MOTION: That the Town accept the completion of the dock. Ross/Jackson. Carried unanimously.

ORDINANCE BORROWING FOR STORM SEWER FUND - 2nd Reading:

The amount borrowed is \$6,000 at 15% interest for 180 days or less, from Current Expense to Storm Sewer Fund. ORDINANCE #336

MOTION: That Ordinance #336 be adopted. Ekberg/Ross. Carried unanimously. Jones said Wick Homes is ready to pay their share depending on the map and agreement.

LIBRARY BOARD APPOINTMENT: Mayor Bogue announced the appointment of Barbara Carlson.

UBC ORDINANCE - 2nd reading - ORDINANCE #337:

MOTION: To adopt Ordinance #337. Jackson/Ekberg. Carried unanimously.

TOWN DOCK AMENDMENT - 2nd reading - ORDINANCE #338:

This amendment adds impoundment to the Town Dock regulations.

MOTION: To adopt Ordinance #338. Ekberg/Jackson. Carried unanimously. Councilwoman Ross asked if this will be added to the existing sign. Attorney Hess said he would encourage the Town to add a sign to this effect.

ORDINANCE REQUIRING AN AUDIT OFFICER - 1st Reading.

NEW BUSINESS:HARBORVIEW DRIVE BID AWARD

Bids were opened on Friday at 11 a.m. Low bidder was Moss Construction of Des Moines. A good report was received on this company. The project will start 650 feet north of Novak and end approximately at the entrance of the light company. It was shortened to reflect the rate of inflation. It includes drainage, sidewalks, and paving. A discussion ensued on the easements not yet signed. Jerry Newlin, engineer with KCM, said tonight is only notice of award to contractor. We do not enter the contract now. The attorney said we would be asking for trouble if we award the contract without having obtained the necessary easements.

Motion: That we accept the bid and authorize the mayor to sign the contract contingent upon all right-of-way easements being acquired necessary to construct the project. Jackson/Ekberg. Carried with Counc. Bunch voting no.

BILLS:

Vouchers # _____ through # _____ approved for payment upon motion of Ross/Jackson. Carried.

ADJOURN:

9:30 p.m.

Tape #85, Side 1, 1280-end and
2, 0-659.

Richard M. Bogue

Mayor Bogue

Patricia Ekberg

Asst. Clerk

REGULAR COUNCIL MEETING - APRIL 14, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Ross, Melton, Bunch and Jackson, Clerk Avery.

Absent: Attorney Hess was called out of town.

PUBLIC HEARINGS: 7 p.m.

AMENDMENT TO RB-1 TEXT: This amendment adds "Consulting services and office uses of a character similar to those listed above" to the permitted uses within that zone. This change will require consideration of the character of a use rather than using a detailed list of uses to determine what is allowed in the zone. The Planning Commission and the planning staff had recommended approval.

Public Input: None

Motion: In light of the recommendation of the Planning Commission and staff it was moved that the proposed amendment to RB-1 zone as put forth in Resolution #80-08 be approved. Ekberg/Jackson. Carried unanimously. Hearing closed.

ELKS CLUB CONDITIONAL USE PERMIT:

It was explained that the Elks Club has petitioned to use the VFW Hall for themselves on a permanent basis. The VFW originally obtained a conditional use permit to use the property, zoned R-1, as a club. Other limitations were imposed later when the VFW expressed a desire to lease the building occasionally (118 occupants and 11 p.m. closure). The Planning Commission has recommended approval subject to the following four conditions:

1. That the concerns of the Public Works Director regarding the conditions of the access streets (Foster Street & Myers Lane) be acknowledged by the applicants and their agreement secured to accept responsibility for citizen complaints regarding any aggravation of the street situation created by their increased usage.
2. That the petitioners meet with the Chief of Police and arrive at a mutually acceptable timetable for compliance with that department's recommendations prior to occupancy.
3. That the petitioners provide the Town Council with a parking plan showing maximum anticipated vehicular usage and the method they intend to use to control the number of vehicles using the parking lot at any given function.
4. That all weekday activities cease at 12:00 p.m. (midnight) due to the location of the facility in a residential area.

Staff indicated that Roy Myers, the owner of the property, plans to pave the lot.

Councilman Bunch, a member of the VFW, abstained from the discussion.

Jack Short, a member of the Elks, said he had been unaware of the 11 p.m. curfew. He felt that midnight would be a more reasonable hour.

Councilman Jackson brought up the following for consideration: Noise, outdoor lighting, need for stop sign from Myers Lane to Foster Street, responsibility for further damage to Foster Street. Gary Tannahill agreed to keep Foster as safe and passable as possible. The building must be hooked to the sewer if the parking lot is paved. It was noted that all conditions should be agreed to by the Elks.

Public Input: In favor, Roy Myers said he saw no problem and he would be happy to cooperate in any way.

Elmer Larson anticipates no traffic problems. Usually there are no more than 5 to 10 cars.

There were no voices in opposition.

Motion: It was moved that the council accept the conditional use permit per Resolution #80-09, with the four conditions noted and with the following changes: That Item #4 is that all activity cease at 11 p.m. due to the location; that the parking lot paving and landscaping be finished prior to occupancy and the sewer be hooked up prior to occupancy. Ekberg/Jackson. Carried unanimously with the abstention of Councilman Bunch. Hearing closed.

MINUTES:

Councilman Jackson wished it noted that it was not in the minutes that Mr. Coon of DNR responded to the council. The tape was checked and verified. On page 173, under Planning/Building report, it should be noted that the Council did give approval to the signing of the KCM Professional Service Agreement. Otherwise, the minutes stood approved as corrected.

CORRESPONDENCE:

1. Resolution from Planning Commission re Booker variance. This was set for public hearing on April 28 at 7 p.m.
2. Mayor Bogue received a letter from the Puget Sound Council of Governments regarding the establishment of a Pierce County Area Council for children, ~~in the near~~. It will be circulated to the Council.

SPECIAL GUESTS:

Mary Barrett, Peninsula Youth Program, was present to request an extension of summer park closing hour from 8 to 9:30 on July 11 only, for the Summer Pops program. The council approved. The police dept. requests something in writing.

REPORTS:

Public Works - Harborview UAB project bid must be awarded before Thursday.

Motion: That the Town authorize the acceptance of the bid for the Harborview Drive UAB on the basis of the letter from Parametrix, Inc., dated March 24, 1980, and signed by George J. Capestany, which explains the feasibility of moving the Harborview Drive project road movement and the letter from Moss Construction, Inc., dated March 26, 1980, and signed by Herbert P. Moss, President, which states there would be no objection to realignment of the project and changes in slope easements, that the following additions to the motion be made:

1. That the existing design of the Harborview Drive project as shown by plans transmitted by the engineer be modified between stations 20+00 and 24+00 so as to move the road improvements toward the northwest;
2. and that the slope and drainage easements be shown along the easterly side of the road improvements between stations 20+00 and 24+00 be eliminated.
3. and all other necessary easements be signed in the possession of the Town no later than noon, Wednesday, April 18. Ekberg/Jackson. Motion carried with Bunch voting no.

Tannahill went on to report that he had inspected the portions of State property at 46th and at Pioneer and Kimball. The State will turn these over to the county if the town does not want them. Does the council wish to annex them? The Town should have control of the street to have jurisdiction over the traffic. We do have sewer and water lines in the triangle. Regarding the landscaping on 46th the mayor contacted Dan Dawson who contacted the Dept. of Transportation to tell them to get up there and get it done.

Motion: That, subject to the recommendation of the Public Works Dept., the frontage road portion and the triangle at Pioneer be accepted. Ekberg/Ross. Carried unanimously.

Regarding the study by KCM on the water system, mention had been made of a three-year interest free loan. Jerry Newlin said there is over \$1,000,000 in the account. The town must update the comprehensive plan and apply for grant. Councilman Ekberg suggested meeting with the parties involved before next meeting.

Police - Chief Snider had submitted a memo regarding Civil Service rules. He would like the support of the council prior to the C.S. meeting in May. This change would benefit the town through being able to hire more highly trained personnel.

Motion: To accept the proposed rules. Ross/Jackson. Carried unanimously.

Planning/Building - Greg Jones said a set of Planning Commission rules, prepared by Tim Johnston, has been placed in council member's trays.

Regarding the joint study session mentioned last meeting, Tuesday, April 22, at 7 p.m. was chosen.

Clerk-Treasurer - The quarterly expenditure runs were made last week and all departments are within their budgets.

The second Ross Avenue LID petition was received today.

Mayor Bogue noted that an exit conference was held with the State Auditor and only two problems were noted: Chief Tomlin and that the water rates were not high enough, ^{EX} TO ADEQUATELY MEET BONDING OBLIGATIONS.

Mayor Bogue reported that the Library Contract is still not signed.

OLD BUSINESS:

SECURITY ORDINANCE #339 - 2nd Reading:

Chief Snider said the cost factor is not significant. In answer to a question from Councilman Ekberg he replied that the proposed ordinance is already established in Seattle. It is too new to rate in many ways but Seattle feels that there has been a substantial reduction in burglary rates.

Motion: That we adopt the ordinance subject to wording by Attorney Hess that this ordinance does not apply to buildings already existing. Ekberg/Jackson. Carried.

AUDIT OFFICER ORDINANCE #340 - 2nd Reading:

The audit officer was determined to be the Clerk-Treasurer.

Motion: It was so moved that Clerk-Treasurer be inserted in the blank in the last sentence and the ordinance be adopted. Ekberg/Ross. Carried.

STORM DRAIN AGREEMENT - Postponed. John Paglia was present. He said his client was not opposed to granting the easement but requested a change in wording. Mayor Bogue told him that our attorney was unfortunately out of town. We cannot act without his advice. Paglia said he was willing to grant a right of entry.

NEW BUSINESS:

AMENDMENT TO TEXT OF RB-1 ORDINANCE - 1st reading.

DOG LICENSE AMENDMENT - 1st reading. Councilman Bunch was opposed to any increase in dog license fees.

REVISION OF BUSINESS LICENSE ORDINANCE - 1st reading:

Motion: That this be the first reading of a business license fee increase and the amount of the fee increase be determined next meeting but not less than \$20. Ekberg/Jackson. Carried by Councilman Bunch voting no.

TRAFFIC CITATIONS

AND OUTSTANDING

POLICE UNION CONTRACT:

This covers uniformed police officers but the Clerk Avery explained that the police clerk has been added to their contract at a 10% cost of living increase.

Motion: That the council authorize the mayor to sign the police union contract. Jackson/Melton. Carried.

OTHER BUSINESS:

Councilman Jackson said he gave everyone a copy of the PTBA memo re their procedures. Asked if the council wished county transit to come as special guests next meeting. The council said they would like to think about it.

Jackson went on to ask if security measures have been taken to protect our town equipment. Tannahill assured him that all precautions that are available are being taken.

The garbage cans are overflowing at the town dock. Tannahill said two more cans will be furnished tomorrow.

Why do we need to keep the stop sign at Grandview and Stinson? It was agreed to retain the sign as walking school children need protection as they have no sidewalk.

Councilman Jackson asked what has been done about the barges. Jones said the letter has gone out to the barge owner.

Mayor Bogue asked council members to:

Check in Wednesday about noon regarding the UAB Harborview Drive easement.

IF THEY WISH TO APPROVE THE

~~think about~~ expenditure of funds accruing from sale of surplus equipment *OR IF WE CAN HANDLE IT ADMINISTRATIVELY.*

THE CONSENSUS WAS THAT IT IS AN ADMINISTRATIVE MATTER.

BILLS:

Vouchers #2982 through 3044 approved for payment upon motion of Councilman Ekberg. Seconded and carried.

ADJOURN:

9:20 p.m.

Tape #85, Side 2, 660 to End and
#87, Side 1, 1-109

Neal M. Bogue

Mayor Bogue

Patricia Ebert

Asst. Clerk

REGULAR COUNCIL MEETING - April 28, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Bunch and Jackson, Attorney Hess and Clerk Avery

Absent: None

PUBLIC HEARING - 7 p.m. BOOKER SETBACK VARIANCE:

Planning Director Jones explained that the applicant wishes to add a garage and boat storage building on his lot. The staff and the Planning Commission both found that the application met only one of the four conditions necessary for the granting of the variance. The Planning Commission had recommended denial of the request. Construction had been started prior to obtaining the necessary permits.

Public Input:

Herbert Shuey, 8323 Goodman Dr NW, owns property adjacent to the Booker property. Mr. Shuey feels the setbacks should be maintained in a residential area.

Brooks Cumbie, Stanich Avenue, owns property west of Booker. He said Mr. Booker previously obtained a side setback variance and sees no justification in granting another one.

Darlene Hancock, north of Booker, said she is opposed on the grounds that it is a flammable use too close to the property line.

Barbara Glasscock, Stanich Avenue, feels the ordinance should be complied with.

There were no voices in favor. Mr. Booker was not present.

Motion: In recognition of the people here tonight, on the recommendation of the Planning Commission and the Planning Staff, and the fact that it meets only one criteria, the variance be denied. Ross/Ekberg. Carried unanimously. Hearing closed.

MINUTES:

Mayor Bogue corrected the minutes of the last meeting as follows:

- Correspondence, put period after "children."
- Reports, pertaining to the exit conference with the auditor, add "Ex-chief Tomlin and the outstanding traffic citations." and after enough, add "to adequately meet bonding requirements."
- Before Bills, add "If they wish to approve the. . ." and delete "think about." After equipment add, "or if we can handle it administratively. The consensus was that it is an administrative matter."

Motion: To approve the corrected minutes. Jackson/Melton. Carried unanimously.

- CORRESPONDENCE: 1. Notice of Intent to Annex Petition - submitted by Jim Madden on behalf of a group of property owners on Hunt Road. An R-1 zone should apply here except that most of it is developed as duplexes. Clerk Avery asked the council if they wished to proceed and said a cost/benefit study will be made.

Motion: To ask the staff to proceed with the annexation proceedings for this particular parcel. Ekberg/Ross. Carried unanimously.

2. Peninsula Elks Lodge Letter - The Elks wish reconsideration on the hours of operation and request a three-month delay in paving of the parking lot. Members of the lodge were present. Among their arguments was that the apartment house tenants do not object to extended hours and that their ritualistic program cannot be completed within the 11 p.m. time frame. They are willing to abide by the 11 p.m. closing week days but request two a.m. closing for Friday and Saturday nights.

Mayor Bogue asked Attorney Hess if action on this request was possible outside of a public hearing since the original action was taken at a public hearing. Attorney Hess answered that a public hearing would be necessary only if the use were expanded. The council can modify without a public hearing because everything of this nature was discussed at the prior hearing.

There was a great deal of discussion with Councilman Ekberg feeling there was no reason to amend the previous motion to Councilman Jackson saying he had no objection to 1 p.m. on either Friday or Saturday. Councilwoman Melton suggested a 90-day interval, sort of a trial period, and publication in the newspaper.

Motion: That a closing hour of 12 p.m. be adopted with either Friday or Saturday at 1 p.m., with a 90-day interval to surface the parking lot, a notification to residents that a public hearing will be held if objections are received. Motion by Jackson. Attorney Hess felt it was an improper motion and it died for lack of a second.

Motion: That motion of April 16 stand except for the 90-day extension. Motion by Ekberg. This motion also died for lack of a second.

After a short recess the mayor asked Jones if it were readvertised as a public hearing would it have to go before the Planning Commission or just the Council. Jones replied that it would not have to go to the Planning Commission.

Motion: That this appeal be reconsidered at a public hearing for the 90-day extension of the paving of the parking area and the hours of operation. Melton/Ross. Carried unanimously.

3. Harbor Heights Assembly of God letter - The church requests permission to have a mobile home on the property to use as a school on an interim basis for one year. The ordinance specifies 30 days with the permission of the chief of police. It may be extended an additional 90 days with council permission. The council felt there were many problems here that should be addressed by the staff. They asked that it be postponed to next meeting.

4. Planning Commission Resolution #80-11 - A hearing date needs to be set for the Galbraith site plan amendment. This was set for May 12.

SPECIAL GUESTS: Ralph Shulich Jr. Plat Bond

Ralph Shulich Jr., developer of the Mitts Addition, asked that the bond be accepted. Planning Director Jones said his staff reviewed it and found that the engineer must concur in the amount of the bond. Councilman Ekberg wondered if it could not be accepted pending the concurrence of the engineer.

Motion: Rather than delay the acceptance of the bond, it was moved that, upon the recommendation of the Planning Staff and Public Works, that the bond be accepted subject to the review and concurrence of the engineer. Attorney Hess counseled on the conditions of the bond and the motion was withdrawn. Further discussion revealed that the bond is with United Pacific, a firm with a fine reputation, and is a standard bond with a set-aside letter.

Motion: The motion was then resubmitted with the stipulation that the drain tile that is currently on the site must remain on the site. Ekberg/Ross. Carried unanimously.

REPORTS:

Public Works

1. Contractor will start Monday on Harborview Drive. The old fire station property will be used as a construction yard.
2. On Judson Street there is 210 feet of pavement that is one continuous patch. Tannahill had received bids of \$3100, \$3900, and \$4500 to repave. Spadoni's was the lowest.

Motion: To accept the Spadoni bid of \$3100. Jackson/Ross. Carried unanimously.

Police - None

Planning/Building - A complete land-use survey of the Town has been completed by the staff. Statistical information is being developed. This work will be the basis for a new comprehensive plan.

Attorney - Negotiations resulting in acquisition of the easement from the Skansi brothers--the Skansi's did convey the easement to the Town. The amount of cost was changed from the original \$975 to \$1100 to reflect the rate of inflation. They are asking attorney fee of \$200, and there is an additional \$200 to assist in the cost of defraying the Threat of Eminent Domain. The Skansi's request a total of \$1500.

Motion: That this matter be included in the executive session that is planned. Ekberg/Melton. Motion failed with Ross, Bunch and Jackson voting no.

Motion: That the Skansi's be paid a total of \$1300, less the attorney fee. Ekberg/Jackson. Carried unanimously.

REPORTS OF COMMITTEES: WATER RATE STUDY

The current water rates generate sufficient funds to meet expenses but do not meet the bonded indebtedness. The proposal is a 20% rate increase from \$4.25 to \$5.10 and the overage increased from 30¢ to 36¢ per hundred cubic feet. The minimum cubic footage rate is still to be determined. This is considered the first reading of the ordinance.

WATER SYSTEM STUDY

This was heard at the same meeting. Loans are available to pay for this. All department heads favored the study as it directly affects the future of the town and the long range planning. Clerk Avery said he would like to see the increased degree of revenue from the rate increase so we could know

how much money we would have available to repay the loan.

Jerry Newlin, of KCM, said the only thing necessary is the time to process the application. There is no obligation or commitment until the Town has accepted the loan. Grant money is very tight now and it is only available for improvements to an existing system. KCM would offer a computer analysis of our system.

Motion: To instruct KCM to make the loan application. Ekberg. Seconded and carried with Bunch voting no.

STORM SEWER DRAINAGE AGREEMENT:

Attorney Hess said this agreement incorporates all requested information with the exception of their request that we get more specific in details of the late comers agreement. There was one small typographical error: p. 2, line 13, change wich to wish. Peter Norman said his main comment was responded to. If the deposits are put into interest-bearing accounts as quickly as possible then the interest generated could accue to the benefit of the depositors. Mark Smith agreed with Norman's comment but said he was also concerned with the late comers agreement. He would like to see it locked up.

Attorney Hess said his concern with the late comers agreement was that it was too difficult to assess something so indefinite as storm water runoff. He said he cannot resolve it but if the developers come forward with conditions that will be okay. Norman asks if there is a provision to return accrued interest to the depositor and if there is a not-to-exceed date to begin construction or refund the money. Attorney Hess answered "earliest reasonable" acceptance of bids.

Jerry Newlin offered to submit their model ordinance.

Motion: That the Council instruct the mayor to sign the agreement. Ekberg/Melton. Carried with Bunch voting no.

At this point Councilwoman Melton was excused and left the meeting and the executive session which ensued.

- REPORTS, continued:
- Mayor 1. Negotiations with the union representing the non-uniformed employees of the Town are now going into mediation as the contract has been rejected.
 2. Library contract: This was postponed to next meeting.
 3. All attempts to relocate the old Catholic Church have failed and the plans now are to burn it. July 1st is the deadline to find a new location. Mayor Bogue said she will talk with Commissioner Bujacich and with Jim Madden.

Councilman Jackson again asked about the PTBA. He feels the Town should become a member. The cost is only .3 of one percent to be paid out of sales tax. He feels there have been some significant changes and asked if the council would care to hear from Mr. Kosai or Mr. Strege. The council agreed to hear from them if they could agree to provide immediate service.

SECOND READINGS:

ORDINANCE AMENDING RB-1 ZONE - ORDINANCE #341

Motion - To adopt Ordinance #341. Ekberg/Ross. Carried with Councilman Bunch abstaining.

ORDINANCE AMENDING DOG LICENSE FEES - ORDINANCE #342:

The amount of the suggested fee was \$5.00

Motion - To adopt Ordinance #342 - Jackson/Ekberg. Carried with Councilman Bunch voting no.

ORDINANCE AMENDING BUSINESS LICENSE FEES

Motion: That the ordinance amendment be properly advertised to be not less than \$20. This is to be a public notice. Jackson/Bunch. Carried unanimously.

OTHER OLD BUSINESS:

Councilman Jackson questioned the following:

1. The illegal dock off Vernhardson.
2. Changes to the zoning system. Greg Jones felt this was to be postponed one meeting.
3. Could he get his agenda Wednesday.

NEW BUSINESS:RESOLUTION CANCELLING OUTSTANDING WARRANTS #143:

One payroll warrant and one claim fund warrant have been lost:

Motion: That the outstanding warrants be cancelled. Bunch/Jackson. Carried unanimously.

RESOLUTION AUTHORIZING HEARING DATE FOR STREET VACATION - #144 - Date set for May 27 at 7 p.m.

Motion: That resolution #144 be adopted. Jackson/Ross. Carried unanimously.

BILLS:

That Vouchers #3045 through 3077 be approved for payment.

Motion: Jackson/Ross. Carried.

Meeting adjourned at 10:45 p.m.

Tape #87, 109 to End and Side 2, 0-007

Ruth N. Bogue
Mayor Bogue

Patricia Ekberg
Asst. Clerk

REGULAR COUNCIL MEETING - MAY 12, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Ross, Melton, Bunch and Jackson, Clerk Avery and Attorney Hess

Absent: None

PUBLIC HEARINGS:7 p.m. ELKS CLUB CONDITIONAL USE PERMIT APPEAL:

Planning Director Jones said the hours of operation are the main consideration and they ask for time to pave the parking lot. Since extension of the hours of operation would be an unknown quantity it would be a good idea to review the permit a year from now. Research of the minutes had divulged that the VFW was granted prior approval to operate until midnight. The Elks request midnight closure with Friday and Saturday nights until 2 a.m.

Public Input: No one spoke for or against the request.

Motion: That a 90-day extension for paving of the parking lot be granted and that the hours be set at midnight with special conditions past midnight upon petition to the mayor's office and yearly review. Jackson/Ekberg. Attorney Hess said the delegation of authority in this motion is wrong. In not setting forth any standards it becomes discretionary with the staff.

Amendment: That the special conditions are to be applied four days a month, Friday & Saturday only. Jackson/Ekberg. Amendment carried. Motion carried.

GALBRAITH SITE PLAN:

Mr. Galbraith requests an amendment of the Pioneer Square site plan in order to add to the last building. The addition would be identical in architecture and with a minor increase in intensity of use. It meets all technical requirements of the ordinance. There would be no significant impact. There have been no adverse comments. The staff and the Planning Commission recommend approval.

Public Input: Tom Galbraith was present and in favor of the addition. There were no comments in opposition.

Motion: That the site plan amendment be approved. Bunch/Ross. Carried unanimously.

CABLE TV RATE INCREASE:

Mr. Irwin of CA-TV was present. He said they are now requesting their second rate increase. Their company is faced with the same economic problems as everyone else. They have added 40% to their product line but are requesting an increase of only 11.3%.

Public Input: None

Motion: That the rate increase be approved as requested by CA-TV. Jackson/Ross. Carried unanimously. Hearing closed.

MINUTES:

Councilman Jackson questioned the statement by the Elks Club members concerning the 11 p.m. closing and the "ritualistic time frame". The secretary was asked to check on this. The actual wording was "an 11 p.m. closure would not allow us to perform our normal ritualistic performance." The minutes then stood approved as posted.

CORRESPONDENCE:

1. Resolution #80-12 from the Planning Commission needs a public hearing set before the council. May 27 at 7 p.m. was set.

REPORTS:

Public Works: The UAB project is proceeding well, Tannahill said, but he would like to lower the speed limit in the construction area and 200 feet outside the area in each direction. He would like a self-cancelling resolution that specifies 20 m.p.h. The police dept. said the intent is to prevent damage and they asked the Peninsula Gateway to publish it.

Motion: That resolution #145 be passed. Bunch/Melton. Carried unanimously.

SPECIAL GUESTS"

TIM STREGE, PTBA:

Commissioner Bujacich was also present, saying he was highly in favor of the project.

Strege said that if Gig Harbor joins the PTBA they will provide at least contingency planning for this area. There was a great deal of public input from interested citizens dealing with potential ridership, method of membership, need for serving outlying areas, what the rate structure might be, needs of the school district and college students.

Strege explained the procedure for beginning annexation. He said if the annexation passes we could expect service within three to six months. He was asked when taxation would begin. A. "Probably the time lag means three months."

Strege was thanked for his presentation.

After a recess the meeting was recalled to order and Councilman Jackson called for some action on the PTBA.

Motion: That the staff make up a sample resolution and the Council give it consideration at the next meeting in light of the July deadline. Jackson/Ekberg. Carried.

REPORTS:

Planning/Building

1. The land-use survey in rough statistics has been completed. The information is being extrapolated and the report will be forthcoming. The economic base studies will be in process soon and they are continuing with their mapping program.

2. Regarding his memo on the zoning ordinance, he would like concurrence from the Council to do a rewrite and then continue with the comprehensive plan. The members of the Council indicated their agreement.
3. There are some technical difficulties in the Shoreline Management regulations regarding "fair market value." He would like to interpret this to mean construction cost.

Motion: That "fair market value" be interpreted to mean construction cost. Ross/Ekberg.
Carried.

Clerk Treasurer: Clerk Avery said he had a letter from the State Liquor Control Board regarding the expiration of most liquor licenses in the Town. If the council has no objection these licenses will be reissued. No objection.

COMMITTEE REPORTS: Library Contract

Motion: That the contract be signed by the mayor. Ross/Melton. Carried.

OLD BUSINESS:

BUSINESS LICENSE FEE REVISION - ORDINANCE #343 - 2nd Rdg.

Motion: That the revision of license fees be set at \$20. Ross/Jackson. Carried.

WATER RATE REVISION - ORDINANCE #344 - 2nd Reading:

Councilman Bunch questioned the staggered rate for apartments. He felt it should be a flat rate.

Motion: That rates be raised as recommended except that apartment rates be changed to the same as single units. Bunch/Ekberg. Carried.

HARBOR HEIGHTS ASSEMBLY OF GOD CHURCH MOBILE HOME:

Planning Director Jones had issued a staff memo that the current ordinance makes no provision for mobile homes past the initial 30 days and the ninety-day extension. If you wish to extend permission to one year the ordinance must be amended. Otherwise, a 90-day permit can be issued allowing time for amending the ordinance.

Discussion involved public gathering restrictions, the liability standpoint of the Town, and the fact that the fire marshal must approve the use of the mobile home making it an automatically self-limiting use.

Motion: That the 90-day extension be granted with the understanding that was made by Mr. Hess regarding public gatherings. Ross/Melton. Carried with Councilmen Bunch and Jackson voting no.

OTHER BUSINESS:

ORDINANCE AMENDING CA-TV SUBSCRIBER RATES, first reading.

SEWER ASSESSMENT UPDATE, first reading.

Budget Process: Clerk Avery will do an analysis of the different types of budgets.

BILLS:

Vouchers #3079 to 3116 approved for payment upon motion. Ekberg/Ross. Carried.

ADJOURN:

9:13 p.m.

Tape #87, 007 to 688

Mayor Bogue

Patricia Ekberg

Asst. Clerk

REGULAR COUNCIL MEETING - MAY 27, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Melton, Bunch and Jackson, and Attorney Hess
 Absent: Councilwoman Ross was out of Town and Clerk Avery was not present.

PUBLIC HEARINGS: 7 p.m., PARTNERS FINANCIAL STREET VACATION REQUEST

Planning Director Jones said the council members' packets contain a research of the history in some detail. The original design of the road is dated 1920. In 1949, the bulge was taken out and the road realigned. There has been extensive research by Parametrix, KCM, and the staff, but there is no record of this originally being acquired by a public agency. A new right-of-way was acquired when it was needed in 1949. Perhaps it was a proscriptive right-of-way and then relinquished. Since we do not need it and it bears a cloudy title, staff recommends that it be vacated.

Public Input:

In favor, Richard Pierson, attorney for Partners Financial, urged council approval.

There were no voices in opposition.

The council questioned possible exchange of ownership, right to a fee for vacation, the possible use by the Town as a viewing point in the future, and the possible social value to the citizens. The council asked the staff to meet with the parties concerned and come up with a compromise proposal, whether to deed all of it, or deed a portion and keep a portion.

Motion: To table pending the negotiations.
 Ekberg/Melton. Carried unanimously. Hearing closed.

#Z-80-02 - AMENDMENT TO SECTION 17.84, PETER NORMAN

Under current zoning regulations rezoning becomes void 12 months after that rezoning takes place if development is not undertaken before the 12 months is up. The amendment reads, "The Council may, upon recommendation of the Planning Commission may extend the time beyond 12 months." Oftentimes, in a project of this size, it is not possible to develop within the 12-month time frame. Town Planner Jones said there are two alternatives:

1. Allow the Council to simply extend the time limit beyond the 12-month period.
2. Delete the requirement altogether. When a decision is made to rezone you assume that the rezone is permanent--provided that zoning is based on logical standards and planning.

Public Input:

Joe Hoots felt that the rationale of the amendment should be wiped out.

Peter Norman, leasee of the Stroh property, favored elimination of the clause.

There were no voices in opposition.

Attorney Hess recommended that the Council simply delete the time period as time has no bearing on rezones.

Mayor Bogue said this is considered the FIRST READING of the amendment to the ordinance. Jones said that Mr. Norman has requested an extension. That should be considered if necessary after a final decision is made on the amendment.

MINUTES: As there were no corrections or additions the minutes of the meeting of May 27 stood approved as posted.

CORRESPONDENCE:

1. Application for Class C liquor license from Pastries Continental. No objection from the council.

SPECIAL GUESTS:

Heath Page, a Boy Scout working on his Eagle badge, proposes a project dealing with historical sites and would involve historical markers. He is working with the Historical Society and he would like to place signs on four-foot posts in two residential areas--St. Nicholas Church and Lincoln School.

Town Planner Jones said our sign ordinance does not address such markers at all. Council discussion revealed that it is their intent to find these markers institutional signs and they would be permitted under our ordinance. Page was told to apply for a permit.

REPORTS

Public Works Tannahill said the UAB project is moving right along. Tannahill went on to suggest that 56th Street be annexed along with the Scannell short plat, which action is to be taken tonight. The street is in good repair. Postponed to that point in the agenda.

Police Dept. None

Planning/Building - Jones told of receiving an offer of a grant from the DOE for \$7200. This includes \$3000 for administration of the Shoreline Program, and \$4000 for updating the Plan. He will furnish information to the Council tomorrow.

Attorney - The Town is now involved in three lawsuits and the disposition of each is as follows:

1. PCFD #5: probably will be dismissed.
2. Novak Street, Cloud, and Bujacich - Continued by agreement regarding compromise and settlement.
3. Molgard Property- Criminal trial set in Superior Court in October.

OLD BUSINESS:

CABLE TV RATE INCREASE: ORDINANCE #345

Motion: Ekberg/Melton. Carried unanimously.

PTBA RESOLUTION #146:

Motion: That, based on Strege's proposition and the letter from Mr. Kosai, the Town annex to the PTBA.

Jackson/Ekberg. Carried with Bunch voting no.

EQUALIZATION CHARGE IN LIEU OF ASSESSMENT ORDINANCE:

Postponed to next meeting.

OTHER OLD BUSINESS:

Councilman Jackson asked about Booker, "Has he responded?" This referred to a recent variance request for a rear set-back variance for a boat shed. The building department had received word that Booker intended to make it a fence.

NEW BUSINESS:

FINAL APPROVAL SCANNELL SHORT PLAT:

This had been reviewed by the engineers and Dr. Hruza. Scannell proposed division into four lots with the elderly housing proposed for Lot 3.

Ron Pemberton purchased the property from Scannell. He said it was submitted to HUD for 60 units but HUD gave permission for 25 units only. He has only until June 15 to get this done.

The council went on to discuss the plat.

Motion: To approve the Scannell short plat.

Ekberg/Jackson. Carried unanimously

Regarding the annexation of 56th Street, Tannahill was requested to start the annexation process.

Councilman Jackson brought up the garbage problem in the new park. It was decided to replace the containers with 25-gallon drums with swinging lids.

OTHER MEETINGS: PSCG workshops at Seattle Center, June 7-10.

OTHER BUSINESS:

Councilman Ekberg asked about the Goerig house. This came before the council previously. It is located on the corner of Ryan Street and Rainier Avenue and is the subject of the abatement of dangerous buildings ordinance. The insurance company refuses to pay the cost of destruction--only restoration. The Goerig's attorney has appealed to the Insurance Commissioner.

BILLS: Vouchers #3119 to 3160 approved upon motion.
Ekberg/Melton. Carried unanimously.

ADJOURN: 8:52m. Tape #87, Side 2, 685-End

Tape #88, Side 1, 0-65

Kath M. Bogue
Mayor Bogue

Patricia Ebert
Asst Clerk

TOWN COUNCIL MEETING - JUNE 9, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Melton, Ross,
Jackson and Bunch, Attorney Hess, and Clerk Avery

Absent: None

CALL TO ORDER: 7 p.m.

PUBLIC HEARINGS: None

MINUTES: As there were no corrections or additions the minutes of the last meeting stood approved as posted.

CORRESPONDENCE: Planning Director Jones had received a request from the Assembly of God Church to allow them to retain the mobile home on the site.

Motion: That staff review the subject matter and report by June 23.
Jackson/Melton. Carried.

SPECIAL GUESTS: None

REPORTS: Public Works - None

Police None

Planning/Building: Planning Director Jones had submitted a staff memo regarding the administrative handling of short plats. The Council indicated their concurrence with the memo. No formal action was taken.

Clerk-Treasurer - Clerk Avery had received a letter from KCM regarding the Ross Avenue LID petition. KCM said more than a majority had signed it and it is a legitimate petition. The engineer should be authorized to proceed in determining the preliminary assessment and construction cost.

Motion: To authorize the engineer to proceed.
Bunch/Ekberg. Carried

OLD BUSINESS: ORDINANCE AMENDING SECTION 17.84.040
Second reading. The mayor asked the attorney if he had checked it over. The attorney said he had not seen the amendment. He did say that APPROVAL becomes void, not the variance. This was postponed to next meeting to allow the attorney more time to look it over. Peter Norman wished to know where he now stands. The Council assured him they found no problem with the intent.

PARTNERS FINANCIAL STREET VACATION REQUEST:
This had been postponed from the last meeting to allow the staff to meet with the petitioner and come up with a compromise. Planner Jones said there was no problem with the proposal--his only concern was that the area set aside for the viewing area should be approved by the Town instead of leaving it to the petitioner's discretion. Jones suggested adding, "in a location agreeable to the Town". The petitioners saw no problem with that.

Councilman Ekberg did not wish the agreement to imply that this is to be the ONLY public access to be set aside. Councilman Jackson wished the proposal to read "not less than" rather than "approximately," and he agreed it should state "in a location acceptable to the Town."

Motion: That we accept the street vacation with consideration regarding the 400 square foot size, and to read that it be "not less than" rather than "approximately" and is to be accomplished as part of the development of subject property.
Jackson/Ekberg. Councilman Ekberg said he seconded the above implication. The requirement does not necessarily satisfy the public access provision. Carried.

SEWER EQUALIZATION CHARGE: This was to be the second reading. Since it is again postponed Mayor Bogue said it must now return as a first reading.

NEW BUSINESS:

MITTS ADDITION FINAL PLAT:

All corrections have been made that were required. There is a bond in hand with a letter from the bank backing it.

Motion: That, upon the recommendation of the staff the plat be accepted.
Ekberg/Bunch. Carried unanimously.

OTHER BUSINESS:

A question was asked about the DOE grant that was discussed last meeting. This will re-establish inventory and update the program in conjunction with the update of the comprehensive plan. It does need a motion for acceptance.

Motion: That the mayor be given the authority to sign. Jackson/Ross. Carried unanimously.

ORDINANCE VACATING A PORTION OF HARBORVIEW DRIVE: First reading.

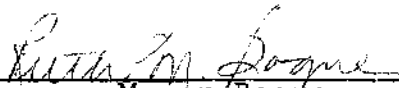
BILLS:

Vouchers #3161 through #3190 approved upon motion: Ross/Melton. Carried.

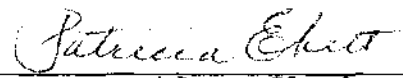
ADJOURN:

7:47 p.m.

Tape #88, S.1, 65-259.



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING: JUNE 23, 1980

Present: Mayor Bogue, Council persons Ekberg, Ross, Melton, Bunch, and Jackson, Attorney Hess and Clerk Avery.
Absent: None

CALL TO ORDER: 7 p.m.

PUBLIC HEARINGS:

AMENDMENT TO SITE PLAN, STATE MUTUAL BANK

Planner Jones explained that there was recent disclosure of an easement from the original owners to Nick Tarabochia for access and utilities. It is 40 feet wide and stretches across the back of the property. This is reserved and the bank cannot use it. The bank will lose four parking spaces but they are still above the required amount of parking. There is a potential for traffic conflicts in the drive-up lane unless six spaces are for employees parking only. The Planning Commission and the staff recommend approval with the provision that these six spaces be signed "Employee Parking Only."

The council questioned the possibility of requiring landscaping in the easement, the loss of trees in the easement, possibility of angle parking next to the drive-up lane, and the need for one-way signs to be clearly posted.

There will be a six-foot cedar fence to be used to screen the easement. There is no possibility of requiring landscaping in the easement, Attorney Hess told the council.

There were no voices in opposition.

Motion: That we approve the site plan amendment with the stipulation of the staff and the Planning Commission for signed parking and that insurance for additional screening be a six-foot cedar fence.
Ross/Jackson. Carried with Councilman Ekberg voting no and Councilwoman Melton abstaining. Hearing closed.

GALBRAITH PIONEER SQUARE SITE PLAN ADDITION:

This is the second addition to the Pioneer Square site plan in recent weeks. This addition is for 1200 square feet of office space. It is the same design as the rest of the buildings. More parking than required has been provided. Planner Jones said his only concern was how the access way to the Thrift Shop is to be treated. Tom Galbraith agreed that it could be delineated. Jones added that the staff and the Planning Commission require it as a condition. They propose to issue no occupancy permit until it is done.

Tom Galbraith said the reason for leaving the access open was so that they could finish the buildings and then take a look at it and see what needs to be done.

There were no voices in opposition.

Councilman Ekberg recommended screening along the southern side of the property.

Motion: That the amendment to the site plan be approved with the condition that prior to issuance of an occupancy permit by staff that the developer submit a landscaping plan with the proposed landscaping and finalization that it not become a through street and screening on the southern side that abuts the R-1 zone. Councilman Bunch seconded. Councilman Jackson amended the motion to include that landscaping be accomplished within a certain time period and that a bond be obtained. Councilman Ekberg seconded the amendment. Amendment carried. Original motion carried. Hearing closed.

JOHN LAMB OF Municipal Research and Services spoke to the Council about the adoption of the Optional Municipal Code. Councilman Ekberg recommended that we continue to pursue information from the staff and various other municipalities on this subject.

MINUTES: As there were no corrections or additions the posted minutes of the last meeting stood approved.

CORRESPONDENCE: Resolutions #80-15 and #80-16 from the Planning Commission need hearing dates set. July 14, 1980, at 7 p.m. was set.

There were letters from the Liquor Board regarding license transfers for Willis and Dugger and from the El-Rey Restaurant to Song See Church.

The council had no objection.

SPECIAL GUESTS:

Connie Schick was present to clarify why the Chamber of Commerce wishes to seat the Town as a non-voting, non-dues paying member of the Board.

Motion: That the Town approve the appointment of the staff to the Board of the Chamber of Commerce as a non-voting, non-dues paying member. Ekberg/Jackson. Motion carried.

Regarding the appointment to fill the vacancy on the Chamber of Commerce Board, Councilman Ekberg stated that it was an administrative decision but suggested Tim Johnston be appointed.

REPORTS OF DEPARTMENT HEADS:

Public Works - Tannahill said that, re the Mitts short plat, there is trouble sorting out the assessments. He thought it could be required that the assessments be paid first.

Councilman Jackson brought up the dredging level at the Town Dock. Could the water depth be posted to eliminate sailboat moorage where it goes dry.

Police - Chief Snider said they are now advertising for trained police officers and the response has been quite good.

Planning/Building -

The conditional use permit for the fish fertilizer plant is now up for its annual review. Planner Jones said he saw no problem.

Motion: That the permit be extended for another year. Ekberg/Melton. Carried.

Jones had written a memo re the Title 10 mobile home permit section of the code. He said he does not feel that the time limit should be extended.

Motion: That no action be taken to extend the time limit. Bunch/Ekberg. Carried.

Jones then brought the Council up to date on the Booker case. Mr. Booker's variance had been denied by the council and now the building department has received an application for a concrete fence exactly the same shape as the prior building. Staff has sent a registered letter demanding removal of the same.

COMMITTEE REPORTS:

Mayor Bogue reported that the Pierce County Library disagrees with one paragraph of the contract concerning use of the building for non-library functions. This was postponed to next meeting pending acquisition of their policy.

OLD BUSINESS: ORDINANCE #346 - Vacation of a Portion of Harborview Drive:

Motion: That Ordinance #346 be adopted. Ekberg/Ross. Motion carried.

ORDINANCE #347 Amending Section 17.84.040 of the

Code.

Motion: That Ordinance #347 be adopted.
Ekberg/Jackson. Carried unanimously.

ORDINANCE AMENDING SEWER EQUALIZATION CHARGE:

Postponed.

SOCIAL SECURITY WITHDRAWAL PETITION:

Motion: To Table. Ekberg/Bunch. Carried unan.

OTHER BUSINESS: Councilman Jackson was concerned with dogs running loose. He proposed increasing the fines to \$75.00 and \$150.00

There was quite a bit of discussion with Councilman Ekberg feeling that the matter was not submitted to the council by last Thursday and was therefore not open to any decision at this time.

Motion: That this be the first reading and that Jackson work with the Town staff. Ross/Jackson. This was considered the first reading of the ordinance amendment. Motion carried with Councilman Bunch voting no.

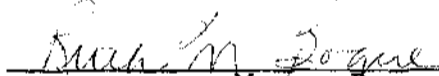
Councilman Jackson asked corrective action concerning violation of the building code since there have been so many violations. He asked for a resolution by next meeting.

Councilman Ekberg and Councilwoman Ross will be gone next meeting.

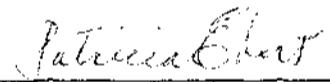
BILLS: Vouchers #3191 thru #3229 approved by motion of the Council. Melton/Ross. Carried.

Meeting adjourned at 9:27 p.m.

Tape #88, Side 1, 259-1052



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING, JULY 14, 1980

Present: Mayor Bogue, Councilpersons Melton, Bunch and Jackson,
Attorney Hess, and Clerk Avery

Absent: Councilpersons Ekberg and Ross

PUBLIC HEARINGS: 7 p.m. COLVOS TERRACE SITE PLAN:

Planning Director Jones said the developer plans 27 units financed by HUD under Section 8. There are 60 units to be built eventually. The site has a slope and the building will have an elevator with units specially equipped for handicapped. The major problem is the need for the elderly residents to cross to Olympic Village. There will be lighted crosswalks, pedestrian-actuated. Storm water is not a problem to the Town but the County should approve it as runoff will be down 56th Street.

Public Input: None

Council concerns: Have engineers comments been met? Will the project be connected to the sewer line? They were assured that these concerns have been taken care of.

Motion: That the site plan be accepted as set forth in Resolution #80-16 to insure the compliance of the seven recommendations of the Planning Commission. Jackson/Melton. Carried unanimously. Public hearing closed.

COLVOS TERRACE PARKING VARIANCE

The variance requested is only slightly over 1 space per unit, or 31 parking spaces. The code requires 40 spaces. Planning Director Jones said there are special circumstances that apply to this particular property as follows:

- 1. That a project for the elderly does not require as much parking,
- 2. Can be maintained as strictly for the elderly thru a contract,
- 3. No fault of the petitioner, and
- 4. Will meet the objectives of the comprehensive plan.

He cited the assurances that the use will remain elderly housing. The Planning Commission and the planning staff are in favor of the variance.

Public Input: In favor, William Kew, whose property lies northeast of Lot 3, feels it provides ample buffering.

There were no voices in opposition.

Discussion disclosed that a variance could have a time limit. Attorney Hess added that a variance should have a penalty involved such as placing funds in escrow.

Motion: That the variance be granted with proof provided that the financing for this project does not allow any occupancy but the elderly and that the financing cannot be amended, bought, or otherwise changed to eliminate that condition, and further, that the variance is applicable only as long as the building is used exclusively for elderly housing.

Further, that this variance will be reviewed by the Town Council in five years from the approval of this variance to determine if this variance is still justified. Prior to issuance of building permits a bond shall be posted by the developer for the improvements that may be necessary if additional parking is required after review of the variance. The amount of that bond is to be established by the staff. Jackson/Melton. Carried with one no vote by Councilman Bunch. Hearing closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: Planning Commission Resolutions, #'s 80-17, 80-18, and 80-19, require hearings set. July 28 at 7 p.m.

SPECIAL GUESTS: WES PRUITT of THE PARKS AND RECREATION DISTRICT: Mayor Bogue explained that on March 10, 1980, we were asked to join the Peninsula Parks and Recreation District. At that same meeting the council decided not to go ahead. Concerns had been expressed since that time about the Town's jurisdiction over the Town's parks. The Park District wishes to submit a valid ballot and need the Council's opinion by next meeting.

Councilman Jackson questioned the amount of the tax. He asked Pruitt to prepare information for the council by next meeting.

REPORTS: Public Works - None
Police - None
Planning/Building - Planner Jones asked the Council's opinion on whether a physical therapy clinic is really a clinic. A clinic is permitted in an R-3 zone. Attorney Hess felt the definition was ambiguous. Councilman Jackson suggested that Jones contact the Municipal Research & Services Office.

Planner Jones went on to say that the load is increasing in July and August with many public hearings scheduled for the Planning Commission.

Attorney - None
Clerk-Treasurer - None

OLD BUSINESS: SEWER EQUALIZATION CHARGE: Postponed. Schedule the first reading at the next meeting.

PENALTY SECTION CHANGE, DOG LEASH LAW: Councilman Jackson had submitted a memo suggesting fines of \$50 and \$75 for the first and succeeding violations. Councilman Bunch felt this measure would be ineffectual without a dog enforcement program.

Motion: That the change be denied. Bunch/Melton.
Carried, with Councilman Jackson voting no.

LIBRARY POLICY: No new information. Postponed.

LIQUOR LICENSE RENEWALS: These are annual renewals for currently existing licenses. No objection from the council.

SOCIAL SECURITY WITHDRAWAL: Clerk Avery pointed out that the waiting period is two years. After two years if withdrawal is still desired a vote will be taken. The clerk said he needs a resolution if the council wishes to go along with this.

Motion: That a resolution be drawn up. Jackson/Melton.
Carried with Bunch voting no.

NEW BUSINESS: TOWN DOCK CONTRACT RENEWAL:
This contract is at the option of the leasee for an additional five year period.

Motion: That the lease be continued. Bunch/Melton
Councilman Jackson questioned whether the fee cannot be increased. Jones answered him that the contract now makes no provision for an increase. Carried with Jackson voting no.

106% LEVY LID LAW: The Pierce County Fire Department had written saying that lifting of the levy lid will go on the ballot on 9/16 within the boundaries of Fire District #5. Clerk Avery explained that the 1981 valuation will be over \$67 million against the \$47 million for 1980. By law we are restricted to the 106% lid.

A citizen objected to this 106% lid levy. He felt it would be logical to put on the ballot the means by which the fire department and library are funded. Mayor Bogue suggested that the citizen investigate the fire department budget and the library budget. Councilman Jackson asked for staff and community input by next meeting.

* Corrected
at meeting of
8/25/80 to
read as re-typed
below:

HUD BLOCK GRANT: Regarding the Colvos Terrace Signalization Program, a motion is needed to authorize the mayor to sign the application.

Motion: To authorize the mayor to sign the interlocal agreement with Pierce County.

Motion: To authorize the mayor to sign.

Jackson/Melton. Carried with Bunch voting no.

Melton/Ross. Motion carried.

OTHER OLD BUSINESS:

Regarding the violations of the building code that Councilman Jackson brought up last meeting, he said he had given the material to the Attorney. Attorney Hess said the UBC does provide the necessary enforcement. Jackson said he would like to examine the code.

Gary Tannahill needs the council's permission to approve permanent garbage containers for Jerisich Park. No objection.

BILLS: Vouchers #3233 through #3295 approved upon motion and carry.

Mayor Bogue said the Rotary Club is considering a parade prior to their auction next year and would like the council to be thinking about it.

ADJOURN: 9:25.

Tape 88, Side 1, 1052 to end and
Side 2, 0-428



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - JULY 28, 1980

Present: Mayor Bogue, Councilpersons Jackson, Ekberg, Melton and Bunch, Attorney Hess and Clerk Avery

Absent: Councilmember Ross.

PUBLIC HEARINGS: 7 p.m. ENGEVIK CENTER SITE PLAN:

Planning Director Jones pointed out the location of the proposed development. It consists of 4 buildings of commercial and office space with approximately 20,000 square feet of floor space. The soils were the main concern. A soils report was done, and, according to KCM, if the recommendations are followed by the builder the soils problem is solvable. The project meets all dimensional requirements of the B-2 zone. The parking is minimum, based on the configuration of business on the ground level and offices upstairs. The other real concern is the development around the site. Although the surrounding land is zoned B-2 it is used mainly as residential. The concern here would be for buffering and visual screening. The site plan was approved by the Planning Commission and the staff with ten conditions recommended.

Public Input: Gary Gerritzen, designer of the project, went over the ten recommendations, the "legal" parking, and the height of fencing

In opposition, Joanne Makovich, 3212 Harborview Drive, said she was the neighbor most directly affected. She said she feels the impact of this project is too great on this part of the community. She did ask for a change in the fence height, the screening of evergreens, and that no food or drink be handled in any of the businesses.
Lee Makovich asked for full and heavy screening.

Councilman Ekberg said he felt uncomfortable about it, knowing the needs of the neighbors.

Motion: That the site plan approval be tabled until a much more detailed fencing and landscaping plan be submitted. Ekberg/Jackson. Carried unanimously.
Hearing closed.

TARABOCHIA SQUARE HEIGHT VARIANCE:

Councilwoman Melton absented herself as this hearing was a conflict of interest.

Planning Director Jones said the variance for height is requested for a 26 foot high building. The builder proposes to cut the existing grade of the lot to street level. The Planning Commission had recommended approval mainly because a number of height variances had been allowed in this part of Town and it obstructs no view. The planning staff felt it did not meet the four criteria for a variance.

Public Input: Gary Garritzen explained that it should be allowed on the basis of aesthetics.

Ella Mary Thorpe, Goodman Drive NW, said she was in favor and felt there should be no need for a variance if the lot were leveled to street height.

Doug Sorenson, Planning Commission member, said it is an illegal height that does not meet the four conditions for approval.

Attorney Hess said there is no wording in the ordinance that would except this from the height requirements.

Motion: That the variance be denied as it does not meet the four criteria. Jackson/Ekberg. Carried unanimously. Hearing closed.

TARABOCHIA SQUARE SITE PLAN

Planning Director Jones said that one of the conditions for approval of the site plan was approval of the variance.

Motion: That the site plan be tabled. Jackson/Ekberg. Carried unanimously.

SIX YEAR STREET IMPROVEMENT PROGRAM

Gary Tannahill outlined the proposed six-year street improvement program plan. Recommended were:

1. 1982 Eliminate intersection at N. Harborview Drive and Burnham. Proposal is to extend Prentice Avenue from Burnham to Harborview Drive. This requires changing of the UAB route and adding streets to the UAB project.
2. Grandview Street from McDonald to Stinson. The street is starting to break up.
- 3 . Vernhardson from North Harborview to the Town limits.
4. Harborview Drive from Stinson to the foot of Rosedale Street and a short section of Dorotich Street. The $\frac{1}{2}\%$ gas tax money can be used for the latter project.

Future projects: Hunt, Pioneer, Stinson, Edwards Drive through from Pioneer to Stinson, and Stinson to Rosedale.

It was suggested that a resolution be drawn to add Prentice and Fennimore as UAB routes.

Motion: That a resolution be drawn accepting the 6-year street program as proposed. Resolution # 147. Jackson/Bunch. Motion carried unanimously.

Motion: That a resolution be drawn to amend the UAB street routes, adding Prentice and Fennimore through to Peacock and deleting Burnham. Resolution # 148. Bunch/Melton. Carried unanimously. Hearing closed.

MINUTES: As there were no corrections or additions the minutes of the meeting of July 14, 1980, stood approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS:

Bruce Martin, Peninsula School District. The district would like to amend the site plan for the school and add an access point. It could be reviewed tonight if it is not considered a major change. Also to be considered were a left turn lane into Gig Harbor High School and Discovery Elementary, but this site plan amendment mainly concerns the right bus turn onto Rosedale. It was felt that it should be held in public hearing.

Motion: That a public hearing be held at the Council level only. Seconded and carried. To be scheduled for next meeting.

REPORTS: Public Works - None
 Police - None
 Planning/Building - None
 Attorney - None
 Clerk-Treasurer - Clerk Avery said he received the 1980 Census. The record indicated a population of 1216. We will probably wind up with about 2700 in September.

COMMITTEE REPORTS:

Mayor Bogue and Councilman Ekberg met today with Rep. Dan Dawson, AWC members, and the Parks and Recreation District. The Parks and Recreation District decided to investigate more fully the options available. No action necessary by the Town at this time.

OLD BUSINESS:

DEFINITION OF "CLINIC". Planner Jones was complimented on his well stated memo. Councilman Bunch felt it could be used as a reference. The council had no objection and approved the memo unanimously.

LIBRARY BUILDING UTILIZATION POLICY: Mayor Bogue asked Attorney Hess to work with the Clerk to get the last item settled.

AMENDMENT OF SHORELINE MASTER PROGRAM DEFINITION OF A "DEVELOPMENT"
 The Shoreline Master Program was never adopted by ordinance so perhaps an amendment need not be.

Motion: To adopt Appendix 1, Ekberg/Jackson. Councilwoman Melton questioned whether this would not deny the ordinary moorage of vessels. Vote was Jackson and Ekberg, aye; Melton and Bunch, nay. Mayor Bogue broke the tie with a yes vote. Motion carried.

106% LEVY LID LAW:

Motion: That the Levy LID law be put on the ballot, Jackson/Ekberg. Vote: Jackson and Ekberg, aye; Melton and Bunch, nay. Mayor Bogue broke the tie by voting yes. Motion carried. RESOLUTION #149 will be drafted to support the acceptance.

SOCIAL SECURITY RESOLUTION #150 APPROVED

OPTIONAL MUNICIPAL CODE: Comments were requested from the department heads, including the attorney.

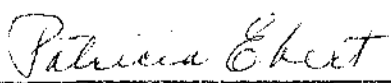
EXECUTIVE SESSION to consider appointment to the Planning Commission.

BILLS: Vouchers #3296 through #3322 approved upon motion and second. Carried.

ADJOURN: 10:19 p.m.

Tape #88, Side 2, 428 to end and
 Tape #89, Side 1, 0-171


 Mayor Bogue


 Asst. Clerk

REGULAR COUNCIL MEETING - AUGUST 11, 1980

Present: Mayor Bogue, Council members Ekberg, Jackson, Melton, Bunch, Attorney Hess, and Clerk Avery.

Absent: Councilwoman Ross was out of town.

PUBLIC HEARINGS: 7 p.m.

SITE PLAN - ENGEVIK CENTER:

This was continued from last meeting as a more extensive landscape plan was required. Most of the plantings are northwest plants. Heights of the fences were specified at 6 feet and 8 feet, with the 8 foot sections next to the two existing homes. Planning Director Jones felt this was a better landscaping plan than that previously furnished. He recommended making the landscaping a stipulation of the site plan.

Mayor Bogue reopened the public input aspect since the surrounding area is greatly impacted.

Gary Gerritzen said he tried to follow the format suggested at the last meeting.

In opposition, Joanne Makovich was mainly concerned that taller evergreens be planted next to the residences. She felt a six foot fence next to their property on the south side would be more desirable than an eight foot fence. She said she would like to see the fencing and greenbelting in first in case they delay construction of the project.

Lee Makovich also felt that larger trees should be used to screen their property. He was also concerned about the surface drainage problems on both sides of their property. Finally, Mr. Makovich requested assurance that he could some day develop his own property under these same regulations.

Planning Director Jones said the soils report requires replacement of the deep silt with compacted soil to 5 feet in depth. Zoning is being rewritten but no change is anticipated here. Mr. Jones went on to speak of the means of control over the property. Either temporary occupancy permits or no permits at all would control the completion of the project. Gary Tannahill suggested a bond pending completion.

Other concerns were patrolling of the parking lot and that no eating or drinking establishments be permitted. Councilman Ekberg felt the hours of operation would control the possibility of an eating or drinking establishment.

Motion: That the site plan be approved based on the landscape plan but that a six foot fence be provided on the north line and an eight foot fence on the east line. The area between is to be planted with evergreens of the western hemlock variety rather than deciduous trees, and to furnish twelve rather than six trees. All recommendations of the Planning Commission are to be required and either completion of the project or furnishing of bond prior to occupancy. Ekberg/Bunch. Carried with Councilman Jackson voting no. Hearing closed.

PENINSULA SCHOOL DISTRICT SITE PLAN MODIFICATION

This modification was continued from last meeting pending further investigation by staff. Part of the problem is that we did not annex all of Rosedale Street in that area but Gary Tannahill said he had sketched a means of making it impossible to drive the wrong way.

Bruce Martin of the School District said their intent is to relieve the congestion leaving the site after school hours and special events. They submitted plans to Pierce County and the county is in concurrence. There will be signs and physical deterrents to keep out ordinary traffic but emergency vehicles could enter this driveway.

Discussed were signage and the possibility of a right angle

entrance instead of a gradual merging lane. Chief Snider felt this could alleviate problems for cars as well as busses. Councilman Ekberg felt it should not be limited to busses only.

Motion: That the site plan modification be approved with the condition that Staff has the authority to use additional measures if the situation warrants it. That the School District have County approval. That no restrictions be placed on busses only.

Jackson/Ekberg. Carried with Bunch voting no.
Hearing closed.

MINUTES: As there were no corrections or additions the posted minutes stood approved.

CORRESPONDENCE:

1. Notification of DSHS Planning Loan on water supply.
2. Four resolutions from the Planning Commission need public hearings set. Scheduled August 25.
3. Letter from Liquor Board. Discussion postponed to later in meeting.

REPORTS: Public Works - The School District intends to pave Rosedale Street. The Town will furnish signage and traffic buttons. Gary Tannahill suggested a five foot concrete sidewalk. Regarding the Town Limits, Attorney Hess asked if would help to move the city limits further west in view of the large number of traffic citations. Gary explained the state law and the federal law regarding signs.

Tannahill went on to tell of the proposal from Kramer, Chin and Mayo regarding an updating study of the treatment plant. It would cost just under \$10,000 and concerns the aeration of the plant to increase capacity.

Motion: That K.C.M. be appointed to pursue the study.
Jackson/Melton. Motion carried.

Police - Chief Snider said the Kiwanis Club has funded the acquisition of 1000 sets of Seahawks cards. Chief Snider went on to say that the State Crime Watch Office will revise our crime prevention program at no cost.

Planning/Building Jones said that an agreement has nearly been reached on the Wick Homes storm sewer contract. He hopes that next meeting will see the final form.

Jones went on to say that he would like an interpretation from the council whether banks are allowed in an RB-1 zone. The council felt it was not intended to include a full-service bank.

The EIS for the Skansi rezone is now available. It is still in the SEPA stage.

Regarding the Booker variance request that was denied, Jones said nothing has been done that was requested and he would like to turn it over to Attorney Hess. The attorney said he would feel more comfortable with Council direction before starting a lawsuit.

Motion: That the Attorney be directed to proceed with a lawsuit against Mr. Booker. Bunch/Jackson. Carried.

Jones went on to say that regarding the amendment to the Shoreline Master Program, the State said we must advertise a public hearing. This hearing has been set for September 8th.

Attorney - Attorney Hess said there has been trouble in enforcement of the limited moorage provision of the ordinance. One case has been taken to court where the judge said he required more proof. He said he will research possible means of enforcement.

Clerk-Treasurer Nordi Sweet, the Town's insurance agent, has proposed an increase in the basic liability. The Council will review the request.

LIQUOR BOARD LETTER

Application had been made to the liquor board for a pizza parlor on Harborview Drive. Some residents of the neighborhood had expressed strong concern.

Although restaurants are permitted in waterfront zones it was felt that a public hearing should be held.

Motion: That a public hearing be held. Jackson/Bunch. Carried with Councilman Ekberg voting no. The liquor board will be informed of the delay.

1980 BUDGET - REQUESTING FORMAT:

BILLS: Vouchers #3323 through #3358 approved upon motion. Melton/Jackson. Motion carried.

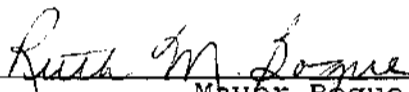
Regarding Councilwoman Ross's extended absence a motion to approve was needed.

Motion: To approve her extended absence. Melton/Ekberg. Carried.

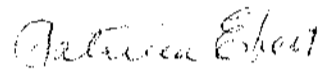
Councilman Jackson said he will be absent next meeting.

ADJOURN: 9:06 p.m.

Tape #89, Side 1, 171-830



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - AUGUST 25, 1980

Present: Mayor Bogue, Councilmembers Ross, Melton, and Bunch, Attorney Hess, and Clerk Avery

Absent: Councilmembers Ekberg and Jackson

PUBLIC HEARINGS: 7 p.m.

HOLMAAS REZONE

Planning Director Jones explained that this parcel of property is in the only B-1 Zone in Town. The petitioner requests rezone to B-2. It is located in a commercial area that is undeveloped at present but is developing. The site contains just under 25,000 square feet. They propose a commercial/office building just under 6,000 square feet. The developer would agree to a contract that would limit the development of this project to 26 uses. Most uses are low profile with little truck traffic and signage. The original B-1 use would have permitted restaurants and grocery stores; thus, it would have been too high intensity. The staff has now attempted to tailor the zone to this area. The Planning Commission has recommended approval with some changes.

Public Input: In favor, John Holmaas said he would be glad to answer questions.

In opposition, Calvin Hanson asked that tobacco shops be removed from the contract zoning. He felt it would be a bad influence on the young.

The Council asked the petitioner if he would object to RB-1 zoning instead of B-2. Holmaas answered that it would eliminate too many uses. The council asked how the contract limitation could be enforced. Jones answered that the map would be so designated.

Tonight was the first hearing on a zone change that requires two hearings. The mayor said it would be good for the applicant to hear the Council's opinion.

Motion: That the rezone be approved pending the contract zone adoption, referencing Resolution #80-21, and with the recommendations of the Planning Commission included.

Ross/Bunch. Carried with Melton voting no. Hearing

closed.

HOLMAAS SITE PLAN HEARING:

The building is of a somewhat unique design, largely solar powered. The parking is adequate. No headlights face into the property adjoining that could later be developed. The Planning Commission had recommended approval with recommendations on landscaping. They request that planting next to the driveway be no higher than three feet. They recommend a five foot sidewalk and curb and gutter.

There were no comments in favor or in opposition.

Councilman Bunch questioned the original 21 uses expanded to 26 and the 18-foot distance from the centerline to the curb and gutter.

Motion: That we table the decision for additional landscaping plans in view of the fact that the rezoning will not be completed until next meeting.

Melton/Bunch. Carried unanimously. Hearing closed.

HOLMAAS HEIGHT VARIANCE REQUEST:

The height variance requested is for the solar receptors. The engineers have verified that the height would be needed. The requested variance means that the trees surrounding the property could be retained. For this reason the Planning Commission recommended approval.

There were no voices in favor or in opposition.

Motion: That the variance be approved solely on the basis that it blocks no view. The variance was not based on the height of the solar panels as the motioner did not wish such a basis to set a precedent.

Bunch/Melton.

Amendment: That the approval be based on the findings of the Planning Commission.

Ross. This amendment withdrawn.

Original motion carried. Public hearings closed.

MURRELL FENCE VARIANCE:

Planning Director Jones explained that the fence in question is located on the northeast corner of Grandview and Stanich and stretches across two lots. The fence was basically complete, in technical violation, and a stop work order was issued. The owners now request a variance.

The Planning Commission recommended approval of the variance as the obvious intent of the ordinance is to preserve visibility at intersections and this fence obscures no vision. The petitioner simply requests the right to fence his back yard. The one Planning Commission requirement was that the fence be removed to accommodate any future widening of the street. Jones said he felt there was a flaw in the ordinance that necessitated the variance.

Public Input: None

Councilman Bunch felt that if we allowed this variance we could set a precedent and moved to deny. Motion died for lack of a second.

Motion: That the variance be granted as Planning Director Jones has stated and that has been recommended by public works.

Ross/Bunch. Carried. Hearing closed.

BUMPY NU BOLTZ LIQUOR LICENSE HEARING

This liquor license recommendation was carried forward from last

meeting. There had been vocal objection and it was felt the recommendation should be made after public notice.

Letters of opposition had been received from Bill Reed, Walter and Marilyn Brown, and Bea Adams.

Public Input:

In favor, Mike Boltz, one of the liquor license applicants, told the Council that he plans a family pizza and salad house with no loud music or pinball machines. He planned tentative hours of 11 to 11, but he would probably keep the same hours as Linda's Deli next door which serves beer and wine. There has been no complaint regarding the Deli.

In opposition:

Adelaide Stanich, Katherine Puratich, Bill Reed, Steve Anderson, JoAnn DeYoung, Dick Kuehn, Peter Katich, Mike Bowman, Theresa Malich, and Evelyn Vonderheit. Objections mostly concerned noise and traffic, undue stress on residents, fine old established neighborhood did not warrant that sort of development, obstruction of private driveway next door, only fifty feet from bedroom windows.

Chief Snider, in response to a question, said, that the preponderance of police problems come from beer drinking establishments.

It was pointed out that restaurants are permitted in the W-1 district; that there is ample parking, but that concerns about parking could come later under the business license application.

Motion: That, on the basis that a liquor-selling-and-servicing establishment in this location would be detrimental to the predominantly residential character of the neighborhood, the Council recommend denial of the license.

Bunch/Melton. Carried unanimously. Hearing closed.

MINUTES: As there were no corrections or additions to the minutes of the meeting of August 11, the posted minutes stood approved.

CORRESPONDENCE:

Planner Jones said he had four Planning Commission resolutions for public hearing. He recommended setting them September 8.

REPORTS: Public Works - Gary Tannahill had a proposal from K.C.M. on setting up a street drainage utility. He said he was mostly concerned with means of financing a project like that. He suggested a workshop session.

Gary went on to report that the UAB project is nearly complete.

Planning/Building - Greg Jones referred to the minutes of July 14, 1980. The minutes failed to state that the interlocal agreement was approved. In order to process the HUD Block Grant a motion is needed to alter the minutes of that date to reflect that the mayor was authorized to sign the interlocal agreement with Pierce County.

Motion: To amend the minutes of the July 14, 1980 minutes to read as follows: To authorize the mayor to sign the interlocal agreement with Pierce County. Melton/Ross. Motion carried.

Clerk-Treasurer - Clerk Avery said the personnel manual is now complete and will be on file for review.

OLD BUSINESS:

OPTIONAL MUNICIPAL CODE: Postponed for further reports. The Town Clerk will check with the Town on the possibility of retaining a five-member council.

NORDI SWEET INSURANCE PACKAGE Postponed as Councilman Ekberg was not present.

ORDINANCE ADOPTING ENERGY CODE Copies of the code are on file for perusal

BILLS: Vouchers #3359 through #3398 approved upon motion.

Motion: Melton/Ross. Motion carried.

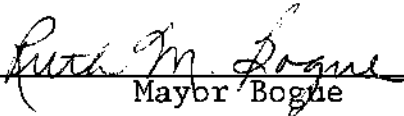
EXECUTIVE SESSION: An executive session was held concerning the Planning Commission appointment. Mayor Bogue proposed the name of W. R. Reed.

Motion: That W. R. Reed be appointed to fill the vacancy.

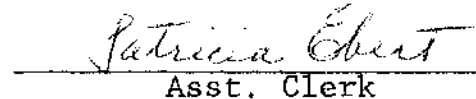
Melton/Ross. Carried with Bunch voting no.

ADJOURN: 8:48 p.m.

Tape #89, Side 1, 830 to End and Side 2, 0 to 120



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - SEPTEMBER 8, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Ross, Bunch and Jackson, Attorney Misner and Clerk Avery

Absent: Councilwoman Melton and Attorney Hess

PUBLIC HEARINGS: 7 p.m. EVA BERG DECK SETBACK VARIANCE:

Tim Johnston presented the request. He said this variance request is similar to the request submitted in January or February. He said the staff at this time felt the solution was to replat to one lot and suggested denial of the variance. He said he saw no new circumstances now. The deck has been built without benefit of a permit.

Public Input: No voices in favor nor in opposition.

Councilman Jackson said he concurred with the staff's findings and, in light of the building without a permit, suggested that the petitioner be given a certain length of time to comply.

Motion: That the variance be denied and the staff proceed in a proper manner.

Ross/Jackson. Carried unanimously. Hearing closed.

THADEN VARIANCE REQUEST:

This is a request for a height variance in the Nesika Beach area. The applicant is seeking to replace his cabin destroyed by a slide. It complies with the four conditions and the staff recommends approval.

Public Input: Allen Jenkins spoke on behalf. There were no voices in opposition.

Motion: That the variance be granted.

Bunch/Ross. Carried unanimously. Hearing closed.

HILDEBRAND AMENDMENT FOR OUTDOOR STORAGE:

Planning Director Jones explained that it is very typical to have outdoor storage in such an area. It could create problems unless handled carefully. The Planning Commission recommended approval of the amendment with some changes. The site plan approval is mandatory. Staff feels the amendment is warranted and it must be tied to an approved project.

Mayor Bogue pointed out that this will be the first reading if

passed.

Public Input: Gordon Golob, attorney, said he has no problem with the language or the recommendations.

John Paglia asked why tie it to a particular zone; why create a monopoly?

Planner Jones said it is tied to the B-1 zone only. Any storage facility, now or in the future.

It was decided to postpone action as the final vote can be taken at next meeting.

SHORELINE SUBSTANTIAL DEV. PERMIT - EBERT FLOAT PLANE RAMP: The secretary, Mrs. Ebert, absented herself from the table to speak as the petitioner.

Planner Jones said the request is for a paved ramp for parking of the aircraft, conditional on operation of the aircraft during daylight hours only and VFR conditions.

Public Input: No voices in opposition.

It was explained that the aircraft will not be driven onto the ramp--it will be hand-winched with no undue noise.

Motion: That Resolution #80-26 be adopted for a private sea-plane ramp for daylight hours and maintenance purposes only.

Ekberg/? Motion carried. Hearing closed.

AMENDMENT TO SHORELINE MASTER PROGRAM -DEFINITION OF "DEVELOPMENT"

Planning Director Jones said the State has reviewed the suggested amendment as to form and content. The State has the final say. The purpose is to control uses on the water that interfere with shore-based activity. It is designed to pertain to commercial uses.

Public Input: In opposition, Jack Bujacich feels that the fishermen should be considered and asked that this hearing be postponed until the fishermen can be present.

John Paglia, attorney, asked what changes were suggested by the Attorney General's office. He said he feels that an anchorage should be set aside.

Attorney Nick Markovich had mailed a letter too late for distribution. Copies were made and the council members read them.

Councilman Jackson wished assurance that the fishermen would be allowed to moor their boats. Jones said that "activity on the water" assures that the fishing boats will be allowed.

Motion: That the proposed amendment be approved.

Jackson/Ekberg. Carried with Councilman Bunch voting no. Public hearing closed.

MINUTES: As there were no corrections or additions the posted minutes of the last meeting stood approved.

SPECIAL GUESTS: Mr. Don Buchanan, the director of the proposed Park and Recreation District, again approached the Council hoping to obtain a resolution including the Town of Gig Harbor in the proposed district. He said the Town would not lose their parks. In addition, there will be a District formed, with five board members, one of which will probably be from the Town.

There was a great deal of discussion from Mr. Buchanan

and Walt Smith. Mayor Bogue asked if new information is forthcoming about how this might benefit the Town. There was no comment from the petitioners in this regard. The council said they did not wish to change their previous position of non-inclusion in the proposed district.

CORRESPONDENCE: Planner Jones presented Planning Commission Resolutions #80-28 and 80-29 for setting of public hearings. Okayed.

OLD BUSINESS: HUNTER/LINDNER SITE PLAN AMENDMENT:

Charles Lindner explained that this amendment request represents a combined effort on the part of both he and Mr. Hunter to provide a common parking lot for their developments that previously received site plan approval. It was the council's hope that a combined effort could be achieved. Does the Council wish to handle this as a minor change or hear it publicly? At the prior site plan hearings there had never been any public input in opposition.

Further discussion revealed that the Council felt a public hearing was not required but the traffic pattern onto Pioneer was a real concern.

NORDI SWEET INSURANCE PROGRAM PROPOSAL

Councilman Ekberg had gone over the proposal and made the suggestions as follows:

1. Raising the umbrella layer. Ekberg agreed.
2. False arrest. Ekberg said the proposal had a substantially higher premium. He did not feel the additional \$1800 premium would be worth it.
3. All-risk basis for all Town property. This building is on an all-risk basis and he suggests and recommends changing the building coverages to all-risk.

Motion: That the Town approve the three-point program as outliend.

Ross/Jackson. Carried unanimously.

ENERGY CODE ORDINANCE #348 - 2nd Reading:

Motion: That the Town adopt Ordinance #348.

Ekberg/Ross. Carried unanimously.

HOLMAAS LANDSCAPING PLAN:

Jones said the requested landscaping plan is complete. He said he feels it is a good site plan and would like consideration tonight.

Discussion involved the planting between the street and the sidewalk. Tannahill did not wish the street widened so much at this point.

Motion: That the site plan be approved with the stipulation that the existing trees and underbrush be retained. This was amended to include that ground cover be substituted for grass.

Ross/Bunch. Carried with Ross and Bunch voting yes and Jackson and Ekberg abstaining.

HOLMAAS REZONING:

The public hearing was necessary on the first hearing only.

Motion: That the contract rezoning be approved.

Bunch/Ross. Councilman Ekberg abstained. It was stipulated that the contract will be submitted to

the attorney for approval. Motion carried.

NEW BUSINESS: Clerk Avery requested an interpretation of Section 3.16.04.B. This is a question of whether businesses must pay for each separate shop or office when it is an expansion of the original license.

Motion: That it be considered two separate businesses.

Jackson/^{Ross} Carried with Ekberg voting no.
This is the FIRST READING OF THAT AMENDMENT.

RESOLUTION - ROSS AVENUE LID

Motion: That Resolution #151 be adopted.

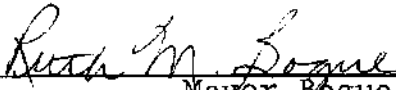
Ross/? Carried.

BILLS: Vouchers 3400 to 3431 approved upon motion.

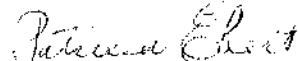
Jackson/?

ADJOURN: 10:25 p.m.

Tape #89, Side 2, 120-End and
Tape #86, Side 2, 85 to 137



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - SEPTEMBER 22, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Jackson and Bunch, and Attorney Dave Gordon.

Absent: Attorney Hess and Clerk Avery

PUBLIC HEARINGS: 7 p.m. MORRIS SITE PLAN:

Planning Director Johnston presented the site plan. The proposed building will be erected at 7102 Stinson Avenue, the site of a small frame house that will be removed. The property is approximately 9800 square feet and the proposed improvements total approximately 5000 square feet. The project lies in a GS zone abutting SR-16, the power line, and one RB-1 zone. It meets the requirements of the zone and the Planning Commission has recommended approval with conditions regarding hydrant line size, the signage of the driveways, landscaping, curb and gutter.

Councilman Ekberg asked if the landscaping plan is available. No plan has yet been submitted. Councilman Ekberg felt it would be difficult to make a decision without the landscaping plan as the Planning Commission had felt it was critical. The petitioner said he felt it was a requirement for the building permit and did not furnish it at this time. The Council agreed to wait for the landscaping plan.

Motion: To table pending receipt of the landscaping plan.
Jackson/Ekberg. Carried. This hearing will be re-advertised. Hearing closed.

EKBERG HEIGHT VARIANCE:

Councilman Ekberg excused himself from the Council chamber. Mayor Bogue said she would not be voting in the event of a tie but felt capable of conducting this hearing.

Planning Director Johnston said this petition is for an addition to an existing non-conforming house. The house is surrounded by large R-1 lots, mostly single-family. Across Stinson Avenue are condominiums and apartment houses. The Planning Commission had recognized the expansion problems (large trees) and the groundwater problems (basement) and recommended approval with no conditions. The staff had recommended denial as they felt it met none of the four conditions necessary for approval.

Public Input: Marion Ekberg said the original staff opinion was not based on topographical and soil conditions as these problems had not yet been called to the staff's attention. They feel that

they have special conditions. Mrs. Ekberg did furnish an alternate plan that used the existing roof line of the house.

There were no voices in opposition.

Motion: That it be tabled pending the staff recommendation on the soils problem.
Jackson/Ross. Carried. Hearing closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE - None.

CONTRACT WITH K.C.M. TO BEGIN WATER STUDY:

The loan has been approved and the contract needs the mayor's signature.

Motion: That the mayor be authorized to sign the contract.
Jackson/Ekberg. Carried.

REPORTS: Public Works - HUD GRANT PROJECT:
This is the Colvos Terrace project furnishing the funds for the stop signal for the crosswalk. If the Council finds no technical difficulties Gary Tannahill said he would appreciate approval. KCM also requests approval of their contract for them to proceed.

Motion: That the mayor be authorized to sign both contracts pending staff approval.
Jackson/Ekberg. Carried.

Planning/Building: Tim Johnston said a planning assistant has been hired and he will be here before the end of the month.

OLD BUSINESS:

REVISED LINDNER/HUNTER PARKING LOT:

A revised plan had been submitted. The circulation pattern was discussed. Councilman Bunch reminded the Council that they were not here to design the parking lot but only to see that the situation is as safe as possible.

Motion: To table for input from the Town Attorney.
Jackson/Bunch. Carried.

OUTDOOR STORAGE ORDINANCE - #349 - Second Reading:

Motion: To adopt Ordinance #349.
Melton/Bunch. Carried.

RESOLUTION #152 - RESUBMISSION OF LEVY LID REMOVAL

Motion: To adopt Resolution #152
Ekberg/Jackson. Carried with Bunch voting no.

AMENDMENT TO BUDGET ORDINANCE #350 - 1st Reading:

Motion: To adopt Ordinance #350.
Ekberg/Ross. Carried.

* Councilman Jackson proposed an ordinance concerning campaign signs. Corrected 10/13 to note this is first reading.

BILLS: Vouchers #3433 through #3480 approved upon motion.
Ekberg/Melton.

ADJOURN: 8:05 p.m. Tape #90, Side 1, 0-283

Walter M. Bogue
Mayor Bogue

Ed Ekberg
Asst. Clerk

REGULAR COUNCIL MEETING - OCTOBER 13, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Jackson, and Bunch, Attorney Hess, and Clerk Avery

Absent: None

PUBLIC HEARINGS: 7 p.m.

ROSS AVENUE L.I.D.

Jerry Newlin of Kramer, Chin, and Mayo explained the dimensions of the project. It will include paving of the street from the corner of Dorotich north about 400 feet, and excluding that portion of Ross from the bend to Rosedale Street. The estimated cost is \$26,000. Storm water will be controlled through an existing 12" line to Harborview Drive. No sidewalks are planned.

There was no response to the notice of hearing and there were no voices in opposition.

This is considered the first reading and no decision needs to be made tonight. Hearing closed.

56th STREET NW ANNEXATION:

This area has been proposed for annexation because the street abuts the proposed Colvos Terrace senior housing project. If the street were annexed no permit would be needed from the county for sewers, sidewalks, storm drains, etc. Since the street is in good condition there will be no immediate need for cost of upkeep or repair.

Public Input: There were no comments in favor or opposition.

Since this request for annexation must go to the Boundary Review Board there will be no first or second readings until the BRB approves it.

Motion: That the request be approved.
Ross/Melton. Carried unanimously. Hearing closed.

MORRIS SITE PLAN REVISIONS:

Planning Director Johnston presented the updated landscaping plan. The plan shows the type and detail of the greenery and shows some elevation changes. The planning staff suggests one additional recommendation--that screening be required on the south side of the building to screen it from the freeway.

Public Input: Doug Garber, project architect, said he attempted the maximum use of the property while meeting all of the codes. He questioned the screening, wondering what the objection is to looking at the side of a building. Councilwoman Melton told him the purpose of screening was to soften the impact of the structure.

Chuck Lindner felt it would be an improvement over what is there now.

There were no voices in opposition.

Council concerns were that there seems to be no room on the plan to provide screening on the south side as the space seems to be entirely filled. Planner Johnson felt the building was perhaps not the best utilization of the property.

Motion: That the approval be tabled until the plan can be revised.
Melton/Ekberg. Carried. Hearing closed.

BOY SCOUT TROOP #217 was present. The members of the troop were observers at the meeting as part of the work on their citizenship badge.

MINUTES: A correction was noted that Councilman Jackson's proposed amendment to the sign ordinance is a first reading. Otherwise the minutes of the last meeting stood approved as posted.

CORRESPONDENCE:

1. A notice has been received from the State Liquor Control Board concerning renewal of Finholm Market's annual license. There was no objection from the council.

2. "The Woods" parking variance Resolution #80-23 scheduled for October 27, at 7 p.m.

REPORTS: Public Works - Gary Tannahill said Parametrix has recommended acceptance of the UAB project. Gary said he also recommends the acceptance by the Town and needs to publish it.
Motion: To accept the UAB project. Ekberg/Melton. Carried.

Tannahill went on to say that a citizen wishes to cut trees on Lewis Street at Hill Avenue in order to enhance his view. Some trees are on the right-of-way. Scheduled for a decision at the meeting of October 27.

Police - A memo had been sent by the police chief asking if the Council wished to adopt the model traffic ordinance by reference. He asked for a first reading of the ordinance. He said he will try to have staff recommendations, including those of the attorney, by the next meeting.

Chief Snider went on to ask for enforcement tools on the moorage of boats. Some boats have no registration numbers and it is nearly impossible to determine ownership other than post a patrolman on the dock. Can he tow away, chain, or otherwise force the owner to contact the Town? He said he would like to find a marina that will store the boat. Councilman Jackson recommended that the chief look into this and come back with a recommendation.

Motion: That the police department attempt to tow; or, if not possible, to chain offending boats to the dock.
Ross/Ekberg. Carried.

Planning/Building - Tim Johnston introduced Tim Potter, the new planning assistant.

Planner Johnston went on to say that the zoning ordinance rewrite will be here this week. He said the plan is to schedule it for the planning commission this month.

Engineer - Jerry Newlin said his firm is underway on the water system plan. He asked the council's concerns regarding the planning study.

OLD BUSINESS:

CAMPAIGN SIGNS: This was to have been the second reading of the ordinance tonight but Attorney Hess asked for time to do some research into its constitutionality. CONTINUED TO NEXT MEETING.

AMENDMENT TO 1980 BUDGET: 2nd Reading - ORDINANCE #350

Motion: To approve as presented.
Jackson/Ekberg. Motion carried.

AMENDMENT TO DOG ORDINANCE 1st reading.

OPTIONAL MUNICIPAL CODE - RESOLUTION #153: Attorney Hess said he reviewed the code in detail and has found no trouble spots other than those previously reported by staff. The OMC changes the emphasis 180 degrees and presumes the Town has authority as opposed to the current municipal code which requires proof of authority. He recommended that the code be adopted. A resolution could be adopted followed by a required 90-day period.

Motion: That the OMC be adopted by Resolution #153.
Ekberg/Ross. Carried.

EKBERG HEIGHT VARIANCE: Councilman Ekberg left the room. Planning Director Johnston said a revised application which would preserve the same height, roof line, and character of the structure has been submitted. The staff finds no objection and would recommend approval.

Motion: That the application be approved as it conforms with the intent of the height restriction.
Bunch/Jackson. Carried.

HUNTER/LINDNER PARKING PLAN: Attorney Hess commented on the plan as follows: When the Town reviewed the site plan submitted by Molgard it was stressed that ingress and egress on Pioneer Way be restricted. He cautioned the council that they must not act in an arbitrary or capricious way in light of the Molgard case. He felt it would not be unduly restrictive in this plan if traffic were confined to Grandview Street.

Motion: That the exit lane on Pioneer be closed.
Ross/Bunch. Councilwoman Ross amended her motion that the site plan be changed to not allow any ingress or egress on Pioneer Way, and that Lindner be allowed to make interior changes to the parking lot subject to approval by the Planning Director. Councilman Bunch seconded. The amendment carried and the original motion carried. Hearing closed.

NEW BUSINESS

BUMPY'S LICENSE APPLICATION: Bumpy's withdrew their original application and resubmitted a request to serve beer and wine on premises only. The council said they saw no reason to change their original decision as this slight modification did not lessen the impact on the area.

Motion: To recommend denial.
Bunch/Ross. Carried.

"THE WOODS" PROPOSED PIZZA PARLOR LIQUOR LICENSE:

Motion: To table for scheduling of a public hearing.
Jackson/Bunch. Carried.

SCHOOL CROSSING GUARD: The school district refused to contribute toward the pay of a crossing guard. Councilman Jackson suggested that the Town contact the Superintendent of Public Instruction regarding a policy. It was felt that the Town has done everything that they could and that the town should not pick up additional costs with no help from the school.

Mayor Bogue appointed Councilman Ekberg to work on the problem. She said she will contact the SPI.

In the audience, Bonnie Elsworth said she would be willing to contribute toward the salary of a crossing guard. It was felt that others would also be willing.

PEABODY STREET VACATION REQUEST - Withdrawn by the Peabody attorney.

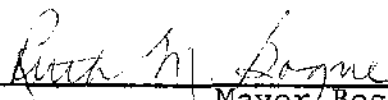
ACCESS ROAD - ROBERT LINT - Request for vacation. The Town has no record of accepting this property but there is a deed in the Town's name. The attorney said the question is whether the Town wishes to become involved in what he feels is the property owner's problem. The council agreed to take no action.

BILLS: Vouchers #3431 to 3582 approved upon motion.
Melton/Ross. Carried.

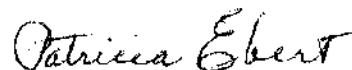
Earl Fraychineaud had a complaint about the catch basin on the creek. He said that half is on his property. The public works director will check on this.

ADJOURN: 10:40 p.m.

Tape #90, Side 1, 283-1341



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - OCTOBER 27, 1980

Present: Mayor Bogue, Councilpersons Ross, Melton, Bunch and Jackson,
and Attorney Hess.

Absent: Councilman Ekberg and Clerk Avery

PUBLIC HEARINGS 7 p.m.

G & H ENTERPRISES LIQUOR LICENSE HEARING

This hearing was scheduled in the interest of consistency since a similar license hearing was recently held.

Public Input: Mr. Bob Huesers, 4601 Tacoma Avenue S., Tacoma., will be one of the operators of the Pizza Harbor, a family-type restaurant. He said the beer and wine sales will be only incidental to food sales. He said it is compatible with current planning policies.

There were no voices in opposition.

Motion: That the license be approved.
Jackson/Ross. Carried unanimously. The liquor board will be so notified. Hearing closed.

"THE WOODS" PARKING VARIANCE REQUEST:

This is a variance request on parking stall size. It lies in a B-2 contract zone. The developers wished to design the parking for compact cars as well as regular size cars with landscaping and paving and retaining as many trees as possible. The Planning Commission felt the trees were an integral part of the site plan and recommended approval. The staff's research found that only two of the four conditions required for granting a variance were met and they recommended denial.

It was felt that vehicle size is dropping--the trend is definitely toward smaller cars.

Public Input: Robert Huesers, representing Mr. and Mrs King, the owners, spoke of the number of trees that would be saved. He felt that the driving space between rows would be more than ample even if a larger car parked in a space reserved for a compact car.

The police and fire departments had been concerned that there would be an increase in traffic accidents and that the fire lanes could be obstructed. The situation could become almost uncontrollable.

Motion: That the motion be denied on the basis of public safety.
Melton/Bunch. Carried. Hearing closed.

Mr. Huesers again spoke to the Council. He said there were two variance procedures to be heard tonight. He said there was a reason not to pave the 2'6" at the head of certain parking spaces. It was to assure that the fir trees on the site got ample water percolation for their root systems. The Building Inspector was instructed to make sure that the land clearing ordinance was complied with as it relates to this request. The Council did not choose to reopen the variance hearing.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE

None

SPECIAL GUESTS

Mr. Dean Braaten again wishes to sell Christmas trees in an R-1 zone. Planning Director Johnston gave background information.

In his memo he suggested an alternate course whereby it could be handled as a conditional permit if the Council so wishes. There were no objections from the neighborhood; in fact, at least fifty neighbors signed a petition stating that they had no objection.

The Council wished to go ahead with the conditional use permit process. It will be advertised for public hearing before the Planning Commission and the Council.

Dick Kuehn presented the official results of the survey taken by the Gig Harbor Community Improvement Association last summer.

REPORTS OF DEPARTMENT HEADS:

Public Works - None. Mayor Bogue said that Gary Tannahill was recently certified as a water manager for the State of Washington.

Police - Chief Snider recommended a reasonable policy on boat control. He said that the penalty clause needs clarification. Right now it states that there is a \$50 fine for parking more than 24 hours. He needs to know if it is a separate offense each day. Regarding means of impounding, the Town Attorney needs some clarification. This is considered the FIRST READING OF AN AMENDMENT TO THE DOCK ORDINANCE TO CLARIFY SECTION 8.28.070.

Planning/Building - Tim Potter brought up a confusing situation in the zoning ordinance. When an amendment was made to the square footage requirement in the code a portion was omitted. This changed the intent and wording. The part that speaks to development of additional dwelling units in an R-2 zone was no longer clear. He asked Council action to authorize the staff to take it to the Planning Commission. Councilman Bunch said Transitional Use should be included in the clarification. The Council approved initiation of the amendment process.

Attorney - He is going to file this week on the Booker violation. He is proceeding in Superior Court to force them to remove the offending structure.

Molgard Suit: Criminal charges have been dropped. He and Molgard's attorney will simply be going before the court for a simple decision.

Engineer - Jerry Newlin of K.C.M. spoke regarding the investigation into the wastewater treatment system.

They found it is designed for 3500 population equivalents. Right now it is at 3000, and they hope to increase it to 4300 population equivalents. He introduced Randall Samstag, sanitary engineer.

Samstag said they are recommending a mode of operation that will result in increased sludge production. They recommend that a liquid sludge truck be purchased. It will result in a \$10,000 to \$15,000 cost saving. They also recommend purchase of an emergency power generator in event of power failure. They thought it would make sense to plan the eventual doubling of the facility.

OLD BUSINESS:

MORRIS SITE PLAN

The client resubmitted the plan with greenery and screening on the southwest side. Conditions have essentially been satisfied and the recommendation for approval stands.

Public Input: Dave Morris said the owners were left with an odd triangular site as a result of relocation of the power lines at the time of freeway construction. The General Service zone requires no setbacks or screening but they have provided them nevertheless.

Councilwoman Melton said the plan is still unsatisfactory to her.

Mr. Garber, the architect, indicated the building is now set back plus or minus three feet from the southwest line.

Mayor Bogue discussed the intent of GS zoning and site review approval, pointing out that the Council can ask for whatever they

want. This is to be flexible as to each proposal. After considerable discussion, it was decided that a more detailed landscaping plan be required.

Motion: To table for a more detailed landscaping plan and revised site plan to be presented.
Jackson/Melton. Carried with Bunch voting no. Mr. Garber asked for a detailed list of requirements.

ROSS AVENUE LID ORDINANCE #351 - SECOND READING:

Motion: To adopt ordinance #351
Jackson/Melton. Carried unanimously.

SCHOOL CROSSING GUARD:

Councilman Ekberg had been appointed to work on this issue and he is not here tonight.

Motion: To table to first meeting in November.
Melton/Ross. Carried.

Does the Council wish the crossing guard to continue to patrol until the meeting of November 10? There are still seven children walking.

Motion: To retain the crossing guard until a decision can be made.
Jackson/Melton. Carried.

MODEL TRAFFIC ORDINANCE #352 - SECOND READING

Motion: To adopt Ordinance #352
Jackson/Melton. Carried.

ORDINANCE AMENDING SECTION 6 - #353

Sharon Snuffin, 8815 Franklin Avenue, was concerned about how it is determined which dogs are to be picked up. The police chief outlined the department's policy.

Motion: To adopt the amendment increasing the fine.
Jackson/Ross. Vote was Ross, aye, Melton, no; Bunch, no; Jackson, aye. Mayor Bogue broke the tie by voting aye. Motion carried.

PUBLIC WORKS REQUEST - CUTTING OF TREES ON HILL AVENUE:

This was continued from last meeting. A private citizen had requested permission to cut trees on the right-of-way in order to improve his view. Mayor Bogue reminded the Council of their previous policy of requiring replacement by a lower-growing tree.

Motion: To allow the cutting of the trees.
Bunch/Ross. Carried with Councilman Jackson voting no.

CAMPAIGN SIGN ORDINANCE

Attorney Hess advised that the ordinance in its proposed form is unconstitutional. The ordinance could be more refined and more specific by not singling out just one type of sign. The Council decided that they would like to instruct the Clerk-Treasurer to do some further research.

HAMMA REQUEST TO UTILIZE A MOBILE HOME

Mr. Hamma wishes to place a mobile home on his property while he demolishes his old home and constructs a new residence. He has submitted a request from the police department for his first 30-day permit. He also requests Council permission for the 90-day extension. He feels, however, that the four-month permit would only get him into the middle of the winter. He requests further extensions to spring or even summer.

Attorney Hess said the ordinance is very clear that 120 days of uninterrupted occupancy is the maximum.

Motion: To table pending staff and attorney exploration of alternative methods.
Jackson/Ross. Carried.

GENERAL GOVERNMENT OBJECTIVES - 1981

The police chief told of the communication system he would like to acquire. It would eliminate dependence on LESA. After hours calls for police aid would go directly to the officers.

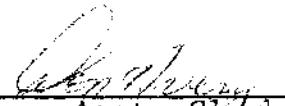
BILLS: Vouchers #3481 through #3582 were approved upon motion. Melton/Jackson. Carried.

ADJOURN: 10:08 p.m.

Tape #90, Side 2, All



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - NOVEMBER 10, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Bunch and Jackson, Attorney Hess and Clerk Avery

Absent: Councilwoman Melton was not present.

PUBLIC HEARINGS: None

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: Planning Commission Resolution #80-34, Telephone Utilities Site Plan Hearing set for November 24

REPORTS: Public Works: Tannahill told the council of the settlement along the side of the new road at Clay Hill. The settlement is approximately 100 feet long and the sidewalk has settled 4 inches.

Gary went on to speak of ways to pay for expansion of the Treatment Plant whether by hook-up charge or equalization charges. Clerk Avery will research this.

Tannahill said that if we wish to apply for the 50% grant for sewer study we need the mayor's signature authorizing it.

Motion: To authorize the mayor to sign.
Ekberg/Ross. Carried.

Police - No report

Planning/Building - No report

Attorney - no report

Clerk-Treasurer - The preliminary budget will be ready by the 24th. Negotiations are now taking place between the fire department and the library. He asked for a special meeting regarding the budget. Scheduled for the first Monday in December. This is the FIRST READING OF THE 1980 TAX LEVY ORDINANCE.

Engineer - Jerry Newlin of KCM presented the Colvos Terrace and Ross Avenue agreements.

OLD BUSINESS: SCHOOL CROSSING GUARD: Councilman Ekberg said he spoke with Supt. Peters of the School District. The school district refuses to even assist the town in paying the guard's salary. Their solution is to run school buses. Councilman Ekberg suggested that a school-age guard be trained. The superintendent did not want any. The

mayor had contacted the Superintendent of Public Instruction offices in Olympia and Seattle. Most districts still use school patrols. Some use adult guards at primary grade schools.

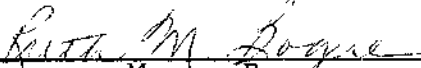
The attorney was asked what our liability might be if we no longer pay the guard. Attorney Hess said it would be minimal provided the Town acted upon proper evaluation such as by the Town Engineer. He also suggested giving warning of discontinuance.

Councilman Ekberg suggested continuing through the end of the year with an evaluation by the Town Engineer and ample warning. The future budget should contain no funds for such a thing. It was agreed that there would be no raise in pay this year. This stated level should continue to the end of the year.

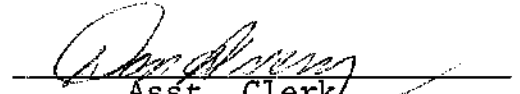
Motion: Ekberg/Ross. Carried.

BILLS: Vouchers #3561 through #3591 approved upon motion and second. Carried.

ADJOURN: 7:36 p.m. Tape #91, Side 1, 1-151



 Mayor Bogue



 Asst. Clerk

REGULAR COUNCIL MEETING, NOVEMBER 24, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Bunch and Jackson, Attorney Hess and Clerk Avery
 Absent: None

PUBLIC HEARINGS: 7 p.m. TELEPHONE UTILITIES SITE PLAN

The proposed building would be located at 46th and Rosedale Street on property zoned both GS and R-1. It is a 6.36 acre site now covered with brush and large trees. The company plans a two-story office building set into the slope. This location would consolidate the location of the employees. There is ample parking for both customers and employees. Rosedale Street would be widened, sidewalks would be installed as well as curb and gutter and storm drainage. The soils report locates a peat deposit in the western portion of the property. It is unknown how extensive this deposit might be but the answer will be forthcoming and the parking lot location is dependent upon this answer. Traffic is a consideration. There would be some staggering of hours with the schools. The church parking would have no effect. It is felt that this building's parking would reduce the down-town parking to some extent. The staff recommends approval subject to the soils report, the recommendation of public works, the fire flow requirements of the fire marshal, the stop signs at the egress points, and all right-of-way improvements prior to an occupancy permit.

Public Input: No opposition.

Council Concerns: Councilman Bunch felt the accesses should be off the frontage road Gary Tannahill said that part of the Town's plan is to require a 36 foot wide street with a two-way left turn lane in the center. A driveway off the frontage road would require cuts and earth removal to a great extent. There would be removal of natural vegetation with resultant run-off. Tim Potter said he spoke with Chief Snider in anticipation of this problem. The chief told him that the average speed on Rosedale Street has dropped because of patrolling and citations. Visibility was discussed by the chief. Councilwoman Melton also felt that there should be no access from Rosedale. Councilwoman Ross said the traffic will worsen on Rosedale when Discovery School opens. Richard Schmidt, architect for the project, spoke of the surveillance difficulties that would ensue if the egress were moved off Rosedale.

Motion: That the site plan be revised to show the ingress and egress on 46th with a traffic light installed. Melton/Bunch. Councilman Ekberg suggested some clarification. Carried with Jackson voting no. Hearing closed.

GRANITE SERVICE LIQUOR LICENSE APPLICATION

The Texaco service station at the top of Pioneer requests a Class C & D license, to sell beer for off-premises consumption. Planning Director Johnston explained that the business license for Granite Service is for a service station only--not groceries. He felt that if approval were granted it would be tacit approval of the retail business that has been established there.

Public Input: Charlie Stone, president of Granite Service, said they run a tavern in Tacoma that is a successful enterprise and he feels the liquor board would approve his application. The location, near the grade school, was questioned and Stone felt it was not a valid objection because of school hours.

In opposition, Mr. and Mrs. Brown of Elldebees had written saying they felt it would be objectionable.

Motion: That the request be denied. Bunch/Ross. Carried unanimously. A letter will be mailed to the liquor board.

LIQUOR LICENSE AT TONY'S RESTAURANT

The staff had no objection to this request for beer and wine on premises at this restaurant located in Olympic Village.

Public Input: Tony Warner, proprietor, said he will maintain the same hours of operation as before with no operation on Sundays or holidays.

There were no voices in opposition.

Motion: That the application be approved. Jackson/Bunch. Carried unanimously. The liquor board will be notified that the Town has no objection. Hearing closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE:

The Hific Corporation had submitted a proposal concerning hookup of a proposed mobile home park near the Purdy Treatment Center to the Town's sewer system. Mr. Howe presented it for Council information. Councilman Ekberg had left the table because of conflict of client interest.

CORRESPONDENCE, Cont.

Planning Commission Resolutions were presented for the setting of public hearing dates. December 8 was set. Planning Director Johnston noted that this is the FIRST READING OF THE AMENDMENT FOR SALES OF CHRISTMAS TREES.

REPORTS: Public Works - Tannahill said that the staff has been approached by others as well as the Hific Corporation regarding enlarging the capacity of the sewer treatment plant and their time is being tied up. He feels that direction from the Council is needed. Councilwoman Melton said she would like more information from the staff. Mayor Bogue said the survey soon to be in progress should add needed information. Jerry Newlin of KCM felt we should get a common denominator on how to proceed.

Police - None

Planning/Building - Planner Johnston is attending the public hearing in Olympia tomorrow on the amendment to the Shoreline

REGULAR COUNCIL MEETING, NOVEMBER 24, 1980

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Bunch and Jackson, Attorney Hess and Clerk Avery

Absent: None

PUBLIC HEARINGS: 7 p.m. TELEPHONE UTILITIES SITE PLAN

The proposed building would be located at 46th and Rosedale Street on property zoned both GS and R-1. It is a 6.36 acre site now covered with brush and large trees. The company plans a two-story office building set into the slope. This location would consolidate the location of the employees. There is ample parking for both customers and employees. Rosedale Street would be widened, sidewalks would be installed as well as curb and gutter and storm drainage. The soils report locates a peat deposit in the western portion of the property. It is unknown how extensive this deposit might be but the answer will be forthcoming and the parking lot location is dependent upon this answer. Traffic is a consideration. There would be some staggering of hours with the schools. The church parking would have no effect. It is felt that this building's parking would reduce the down-town parking to some extent. The staff recommends approval subject to the soils report, the recommendation of public works, the fire flow requirements of the fire marshal, the stop signs at the egress points, and all right-of-way improvements prior to an occupancy permit.

Public Input: No opposition.

Council Concerns: Councilman Bunch felt the accesses should be off the frontage road Gary Tannahill said that part of the Town's plan is to require a 36 foot wide street with a two-way left turn lane in the center. A driveway off the frontage road would require cuts and earth removal to a great extent. There would be removal of natural vegetation with resultant run-off. Tim Potter said he spoke with Chief Snider in anticipation of this problem. The chief told him that the average speed on

Master Plan.

A December 17 meeting has been scheduled for a discussion of land use on the waterfront.

Abatement is proceeding on the Goerig House. He feels the last legal problem will be solved and the house will finally be coming down.

COMMITTEE REPORTS:

Mayor Bogue said that she and Clerk Avery met today with representative Dan Dawson regarding the 106% levy lid and charges in lieu of assessment to ask for legislative relief from the problems caused by current laws.

OLD BUSINESS:

TAX LEVY - ORDINANCE #354 - 2nd Reading:

Motion: That adopt Ordinance #354.
Ekberg/Bunch. Carried.

JERISICH DOCK AMENDMENT - ORDINANCE #355 - 2nd Reading:

The Police Department has fortunately been able to serve violators with summonses lately as there have been people on board.

Motion: Jackson/Ross. Carried.

LIBRARY DISTRICT CONTRACT 1981:

The staff had made suggestions. The council approved of not renewing the contract.

Motion: To negotiate a contract within the parameters of Item #5, which means to refuse renewal of the contract and offer to reimburse the Library District for the cost of any library cards issued to the citizens of the Town.

Jackson/Ekberg. Carried.

FIRE DISTRICT CONTRACT:

Councilman Jackson wished to table discussion until the budget study session on December 1. The council asked that letters be sent to the Fire Commissioners inviting them to the study session as well as Drew Wingard, the fire chief.

MORRIS SITE PLAN:

Planner Johnston said the footprint of the building is smaller. A four-foot planting strip has been added next to the power line. Fencing and additional planting (jack pines) have been added as well as a 3-foot berm around the base of the building.

There were no voices in opposition.

Motion: That the site plan be approved as the Morris's have met all the criteria.
Ross/Jackson. Carried unanimously.

NEW BUSINESS:

RESOLUTION HONORING PETER KLENAK #154:

Motion: That Resolution #154 be adopted.
Jackson/Ekberg. Carried.

RESOLUTION ADOPTING PERSONNEL REGULATIONS - #155:

Motion: That Resolution #155 be adopted.
Jackson/Ross. Carried unanimously.

OLYMPIC VILLAGE SIGN PETITION

The merchants of Olympic Village would like to name the freeway exit street Olympic Village Boulevard in order to attract more attention to their area.

Charlie McAdams, of the merchants' association, said there would be no cost to the Town. Gary Tannahill said the road in question does not belong to the Town but to the State. It was felt that the merchants should approach the State for permission.

BILLS: Vouchers #3592 to #3619 approved upon motion and second.
Carried.

OTHER MEETINGS: Mayor Bogue reminded the Council and audience of the budget study session on December 1.

ADJOURN: 9:07 p.m. Tape #91, Side 1, 151-833



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING - DECEMBER 8, 1980

Present: Mayor Bogue, Councilpersons Ekberg, Ross, Bunch,
and Jackson, Attorney Hess and Clerk Avery

Absent: Councilwoman Melton

PUBLIC HEARINGS: 7 p.m. SKANSI CONTRACT REZONE

Assistant Planner Potter presented two drawings of the parcel in question. It is a 9+ acre site and the Skansi's are asking zoning to R-3 on a contract basis, dependent upon construction of 78 units in a cluster-type group of five buildings. The property is bounded by B-2 (the Beach Basket), county property on two sides, and R-1 to the north. The area has quite a history of soil slippage and stability problems. It is now quite heavily wooded with some brush removed along Harborview within the last few years. The impact statement indicates that the area is unstable mostly adjacent to Harborview Drive and adjacent to the R-1 zone. For this reason the buildings would be clustered on the flat area and the unstable areas left in their natural state. The area could be considered a transitional use since it abuts the B-2 zone. Based on a gross square footage basis, as a transitional use, the property could have 33 duplexes (66 units) and, under the proposed amendment to lot size, the property could hold 25-26 duplexes. The Skansis plan to use only the top of the plateau and leave 5 to 5½ acres as a buffer to allow the natural vegetation to retain the stability of the slopes. In addition, this clustering of the buildings would screen the project from the road below.

Potter said this hearing concerns the rezone only--all other points would be considered at the site plan stage. It would create additional traffic on Harborview Drive but there is a provision for a left turn holding lane.

The Planning Commission had recommended approval of the rezone with four conditions: Utilities, soils, security, and commitment to provide the proposed amenities.

The assistant planner went on to say that the parcel is a unique one and should be dealt with in a sensitive way. The planning staff feels that the cluster-type of plan is the most sensitive. They felt the number of units was the council's decision but they felt the concept should be approved. The council could possibly put a clause in the contract such as "up to a maximum of 78 units." The developer feels that they require 78 units to make it financially feasible. The developer requires R-3 for height since he plans three stories with mid-level entries. Also, R-3 allows clustering where R-2 does not.

The developer plans to leave a 1+ acre parcel as R-1 abutting Harborview Drive adjacent to the Beach Basket. When asked why they did not ask for zoning for the entire parcel the developer replied that the area might provide future parking for the Beach Basket since that business now must utilize part of the right-of-way for parking.

Public Input: Nick and Tony Skansi and Robert Lynch, their architect, were present as proponents.

In opposition were:

JUDY KUEHN, 6328 Islandview Terrace, who felt that the development could greatly endanger the quality of life in the Town.

SHARON HANSON, 9508 N. Harborview Drive, who felt the feelings of the people of the Town should be considered by the Council.

DICK KUEHN, 6328 Islandview Terrace, said the recent survey showed people were against high density dwellings.

JOHN JERKOVICH, 8324 Bayridge, was concerned that it could set a precedent.

JULIE ANN JERKOVICH, 8324 Bayridge, agreed that the development would have a bad effect one way or another.

THELMA MANNING, 8005 Shirley Avenue, felt that R-2 would be sufficient and that R-3 was too much. She agreed with Jerkovich that it could have a chain reaction.

Mayor Bogue closed the public hearing. This is the first reading

of the proposed rezone. The staff was asked to respond to all questions from the Council and the audience before next meeting when the second hearing will take place.

CONDITIONAL USES OF ZONING TO ALLOW SEASONAL SALE OF CHRISTMAS TREES IN R-1 AND R-2 DISTRICTS - Second Reading:

Tim Johnston said this amendment was instituted at the request of the Council. The Planning Commission reviewed it and felt it was a needed item. They recommend approval with terms and restrictions.

There were no voices in favor or opposition but Mayor Bogue had received a telephone call from Jim Madden who felt it would be an unwarranted intrusion into a residential zone.

Motion: That the amendment be approved.
Jackson/Bunch. Carried. Hearing closed.

BRAATEN CONDITIONAL USE APPLICATION

This is a specific request by an applicant for the aforementioned seasonal sale of Christmas trees in an R-1 zone. The location is 9323 Peacock Hill Avenue. The Planning Commission had recommended seven conditions and the council wished to add a limit to the hours of operation. The attorney suggested adding clean up as a condition.

Public Input:

David Venes, 9502 Peacock Hill Avenue, was in favor of granting a permanent permit to the applicant so long as he continues to live in the same place.

Councilman Bunch theoretically left the table.

The Clarence Carroll's and the William Ramsey's wrote letters in favor of granting the permit.

Mayor Bogue communicated Jim Madden's opposition to this request.

Motion: That the seven recommendations of the Planning Commission be approved except that the hours of operation should be from 9 a.m. to 9 p.m. and the lot shall be attended during all hours of operation. The permit shall be effective from December 1 through 25, subject to staff approval, and the lot shall be cleared completely no later than five days after Christmas. The annual permit application shall be subject to staff approval.

Ekberg/Bunch. Carried unanimously. Hearing closed.

YOUNG ANNEXATION DETERMINATION OF ZONE - 1st Reading:

There are three parcels of property all under single ownership. The property in question is on Soundview Drive just north of the Hunt Street intersection. The property abuts the Town because Soundview Drive is in the Town limits. The request for R-2 seems appropriate because it is an accomplished fact. R-1 abuts the property across the street but there is R-2 property within 300-400 feet inside the Town.

Public Input: Marilyn Paja, representing the owner, said they are attempting to obtain easements to enable the property to hook up to the end of the sewer on Cascade. Otherwise, they would be willing to pump up to the Soundview line.

There were no voices in opposition.

Councilman Bunch questioned a statement in the petition for annexation which declared that the annexee did not need to assume Town indebtedness. Attorney Hess said he would have an answer next meeting. The hearing was closed.

MINUTES: As there were no corrections or additions the minutes stood approved as posted.

CORRESPONDENCE: None

REPORTS: Public Works - Gary Tannahill, speaking about a request from last meeting, said he needs to know what specific information the Council would like regarding the sewer treatment plant. The mayor suggested that this be considered the FIRST READING OF AN AMENDMENT TO SECTION 13.

Planning/Building - Concerning the proposed amendment to the mobile home ordinance, Tim Johnston said it has not yet been heard before the Planning Commission. A public hearing before that body is required since it becomes an amendment to the zoning ordinance. Tim went on to ask the Council's opinion in regard to the mobile home that Hamma has put on his lot. The thirty day permit has nearly expired and Tim needs to know if it can be held in abeyance pending action on the proposed ordinance amendment. The council agreed.

Attorney - Councilman Ekberg asked the attorney how the Molgard case is proceeding. Attorney Hess replied that the criminal charges are being dropped and the civil suit is set in Superior Court August 19, 1981.

Goerig House - This has been delayed because the fire department plans some training activity. The date should be definite in about two days.

Berg - The deck has now been removed.

Booker - Attorney Hess said he heard from Booker's attorney who asked that the charges against his client be dropped. Hess countered by saying it will be dismissed when the fence/wall comes down and the costs are paid.

Clerk - Don Avery asked Council inputs, recommendations, and concerns regarding the budget. He will furnish an updated budget to the Council prior to the hearing on the 22nd.

OLD BUSINESS:

AMENDMENT TO CONDITIONAL USE - ORDINANCE #356 - 2nd Reading.

LIBRARY CONTRACT: Mayor Bogue suggested an ordinance annexing the Town to the library district. If so, it must go to a vote of the people. This would be the first reading.

Motion: That the Town take the necessary steps to annex to the Pierce County Library. Ross. The motion died for lack of a second.

Motion: That, prior to annexing, we pursue all other avenues. Ekberg/Bunch. Carried with Ross voting no.

FIRE DISTRICT CONTRACT - Mayor Bogue and Clerk Avery plan to appear at the local fire district meeting and offer the fire district the amount of money that would have been offered if the 106% tax levy did not pass in an unincorporated area. Councilman Jackson said he would like to see negotiations attempted between the Town attorney and the fire district's attorney. If the proposal by the Town is not accepted on Thursday night then Jackson's suggestion could be put into effect.

1981 BUDGET ORDINANCE - 1st Reading: Clerk Avery was asked about proposed staff cuts. He said he would have a recommendation prior to next meeting.

ANNOUNCEMENTS: Mayor Bogue reminded the Council of the Planning Department land use meeting on December 17.

BILLS: Vouchers #3620 through #3642 approved upon motion. Ross/Jackson. Carried.

OTHER BUSINESS: Councilman Ekberg moved that we readdress the Telephone Utilities site plan at the next available meeting. The motion was not seconded and failed to pass. It has been scheduled by the staff to be heard January 12.

ADJOURN: 9:40 p.m.

Tape 91, Side 1, 833 to End and Side 2, 0 to 419.

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REGULAR COUNCIL MEETING - DECEMBER 22, 1980

Present: Mayor Bogue, Councilpersons Melton, Jackson and Ekberg.
Absent: Councilwoman Ross and Councilman Bunch.

PUBLIC HEARINGS : 7 p.m. SKANSI REZONE

Postponed to January 26, 1981 at the request of the applicant.

Motion: To postpone. Jackson/Melton - Carried.

MINUTES: December 8, 1980 minutes approved as posted.

CORRESPONDENCE:

Mrs. Jensen - requesting the Town to make every available effort to keep the library open to the public.

Planning Commission presented six resolutions for hearing to be scheduled for January 12, 1981 that included first readings of ordinances modifying Section 17.20.040, 17.44.030 and 17.60.020 of the Gig Harbor Municipal Code.

SPECIAL GUESTS - None

DEPARTMENTAL REPORTS:

Public Works - None

Police - None

Planning & Building - The developmental definitions for the Shoreline Management Master Plan were adopted by the Planning Commission on Dec. 10th.

See 1/21* Attorney - Attorney Hess recommended that a fire prevention services contract be entered into with the fire district on a month-to-month basis.

Clerk - Requested that the Town establish a monthly rental rate for the library district's use of the Town Library facility.

OLD BUSINESS:

Second reading of an ordinance adopting a budget for fiscal year 1981.

Motion: Adopt ordinance. Ekberg/Melton - Carried.

NEW BUSINESS:

First readings of ordinances increasing the water and sewer rates.

Councilperson Jackson volunteered to represent the Town at the Pierce County Public Trans. Imp. Conference.

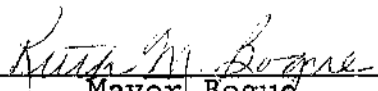
Councilperson Ekberg recommended that Mr. Behnke be congratulated for the professional manner in which he conducted the recent community forum on shoreline land utilization.

Councilperson Ekberg requested that no public hearings be set for either the last meeting in February or the first meeting in March so that the council may have ample time to discuss budget priorities.

BILLS: Vouchers # 3643 through #3674 approved upon motion.
Ekberg/Melton - Carried.

ADJOURN: 7:45 p.m.

Tape 91, Side 2, 419-609



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING OF JANUARY 12, 1981

Present: Mayor Bogue, Councilpersons Melton, Jackson, Ekberg, Bunch and Ross, Attorney Hess and Clerk Avery.

SPECIAL GUEST: Greg Jones presented the status of the zoning regulations and comprehensive plan. The final draft should be completed by mid-February.

PUBLIC HEARINGS: 7 p.m. HARBOUR ASSOCIATES SUBSTANTIAL DEVELOPMENT PERMIT, SITE PLAN AND HEIGHT VARIANCE.

A considerable quantity of public input was received. The bulk of the public concern related to an objection to multi-family units on the waterfront. The public objections and attendant issues were discussed among the council members. Several motions then followed that were not successful due to a lack of a second.

Motion: To approve Substantial Development Permit subject to the staff recommendations: Ross/Ekberg - Failed 2-3.

Motion: Close the public hearing and postpone the decision until the next council meeting: Ekberg/Ross - Carried.

WILLIAM YOUNG DETERMINATION OF ZONE PRIOR TO ANNEXATION.

This is the second of two public hearings applicable to zoning determination: Staff recommended that the property be zoned as used, R-2.

Motion: Zone R-2: Jackson/Melton - Carried.

WILLIAM YOUNG ANNEXATION.

Staff recommends annexation to permit the owner an opportunity to correct the property's drainfield failure through connection to the Town's sanitary sewer system.

Motion: To approve: Ekberg/Melton - Carried.

AMENDMENTS TO SECTIONS: Second Reading:

17.20.040 For residential uses the lot area shall be not less than 12,000 square feet for the first dwelling unit in each dwelling and 3,000 square feet for each additional dwelling unit. Ord. # 358.

17.44.030 The lot area shall be not less than twelve thousand square feet. For residential uses the lot area shall be not less than 12,000 square feet for the first dwelling unit in each dwelling and 3,000 square feet for each additional dwelling unit. Ord. # 359.

17.60.020A.1 Two-family dwellings, provided that such lot is at least fifteen thousand square feet in size.

Ord. # 360.

Motion: To approve Ord. Nos. 358, 359, 360, Jackson/Bunch-Carried.

MINUTES: Correct attorney's report of December 22nd to reflect council's authorization to proceed on a month-to-month contract with Pierce County Fire District #5.
See 1/26 minutes

CORRESPONDENCE: None

SPECIAL GUESTS: Jerry Newlin of KCM introduced new KCM staff member.

DEPARTMENTAL REPORTS:

Public Works - None

Police - None

Planning & Building - None

Attorney - None

Clerk - Requested and received authorization to proceed with research into rental proposal applicable to the library facility.

COMMITTEE REPORTS:

Councilmember Jackson reported that the Public Transportation Improvement conference will hold planning sessions in March or early April in Gig Harbor with service to start as early as June. The board has been increased to seven members giving a broader representation to the community.

OLD BUSINESS:

TELEPHONE UTILITIES SITE PLAN.

Motion: To approve the original site plan with the addition of a four-way stop sign and flashing light at the intersection of 46th Avenue and Rosedale Street. Ross/Melton - Carried.

ORDINANCE AMENDING WATER RATES.

Motion: To approve Ord. # 361. Ekberg/Ross - Carried. Abstain - Melton.

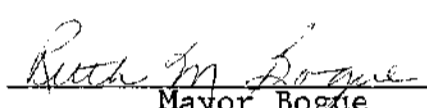
ORDINANCE AMENDING SEWER RATES.

A letter of objection from Ralph Shulich, Jr. was read into the record. Motion: To approve Ord. # 362. Jackson/Ekberg - Carried. Abstain - Melton.

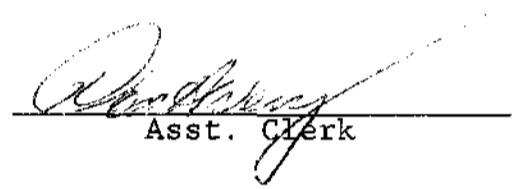
NEW BUSINESS: None

BILLS: Vouchers # 3676 through 3726 approved upon motion. Ekberg/Melton - Carried.

ADJOURN: 10:33 p.m. Tape 92, Side 1, 0-542



Mayor Bogue



Asst. Clerk

REGULAR COUNCIL MEETING OF JANUARY 26, 1981

Present: Mayor Bogue, Councilpersons Melton, Ross, Ekberg, Bunch and Jackson, Attorney Hess and Clerk Avery.

PUBLIC HEARINGS: 7 p.m. SKANSI CONTRACT REZONE (Continuation)

Motion to approve revised contractual rezone subject to map number three as designed and the soil recommendations by the staff along with the public utilities and road circulation as recommended by the public works dept., be incorporated in the site plan. The site shall be approved by soil engineers. The developers shall consult the police chief for security improvements. The proponents will provide in the contract the amenities as stipulated by the EIS. Bunch/Melton. Motion to amend the original motion. This rezone is largely due to the unusual topography of this particular piece of property and is not to be used as a precedent setting rezone for the connecting parcels of property. Ross/Jackson - Carried 3-2. Original motion - Carried 4-1.

MINUTES: Addition to minutes of 1/12/81. Ross. Under OLD BUSINESS: Telephone Utilities Site Plan - Motion to amend by councilperson Ekberg stating to the effect that the utilities site plan shall be approved with the conditions as set forth by the planning department and planning commission. Footage, 407-409. Councilperson Ekberg asked for a clarification of the motion to include the planning commission's recommendation - Resolution # 80.34.

CORRESPONDENCE: Hific Corp. request for sewer service to a tract of land located beyond Town boundaries. Councilperson Ekberg abstains from these proceedings. Motion to deny the request based upon increased demands imposed on the police department and the sewer utility. Bunch/Jackson - Carried 3-1.

RESOLUTION # 80-46 PEACOCK REAL ESTATE Office Building for public hearing 2/9/81.

RESOLUTION # 80-47 GALBRAITH DETERMINATION OF ZONE PRIOR TO ANNEXATION for public hearing 2/9/81.

SPECIAL GUESTS: Pierce County Library Board - not present.

OLD BUSINESS: Library District - current status.

Commissioner Bujacich and Gig Harbor Library Board Chairman Behnke discussed the current status of the library's location with the council and alternative courses of action to pursue in an effort to retain a facility at the present location.
Motion to lodge a formal written complaint with the Pierce County Commissioners and to instruct the Town Attorney to help in this matter, as much as possible, with legal research to retain the library in the present location. Ross/Jackson - Carried.

REPORTS OF DEPARTMENT HEADS:

Public Works - A recent traffic flow study has been posted for the council's review.

Police - Excused.

Planning/Building - None.

Attorney - None.

Clerk-Treasurer - None

OLD BUSINESS: HARBOUR ASSOCIATES - Shoreline Management Permit decision.

Motion to approve Resolution 80-33 based upon compliance with the Shoreline Management Program and Town ordinances with the three recommendations presented: curb installation, approval of a height variance, approval of a site plan and public access provided contingent upon site plan approval. Ekberg/Ross - Carried 5-0.
Harbour Associates height variance and site plan hearings scheduled for 2/9/81.

Motion to have a first reading of an ordinance to enforce a moratorium applicable to project developments on all waterfront property to apply for a period of 90 days, excluding Harbour Associates. Jackson/Ekberg-Carried.

Motion to institute an immediate moratorium on all waterfront property, excluding Harbour Associates. Jackson/Ross - Carried.

Motion to have a first reading on an interim zoning ordinance encompassing all waterfront, except Harbour Associates. Ekberg/Jackson - Carried.

NEW BUSINESS: Motion to authorize the Mayor to sign the 1981 Fire Prevention Bureau Contract. Ekberg/Ross - Carried.

Pastries Continental Class "C" liquor license request public hearing to be held on 2/9/81.

Harbor Landing Restaurant live entertainment request public hearing to be held on 2/9/81.

First reading of an ordinance adopting the Optional Municipal Code.

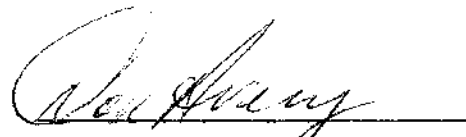
First reading of an ordinance annexing 56th St., NW.

BILLS: Motion to approve. Melton/Ross - Carried.

ADJOURN: 9:17 p.m.

Tape 92, Side 1, 542 to end
Side 2, 0 to 056


Mayor Bogue


Clerk

REGULAR COUNCIL MEETING OF FEBRUARY 9, 1981

Present: Mayor Bogue, Councilpersons Ross, Melton, Ekberg, Bunch and Jackson, Attorney Hess and Clerk Avery.

PUBLIC HEARINGS: 7 p.m.

HARBOUR ASSOCIATES HEIGHT VARIANCE

Motion to approve based upon project's uniqueness and compliance with existing neighborhood architecture.

Ekberg/Melton - Carried 4-1.

HARBOUR ASSOCIATES SITE PLAN

Motion to approve, as proposed, based upon conditions of Resolution #80-44 and the inclusion of public access to the waterfront.

Ekberg/Melton - Carried 4-1.

Motion to amend to include the conditions of the Planning Commission and staff plus the conditions contained in the agreement between Harbour Associates and Puratich.

PEACOCK REAL ESTATE SITE PLAN

Motion to approve based upon Planning Commission and staff recommendations.

Ross/Melton - Carried 5-0.

Motion to amend to eliminate the furthest eastern parking space in the employees' parking lot and to move the entire project east six feet to allow an additional six feet of buffer on the western boundary.

Ekberg/Ross - Carried 3-2.

GALBRAITH DETERMINATION OF ZONE PRIOR TO ANNEXATION

First of two public hearings applicable to zoning determination. Staff recommends B-2 zoning for the entire parcel.

Conditions include a 30 foot buffer on the west and inclusion of the Simerson property to the north.

Councilperson Jackson expressed concern for the Simerson property to the north and requested the owner's statement of position prior to the next hearing on this subject.

PASTRIES CONTINENTAL CLASS "C" LIQUOR LICENSE REQUEST

Motion to approve.

Jackson/Bunch - Carried 5-0.

HARBOR LANDING RESTAURANT LIVE ENTERTAINMENT REQUEST

Motion to approve based upon the conditions that approval is contingent upon the provision of live entertainment be restricted to the hours of 6-9 p.m. two nights weekly, and subject to review.

Ekberg/Melton - Carried 5-0.

Motion to amend to include review after six months.

Jackson/Ekberg - Carried 5-0.

MINUTES:

As there were no corrections or additions, the minutes stood approved as posted.

Ross/Bunch - Carried.

CORRESPONDENCE:

Manning annexation hearing set for February 23, 1981.

Resolution #80-01, Temporary Mobile Home Use set for February 23, 1981.

SPECIAL GUESTS:

Evergreen College students introduced to the council by Mayor Bogue. They will be involved with planning related projects through the auspices of the Town's Planning Department.

Councilmember Jackson introduced Terry Coe who is serving as his intern from T.C.C.

REPORT OF DEPARTMENT HEADS:

Public Works - None

Police - None

Planning/Building - Planning Director Johnston presented a grant project being developed through the I.A.C. for the Heritage Conservation and Recreation Service. This program would entail a shoreline beautification project for the old ferry landing at the end of Harborview Drive.

Greg Jones will be in Town on February 17th to meet with the Planning Commission to review the development of the Town's zoning regulations.

A new Town zoning map was presented. This map will be made available to the public.

Attorney - Mr. Hess reported on the status of lawsuits involving the Pierce County Rural Library, Mr. Molgard and Mr. Booker.

Clerk-Treasurer - None

OLD BUSINESS:

Second reading of Ordinance No. 363 adopting the Optional Municipal Code.
Jackson/Ross - Carried 4-1.

Second reading of Ordinance No. 364 annexing 56th St., NW.
Ekberg/Jackson - Carried 5-0.

Waterfront Moratorium.
Staff instructed to develop an interim zoning ordinance through the Planning Commission.

NEW BUSINESS:

Revenue Sharing. 1981 entitlement public hearing set for February 23, 1981.

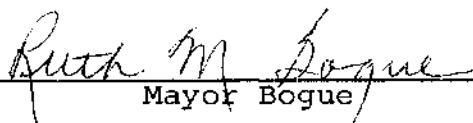
Councilpersons Jackson and Ekberg expressed concern over the condition of the downtown area and recommended that an effort be made to upgrade the streets and parking lots.

BILLS:

Vouchers # 3811 through 3862 approved.
Jackson/Ross - Carried.

ADJOURN:

Tape 92, Side 2,
056 to 710



Mayor Bogue



Clerk

REGULAR COUNCIL MEETING OF FEBRUARY 23, 1981

Present: Councilmembers Ross, Bunch, Jackson and Mayor Bogue. Councilmember Ekberg arrived during the Mobile Home Temporary Use hearing. Also present, Clerk Avery and Attorney Hess.

PUBLIC HEARINGS: 7 p.m.

MANNING ANNEXATION

R-1 annexation of five acres located west of Shirley Avenue.
Motion to approve based upon the recommendations of the Planning and Fire Departments.
Ross/Bunch - Carried 3-0.

MOBILE HOME TEMPORARY USE ORDINANCE

Public hearing and first reading of an ordinance to provide for temporary occupancy of a mobile home on a building lot during the construction of a dwelling or for a caretaker of a large construction project.

REVENUE SHARING

Requests were presented by the Public Works Dept., Police, and Planning Departments.

Motion to table the discussion until March 9th.

Ekberg/Jackson - Carried.

MINUTES:

Add to Harbour Associates Site Plan hearing Feb. 9th - Carried - 4-1.
New business - Feb. 9th, change the term, "upgrade", to "clean up",
Jackson.

CORRESPONDENCE:

Marvin Schliep request to lease an unimproved right-of-way. Staff to prepare an analysis of the request for March 9th meeting.

SPECIAL GUESTS:

Nick Tarabochia expressed a desire to join in the Manning annexation by including his adjoining five acres.

Mr. Palmer of the East Side Improvement Association requested the council to join with their association in an effort to control boat speed in the harbor.

OLD BUSINESS:

None

NEW BUSINESS:

Library Board hearing before the county commissioners - referred to executive session.

Motion to approve Resolution #156 cancelling a lost warrant.
Ekberg/Ross - Carried.

Recommendation by Councilmember Jackson to support the Town of Steilacoom in its opposition to Senate Bill #3790.
Jackson/Ekberg - Carried 4-1.

REPORT OF DEPARTMENT HEADS:

Public Works - None

Police - None

Planning/Building - The Heritage Conservation project relative to restoration of the old ferry landing site has been postponed due to a "freezing" of federal funds.

The attitude survey has been mailed.

An interim zoning hearing has been set for the Planning Commission for March 3rd.

A meeting is to be held with Mr. Goerig on Feb. 25th to decide final disposition of his fire damaged house.

Attorney - The Tarabochia Dock court decision supported the Town's position, and to his understanding, the illegal portion has been removed. Staff to review for compliance.

In regards to the Booker lawsuit, the offending structure has been removed and it is a recommendation not to pursue the lawsuit.

Clerk/Treasurer - A brief review of the final 1980 operating statement was provided to the council.

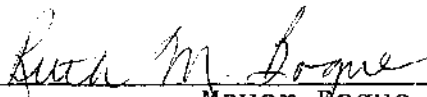
Councilmember Jackson informed the council that a meeting would be held here on February 24th with the Port Commission to discuss a fisherman's dock.

BILLS:

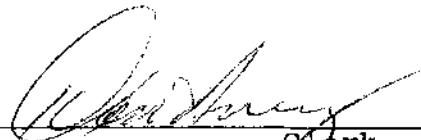
Vouchers #3863 through 3901 approved.
Ross/Jackson - Carried.

ADJOURN: 8:50 p.m.

Footage - None
Recorder defective.



Mayor Bogue



Clerk

REGULAR COUNCIL MEETING OF MARCH 9, 1981

Present: Councilmembers Jackson, Bunch, Ross, Ekberg and Mayor Bogue.

PUBLIC HEARINGS: 7 p.m.

GALBRAITH DETERMINATION OF ZONE PRIOR TO ANNEXATION

Motion to apply B-2 zone based upon staff recommendations.
Bunch/Ross. Carried unanimously.

GALBRAITH ANNEXATION HEARING

Motion to approve based upon the following conditions:

- 1) That a dense 30 foot buffer zone be maintained on the west property boundary (between the Galbraith property and Tacoma-Lake Cushman power line right-of-way).
- 2) The site is not to be disturbed prior to site plan approval.
- 3) That a dense ten foot buffer be maintained between the Galbraith and Simerson property.

Jackson/Ekberg, vote tied 2-2. Mayor Bogue voted in the affirmative.
Carried 3-2.

TARABOCHIA ANNEXATION

Motion to table until the attorney has researched the legal status of the mobile home contained on the property.
Jackson/Ekberg - Carried.

MINUTES:

Approved as posted.

CORRESPONDENCE:

Resolution No. 81-02, Interim Zoning Ordinance, and No. 80-42, Lambert request for front yard setback and height variance, hearings set for 3/23/81.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Public Works Director expressed appreciation to Chuck Hunter and Walt Smith for repairing portions of the right-of-way adjacent to their properties.

Police: The Police Chief informed the council that the official Police Explorer Group has been organized and recognized by the National Association.

The annual Police Department report is being distributed.

Bldg/Planning: The Planning Director reported that he had met with Mr. Goerig on March 9th and has received Mr. Goerig's concurrence to allow the Fire Department to burn the house as a training exercise.

Councilmember Jackson requested that the property be cleaned up by April 1st.

Attorney: Mr. Hess informed the council of his recent meeting with Fire Chief Wingard relative to contractual negotiations.

The Mayor appointed councilmember Ekberg to chair a committee composed of Councilmembers Jackson and himself to explore possible alternatives to the present contract with the fire district.

Clerk/Treasurer: None

OLD BUSINESS:

Mr. Schliep request to lease an unimproved portion of city right-of-way.

Motion to table pending further study.

Ekberg/Ross - Carried.

Revenue Sharing.

Motion to table pending resolution of the library situation.
Bunch/Ekberg - Carried.

Mobile Home Temporary Use Ordinance: 2nd Reading #365.
Motion to adopt.
Ekberg/Jackson - Approved 4-0.

Councilmember Jackson reported that a group of citizens met with representatives of the Port of Tacoma to discuss the possible development of equipment loading sites for the harbor's fishing industry. A committee has been formed to explore the subject.

Councilmember Jackson requested the staff to research legal compliance of a barge now tied to the end of Mr. Tarabochia's dock.

Councilmembers Ross and Bunch requested the staff to research the use of a service station in association with retail grocery sales for the 3/23 council meeting.

NEW BUSINESS:

Peabody lawsuit. The attorney requested the council's position as to whether or not they wish to contest the lawsuit. Mr. Hess was given authority to file a notice of appearance on behalf of the City.

BILLS:

Motion to approve.
Ekberg/Jackson - Carried.

MEETING ADJOURNED: 8:45 p.m.

Cassette tape utilized.



Mayor Bogue



Clerk

REGULAR COUNCIL MEETING OF MARCH 23, 1981

Present: Mayor Bogue, Councilmembers Ekberg, Ross, Melton, Bunch and Jackson, Attorney Hess.

PUBLIC HEARINGS: 7 p.m.

INTERIM ZONING ORDINANCE

Assistant planner Tim Potter reviewed the proposed interim zoning ordinance explaining each of the 3 sections. The staff's recommendation for permitted uses included single family residence, maintenance and repair of existing structures and interior remodeling. Potter also read the Planning Commission's Resolution which indicated the Planning Commission does not feel the interim zoning is necessary.

Peter Katich spoke in favor of the ordinance.

Speaking against the ordinance were Paul Gustafson, Mike Pickett, Mike Castelan, John Paglia, Tony Skansi and Bob Frisbee. Most agreed with the Planning Commission findings. Concern was expressed as to the possible extension of the ordinance.

Councilman Jackson responded by noting the concern expressed at several public meetings about land use on the waterfront. This is a process of getting the bugs out of the system.

Paul Gustafson expressed concern over the moratorium being passed without the public's knowledge. Mayor Bogue asked the staff if all required notices had been made. Tim Johnston indicated they had and that the moratorium came about by a council resolution.

Councilmembers Ekberg, Ross, and Bunch expressed their opinions regarding the purpose and scope of the moratorium.

Mike Castelan and Mike Pickett told the council that if the moratorium is extended, he and many other fishermen would not be present to comment or participate in any review process.

Peter Katich discussed the problems created by Bumpy's Pizza.

Paul Gustafson questioned the rights of the public to govern private

ownership of land. This was responded to by Councilmember Ekberg.

Mayor Bogue closed the public hearing and said it would be considered the first reading of the interim zoning ordinance.

MINUTES:

Public Works Director requested an addition to the minutes concerning the patching done by Chuck Hunter and Walt Smith.

CORRESPONDENCE:

Correspondence was read and Resolutions 81-03 through 81-06 were scheduled for public hearing on April 13, 1981.

Gary Tannahill presented correspondence from Wick Homes, Inc., concerning a revision of the approved Harborview Park subdivision. Tannahill went on to present comments from the other departments. Councilmember Ekberg said that if they want to bring in a plan there are procedures for that.

REPORTS FROM DEPARTMENT HEADS:

Police: Chief Snider reported that the refrigerator at the Goerig house has had the locking mechanism destroyed.

Planning Director Johnston informed the council that Mr. Goerig had removed the asphalt roofing and was close to getting all necessary paperwork together to permit the controlled burning of the house.

Planning/Bldg: Tim Johnston reported on the Texaco Service Station grocery and also the recent visit by the Port of Tacoma Planner, Gary Kucinski. Kucinski visited the proposed fishermen dock sites. Johnston said he has corresponded verbally and in writing with the owner of the Tarabochia dock.

Attorney: Bill Hess discussed the Peabody case, and also informed the council about the status of the Tarabochia case. He requested direction from the council concerning future action. The staff indicated the dock had come into compliance with the original court order, however, may again be in violation with the barge and moored pleasurecraft.

Councilmember Jackson made a motion to direct the City attorney to do whatever is necessary to resolve the situation, Ekberg seconded. Motion carried. Bunch voted no and Melton abstained.

OLD BUSINESS:

Bill Hess indicated that the mobile home on the proposed Tarabochia annexation would have to be accepted.

Jackson moved that this property be approved for annexation. Seconded by Bunch. Motion carried. Melton abstained.

Nick Tarabochia requested a letter saying the trailer would stay until such time as he develops the property. Hess advised the council cannot give such assurances. Mr. Tarabochia withdrew his request for annexation.

The Public Works Director presented his proposal for the unimproved right-of-way of Fuller Street off of North Harborview Drive.

Councilmember Ekberg moved that the staff draw up some specifications for a proposed bid for lease for the council's review at the next meeting, incorporating many of the concerns expressed by the council members.

Seconded by Jackson. Motion carried unanimously.

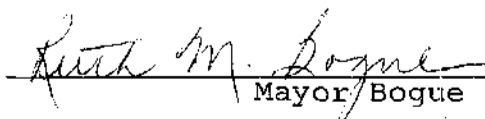
BILLS:

Motion to approve.

Jackson/Bunch - Carried.

ADJOURN: 9:15 p.m.

Tape 93, Side 1
0-57



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF APRIL 13, 1981

Present: Mayor Bogue, Councilmembers Melton, Bunch, Jackson and Attorney Hess.

PUBLIC HEARINGS: 7 p.m.

INTERIM ZONING ORDINANCE

Mayor Bogue noted that this was the second reading of the ordinance, not a public hearing.

Paul Gustafson asked a procedural question.

Attorney Hess spoke on questionable advisability of adopting interim ordinance. He noted that the ordinance would be difficult to defend in a court of law.

Dan Jackson asked Planner Potter about the scope of the waterfront zoning rewrite.

Nancy Melton suggested that there might be alternative ways to address waterfront zoning issues.

Melton moved to not adopt the ordinance.

Bunch seconded.

Motion carried by a 2-1 vote.

HARBOR HEIGHTS ASSEMBLY OF GOD SITE PLAN, VARIANCE AND CONDITIONAL USE HEARINGS

Planner Potter presented analysis of site plan, height variance and conditional use application. He noted that the staff and Planning Commission recommended approval on all three applications subject to specific recommendations.

Harold Johnson, church pastor, spoke in favor of the conditional use.

No opposition.

Jackson moved to approve conditional use.

Melton seconded.

Motion carried unanimously.

Harold Johnson spoke in favor of the site plan.

No opposition.

Motion by Melton to table the hearing until further clarification on access and green belting was presented by the applicant.

Bunch seconded.

Motion carried unanimously.

Jackson moved to approve the height variance request.

Bunch seconded.

Motion carried unanimously.

SPADONI REZONE APPLICATION

Planner Potter presented application. Noted that Planning Commission and staff recommended denial of the request.

Roland Spadoni, 7659 Ray Nash Drive, N.W., spoke in favor of the rezone request.

Tommie Siem, 315 Pt. Fosdick Drive, also spoke in favor of the rezone.

No opposition.

Jackson moved to deny.

Bunch seconded.

Motion failed by a 2-1 margin.

Bunch then moved to table until applicant could research alternative solutions or provide substantive information in support of the rezone to RB-1.

Melton seconded.
Motion carried by a 2-1 margin.

MINUTES:

Approved unanimously.

SPECIAL GUEST:

Attorney Martin Robinette addressed council on Peabody easement. Jackson moved to have Mr. Robinette draw up easement document for Attorney Hess to review. Seconded by Melton. Motion carried by a 2-1 margin.

REPORT OF DEPARTMENT HEADS:

Public Works: The Public Works Director reported on the traffic light alternatives on 56th and a proposed left turn allowed on 28th St.

Jackson moved to eliminate left turn.
Melton seconded.
Motion carried by a 2-1 margin.

Public Works Director Tannahill presented a request for permission to ask for bids on a vehicle to be paid for out of Revenue Sharing funds.

Jackson moved to authorize bids.
Melton seconded.
Motion carried unanimously.

Planning: Planning Director Potter reported on the removal of an illegally placed barge at the Tarabochia dock.

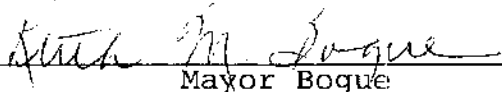
Administrative Assistant: Director Johnston reported on an application for a transfer of a liquor license from one owner to another at the Shorline Restaurant and another liquor license application from Bumpy's Pizza pending further input from the applicant.

Mayor Bogue and the council directed the Public Works Director and the Police Chief to present a proposal concerning a deposit and fee policy for use of public parks by large groups.

BILLS:

Melton moved to approve.
Jackson seconded.
Motion carried unanimously.

MEETING ADJOURNED: 9:29 p.m.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF APRIL 27, 1981

Present: Mayor Bogue, Councilmembers Melton, Bunch, Jackson, Ross, Ekberg and Attorney Hess.

PUBLIC HEARINGS: 7:08 p.m. No public hearings were scheduled.

MINUTES: Approved unanimously.

CORRESPONDENCE:

1. Resolution #81-07, Hoffman sideyard setback variance scheduled for May 11, 1981 public hearing.
2. Bumpy's Pizza and Salad House requested a public hearing on their "Class D" liquor license application.

Councilmembers Ross and Melton indicated that there had been no change in circumstances. Mayor Bogue showed the Council the petition submitted by Bumpy's.

Michael Boltz, proprietor, commented on the insignificant amount of beer sales involved.

Councilman Jackson indicated that the impact may increase this summer.

Boltz explained that they have had banquets with liquor and the neighbors did not comment negatively.

Councilman Ekberg indicated that the issue was the same and there had not been any significant changes.

Melton moved that no public hearing be held.

Ekberg seconded.

Motion carried unanimously.

SPECIAL GUESTS:

1. Charles Gilman, architect for the Colvos Terrace elderly apartment complex presented a request for a parking lot revision. Colvos Terrace originally received a variance for required parking with a condition they acquire a bond for the remaining 14 stalls. Gilman indicated they couldn't acquire a bond and requested the Council to approve a site plan revision showing the originally required 41 parking stalls.

Jackson moved to approve the site plan revision for increased parking.

Ross seconded.

Motion carried unanimously.

2. Bob Stauffer, Gig Harbor's new building inspector was introduced by Gary Tannahill, the Public Works Director.

REPORT OF DEPARTMENT HEADS:

PUBLIC WORKS: The Public Works Director presented the Council with a copy of the signed papers permitting the Fire Department authority to burn the Goerig house. The Council asked Tannahill to get a firm date for the burn from the Fire Department.

Public Works Director Tannahill requested that the Council approve correction of a typographical error in Ordinance 361.

Ekberg moved the typo be corrected.

Jackson seconded.

Motion carried unanimously.

Public Works Director Tannahill introduced a proposed ordinance creating a \$400.00 water system hook-up fee.

Councilman Jackson asked for further investigation on the hook-up fee amount.

The Council considered this the first reading.

Public Works Director Tannahill introduced a proposed ordinance that would combine ordinance #195 and #196. The purpose is to reduce repetition within the ordinances.

The Council considered this the first reading.

POLICE: No report.

PLANNING: Acting Planning Director Potter explained the purpose of the letter from the Washington State Liquor Control Board concerning the Uddenberg Thriftway. The Council chose not to respond to the request for approval or disapproval of their Master License.

Acting Planning Director Potter introduced a proposed ordinance annexing William Youngs property as R-2.

ATTORNEY: Attorney Hess discussed his research into leasing of City property.

Councilman Ekberg instructed the staff to prepare design standards and a site layout for the improvements. Ekberg also instructed Attorney Hess to draft a lease agreement.

ADMINISTRATIVE ASSISTANT: Tim Johnston introduced ordinance #367 which amends the City of Gig Harbor Budget. The Council considered this the first reading.

OLD BUSINESS:

1. HARBOR HEIGHTS ASSEMBLY OF GOD CHURCH SITE PLAN (continuation).

Planner Potter presented the additions and modifications to the site plan including the buffer adjacent to SR-16, the buffer at the North property line, and the elimination of the existing asphalt beyond the property line.

Councilman Bunch pointed out a discrepancy in the building capacity and total on site parking spaces.

Melton moved to table pending clarification.

Jackson seconded.

Motion carried unanimously.

2. REVENUE SHARING.

Bids submitted by three dealers for the Public Works vehicle were opened. The low bid of \$8,399.12 was submitted by Dick Boyles Chevrolet.

Jackson moved to accept the low bid.

Bunch seconded.

Motion carried unanimously.

3. NEW ADMINISTRATION ORDINANCE #366. (2nd reading)

Jackson moved to approve the ordinance.

Ekberg seconded.

Motion carried unanimously.

Councilman Jackson suggested that with the new administration the Council should hold a workshop to set priorities and direction. Ekberg and Ross agreed. May 18, 1981 was set for the workshop.

4. ROSS AVENUE L.I.D.

Public Works Director Tannahill reviewed the bids. Spadoni Bros. were low bidders at \$10,875.00.

Jackson moved to accept the low bid.

Ross seconded.

Motion carried.

Bunch abstained.

5. USE OF CITY PARK BY GROUPS

Public Works Director Tannahill and Acting Police Chief Wilson indicated that as a result of their research the current policy should be continued.

NEW BUSINESS

OPERATION OF BOATS WITHIN THE WATER LIMITS OF THE HARBOR

Acting Police Chief Wilson introduced Resolution #159 concerning operation of boats within the water limits of the harbor.

Melton moved to approve Resolution #159.

Ross seconded.

Motion carried unanimously.

Administrator Johnston introduced two Resolutions #157 and #158 that would cancel two warrants.

Jackson moved that Resolution #157 be approved.

Ross seconded.

Motion carried unanimously.

Ross moved that Resolution #158 be approved.

Melton seconded.

Motion carried unanimously.

Acting Police Chief Wilson indicated to the Council that a new Police communication system was very essential.

Mayor Bogue agreed that it is a priority.

BILLS

Ross moved to approve the bills.

Melton seconded.

Motion carried unanimously.

MEETING ADJOURNED: 9:00 p.m.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF MAY 11, 1981

Present: Councilmembers Melton, Bunch, Jackson, Ross, Ekberg, Mayor Bogue and Attorney Hess.

PUBLIC HEARINGS: 7:00 p.m.

V 81-02; HOFFMAN SIDE YARD SETBACK VARIANCE

Acting Planning Director Potter explained and discussed the details of the Hoffman variance request, adding that the request meets the 4 criteria required for granting easements.

There was no public opposition.

Motion to grant the side yard variance request of 3 feet.

Ross/Jackson - Carried Unanimously.

MINUTES: Approved with the correction of a typo in the last sentence.

CORRESPONDENCE: NONE

SPECIAL GUESTS: NONE

REPORT OF DEPARTMENT HEADS:

PUBLIC WORKS: RE: Possible donations to the City Parks in lieu of charging a fee for use by groups. The Public Works Director reported that the City can accept donations, but the City cannot solicit donations.

POLICE: NONE

PLANNING: Acting Planning Director Potter reported he had completed the final hearing on the zoning rewrite at the Planning Commission level, and hopes to have a draft from the Planning Commission by the 1st of June.

ATTORNEY: Mr. Hess reviewed a proposed lease for City property on No. Harborview. Discussion centered on lease renewal, improvement completion requirements, insurance and bonding. Mr. Hess will continue researching this matter.

DIRECTOR OF ADMINISTRATION: No report, introduced Jackie Mc Neese as the new office employee and minute taker for Council meetings.

REPORTS OF COMMITTEES OR SPECIAL ASSIGNMENTS: None

OLD BUSINESS:

1. Acting Planning Director Potter reevaluated Harbor Heights Assembly of God Church site plan. Explained the matter was tabled at the Council meeting of April 27th when a discrepancy in the number of parking stalls came up. The staff researched this discrepancy, and the actual required stalls are 75 and the plan allows for 76. The 75 stalls were based on an occupancy load of 300 persons.

Acting Planning Director Potter explained the full landscaping plans to Council.

Motion to approve the Harbor Heights Church site plan.

Jackson/Melton - approved unanimously.

2. Continuation of Public Hearing on Spadoni rezone request. Acting Planning Director Potter indicated the staff has reviewed the rezone request and feels the information requested supporting the rezone has not been presented. The staff therefore recommends denial of this rezone request. There was no public response.

Motion that the request be denied.

Ekberg/Ross - motion passed 3 - 2.

3. Ordinance #368 - Hook up fees. Public Works Director Tannahill recommended doubling all the initially reported hook up fees.

Motion to approve Ordinance #368.

Jackson/Ekberg - approved unanimously.

4. Ordinance #369 - Deleting Ordinances #195 & 196.

Motion to approve Ordinance #369.

Ekberg/Jackson - approved unanimously.

5. Ordinance #370 - Incorporation of the William Young property.

Motion to approve Ordinance #370.

Jackson/Ekberg - approved unanimously.

6. Ordinance # 367 - Amendment to 1981 Budget, changing salary allocations

Motion to approve Ordinance #367

Ekberg/Jackson - approved unanimously.

Mayor Bogue called to the Councils attention the provision for electing a Pro Tempore Mayor in her absence.

ANNOUNCEMENT OF OTHER MEETINGS: Council study session May 18, 1981, 7:00 pm.

NEW BUSINESS:

Barbara Glasscock, 7003 Stanich, reported that on her lot and the adjoining lot owned by Mrs. Michel, there is an 8 foot deep "cavern" and at the bottom there is a catch basin for the sewer. Barricades were placed around the hole. Several weeks ago 5 men came & dumped a load of rocks, but did not spread them around or anything else. She would like to know when the hole will be filled in.

Mayor Bogue stated this is the first she has heard of this problem, and she would look into the matter Tuesday a.m. - would take necessary corrective action and report back to the Council.

BILLS:

Motion to approve

Melton/Jackson - carried unanimously.

MEETING ADJOURNED: 8:30 p.m.

Mark M. Bogue

 Mayor Bogue

 Clerk

REGULAR COUNCIL MEETING OF MAY 26, 1981

Present: Councilmembers Ekberg, Ross, Melton, Bunch, & Jackson.

Absent: Mayor Bogue

Meeting was called to order by Councilmember Ekberg. Councilmember Melton was unanimously elected permanent Mayor Pro Tempore.

PUBLIC HEARINGS: None

MINUTES: Ekberg/Ross - Passed unanimously.

CORRESPONDENCE:

1. Resolution #81-08; Gatton determination of zone prior to annexation, hearing set for June 8, 1981.
2. Review of Sections 5.04.020, 5.04.030, and 5.04.040 of the Gig Harbor Municipal Code, Acting Planning Director Potter will prepare an ordinance for the meeting June 8, 1981.
3. Wick Homes request for a public hearing on proposed revisions to Harborview Park preliminary plat, set for meeting June 8, 1981.
4. Sleavins request for a City representative to attend the Pierce County drafting of the Master Growth Plan, Acting Planning Director Potter will check with Pierce County and establish requirements for sending a representative to the drafting meetings.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None

Police: None

Planning: Status of Fishermans Dock - Has been attempting to set up a meeting, will hopefully be next week, followup report to Council at meeting of June 8, 1981.

Public Survey Results - available for reading at City Hall.

Attorney: None

Director of Administration: None

REPORTS OF COMMITTEES OR SPECIAL ASSIGNMENTS:

Councilmember Ross reported that she and Tim Johnston visited the City Library, City of Milton. She hopes City funds and special interest groups can finance a library within the City. A full report will be prepared and should be ready in two to three weeks.

OLD BUSINESS:

1. A Mayor Pro Tempore was appointed (see above).

NEW BUSINESS: None

An Executive Session was called by Councilmember Ekberg at 7:20.

BILLS:

Motion to approve

Ross/Jackson - Approved unanimously.

MEETING ADJOURNED - 8:01 p.m.

TAPE UTILIZED.

 Mayor Protem Melton

 Clerk

REGULAR COUNCIL MEETING OF JUNE 8, 1981

Present: Councilmembers Jackson, Bunch, Ekberg, Melton & Mayor Bogue

Absent: Councilmember Ross

PUBLIC HEARINGS: 7:00 p.m.

1. Resolution #81-08; Gatton determination of zone prior to annexation. No public opposition
 2nd hearing to be in 30 days.

2. Wick Homes request for Preliminary Plat revision of Harbor View Park. ²⁴¹
Bob Helm of Wick Homes highlighted the benefits of the revised preliminary plat. He stated the necessary reforestation could be taken care of anytime.

Mayor Bogue requested it be done very promptly.

Barbara Glasscock, 7003 Stanich, feels if Wick Homes is going back to the preliminary plat stage they should be required to meet the City Building Code of 12,000 sq. ft. lots.

Acting Planning Director Potter pointed out that the revision has several benefits at more expense to Wick Homes. If request is denied Wick Homes would probably proceed with the original plat, which is completely approved.

Anders Johannessen spoke in favor of Wick Homes. He said Wick Homes has been challenged in all areas by the City, have met them all and should be allowed to proceed.

Motion to approve

Ekberg/Jackson - approved by a vote of 3 - 1.

3. Crum liquor license application.

Jerry Walston - Bella Bella, Fox Island, questioned Mr. Crum about the changes that might come about to the existing building, and the intended menu.

Mr. Crum responded that the concept would be a neighborhood pub, serving a deli line with salads.

Mrs. Julius Smith said the majority of the children walk to the schools. There are no sidewalks for walking. There is also a lot of foot traffic for pool use at the High School.

Mr. John Gorow, principal of Gig Harbor High School indicated there are a lot of night activities at the schools, students walk to these activities. It is not a good area for walking now he feels and will be more dangerous for the children.

Public Works Director Tannahill said the schools are going out for bids for sidewalks sometime this month.

Councilmember Jackson expressed concern for people possibly purchasing liquor for students, and traffic congestion.

Acting Police Chief Wilson added the area has 3 major areas of concern: 1. Traffic congestion 2. It is a high violator area. 3. CO-location of 2 schools, primarily the elementary.

Motion to deny by Jackson

Motion to deny died for lack of a second.

Motion for acceptance

Melton/Bunch - carried

Approved by a vote of 2 - 1 with 1 abstained.

MINUTES: Approved as posted

CORRESPONDENCE:

1. Discussion regarding letter from Chief Wingard, which carried over to an Executive Session, where Nancy Melton was appointed as the representative from the council, with Dan Jackson as alternate.
2. Resolution #81-09 - Gezecki rear yard setback variance.
2nd hearing scheduled for Council meeting of June 22, 1981.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: H.U.D. approved Blue Cascade for the 56th Street Improvements with no reservations.

Police: None

Planning: Still searching for a location for the fishermans dock. Contacted Pierce County Planning regarding the Growth Management Plan. Their staff is trying to determine what is necessary to do for a Management Plan.

Asked for Councils advice for Public Hearing format. Discussed and decided to be presented in segments and at the end of the zoning ordinance rewrite hearings to be presented and approved in its entirety.

Attorney: The land lease is in draft form. Will be ready for next Council meeting.

Director of Administration: None

OLD BUSINESS:

Public Works Director Tannahill reported that the Gorick house had been burned by the Fire Department.

NEW BUSINESS:

1. 56th Street Improvements,
Motion to accept Blue Cascades Bid,
Jackson/Ekberg - passed unanimously

2. Proposed Ordinance amending Chapter 5.04 of the Municipal Code. Mr. Keith Uddenberg submitted copies of other cities license fees to the Council.

Councilmember Jackson suggested the need for a "Pull Tab" exclusion in the proposed ordinance.


COUNCIL COMMITTEE REPORTS:

Councilmember Jackson presented a report from the Public Works Committee.

BILLS:

Motion to approve
Jackson/Melton - Carried

MEETING ADJOURNED TO EXECUTIVE SESSION AT 8:17 p.m. Tape utilized.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF JUNE 22, 1981

Present: Councilmembers Ekberg, Melton, Bunch, and Mayor Bogue

Absent: Councilmembers Jackson and Ross

PUBLIC HEARINGS: 7:00 p.m.

1. RESOLUTION #81-09; GEZECKI REQUEST FOR A REAR YARD SETBACK VARIANCE

No public opposition.

Mr. Lynott, property owner, spoke in favor of granting the request.

Motion to approve resolution #81-09.

Ekberg/Melton - approved unanimously

MINUTES: Approved as posted

CORRESPONDENCE:

1. Resolution #81-10; Logan request for height variance.

Hearing scheduled for council meeting of July 13, 1981.

2. Zoning Ordinance Rewrite; Sections 17.01 - 17.04.

First hearing scheduled for council meeting of July 13, 1981.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Rate increase - Residential rates should be increased approximately \$2.00 per residence.

Police: Acting Police Chief Wilson acknowledged the graduation from Tacoma Police Academy of Officer Dennis Freeman.

Reported that Chief Snider would be returning for duty on June 23, 1981.

Planning: The Base Line Data report will be ready for next council meeting of July 13, 1981.

Attorney: Dave Gordon, filling in for Bill Hess, had no report.

Director of Administration: Attempting to get the City rereated for fire insurance.

Reported the billing machine is giving a tremendous amount of trouble.

Currently excellent programming available on small systems, open end financing is also now available.

The Acting Planning Director is resigning. Currently actively seeking a replacement.

OLD BUSINESS:

1. Proposed ordinance amending Chapter 5.04 of the Municipal Code.

Motion to adopt Ordinance #374

Ekberg/Melton - Carried.

2. Lease agreement for street.

Motion to table until return of Attorney Hess.

Ekberg/Bunch - Carried.

NEW BUSINESS:

1. Six year street program

Motion to approve

Ekberg/Melton - Approved unanimously

2. Pro Tempore Mayor Ordinance

First reading

3. Agency Fund Ordinance

First reading - State requirement that Department of Motor Vehicles and Court funds be in a separate fund.

4. Ross Avenue Warrant Sale Ordinance-

First reading.

BILLS:

Motion to approve
Ekberg/Melton - Carried

MAYOR'S REPORT:

Mayor Bogue read letter from Rosemary Ross regarding her absence from the Council for the summer.

Motion to excuse absence of Ross for the summer.
Ekberg/Melton - Carried.

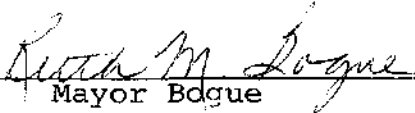
Mayor Bogue read from Optional Municipal Code regarding Councilmember Pro Tempore.

Motion to appoint Bea Adams Councilmember for summer.
Melton/Ekberg - Carried.

Councilmember Ekberg suggested looking into the process of variance requests.

MEETING ADJOURNED AT 8:14 P.M.

Reel to Reel tape utilized.
#96 467 - 859



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF JULY 13, 1981

Present: Councilmembers Ekberg, Melton, Adams, Bunch, Jackson and Mayor Bogue

PUBLIC HEARINGS: 7:06 p.m.

1. RESOLUTION #81-10; LOGAN REQUEST FOR HEIGHT VARIANCE.
No public opposition.
Motion to approve resolution #81-10.
Ekberg/Melton - approved unanimously.
2. RESOLUTION #81-08; GATTON DETERMINATION OF ZONE PRIOR TO ANNEXATION.
Motion to approve.
Jackson/Ekberg - motion carried.
3. GATTON ANNEXATION.
No public opposition.
Motion to approve annexation.
Jackson/Bunch - motion carried.
4. PROPOSED ZONING ORDINANCE REWRITE.
Acting Planning Director Potter reviewed changes made over the existing zoning ordinance rewrite. Draft copies should be available by Wednesday. The rewrite should be able to be reviewed in depth in 3 council meetings.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Manning annexation ordinance.
Has gone through the 60 day waiting period with Pierce County Boundary Review Board - first reading.
2nd reading and public hearing scheduled for council meeting of 7-27-81.
2. Galbraith annexation ordinance - first reading.
2nd reading scheduled for council meeting of 7-27-81.
3. R. B. Allen, et al request for Shoreline Conditional Use Permits #79-02 & #79-04.
Motion to approve extension for one year - use permits #79-02 & 79-04.
Bunch/Melton - approved unanimously.
4. Mc Mullen & Buchanan Proposed R-1 Annexation.
Scheduled for council meeting of July 27, 1981.
5. Sections 17.01 - 17.04 of proposed zoning ordinance rewrite.
Scheduled for council meeting of July 27, 1981.

SPECIAL GUESTS:

1. Don Drake, representing Gig Harbor Toters brought to Councils attention the availability of buildings at Fort Lewis, at no cost. Wondering if a building could be obtained, located in the City, and used by all non profit organizations.

Councilman Jackson requested Mr. Drake put all facts and estimated costs on paper before further discussion.

Councilwoman Melton recommended Attorney check into legalities of obtaining and moving a building.

2. Director of Administration introduced Don Orr, Planner, replacing Tim Potter as Planner.

REPORT OF DEPARTMENT HEADS:

Public Works: Old Standard Oil Dock - A section of the dock and the small old building have been destroyed to eliminate hazards.

Mike Crum is abandoning his plans for the Net Shed tavern due to site problems.

Police: None.

Planning: Acting Planning Director Potter presented and reviewed the Baseline Data Report that was prepared by the college interns at Evergreen State College. There are extra copies available at City Hall. Councilman Jackson suggested a letter of thanks to Evergreen State College. Mayor Bogue said she would be happy to send a letter.

Attorney: Attorney Gordon had no report, but hopes to be of help to the City during Attorney Hess's illness.

Director of Administration: Will have a report on the library status as soon as a decision is arrived at.

OLD BUSINESS:

1. Ross Avenue Warrant Sale Ordinance #373 - 2nd reading.
Motion to approve.
Jackson/Ekberg - Approved unanimously.
2. Agency Fund Ordinance #372 - 2nd reading.
Motion to approve.
Ekberg/Melton - approved unanimously.
3. Mayor Pro Tempore Ordinance #371 - 2nd reading.
Motion to approve.
Jackson/Bunch - approved unanimously.

NEW BUSINESS:

Mayor Bogue received a call from David Connolly, who is working with a group of people who are trying to form a hospital. They would like a letter from the City in support of their group. It was decided to take no action at this time, and Mayor Bogue would ask Mr. Connolly to provide more information.

COMMITTEE REPORTS:

Councilman Ekberg reported on the Molgard, Sky Realty access. They have submitted a drawing to landscape the property to minimize the effect on the traffic flow.

BILLS:

Motion to approve.

Melton/Ekberg - approved unanimously.

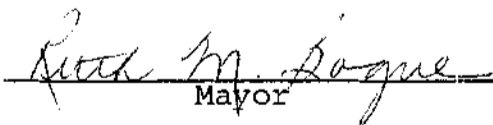
Council adjourned to an Executive Session and elected to fill 1 of the 2 vacancies on the Planning Commission.

Motion to appoint Nick Skansi to Planning Commission.

Melton/Bunch - approved by a vote of 4 - 1.

MEETING ADJOURNED AT 8:35 P.M.

REEL TO REEL TAPE UTILIZED.
#97 001 - 426



Mayor

Clerk

REGULAR COUNCIL MEETING OF JULY 27, 1981

Present: Councilmembers Ekberg, Melton, Adams, Bunch, Jackson & Mayor Bogue

PUBLIC HEARINGS: 7:10 p.m.

1. MANNING ANNEXATION ORDINANCE #375 - 2nd reading.
No public opposition.
Motion to approve ordinance #375.
Ekberg/Bunch - passed unanimously.
2. GALBRAITH ANNEXATION ORDINANCE #376 - 2nd reading.
No public opposition.
Motion to approve Ordinance #376.
Jackson/Ekberg - passed unanimously.

3. MC MULLEN AND BUCHANAN PROPOSED R-1 ANNEXATION.
Postponed until Council meeting of August 10, 1981.
4. SECTIONS 17.01 - 17.04 - PROPOSED ZONING ORDINANCE REWRITE.
Sec. 17.01 - Discussed adding definitions for accessory and accessory use, and to delete "optomotrists" from page 35.
Sec. 17.01 had no public opposition.
- Sec. 17.02 - Discussed addition of daylight basement definition, conditional use definition to be more specific, building height, day nursery, lot area and lot corner.
Sec. 17.02 had no public opposition.
- Sec. 17.03 - Discussed zoning map definition clarification, and using 1 zoning map as official zoning map.
Sec. 17.03 had no public opposition.
- Sec. 17.04 - Suggestion was made to reenter transitional use, discussion of storage of boats, busses, etc. in residential front yards, the need for "Marinas" to be added as a permitted use under C-1, "Yacht Clubs" be added under conditional use under W-1, and a provision for business offices.
- Mr. Betts requested council reconsider the changes of 15 ft. height and 30% site coverage. Paul Gustafson also felt 30% coverage was too small. Councilman Ekberg suggested possibly conditional use for certain properties.
Sec. 17.04 had no public opposition.

MINUTES: Approved with the understanding they are just a brief outline of the zoning ordinance rewrite discussions.

CORRESPONDENCE:

1. Sections 17.05 - 17.08 of Proposed Zoning Ordinance.
Scheduled for council meeting of August 10, 1981.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None
Police: None
Planning: None
Attorney: None
Director of Administration: None

OLD BUSINESS: None


NEW BUSINESS:

1. Proposed Energy Management Program. Tim Johnston reported checking with PSCOG and it appears there will be no cost to the city. Feels it is a worthwhile cause.
Motion to approve Resolution #160 in support of Proposed Energy Management Program with the addition of "WHEREAS, the funding of this project will be of no cost to the City of Gig Harbor."
Ekberg/Jackson - so moved.

BILLS:

Motion to approve.
Ekberg/Jackson - carried.

MEETING ADJOURNED AT 9:18 p.m. Reel to reel tape utilized.
#97 - 428 - 409



Mayor

Clerk

REGULAR COUNCIL MEETING OF AUGUST 10, 1981

Present: Councilmembers Jackson, Bunch, Adams and Mayor Bogue

Absent: Councilmembers Ekberg and Melton

PUBLIC HEARINGS: 7:04 p.m.

1. MC MULLEN AND BUCHANAN PROPOSED R-1 ANNEXATION - 1st reading.
No public opposition
Motion to approve
Jackson/Adams
Passed unanimously.
2. SECTIONS 17.05 - 17.08 OF PROPOSED ZONING ORDINANCE
Motion to table sections 17.05 - 17.08 until council meeting of 8-24-81.
Jackson/Bunch - carried.

Bob Frisbie questioned the availability of a draft of staff comments, council recommendations, and public recommendations resulting from the public hearing of the proposed zoning ordinance, Sections 17.01 - 17.04. He feels the suggestions discussed should be reevaluated to see what the revised code will actually contain. Mayor Bogue advised him there is a draft of staff comments that includes public recommendations, but council will make no recommendations or decisions until the draft is finalized. She also assured him the entire document would be reviewed and open for public comment at a later date.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. BUCHOLZ CONDITIONAL USE - C-81-01.
Scheduled for council meeting of 8-24-81 at 7:00 p.m.
2. SDP-81-01, SP-81-03 ALLEN, ET AL - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SITE PLAN.
Scheduled for council meeting of 8-24-81.
3. SECTIONS 17.09 - 17.13 OF PROPOSED ZONING ORDINANCE.
Scheduled for council meeting of Sept. 14, 1981.
Staff would like to delete View Basin District and schedule for separate meeting due to importance of that section.
Sections 17.09 - 17.12 scheduled for council meeting of Sept. 14, 1981.
Ordinance regarding Flood Hazards - 2nd reading - scheduled for council meeting of 8-24-81. Tim Johnston informed council of the need for this to be addressed to meet Federal Flood Hazard Insurance Program, and if adopted in September we will comply with Federal regulations.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS

Public Works: Bids for 72 truck - received 1 bid, from Harbor Cycling for \$510.00 +\$50.00 bid deposit. Public Works Director Tannahill recommended council accept this bid.

Motion recommending further advertising until next council meeting.

Jackson/Adams - passed unanimously.

Police: None

Planning: None

Attorney: None

Director of Administration: None

OLD BUSINESS:

1. Hospital Task Force Report - Mr. Connolly informed Mayor Bogue it is past their support deadline date, but they would still like the city's support.
Issue tabled until meeting of 8-24-81.

NEW BUSINESS:

1. Library Committee Report - Tim Johnston made council aware they had researched all possibilities. Mr. Behnke reported there had been a committee meeting on 7-2-81, and reviewed their report. Total funds available are \$10,883.53 - savings, \$526.12 - checking, and \$2,669.64 from the Lions Club, for a total of \$14,079.29. He then explained the diagram of the proposed building, and the Chamber of Commerce's interest in paying the librarians salary in exchange for her services. There will be no extra costs in running the library, standard expenses only, water, electricity, p. o. box rent, etc.
Attorney asked if the County Library returning was still an option. Mr. Behnke explained it is not, they made it clear they wanted out of the city.
Mr. Behnke brought up the possibility of public restrooms added on to the existing building, which will be discussed again at a later date.
Mr. Behnke informed council the Lions Club has passed the building of the dividing wall at their expense.

Motion to approve.
Jackson/Adams - providing the city will not be hit with any hidden expenses - passed unanimously.

Mr. Behnke recommended the addition of 2 more people to the library board.

EXECUTIVE SESSION:

1. Library Board Appointment.
Motion to appoint John Holman to the Library Board.
Jackson/Adams - carried unanimously.
2. Planning Commission Appointment.
Motion to appoint Sharon Hanson to the Planning Commission.
Jackson/Bunch - approved unanimously.

BILLS:

Motion to approve.

Jackson/Bunch - carried.

MEETING ADJOURNED: 8:10 p.m.

No recording of meeting due to a defective recorder.

Ruth M. Loague
Mayor

Clerk

REGULAR COUNCIL MEETING OF AUGUST 24, 1981

Present: Councilmembers Jackson, Bunch, Melton, Ross, Ekberg & Mayor Bogue

PUBLIC HEARINGS: 7:04 p.m.

- 1. RESOLUTION #81-12 BUCHOLZ CONDITIONAL USE C-81-01.

No public opposition.

Motion to approve

Jackson/Ekberg - passed unanimously

- 2. RESOLUTION #81-13 ALLEN, ET AL SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT AND SITE PLAN, SDP-81-01, SP-81-03.

Motion to continue until recommendations made by staff have been prepared.

Ekberg/Jackson - passed.

Bob Frisbie feels the information requested by staff is not necessary for site approval - but for building permit stage and would like to continue with hearing at this meeting.

Council unanimously approved to continue the hearing until recommendations from staff have been received.

- 3. FLOOD HAZARD REGULATIONS - 2ND READING - ORDINANCE #377.

Motion to adopt.

Jackson/Ekberg - adopted unanimously.

- 4. SECTIONS 17.05, 17.06, AND 17.08 OF PROPOSED ZONING ORDINANCE.

Section 17.05 - Supplementary District Regulations

Planning Director Orr discussed major revisions.

Councilman Jackson feels it would be appropriate to add "and the City Council" in areas where currently says opinion of Planning Commission throughout the rewrite. Also questioned the need for compact car parking spaces, and the parking requirement of 1 space for 4 students at high school.

Bob Frisbie feels macadam should be under definitions, suggested council consider allowing 30% more spaces for compacts, make the all weather dust free surface requirement more specific, and that we get away from approving structural stability - should be required to be approved by a registered civil engineer.

Robert Betts pointed out 2 areas referring to Planning Commission as making determinations for uses, 2 areas give no one making determinations, should be consistent, recommended clarifying building code as uniform building code, reworking sentence for off street loading, and renumbering of rewrite. He feels compact status should be at the discretion of the property owner.

Councilman Jackson asked Planning Director Orr to see what other municipalities our size are doing, and Mayor Bogue requested he prepare a report on compacts.

Betts suggested alphabetizing uses or putting them in a table, that the ratio for parking for multi family units be for 3's not 2's. Planning Director Orr stated the requirement could be any fraction over 1/2 be 1 more stall. Betts pointed out the paragraph "Moorages & Launching Ramps" has no mention of launching ramps in it.

Section 17.06 - Conditional Use Section

Councilman Jackson suggested changing terminology re excessive, and adding "and policies of the comprehensive plan" at end of paragraph.

Frisbie questioned requirement that all new utilities should be placed underground.

Betts pointed out all other sections use "intent", this section uses "purpose", said could omit general conditions - is covered under SEPA. Feels P.U.D. needs more of an incentive, and that PLI zone should be 15% increase and waterfront zone 25% increase.

17.08 - Site Plans

Frisbie suggested making intent an ordinance, not a policy, deleting economic feasibility, and add 30 day time period for processing.

Betts questioned definition of open space, feels all development standards should be in 1 table, questioned if staff determinations are made by the Planning Director.

MINUTES: Approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Bids for 72 truck - Tim Johnston reported for vacationing Director Tannahill that we have received 7 bids ranging from \$259.00 to \$755.00, recommending acceptance of high bid.

Motion to accept high bid.

Jackson/Bunch - passed unanimously.

Police: Chief Snider reported receiving complaints and expressions of concern regarding barbecuing on the city dock. There is a county fire code, but nothing in the city dock ordinance. Possible liability if a fire should start. 1st reading - prohibiting open fires on the dock or on boats while at the dock.

Planning: None

Attorney: None

Director of Administration: None

OLD BUSINESS: None

NEW BUSINESS:

1. Community action board - council designee.
The designee must be an elected official. Interested party please contact Mayor Bogue.

COUNCIL COMMITTEE REPORTS:

1. Linder site plan - Councilman Ekberg reported legal documents have been signed by Linder and the city. Have agreed to portion between building and existing area be done, if adequate, similar extension to grassy area. If council agrees they will proceed with first step, and if it works complete.
Was approved by council.
2. Insurance report - Councilman Ekberg and Tim Johnston had meeting with insurance agent regarding city's insurance plan. They reported we now have a good plan and recommended it be accepted.

BILLS:

Motion to approve

Ekberg/Jackson - carried.

MEETING ADJOURNED: 8:58 p.m.

Reel to reel tape utilized
#97 - side 2 - 001 - 648



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF SEPTEMBER 14, 1981

Present: Councilmembers Ross, Bunch, Jackson and Melton as Mayor Pro Tem

Absent: Mayor Bogue and Councilman Ekberg

PUBLIC HEARINGS: 7:02 p.m.

1. SECTIONS 17.09, 17.10, 17.11, 17.12 OF PROPOSED ZONING ORDINANCE.
Planning Director Orr reviewed the proposed revisions.

Section 17.09 - Approvals and Appeals

Robert Betts pointed out appeals process has no time limitation when it gets to Council, suggests a 30 day time frame. Questioned provision for how soon an applicant can return to try again after denial. Tim Johnston advised there is a 1 year limitation elsewhere in the code.

Section 17.10 - Non-Conformities

Staff recommends additional language in paragraph E clarifying presence of W-2 and W-3 zones stating intent that these districts be protected as to their uses and requirements but not be increased in area.

Councilman Bunch suggested adding "at the time the short plat was approved" paragraph "A" - Lots of Record.

Section 17.11 - Amendments

Ed Bunch suggested making 9 months conditional 12 months to be consistent with the 1 year resubmittal waiting period.

Section 17.12 - Enforcement, Penalties and Fees

Dan Jackson suggested requiring an impact fee, including city attorney fees, especially for land clear cutting.

Attorney Hess advised it would be a criminal violation and its very difficult to find someone criminally guilty of breaking a zoning code and recommends it be left open for civil case also.

Councilman Jackson requested Attorney Hess look into this and decide the proper way to go.

MINUTES: Approved as posted

CORRESPONDENCE: Section 17.13 View Basin District - scheduled for council meeting of September 28, 1981.

SP-81-01, SP-81-03 Allen, et al - Shoreline Substantial Development Permit and site plan scheduled for council meeting of Sept. 28, 1981.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None

Police: None

Planning: None

Attorney: None

Director of Administration: Library Report - Tim Johnston reported the library committee had a meeting 2 weeks ago and the mechanics of starting the library have now begun. Also reported the budget is now in process and should have something for council by next council meeting.

OLD BUSINESS: None

NEW BUSINESS: None

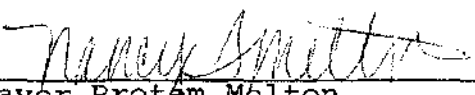
BILLS:

Motion to approve.

Ross/Jackson - carried.

MEETING ADJOURNED: 7:31 p.m.

Reel to reel tape utilized
#97 - side 2 - 650 - 878.



Mayor Pro Tem Melton

Clerk

REGULAR COUNCIL MEETING OF SEPTEMBER 28, 1981

Present: Councilmembers Ekberg, Ross, Melton, Bunch, Jackson & Mayor Bogue

PUBLIC HEARINGS: 7:00 p.m.

1. Resolution #81-13 Allen, et al, Shoreline Substantial Development Permit and Site Plan SDP 81-01, SP-81-03.

Planner Orr gave staff presentation.

Mayor Bogue advised voting on site plan and substantial development permit separately.

Bob Frisbie spoke in favor of the permit.

Councilmember Jackson asked how Gig Harbor residents first ½ will work.

Planner Orr responded the condition was imposed to inform the applicants that a stated policy in the Shoreline Master Program gives Gig Harbor residents priority in moorage leasing.

Substantial Development Permit:

Motion to approve.

Jackson/Ekberg - approved unanimously.

Site Plan:

Motion to approve.

Ekberg/Jackson - approved unanimously.

2. Section 17.13 - View Basin District of proposed zoning ordinance

Bob Frisbie presented council & staff copies of his notes regarding the last sections reviewed since he was unable to attend that meeting. He also recommended his property and his neighbors be excluded from the View Basin District.

Paul Gustafson stated all meetings regarding this rewrite have been on Monday - all the fishermen have been fishing monday nights and unable

to attend. Requested the review meeting be held on a day when the fishermen can attend. Council agreed with this request but stated once a date is set, it cannot be changed.

Frisbie asked if the review will have staff and councils input.

Planner Orr reported a synopsis of staff, council and public recommendations should be ready.

Gustafson asked if it would make sense to increase it just enough to allow for a 2 story structure.

Planner Orr clarified this speaks only of undeveloped land - existing buildings, if destroyed, would have 1 year to rebuild.

Councilman Jackson stated the need to identify the historic area of the city regarding 2 story homes.

Tim Johnston noted their protection under the non-conforming provision.

Councilmember Ekberg questioned the criteria for map regarding View Basin District.

Tim Johnston explained it is not an official map - is subject to council's recommendations.

The review meeting is tentatively set for next council meeting - if fishermen cannot attend it will be postponed.

MINUTES: Approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None

Police: None

Planning: None

Attorney: None

Director of Administration: None

OLD BUSINESS: None

NEW BUSINESS:

1. Utility Fund - 1st reading.

COUNCIL COMMITTEE REPORTS:

Councilmember Ross reports she met with Mr. Behnke. He has plans for the library and copies will be distributed.

Mayor Bogue reported Pierce County Transit expects to have service through the city by 12-1-81. She also reported that she and Tim Johnston attended a Mini-Convention where they learned that plans for $\frac{1}{2}$ of 1% local sales tax is still alive and will be reconsidered. And that the house bill #261 reimbursement by municipalities to citizens if their property is down zoned, is also still alive.

Councilman Ekberg reported the Park & Recreation District has some things he would be interested in listening to. When contacted a year ago we were not interested, but he feels we could be now.

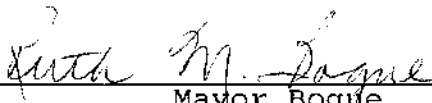
BILLS:

Motion to approve.

Jackson/Ross - carried.

MEETING ADJOURNED: 8:13 p.m.

Reel to reel tape utilized
#98 - side 1 003 - 398



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF OCTOBER 8, 1981

Present: Councilmembers Ekberg, Ross, Bunch, Jackson and Mayor Bogue

Absent: Councilmember Melton

PUBLIC HEARINGS: 7:12 p.m. PROPOSED ZONING ORDINANCE REWRITE

Bob Frisbie gave Council and Planner Orr copies of his suggestions and concerns. Some of which were specific elevation for mean high or high water, underground utilities should be a preference, not an ordinance, need a definition for open space, and that the code be put into a table. He also volunteered to put the code into a table for the next council meeting.

Paul Gustafson feels the building coverage in waterfront section is too low, sideyard setbacks should be reversed, 2 story houses should be allowed in areas where they are existing now, and suggested changing "business" to "professional offices".

Robert Betts presented Council and Planner Orr with copies of a table he prepared from the proposed zoning rewrite. He explained and reviewed his table and its recommendations.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Gatton annexation - 1st reading.
2nd reading scheduled for council meeting of October 26, 1981.
2. Revenue Sharing Hearing - scheduled for council meeting of October 26, 1981. 1st hearing is for public comments - then 3 more hearings will be scheduled.

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None

Police: None

Planning: None

Attorney: Library lease agreement. Attorney Hess reported he had met with Attorney Misner and from their meeting has prepared the proposed lease which he explained and reviewed.

Councilman Jackson requested #4 be very specific stating "opening a library". He suggested Tim Johnston, Attorney Hess, and a member of the Chamber of Commerce meet and finalize this lease. Councilman Ekberg suggested terminology of "use as a library, or use so specified by council". Tim Johnston reported he had been informed by Mr. Behnke the remodeling will begin this Thursday. Councilman Jackson has concerns about beginning the remodeling before the lease is finalized. Attorney Hess feels it can be finalized before the next council meeting.

Director of Administration: None

OLD BUSINESS: 1. UTILITY FUND - 2nd reading - Ordinance #378
Motion: To approve
Jackson/Ross - approved by vote of 3 - 1.

BILLS: Motion: To approve
Ekberg/Jackson - carried.

At 8:05 Attorney Hess requested an executive session to discuss Cloud vs. City of Gig Harbor and update Council on the Hamilton law suit.

Motion: For Attorney Hess to attend Hamilton deposition
Jackson/Ekberg - passed unanimously.

MEETING ADJOURNED: 8:23 p.m. Reel to reel tape utilized.
#98 - side 1 began at 400



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF OCTOBER 26, 1981

Present: Councilmembers Ekberg, Ross, Melton, Bunch, Jackson & Mayor Bogue

PUBLIC HEARINGS: 7:06 p.m. 1. PROPOSED USE HEARING FOR 1981 REVENUE SHARING MONEY, TOTALING \$20,370.58.

Chief Snider reported these hearings are to allow citizen input regarding the unobligated funds.

There was no public input.

2. PROPOSED USE HEARING FOR 1982 REVENUE SHARING MONEY, TOTALING \$22,813.00.

There was no public input

MINUTES: Approved with the correction of the motion for Attorney Hess to attend the Cloud vs City of Gig Harbor deposition.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Building height, basement interpretation. Councilman Ekberg excused himself due to the possibility of a conflict of interest.

Mayor Bogue clarified that the staff was acting on the previously defined interpretation of a basement.

Wade Perrow read to Council a letter he had prepared regarding basements and legal heights, and presented drawings of basement interpretation examples. Said he has 3 questions he would like answered by the Council. What is the original intent of 15 feet, what is the definition of basement and what is beginning point of overall height of a structure.

Bob Frisbie feels "basement" is not defined in the proposed new ordinance, and feels starting building height varies depending on who you talk to. Feels the new ordinance needs to answer these questions. Also feels the Ellwanger house is a 2 story structure that should require a variance and the proper hearings be held.

Mr. Ellwanger stated they were extremely careful to meet the requirements of the code, and that the house will be approximately 4 feet lower than it is sitting now.

Larry Hubers concerns were if an excavation permit had been issued, he feels measurements should be taken from original ground level, and he questioned if permits were issued for more than 1 lot.

Public Works Director Tannahill responded that only 1 permit had been issued for 1 lot and Mr. Ellwanger is required to remove his lumber, etc. from the other lot.

Councilman Jackson feels a controversial issue such as this should have come before Council before any permits were issued. He also feels it is necessary to determine when landscaping will be done.

Councilmember Ross feels the hearing should be postponed, and Council should all go view the house in question.

All councilmembers agreed they feel this is not a basement.

Motion: To table.

Jackson

Motion died for lack of second.

Attorney Hess advised that Councilman Jackson's suggestion makes a lot of sense in respect to all parties involved.

Motion: To Table until next council meeting

Ross/Jackson - passed by vote of 3-1.

Wade Perrow feels it may be in the best interest to red tag all homes of this nature.

Councilmember Jackson questioned if it would be justified to red tag this structure, and Attorney Hess recommended it may be the proper procedure until a decision has been reached.

Public Works Director Tannahill reported also that Ross Avenue has been paved and is complete except for painting a centerline. He stated it is not a city street and is not up to code. The neighbors raised the money themselves for the paving. - See minutes collection - 11-5-81.

Planning: Staff would like guidance from council on how to propose conceptual areas - how definitions and zones relate to districts. Feels he can have a draft ready for next council meeting.

Police: None

Attorney: Attended a meeting regarding the library with the Chamber of Commerce. The conclusion was that the changes to be made were of such a minor nature the Council was polled, and remodeling was begun. Also reported the Hamilton case had concluded, and the Civil Service Commission would have a decision within a week.

Director of Administration: None - unable to attend meeting.

OLD BUSINESS: GATTON ANNEXATION - ORDINANCE #379 - 2ND READING

Motion: To accept

Jackson/Bunch - passed unanimously.

NEW BUSINESS: Chief Snider reported the Humane Society of Pierce County is willing to enter into a contract with the city to patrol and enforce the leash law.

COUNCIL AND COMMITTEE REPORTS: Councilman Ekberg reported the budget is coming along very well and may be ready for next meeting.

BILLS: Motion: To approve.
Jackson/Melton - passed unanimously.

Recessed for an executive session for a report from Attorney Hess on the Cloud vs City of Gig Harbor law suit.

Attorney Hess explained and reviewed the proposals from Attorney Sennett. Public Works Director Tannahill made several recommendations - a 20 foot utility easement, not using a gate, a chain or cable is more effective, and the need for storm drain.

Motion: To postpone until next council meeting.
Ekberg/Jackson - carried.

Motion: To adjourn.
Ross/Melton - carried.

MEETING ADJOURNED: 9:07 p.m. Reel to reel tape utilized.
#99 - side 1 002 - 470

Ruth M. Bogue

Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF NOVEMBER 9, 1981

Present: Councilmembers Ekberg, Ross, Melton, Bunch and Mayor Bogue

Absent: Councilman Jackson

PUBLIC HEARINGS: 7:05 p.m.

- 1. 2ND HEARING PROPOSED USE 1981 REVENUE SHARING MONEY-ORDINANCE
1ST READING.

Chief Snider reported staff recommendations of \$9,000.00 for communications equipment and \$11,370.58 for street operating expense.

There was no public input.

- 2. 2ND HEARING PROPOSED USE 1982 REVENUE SHARING MONEY-ORDINANCE
1ST READING.

Chief Snider proposed the entire amount, plus accrued interest be allocated to the Street Department.

- 3. PRELIMINARY 1982 BUDGET HEARING

Tim Johnston explained and reviewed the new format and concepts of the 1982 preliminary budget.

MINUTES: Approved with the addition of "where it narrows to Rosedale" to the Ross Street paving report.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: None

Planning: Planner Orr stated he under estimated the time necessary to prepare the next draft of the proposed zoning ordinance rewrite, but it should be ready sometime in December. He further informed Council of an annexation request received for 30 acres - undeveloped, west of SR-16 Wollochet interchange. Applicant has requested B-2 zoning, and it may be a convention center complex.

Police: None

Attorney: Library lease agreement - After an executive session for review of this agreement Council made a motion to adopt the following Term of original lease to be 2 years, monthly lease payments approximately \$300.00, would adopt guidelines for use of City Hall as guidelines for library building use, and exterior glass breakage will be responsibility of city.

Mr. Bob Hunt, representing the Chamber, stated they were in agreement

Motion to approve lease with above outlined changes.

Ekberg/Ross - passed unanimously.

Attorney Hess requested an executive session to dispose of the Cloud vs City of Gig Harbor lawsuit, and also informed council of the Babich vs City of Gig Harbor lawsuit.

Director of Administration: None

OLD BUSINESS: 1. ELLWANGER - executive session. Council adjourned to discuss. Councilman Ekberg excused himself-conflict of interest. Wade Perrow asked to be informed of staff & attorney recommendations. Mayor Bogue advised he could be informed of only staff recommendations. Tim Johnston clarified the issue as two distinct matters - 1. Permit issued to Ellwanger. Based on all preceeding facts and information council can find no reason to invalidate the permit previously issued. 2. Definition of a basement. Staff recommendation to council is to provide language for an ordinance for a change in that area.

Motion to allow permit as issued to Mr. Ellwanger.
Ross/Melton - passed by vote of 2 - 1.

Mayor Bogue explained the questions presented by Mr. Perrow at last council meeting will be dealt with in the zoning ordinance rewrite.

NEW BUSINESS: 1. COMMUNITY COOPERATION DEVELOPMENT AGREEMENT.
Motion to direct Mayor Bogue to sign agreement.
Ekberg/Melton - carried.

2. 1982 BUDGET ORDINANCE - 1st reading.
2nd reading scheduled for next council meeting.

3. AD VALOREM TAX LEVY - 1st reading.
2nd reading scheduled for next council meeting.

Councilmember Ross requested staff prepare an ordinance concerning the re-definition of basements to be ready for next council meeting.

Mayor Bogue informed council she received a request from the library chairman to increase board members from 5 to 7.

BILLS: Motion to approve.
Ekberg/Ross - carried.

MEETING ADJOURNED AT 9:12 P.M. Reel to reel tape utilized.
#99 - side 1 336 - 002.

Clerk

Ruth M. Bogue

Mayor Bogue

REGULAR COUNCIL MEETING OF N VEMBER 23, 1981

Present: Councilmembers Ekberg, Ross, Melton, Jackson, and Mayor Bogue

Absent: Councilman Bunch

PUBLIC HEARINGS: 7:17 p.m.

1. FINAL 1982 BUDGET HEARING.

No public input.

Council requested information on utility rate increase, construction and license fees, and comparison figures from last year for police budget.

Hearing tabled until next council meeting.

MINUTES: Approved with addition of Councilman Ekberg excusing himself from the Ellwanger hearing under Old Business.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Dorotich repair - Director Tannahill reported he would like to use approximately \$7,000.00 of the gas tax funds to bring Dorotich Street up to code.

Motion to approve Dorotich Street Project.
Ekberg/Jackson - carried.

Ground lease portion SR16 - Tannahill reviewed letter from the state regarding airspace lease. Councilmember Melton feels the word airspace should be clarified by the state before any council action is taken.

Planning: None

Police: None

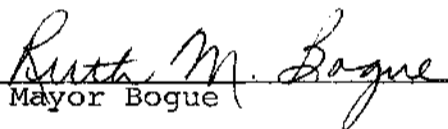
Attorney: Advised council Attorney Frank is filing an appeal regarding Hamilton vs. City of Gig Harbor, and Hildegard Ullberg has filed a suit against the city for drainage problems on her property.

Director of Administration: Acting Director Snider, replacing Tim Johnston, had no report.

- OLD BUSINESS:
1. 1981 REVENUE SHARING - 2nd reading - Ordinance #380
Motion to approve Ordinance # 380.
Jackson/Melton - approved unanimously.
 2. 1982 REVENUE SHARING - 2nd reading - Ordinance #381
Motion to approve Ordinance #381.
Melton/Ross - approved unanimously.
 3. 1982 BUDGET ORDINANCE - 2nd reading - Ordinance #382
Motion to table 2nd reading until next meeting.
Ekberg/Ross - approved unanimously.
 4. AD VALOREM TAX LEVY - 2nd reading - Ordinance #383
Motion to adopt Ordinance #383.
Ross/Melton - carried.
 5. BASEMENT DEFINITION - 1st reading.
After discussion regarding definition Mayor Bogue suggested Planner Orr, Director Tannahill and Attorney Hess revise definition and submit to council prior to next meeting.
- NEW BUSINESS:
1. 1981 BUDGET AMENDMENTS - 1st reading.
Acting Director Snider advised this is to fulfill state requirements of balancing on paper.
2nd reading scheduled for next council meeting.

BILLS: Motion to approve.
Ross/Melton - carried.

MEETING ADJOURNED AT 8:09 P.M. Reel to reel tape utilized.
#99 side 2 001 - 231.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF DECEMBER 14, 1981

Present: Councilmembers Ekberg, Ross, Melton, Jackson and Mayor Bogue

Absent: Councilmember Bunch

PUBLIC HEARINGS: 7:07 P.M.

1. SMITH VARIANCE REQUEST, #81-11.

No public opposition.

Motion to approve.

Ekberg/Ross - approved unanimously.

2. HOLM VARIANCE REQUEST, #81-12.

No public opposition.

Motion to approve with conditions stated in Planning Commission recommendations.

MINUTES: Approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS:

1. Mr. Fred Babbitt - Mr. Babbitt explained to council approximately 4 trees on the city right of way are shading his garden and he would like permission to take them down.

Motion not to remove trees.

Motion died for lack of a second.

Motion for Director Tannahill and Mr. Babbitt to meet & discuss topping the trees.

Jackson/Ross - Jackson, Ross - affirmative, Melton, Ekberg, -

negative, Mayor Bogue voted in the affirmative for a vote of 3-2.

REPORT OF DEPARTMENT HEADS:

Public Works: Director Tannahill notified council the street light at the intersection of 28th & 56th is being installed.

- OLD BUSINESS:
1. 1982 BUDGET - 2nd reading - Ordinance #382
Motion to adopt Ordinance #382.
Jackson/Ekberg - approved unanimously.
 2. 1981 BUDGET AMENDMENTS - 2nd reading - Ordinance #384
Motion to adopt Ordinance #384.
Ekberg/Jackson - approved unanimously.
 3. LIBRARY LEASE AGREEMENT.
Attorney Hess advised the lease is ready, but need not reappear before council as it was previously approved.
 4. BASEMENT DEFINITION.
Motion to table for further definition clarification.
Ekberg/Jackson - carried.
- NEW BUSINESS:
1. FINAL ASSESSMENT ROLL FOR ROSS AVENUE LID - 1st reading.
2nd reading scheduled for next council meeting.
 2. UTILITY RATE CHANGE - 1st reading.
Councilman Ekberg reported the Finance committee had met with Jack Shirley and they should have a structure of needed rate revisions due to the shortfalls by next meeting.
 3. FIRE CONTRACT.
Acting Director Snider explained this is a 2 year contract, at the standard rate, which we are currently paying.

Council adjourned to a brief executive session at 8:07 to discuss the proposed property aquisition, next item.

4. PROPERTY AQUISITION FOR CITY SHOPS.
Motion not to aquire this property.
Ekberg/Melton - approved unanimously.

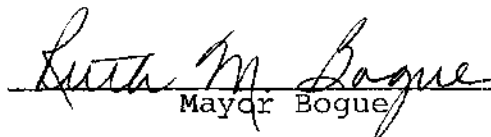
Mayor Bogue read to council a letter from Councilmember Rosemary Ross resigning her council seat 1 week early due to the fact that she will be out of town.

Mayor Bogue advised council the Pierce County Library has raised its fee to Gig Harbor residents to \$25.00 per year per family. Would like council to determine if the city will still reimburse this fee to city residents.

Councilmember Ekberg requested the total expenses previously reimbursed to the residents of the city.

FUND TRANSFERS: Motion to approve.
Jackson/Ross - carried.

MEETING ADJOURNED AT 8:35 P.M. Reel to reel tape utilized
#100 - side 1 - #002 - 361



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF DECEMBER 28, 1981

Present: Councilmembers Ekberg, Melton, Jackson and Mayor Bogue

Absent: Councilmembers Ross and Bunch

Newly elected Councilmembers Bea Adams and Doug Sorensen, and re-elected Councilmember Steve Ekberg and re-elected Mayor Bogue were sworn in to office by Jeff Snider.

PUBLIC HEARINGS: None.

MINUTES: Approved as posted.

CORRESPONDENCE: None

SPECIAL GUESTS: None

REPORT OF DEPARTMENT HEADS:

Public Works: Director Tannahill was absent due to vacation.

Planning: 1. Sidewalk Master Program - Planner Orr advised council of

Planning Commission's recommendation for staff to develop a sidewalk master program. Upon that recommendation the council directed staff to proceed with the plan.

2. Parking requirements - Planner Orr explained a request to reduce requirements to comply with the proposed zoning rewrite. Council does not wish to address the proposed requirements until the proposed rewrite is actually passed.

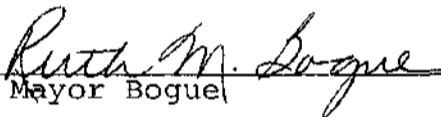
Director of Administration: Library card reimbursement - Director Snider reported \$800.00 had been reimbursed to date to city residents who purchased cards. Council discussed the reimbursement procedure and decided to no longer reimburse city residents for Pierce County library cards.

- OLD BUSINESS:
1. ESTABLISHING FINAL ASSESSMENT ROLL FOR ROSS AVE. L.I.D.
2nd reading - Ordinance #386.
Motion to adopt.
Ekberg/Melton - carried.
 2. MC MULLEN AND BUCHANAN ANNEXATION - 2nd reading -
Ordinance #387.
Motion to adopt.
Jackson/Melton - carried.
 3. UTILITY RATE CHANGE.
Motion to continue.
Ekberg/Melton - carried.
 4. BASEMENT DEFINITION.
Motion to continue.
Melton/Ekberg - carried.

NEW BUSIENSS: None.

BILLS: Motion to approve.
Ekberg/Melton - carried.

MEETING ADJOURNED AT 7:37 P.M. Reel to reel tape utilized.
#100 - side 1 - #361 - 533



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF JANUARY 11, 1982

Present: Councilmembers Ekberg, Melton, Adams, Sorensen & Mayor Bogue

Absent: Councilman Jackson

PUBLIC HEARINGS: 7:07 P.M.

1. 1981 REVENUE SHARING OBLIGATION - 1st reading.

Hearing is to approve the use of \$10,000.00 to purchase a truck for the street department.

No public input.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. CABLE T.V. REQUEST FOR RATE INCREASE.

Scheduled for public hearing January 25, 1982.

SPECIAL GUESTS:

Acting Chief Wilson read letters of commendation to Police Explorers Ed Casey, George Pine, Tom Johnson, and Dave Bacca. Mayor Bogue presented the commendations to each explorer.

REPORT OF DEPARTMENT HEADS:

Director of Administration: Bond sale - Ross Avenue. Director Snider informed council that the bond sale is in progress.

OLD BUSINESS:

1. UTILITY RATE ORDINANCES - 2nd readings.
Water service charges - Ordinance #388.
Motion to approve.
Ekberg/Melton - carried.
Municipal sewer system - Ordinance #389.
Motion to approve.
Ekberg/Melton - carried.

2. BASEMENT DEFINITION - 1st reading.
Mayor Bogue requested no action be taken, explained Attorney Hess will address council at end of meeting regarding basements.

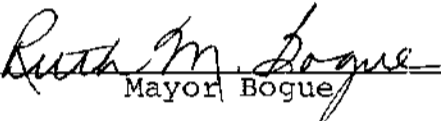
NEW BUSINESS:

1. LIQUOR LICENSE TRANSFER.
Director Snider explained the Owls Roost had changed ownership, and requesting transfer for this reason.
Mayor Bogue advised to proceed in the usual manner.
2. RAISING DELINQUENT PENALTY ON LID & ULID ASSESSMENTS - 1st reading.
Director Snider explained the need to raise the penalty on assessments from 5% to 12%. 2nd reading scheduled for next meeting

BILLS: Motion to approve.
Ekberg/Sorensen - carried.

Attorney Hess introduced the idea to council of regulating height without incorporating a basement provision. Spoke to the legality of restrictions of property that would benefit 1 party and deprive another. Proposed to submit to council a memo stating his viewpoint.

MEETING ADJOURNED AT 7:53 P.M. Reel to reel tape utilized.
#100 - side 1 - #534 - 816.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF JANUARY 25, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Adams

PUBLIC HEARINGS: 7:08 P.M.

1. PROPOSED RATE INCREASE FOR CABLE T.V. - 1st reading.
Director Snider informed council of the requested rate increase of 7% - \$.65 for primary outlets and \$.25 for additional outlets.
Mr. Erwin, Manager, Cable T.V. explained their views for needing the proposed increases.
2nd reading scheduled for next council meeting.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. CITIZEN LETTERS REGARDING INTERSECTION OF 56TH & 28TH.
There was no public input.
2. WESTSHORE MARINA/M.V. VICTORY SDP-80-01, SP-80-08, V-81-13.
Staff requests public hearing for council meeting of Feb. 8, 1982.

SPECIAL GUESTS:

1. PACIFIC ALPINE - Airspace lease.
Director Tannahill explained the previous lease proposals discrepancy of airspace and groundspace terminology. All correspondence has now been changed to reflect an airspace lease.
Motion for Director Tannahill to notify the state we concur with this lease.
Jackson/Sorensen - approved unanimously.

REPORT OF DEPARTMENT HEADS:

Planning: Energy Management Workshop - The city will be holding a workshop on February 9th at city hall to initiate the Electrical Energy Management Assistance program and invites council to attend.
Director of Administration: Unemployment Compensation Fund.
Director Snider advised council of the need to establish this fund to ensure funds to be available when needed - would like to consider this 1st reading.

OLD BUSINESS:

1. AMENDED PENALTY RATE, LID AND ULID ASSESSMENTS - 2nd reading - Ordinance #390.
Motion to adopt
Jackson/Ekberg - approved unanimously.

2. REVENUE SHARING ORDINANCE - 2nd reading - Ordinance #391

Motion to adopt.
Ekberg/Sorensen - approved unanimously.

NEW BUSINESS:

1. LIQUOR LICENSE APPLICATION - HARVESTER RESTAURANT.

Monte Hester, Attorney for the applicants requested granting of liquor license so applicants may proceed with the next stage in the development.

Public hearing scheduled for council meeting of February 8, 1982.

2. MAYOR PRO TEM ELECTION.

Motion to reappoint Nancy Melton.
Ekberg/Jackson - approved unanimously.

Mayor Bogue made council aware of the 2 Council Committee vacancies.

Doug Sorensen volunteered to fill the position on Public Works.

Bea Adams will serve on the Finance committee.

ANNOUNCEMENT OF OTHER MEETINGS:

Mayor Bogue informed council of the P.A.C. meeting at 7:00. Gig Harbor High School, Wednesday, at which there will be a discussion of a request for extension of the Tacoma Industrial Airport.

BILLS:

Motion to approve.
Ekberg/Jackson - so moved.

MEETING ADJOURNED AT 8:00 P.M. Reel to reel tape utilized.
#100 - side 2 - 001 - 209.

Ruth M. Bogue
Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF FEBRUARY 8, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson, Adams & Mayor Bogue.

PUBLIC HEARINGS: 7:06 p.m.

1. LIQUOR LICENSE APPLICATION FOR HARVESTER RESTAURANT.

Monte Hester, Attorney for the applicants, spoke in favor of the liquor license application.

No public opposition.

Motion to approve liquor license application.
Jackson/Sorensen - approved unanimously.

2. WESTSHORE MARINA/M.V. VICTORY - SDP-80-01, SP-80-08, V-81-13.

Mayor Bogue advised Council will hear the 3 requests individually as follows: 1. Variance, 2. Substantial development permit, 3. Site plan.

Planner Orr gave a brief overview of the entire development.

1. VARIANCE REQUEST V-81-13 - Section 3 Regulation 8.

Planner Orr explained the findings required in order to consider granting the variance.

Ron Thompson, Attorney, spoke in favor of the 3 permits being granted for this development.

Attorney Paglia, representing the applicants, further explained the justification of granting the variance.

There was no public opposition.

Councilman Ekberg asked Dick Warren, Kramer, Chin & Mayo, if the proposed bulkhead is in the best position, and if this is the primary property to control the slippage. Dick Warren answered yes to both questions.

Councilman Jackson questioned the parking requirement inconsistencies in the referral letters.

Dick Warren explained the state's interpretation as once the fill is in place you are no longer parking over water.

Motion to close the public hearing and table any decision until next meeting.
Ekberg/Jackson - so moved.

2. SUBSTANTIAL DEVELOPMENT PERMIT - SDP-80-01.

Planner Orr briefly reviewed the request.

John Paglia, Attorney for the applicants, explained their views for granting the substantial development permit.

There was no public opposition.

Councilman Jackson asked Mr. Paglia if the slip reduction was mandatory or voluntary. Paglia responded the cut back was to accomodate Planning Commission.

Tony Skansi spoke in favor of granting the requests.

Motion to close public hearing and table any decision until next meeting.

Ekberg/Sorensen - so moved.

3. SITE PLAN - SP-80-08.

Planner Orr explained the site plan request, adding to the conditions #8 - stating prior to building permit the owner must present permits from the U.S. Army Corp of Engineers and the Washington State Department of Fisheries for the dredging and bulkhead construction, and #9 - stating priority shall be given to Gig Harbor and Peninsula residents for available moorage.

Marion Stancic spoke in favor of the development.

Councilman Jackson questioned the turn around area for fire trucks.

Planner Orr responded plans must meet Pierce County Fire Department approval prior to obtaining a building permit.

John Paglia, Attorney for the applicants, spoke in favor of granting the site plan.

Skansi informed Council the dock in front of parking area could be Phase 2 construction due to the expense.

Motion to close public hearing and to table decision until next meeting.

Ekberg/Sorensen - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. CHUCK LINDNER & JOHN HOLMAAS DETERMINATION OF ZONE PRIOR TO ANNEXATION.

Hearing scheduled for 1st council meeting in March.

SPECIAL GUESTS: None

Councilman Ekberg excused himself from the meeting at 8:45 p.m.

REPORT OF DEPARTMENT HEADS:

Planning: Energy Workshop - Planner Orr informed Council the workshop has been rescheduled for February 19, 1982 at 10:00 a.m., and would like Council to attend if possible.

Director of Administration: 1. Continuance of Revenue Sharing Money - Director Snider reported the 1982 Revenue Sharing will be in effect at the amount originally designated, but 1983 Revenue Sharing looks shaky. 2. Burroughs L5 accounting machine - Director Snider asked Council to declare it surplus property and open for bids. There are currently 2 interested parties.

Motion to authorize a resolution declaring Burroughs L5 surplus property.

Jackson/Sorensen - so moved.

OLD BUSINESS:

1. CABLE T.V. RATE CHANGE ORDINANCE - 2nd reading.

Motion to deny rate change.

Jackson/ - Motion died for lack of second.

Councilmember Melton recommended Director Snider meet with Attorney Hess and Mr. Erwin from Cable T.V. to eliminate the city from involvement in rate changes.

Motion to table for further information.

Sorensen/Adams - so moved.

2. UNEMPLOYMENT TRUST FUND ORDINANCE - 2nd reading - Ordinance #392.

Motion to approve.

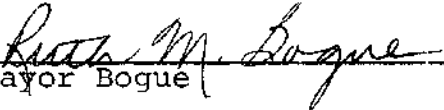
Jackson/Sorensen - so moved.

Councilman Jackson requested Council receiving copies of Planning Commission minutes.

Councilman Jackson feels it is extremely difficult to get packets Friday evening, and would like to address this next meeting when Councilman Ekberg brings in a proposal to rearrange packet situations.

Adjourned to executive session at 9:08 p.m., where William Tiernan was appointed to the Planning Commission vacancy.

MEETING ADJOURNED AT APPROX. 9:30 P.M. Reel to reel tape utilized.
#100 - side 2 - 209 - 976.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF FEBRUARY 22, 1982

Present: Councilmembers Ekberg, Sorensen and Melton as Mayor Pro Tem

Absent: Councilmembers Jackson, Adams & Mayor Bogue

PUBLIC HEARINGS: None

MINUTES: Approved with changes: Recessed meeting to discuss Planning Commission applicants. Reconvened meeting, Mayor Bogue nominated William Tiernan to vacancy on Planning Commission. Approved by vote of Council.

CORRESPONDENCE:

1. LIQUOR LICENSE RENEWAL - "CANDLES & WINE".
Director Snider stated staff sees no reason to deny renewal. Council had no objections.

SPECIAL GUESTS: None

OLD BUSINESS:

1. WESTSHORE MARINA/M.V. VICTORY INC. SDP-80-01, SP-80-08, V-81-13.

Request for substantial development permit, site plan, and variance to construct a vehicular access road parking lot, office building, dock and moorage for 74 commercial and pleasure vessels.

Motion to table decision.
Ekberg/Sorensen - motion passed.

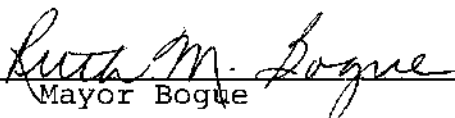
John Paglia, Attorney for the applicants, wishes to express frustration, anger and a little bit of dismay at being tabled again.

NEW BUSINESS:

1. 1st reading - REPEALING SECTION 5 - CATV ORDINANCE
Director Snider explained that after repealing Section 5 of this ordinance, in Section 12 we would still have authority to keep rates consistent with other communities.

BILLS: Motion to approve.
Ekberg/Sorensen - so moved.

MEETING ADJOURNED AT 7:16 P.M. Reel to reel tape utilized.
Side 2 - 005 - 090



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF MARCH 8, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Adams

Mayor Bogue introduced Jim Pettersen, new Police Chief for the City.

PUBLIC HEARINGS: 7:07 p.m.

1. BUMPY'S LIQUOR LICENSE REQUEST TO ADD CLASSES C & F TO EXISTING CLASS D LICENSE.
Applicants were not present.

John Paglia, Attorney representing Mr. & Mrs. Tony Stanich, and Katherine Puratich spoke in opposition. They cited noise, litter and trespassing as neighborhood problems related to this facility.

Staff reviewed history of original license application.

Motion to deny request for adding Classes C & F to present Class D license.

Jackson/Melton - denied unanimously.

2. CHUCK LINDNER & JOHN HOLMAAS DETERMINATION OF ZONE PRIOR TO ANNEXATION. REQUEST TO PREZONE APPROXIMATELY 54 ACRES TO B-2 ZONING.

Planner Orr explained the request, including the topography and the current county zoning. The total is 54 acres, which includes rights of way.

Jeff Moore, Sleavin & Assoc., representing Lindner & Holmaas gave a slide presentation of the property proposed for annexation, also showing a Bellevue location which is similarly situated and developed in a manner consistent with the city's Comprehensive Plan.

Tony Skansi asked what the sewer charges would be for this development.

Director Tannahill explained they will pay an equalization charge and hook up fees.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. GIG HARBOR GROUP HOMES, INC. REQUEST FOR INTERPRETATION OF DEFINITION REQUIREMENTS OR LIMITATIONS FOR GROUP HOMES.

Staff request for interpretation of "family" definition as it applies to group homes.

Motion - that group homes require a conditional use permit. Ekberg/Sorensen - approved unanimously.

REPORT OF DEPARTMENT HEADS:

Police: Chief Petterson reported there will be a ring down phone installed outside the back entrance of the City Hall. It should be installed in about a month.

OLD BUSINESS:

1. ORDINANCE TO ALLOW CABLE TV TO SET SUBSCRIBER RATES - 2nd reading - Ordinance #393.

Motion to adopt.

Jackson/Melton - approved.

2. WESTSHORE MARINA/M.V. VICTORY, INC. SDP-80-01, SP-80-08, V-81-13.

Request for a substantial development permit, site plan, and variance to construct a vehicular access road, parking lot, office building, dock and moorage for 74 commercial and pleasure vessels located at 3815 Harborview Drive.

1. VARIANCE REQUEST - V-81-13.

Motion to adopt variance V-81-13.

Ekberg/Melton - passed unanimously.

2. SUBSTANTIAL DEVELOPMENT PERMIT - SDP-80-01.

Motion to grant Substantial Development Permit.

Jackson/Melton - passed unanimously.

3. SITE PLAN - SP-80-08.

Planner Orr added we do have the ability to inspect during the construction phase.

Motion to approve site plan subject to the following regulations and requirements:

(Briefly highlighted only).

1. An approved landscape plan.
2. Plans locating all on site lighting.
3. Directional arrows on access driveway.
4. Restricted use of marine toilets with signs posted.
5. Consistent with proposal for fire protection.
6. 12' setback from outer harbor & no boats moored beyond outer harbor line.
7. Development must comply with Department of Fisheries & Department of Social & Health Services regulations.

8. Must have permits from U. S. Army Corps of Engineers & Washington State Department of Fisheries.
9. Prior to construction permit, parking plan must be approved.

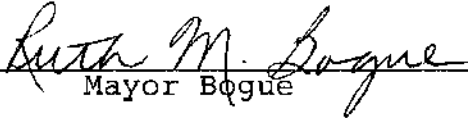
Ekberg/Melton - approved unanimously - with the 9 conditions.

NEW BUSINESS:

1. ORDINANCE TO REPEAL 5.04 - AMUSEMENT DEVICES - 1st reading.
2. ORDINANCE REGARDING AMUSEMENT DEVICES - 1st reading.

MEETING ADJOURNED AT 9:31 P.M.

Reel to reel tape utilized.
#101 side 1 - #001 - 627.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF MARCH 22, 1982

Present: Councilmembers Ekberg, Sorensen, Jackson & Mayor Bogue

Absent: Councilmembers Melton & Adams

PUBLIC HEARINGS: None scheduled.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. SEHMEL/MAURITZEN, SP-82-01, V-82-01. Site plan and variance to allow conversion of a single family residence into commercial uses and reduce a rear yard setback located at 4120 Harborview Dr. Planner Orr would like to set for hearing April 12, 1982.
2. DEL TWEETEN - HARVESTER RESTAURANT, SP-82-02, V-82-02. Site plan and variance to allow construction of a 7,000 sq. ft. restaurant 18½' high where 15' is permitted. The property is located at the northeasterly corner of Soundview & 56th. Planner Orr would like to set for hearing April 12, 1982.
3. REQUEST FOR TRANSFER OF LIQUOR LICENSE NO. 358890 FROM CARL LEWIS TO ELFRIDA LEWIS FOR THE HARBOR LANDING RESTAURANT.
Council had no objections.
Motion to proceed with the license transfer.
Jackson/Ekberg - so moved.
4. REQUEST FOR A SPECIAL OCCASION LIQUOR LICENSE TO SELL SPIRITOUS LIQUOR AND BEER ON PREMISES AT 4425 BURNHAM DR. REQUEST RECEIVED FROM THE PENINSULA ELKS CLUB.
Council had no objections.
Motion to approve special occasion liquor license.
Sorensen/Jackson - approved unanimously.

SPECIAL GUESTS: None.

OLD BUSINESS:

1. ORDINANCE TO REPEAL ORDINANCE #2 ENTITLED AMUSEMENT DEVICES - 2nd reading - Ordinance #394.
Motion to adopt Ordinance # 394.
Ekberg/Sorensen - so moved.
2. ORDINANCE TO REPLACE THE REPEALED AMUSEMENT DEVICE ORDINANCE, ADDING NEW SECTIONS ON LICENSING - 2nd READING - ORDINANCE #395.
Motion to table Ordinance #395 until next meeting.
Jackson/Sorensen - so moved.

Councilman Ekberg inquired if anyone had anything to suggest or add to his agenda proposal. If not he would like to implement it, and volunteered to work with staff.

Motion to adopt proposed agenda procedure.

Ekberg/Jackson - so moved.

Councilman Ekberg excused himself due to a possible conflict of interest.

Les & Billie Barnett, neighbors of the Ellwanger construction sites,

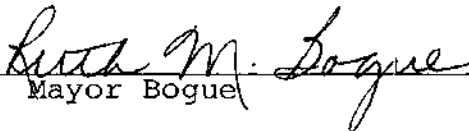
expressed concerns of another building permit issued, when clean up of other site will occur, and the potential safety hazard of the house still on blocks.

Wade Perrow wants to know what is happening with the basement definition, and why the city equipment & personnel installed drainage for Mr. Ellwanger. Director Tannahill stated it is city policy to install drainage tile at \$4.10 per foot at any driveway approach in the city if the resident wishes it.

Councilman Jackson requested Planner Orr meet with Mr. Ellwanger to find out his plans, and that he, Don and Attorney Hess meet and work on the basement definition before next meeting.

MEETING ADJOURNED AT 7:40 P.M.

Reel to reel tape utilized.
#101 side 1 #628 - 851.



Mayor Bogue

Clerk

REGULAR COUNCIL MEETING OF APRIL 12, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson & Mayor Bogue

PUBLIC HEARINGS: 7:04 p.m.

1. SEHMEL/MAURITZEN SP-82-01, V-82-01.

Planner Orr presented the site plan and variance request to allow conversion of a single family residence into commercial uses and reduce a rear yard setback, located at 4120 Harborview Drive.

1. Variance request, V-82-01.

There was no public opposition.

Motion to grant variance.

Jackson/Sorensen - approved unanimously.

2. Site Plan, SP-82-01.

There was no public opposition.

Motion to approve with the 3 recommendations as cited in the staff memo.

Ekberg/Jackson - approved unanimously.

2. DEL TWETEN - HARVESTER RESTAURANT, SP-82-02, V-82-02.

Planner Orr presented the site plan and variance request to allow construction of a restaurant 7,000 sq. ft., 18½' in height, where 15' is allowed, on property at the northeasterly corner of Soundview and 56th.

1. Site Plan, SP-82-02.

Monte Hester, Attorney, representing the applicants, spoke in favor of the site plan.

There was no public opposition.

Motion to approve subject to the 8 recommendations as outlined in the Planning Commission resolution #82-07 with a modification of the 8th recommendation that the 6 month deferment be subject to site plan review and that bonding will be required as determined by the Planning Department.

Ekberg/Sorensen - approved unanimously.

2. Height Variance, V-82-02.

Monte Hester, Attorney, representing the applicants, spoke in favor of the request, clarifying the need for the additional 3½ feet to hide the unsightly equipment on the roof.

Motion to approve variance.

Jackson/Sorensen - approved unanimously.

3. LINDNER & HOLMAAS DETERMINATION OF ZONE PRIOR TO ANNEXATION REQUEST TO PREZONE APPROXIMATELY 54 ACRES TO B-2 ZONING.

Jeff Moore, of J. J. Selavin, representing the applicants spoke in favor and requested the next public hearing be before May 24th.

Bill Kreeger, Harlen Malian, Emmett and Carolyn Guise, Bill Scherwing, Karen Gulliver, Dave Walker, all residents of Cedarcrest or the immediate area, expressed concerns about greenbelt, traffic, noise levels, road impact on abutting property owners, and the quality of life in this area being adversely affected. They would like the developers to meet with the concerned residents and answer some specific questions.

Jeff Moore stated the applicants will be glad to meet with the residents after a little time for preparation.

Motion to table until meeting of May 24, 1982.
Jackson/Melton - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. HARBOR HOLLOW CONTRACT REZONE 1.74 ACRES FROM 2-2 to 2-3 TO CONSTRUCT 20 CONDOMINIUM UNITS.
Hearing set for April 26, 1982.
2. GIG HARBOR GROUP HOMES, INC. CVP.-82-01 REQUEST TO ESTABLISH AND OPERATE A HOME FOR 5 DEVELOPMENTALLY DISABLED ADOLESCENT/ADULTS AT 6823 SOUNDVIEW DRIVE.
Hearing set for May 10, 1982.
3. SHOREACRES WATER DISTRICT REQUEST FOR A FRANCHISE ALLOWING THEM SPECIFIC CONSTRUCTION RIGHTS ON THE CITY RIGHTS OF WAY CONTIGUOUS WITH THEIR DISTRICT.
Staff is doing a review of their request and will submit a staff recommendation and request a policy decision at next meeting.
4. APPEAL BY CLARK EATON OF STAFF DECISION TO DENY A BUSINESS LICENSE AND REQUIRE A TRANSIENT MERCHANTS LICENSE.
Hearing set for April 26, 1982.
5. LETTER FROM HELEN ELLWANGER INFORMING MAYOR & COUNCIL SHE HAS REPORTED SPECIFIC BUILDING CODE VIOLATIONS IN THE CITY TO THE BUILDING INSPECTOR, BOB STAUFFER.
6. LETTER FROM A.W.C. REQUESTING ELECTED OFFICIALS TO SERVE ON THE NOMINATIONS & RESOLUTIONS COMMITTEE.
Director Snider has application cards for anyone interested in volunteering for any committees.
7. MAYOR BOGUE INFORMED COUNCIL SHE IS IN RECEIPT OF A LETTER OF RESIGNATION FROM COUCNILMEMBER BEA ADAMS.

REPORT OF DEPARTMENT HEADS:

Attorney: Attorney Hess advised Council he has a conflict of interest with the Group Home issue and will be unable to act in the City's behalf.

OLD BUSINESS:

1. 2ND READING - ORDINANCE REGULATING THE OPERATION OF AMUSEMENT DEVICES.
Motion to adopt Ordinance #394, using option "A".
Jackson/Ekberg - approved unanimously.
2. BASEMENT DEFINITION.
Councilman Jackson, Attorney Hess and Planner Orr met and determined they would not be defining basement, but Planner Orr will be preparing input for Council regarding building height for consideration at next meeting.

NEW BUSINESS:

1. 1ST READING - ORDINANCE AUTHORIZING THE SALE OF REVENUE BONDS TO FINANCE STREET CONSTRUCTION ON ROSS AVENUE.
2. REQUEST OF THE COUNCIL TO AUTHORIZE MAYOR BOGUE TO SIGN THE 1982 LABOR AGREEMENT WITH TEAMSTERS LOCAL 461 WHICH REPRESENTS POLICE DEPARTMENT EMPLOYEES.
Motion to authorize Mayor Bogue to sign Agreement.
Jackson/Ekberg - approved unanimously.
3. REQUEST BY COUNCILMAN SORENSEN TO DISCUSS POSSIBILITIES OF A STORM SEWER SYSTEM AND SIDEWALKS FOR THE CITY.
After Council discussion, Councilman Jackson feels he & Councilman Sorensen should meet and come up with some proposals and report back to Council.

BILLS:

Motion to approve.
Jackson/Melton - approved unanimously.

ANNOUNCEMENT OF OTHER MEETINGS:

Councilman Ekberg excused himself from the next Council meeting, he will be out of town.

Recessed to executive session at 9:18 to discuss pending lawsuit and the Councilmember replacement.

Motion to adjourn.

Jackson/Melton - approved unanimously.

MEETING ADJOURNED AT 10:22 P.M.

Reel to reel tape utilized.
#101 side 2 - #001 - 638.

Clerk

Ruth M. Bogue
Mayor Bogue

REGULAR COUNCIL MEETING OF APRIL 26, 1982

Present: Councilmembers Melton, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Ekberg

PUBLIC HEARINGS: 7:12 P.M.

1. HARBOR HOLLOW CONTRACT REZONE.

Planner Orr explained the request to contract rezone 1.74 acres from R-2 to R-3 contingent upon constructing 20 condominium units.

John Forbes of Clover Park Realty and Bill Nash, representing the development, spoke in favor of the request.

Rosemary Ross spoke against the rezone request.

Motion to deny on staff recommendation and public input.
Melton/Jackson - denied unanimously.

MIUNTES: Approved as posted.

CORRESPONDENCE:

1. GIG HARBOR UNITED METHODIST CHURCH C.U.P. 82-02.

Request to construct a church facility along the west side of Pioneer. Hearing set for May 24, 1982.

2. RENEWAL OF LIQUOR LICENSE FOR UDDENBERGS THRIFTWAY.

Director Snider explained this is a standard renewal request, and if Council has no objections the license will renew automatically.

3. LETTER FROM PEACOCK REAL ESTATE EXPRESSING CONCERN WITH THE CITY'S DECISION TO REQUIRE THE CONTRACTOR OF THE HARVESTER RESTAURANT TO LEAVE TWO 80 FT. TREES ON THE PROPERTY.

Director Snider explained they stated they will hold the City responsible for any damage should the trees fall.

SPEICAL GUESTS:

1. MR. CLARK EATON REQUESTS COUNCIL TO REVIEW AND OVERTURN STAFF DECISION TO DENY HIS BUSINESS LICENSE APPLICATION.

Director Snider explained his reasons for requiring a transient merchants license instead of a standard business license.

Clark Eaton and Rosemary Ross spoke in favor of his being granted a regular business license.

Attorney Hess suggested tabling this licensing matter until next meeting to allow him time to research.

Motion to continue for Attorney Hess to research.
Sorensen/Melton - approved unanimously.

2. MR. WALT NELSON REQUESTS APPROVAL TO SERVE ALCOHOLIC BEVERAGES AT PICNIC TABLES OUTSIDE HIS BUSINESS, LINDA'S DELI.

Director Snider explained the liquor board would like a letter from the City stating they have no objections before they will grant this license.

Councilman Jackson would like to add the hours of operation remaining the same as a requirement, and Director Snider requests Linda's Deli submit a drawing showing what they intend to use for screening material before any action is taken.

3. SHORE ACRES WATER DISTRICT REQUEST TO GRANT A CONSTRUCTION FRANCHISE ALLOWING THE DISTRICT SPECIFIC RIGHTS TO CONSTRUCT MAIN LINES ALONG CITY STREETS.

Mr. Jim Brouillet, representing Shore Acres Water District, spoke in favor.

Councilperson Melton recommends staff first determine if the contract is to be renegotiated, or what package it is they need to look at if they go with the franchise.

4. GIG HARBOR CHAMBER OF COMMERCE REQUESTS COUNCIL APPROVAL TO SUB-LEASE THEIR PORTION OF THE LIBRARY BUILDING TO A YOUTH ORGANIZATION. Bob Hunt, President of Gig Harbor Chamber of Commerce explained the request for "Channel One" to lease approximately 1/3 of the area currently leased by the Chamber.

Councilperson Melton requested input from the library regarding their concerns of noise level, and the exact area to be used.

Motion to continue until May 10th for further information.
Sorensen/Melton - passed by a vote of 2 - 1.

REPORT OF DEPARTMENT HEADS:

PUBLIC WORKS: 1. Request for approval to solicit bids for a pick-up truck.

Motion to solicit bids for lease and purchase options of a ½ ton, mid-size, and ¾ ton - in stripped down model and with options.
Jackson/Melton - approved unanimously.

2. Request for meeting of Public Works Committee - time to be determined after Council meeting.

PLANNING: Planner Orr researched building height in R-1 and R-2 zones. Provided Council with a memo of some language - and will submit specific language in ordinance form at the next meeting.

OLD BUSINESS:

1. ORDINANCE AUTHORIZING THE SALE OF REVENUE BONDS FINANCING STREET CONSTRUCTION ON ROSS AVENUE - 2ND READING - ORDINANCE #396.

Motion to approve Ordinance #396.
Jackson/Melton - approved unanimously.

2. Les & Billie Barnett and Wade Perrow again expressed their concerns of easements, building code, the fill used and the appeal of the building code they filed regarding the construction area of the Ellwangers.

SPECIAL GUESTS:

Del Tweeten, owner of the Harvester Restaurant currently under construction, would like clarification of the fire hydrant and sprinkler system requirements for the restaurant. He informed Council he is ready to pour concrete tomorrow and cannot proceed until he has this resolved.

Planner Orr read his letter stating recommendations including "This building be fully protected with automatic sprinkler system", and advised of the Fire Districts requirement of a hydrant. Planner Orr stated we adopted the districts requirements with the sprinkler system.

Councilperson Melton requested copies of the fire requirements and to find out if there is a difference between Fire District & Fire Marshall.

Attorney Hess advised issuing a building permit conditionally with a bond to allow Mr. Tweeten to proceed with construction until the requirements can be clarified at the next meeting.

BILLS: Motion to approve.
Jackson/Melton - approved unanimously.

MEETING ADJOURNED AT 10:05 P.M. Reel to reel tape utilized.
#101 side 2 #640 - entire tape.

Clerk

Ruth M. Bogue

Mayor Bogue

REGULAR COUNCIL MEETING OF MAY 10, 1982

Present: Councilmembers Ekberg, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Melton

PUBLIC HEARINGS: 7:03 P.M.

1. GIG HARBOR GROUP HOMES, INC. C.U.P. 82-01.

Planner Orr explained the request to establish and operate a home for 5 developmentally disabled adolescents/adults at 6823 Soundview.

Ten concerned adjacent property owners spoke against granting

the request and thirteen people spoke in favor of the request.
 Motion to approve C.U.P. 82-01 to include 6 staff recommendations,
 Jackson/Sorensen - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. REQUEST TO EXPAND EXISTING DOCK AND CONSTRUCT PARKING AREA, NETSHED, RAMP AND FLOATS FOR THREE 58' VESSELS AT 3525 HARBORVIEW DRIVE.

Hearing set for June 14, 1982.

2. CROWN PACIFIC CORPORATION S.P. 82-03, S.D.P. 82-01, V-82-03. REQUEST TO CONVERT EXISTING 12 UNIT APARTMENT BUILDING INTO 8 CONDOMINIUM UNITS, PROVIDE COVERED PARKING FOR 10 VEHICLES AND CONSTRUCT A 6 SLIP MARINA AT 8915 HARBORVIEW DRIVE.

Hearing set for June 14, 1982.

3. REQUEST BY LIQUOR BOARD FOR COUNCIL APPROVAL OF LICENSE RENEWALS FOR 12 BUSINESSES.

Director Snider informed council 3 license holders, Bumpys, Prime Rib House, and the Eagles, are currently not in compliance with City ordinances.

Director Snider will notify the Liquor Board in writing of the specific violations.

OLD BUSINESS:

1. SECOND APPEARANCE BY MR. CLARK EATON APPEALING STAFF DECISION TO DENY REGULAR BUSINESS LICENSE APPLICATION.

Motion to substantiate staff's original denial of Mr. Eatons application.

Jackson/Ekberg - motion passed by vote of 2 - 1.

2. SECOND APPEARANCE - REQUEST BY LINDAS DELI TO SERVE LIQUOR OUTSIDE.

Director Snider informed Council the application has been withdrawn.

3. SECOND APPEARANCE - CHAMBER OF COMMERCE REQUEST TO SUBLET A PORTION OF THEIR SPACE IN THE CITY LIBRARY.

Attorney Hess would like additional time to review the sublet agreement.

Tabled until next meeting.

4. AWARDING CONTRACT FOR PURCHASE OF A TRUCK FOR PUBLIC WORKS DEPARTMENT.

Motion to approve recommendation #1, from Dick Boyles Chevrolet.
 Jackson/Ekberg - approved unanimously.

NEW BUSINESS:

1. OWNERS OF THE PRIME RIB HOUSE RESTAURANT REQUESTING COUNCILS PERMISSION TO SERVE LIQUOR OUTSIDE.

Motion to schedule for public hearing.

Ekberg/Jackson - approved unanimously.

Councilman Ekberg requested staff provide council with the conditions the Tides currently exists under for their outside service, and the information from the previous application from the former owners of the Shoreline.

Recessed to executive session at 10:10 p.m. to discuss appointment of new councilmember.

Motion to appoint Les Crowe to Council vacancy.

Ekberg/Jackson - so moved.

Motion to confirm the appointment of John English to the Planning Commission vacancy.

Jackson/Ekberg - approved unanimously.

MEETING ADJOURNED AT 10:20 P.M. Tape #102 side 1 #001 - 911.

 Clerk

Keith M. Logue

 Mayor Bogue

REGULAR COUNCIL MEETING OF MAY 24, 1982

Present: Councilmembers Ekberg, Crowe, Sorensen, Jackson and Mayor Bogue

Absent: Councilmember Melton

Director Snider gave oath of office to Les Crowe, councilmember appointed to replace Bea Adams.

PUBLIC HEARINGS: 7:07 p.m.

1. GIG HARBOR UNITED METHODIST CHURCH C.U.P. 82-02.

Planner Orr explained the request to construct a church facility along the west side of Pioneer Avenue.

Jim Widrig, Architect for the project, and Pastor Wayne Schaub spoke in favor.

There was no public opposition.

Motion to grant the C.U.P. with the understanding the tentative site plan is in no way being acted on.

Ekberg/Jackson - approved unanimously.

Later during the meeting the motion was amended to include going thru the site plan process as a definite condition.

Ekberg/Crowe - approved unanimously.

2. LINDNER AND HOLMAAS DETERMINATION OF ZONE PRIOR TO ANNEXATION.

Planner Orr briefly reviewed the request to prezone approximately 54 acres to B-2 zoning.

Jeff Moore, Sleavin & Assoc., spoke in favor for the applicants.

Emmett Guise, Roger Gulliver, Phillip Bridges, Cedarcrest residents and Richard Dunlap of Parametrix, spoke against the request

Councilmen Ekberg and Jackson want exact county zoning determined, in writing, Jackson recommends a planning committee of 2 councilmembers, representatives from the neighborhood, representation from the applicant, and the staff. He would also like Council to submit to Planner Orr a written list of questions and concerns and have staff's response within 2 weeks.

Motion to continue subject to previous conditions and statements.

Ekberg/Jackson - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. TERRY GROSHONG, MARVIN SCHLEIP SP-82-04. Request for cooler addition, easterly side of Finholms Market, hearing set for June 14, 1982.

2. CABLE T.V. RATE INCREASE.

Director Snider informed council Cable T.V. is notifying the city they are now going to implement the new rates previously established.

REPORT OF DEPARTMENT HEADS:

Administrator: Follow up letters were sent to Bumpy's and Prime Rib House from the Liquor Board regarding the renewals, and the Prime Rib House has withdrawn its application for liquor to be served on their deck.

OLD BUSINESS:

1. HARVESTER RESTAURANT - REQUEST TO WAIVE AUTOMATIC SPRINKLER REQUIREMENT.

Motion that the Harvester Restaurant be required to meet all fire code requirements however, council will waive the automatic sprinkler requirement.

2. CHAMBER OF COMMERCE REQUEST TO SUB-LEASE THEIR PORTION OF THE CITY LIBRARY.

Attorney Hess advised a letter of intention was submitted, not a lease.

William Decker and Jim Stewart, representing Channel One, explained their need for obtaining a decision from Council at this meeting.

Motion to accept a 6 month sub-lease to be reviewed at that time, and that the group - group defined as "Channel 1 and the Chamber

270
of Commerce" - works with the City Attorney and staff to come up with an agreement. This should be done by Friday and meet with the approval of the Mayor, and be reviewed by Attorney Hess.

Crowe/Ekberg - approved unanimously.

3. CONTINUED APPEARANCE OF SHORE ACRES WATER DISTRICT REQUEST FOR CONSTRUCTION FRANCHISE.

Attorney Hess advised he is waiting for information from the attorney for Shore Acres Water District.

Motion to table for further information.
Jackson/Sorensen - approved unanimously.

4. SKANSI CONTRACT REZONE, APPROVED IN 1978.

Motion to approve.
Jackson/Sorensen - motion passed by a vote of 3 - 1.

NEW BUSINESS:

1. Staff request for council approval to rewrite the gambling ordinance. Director Snider would like to consider this a first reading of an ordinance repealing the present ordinance and the 1st reading of an ordinance replacing it.

BILLS: Motion to approve.
Jackson/Sorensen - approved unanimously.

MEETING ADJOURNED AT 9:27 P.M. Reel to reel tape utilized.
Tape # 102 side 2 001 - 660.

Clerk

Ruth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF JUNE 14, 1982

Present: All present.

PUBLIC HEARINGS: 7:05 P.M.

1. TERRY GROSHONG, MARVIN SCHLEIP SP-82-04.
Planner Orr explained the request to allow an addition onto the easterly side of Finholms Market.
There was no public opposition.
Motion to approve site plan request with recommendations from staff.
Sorensen/Melton - approved unanimously.
2. CROWN PACIFIC CORPORATION SP-82-03, SDP-82-01, V-82-03.
Planner Orr explained the request for Shoreline Management Substantial Permit, site plan and variance application to convert an existing 12 unit apartment building into 8 condominium units, provide covered off street parking for 10 vehicles and develop an 8 slip marina, at 8915 N. Harborview Dr.
 1. Shoreline Development Permit.
There was no public opposition.
Motion to approve Shoreline Development Permit to include recommendations of staff.
Jackson/Ekberg - approved unanimously.
Motion to amend original motion to include the additional recommendation of marina slip to become part of the development and not to be leased commercially.
Ekberg/Sorensen - approved unanimously.
 2. Site Plan.
There was no public opposition.
Motion to approve site plan with the recommendations as outlined by the staff.
Ekberg/Jackson - approved unanimously.
 3. Variance.
There was no public opposition.
Motion to approve in compliance with the staff recommendations to include the minimum requirement for street be widened to 14' from the centerline and curb and gutter installed at the applicants expense.

3. LINDNER AND HOLMAAS DETERMINATION OF ZONE PRIOR TO ANNEXATION.

Planner Orr briefly reviewed the request.

Jeff Moore, Sleavin & Assoc. , representing the applicants, gave a brief presentation and stated they support the staff report.

Phyllis Mc Cloud, attorney, representing the Cedarcrest residents stated numerous reasons they feel this request should be rejected.

Several Cedarcrest and Sunnybrae residents also spoke in opposition.

Motion to accept staff's recommendation as outlined in the memo with parcel D zoned RB-1, all other parcels as shown zoned B-2, except parcel B which shall be included as R-1. In paragraph 2 the word reviewed should be approved.

Ekberg/Melton - approved by a vote of 4-1.

4. LINDNER & HOLMAAS ANNEXATION REQUEST.

The applicants request a two week continuance.

Motion to continue until meeting of 6-28-82.

Jackson/Ekberg - approved unanimously.

MINUTES: Approved as posted.

REPORT OF DEPARTMENT HEADS:

Public Works: 1. 6 year street plan - public hearing scheduled for next meeting. 2. Request Council to declare city property surplus and available for disposal. Council determined the Public Works committee should develop a policy for disposal of surplus property before any action is taken.

OLD BUSINESS:

1. CHANNEL 1 REQUEST TO LEASE A PORTION OF THE LIBRARY BUILDING.

Councilman Jackson reported decisions arrived at during committee meeting - materials sold will relate directly to tourism, the painting of the outside of the building will be done in the existing colors, and recommended the City Attorney prepare the lease agreement. He also requested Channel 1 get a diagram of the proposed changes and deliver it to Mr. Tannahill.

Motion to instruct City Attorney to prepare a lease agreement between the City and Channel 1, contingent upon items previously discussed, with lease agreement to be presented for Council approval at next meeting.

Jackson/Crowe - approved unanimously.

2. SHORE ACRES WATER DISTRICT REQUEST FOR FRANCHISE TO CONSTRUCT WATER LINES ALONG CITY RIGHTS-OF-WAYS.

Motion to approve recommendation by staff to service these areas.

Sorensen/Jackson -

After further discussion Councilmember Melton recommended tabling this issue until the return of Director Snider.

Councilman Jackson recinded his 2nd to the previous motion.

Councilman Sorensen recinded his previous motion.

Motion to table Shore Acres request.

Melton/Sorensen - approved unanimously.

3. ORDINANCE ESTABLISHING THE TAXATION OF GAMBLING ACTIVITIES - 2nd reading - Ordinance #397.

Motion to approve Ordinance #397.

Sorensen/Jackson - approved unanimously.

4. ORDINANCE REPEALING ORDINANCE #180 RELATING TO TAXATION OF BINGO, RAFFLES AND AMUSEMENT GAMES - 2nd reading - Ordinance #398.

Motion to approve Ordinance #398.

Jackson/Crowe - approved unanimously.

NEW BUSINESS:

1. COUNCIL APPROVAL FOR MAYOR TO SIGN A CONTRACT FOR BANKING SERVICES.

Motion to authorize Mayor to sign contract.
Jackson/Crowe - approved unanimously.

BILLS: Motion to approve.
Melton/Crowe - approved unanimously.

Recessed to an executive session requested by City Attorney.

MEETING ADJOURNED AT 10:47 P.M. Reel to reel tapes utilized.
#102, side 2 - 664-570, and
#103, side 1 - 001-288

Clerk

Ruth M. Logre

Mayor

REGULAR COUNCIL MEETING OF JUNE 28, 1981

Present: Councilmembers Ekberg, Melton, Sorensen, Crowe & Mayor Bogue

Absent: Councilman Jackson

PUBLIC HEARINGS: 7:09 p.m.

1. MARION STANCIC, SDP-81-02, SP-81-04, CUP-81-02.

Planner Orr explained the application to reconstruct an existing pier, net shed and construct floats for the purpose of mooring 3 commercial vessels at 3525 Harborview Drive.

1. Shoreline Development Permit 81-02.

There was no public opposition.

Motion to approve SDP-81-02 as recommended by staff.
Ekberg/Melton - approved unanimously.

2. Site Plan - 81-04.

There was no public opposition.

Motion to approve site plan with the staff recommendation of addition of sidewalk in recommendation #1, and further addition of deleting gas pumps.

Sorensen/Ekberg - approved unanimously.

3. Conditional Use Permit - 81-02.

There was no public opposition.

Motion to approve Conditional Use Permit as submitted.
Ekberg/Sorensen - approved unanimously.

2. LINDNER AND HOLMAAS ANNEXATION REQUEST.

Planner Orr announced the applicants have requested a continuance until the meeting of July 12th.

MINUTES: Approved with a correction on page 1, item 3 - final line before motion, the word reviewed should be approved.

CORRESPONDENCE:

1. LINDNER AND HOLMAAS LETTER REQUESTING ACTION TAKEN AT JUNE 14TH MEETING, OF ZONING ATTACHED TO PARCEL B BE RECONSIDERED BY COUNCIL. Scheduled for meeting of July 12th.
2. HARBOR ASSOCIATES REQUESTS A HEARING REGARDING CONDITIONS OF APPROVAL ATTACHED TO A SDP AND SP AND ESTABLISH A TIMETABLE WHEN CONDITIONS MUST BE MET. Councilman Ekberg suggested they first meet with staff and work out a definite proposal to present to Council.
3. BAY ESTATES ADULT MOBILE HOME PARK REQUEST TO HOOK INTO CITY SEWER SYSTEM. Scheduled for meeting of July 12th.

REPORT OF DEPARTMENT HEADS:

Public Works: Director Tannahill would like to declare the 69 Ford surplus property and advertise for bids.

Motion to establish resolution #162 to declare 69 Ford surplus property.
Sorensen/Crowe - approved unanimously.

OLD BUSINESS:

1. FINAL LEASE AGREEMENT BETWEEN CITY & CHANNEL I FOR SPACE IN LIBRARY. Recommended lease changes are correction of typo page 1, line 31, page 4 - Section 9 strike lines 14 thru 19 entirely, liability - Section 12, line 11 - J. Sturn Co., should be changed to Sturn,

Thompson & Kennedy, Inc., and clarification of retail items to be - no activity of commercial nature shall be allowed except the selling of tourist related items.

Motion to approve Mayor Bogue signing the amended lease.
Crowe/Ekberg - approved unanimously.

ANNOUNCEMENTS: Councilmember Melton announced she will not be here for the month of July.

MEETING ADJOURNED AT 8:00 P.M.

Reel to reel tape utilized.
#103 side 1 - 295 - 474.

Clerk

Ruth M. Bogue
Mayor

REGULAR COUNCIL MEETING OF JULY 12, 1982

Present: Councilmembers Ekberg, Crowe, Sorensen, and Mayor Bogue

Absent: Councilmembers Melton and Jackson

Mayor Bogue informed Council Attorney Hess is on vacation, and Attorney Steve Palmer will be representing the City in his absence.

OLD BUSINESS:

1. HOLMAAS AND LINDNER - REQUEST FOR RECONSIDERATION OF ZONING OF 54 ACRES.

Councilman Ekberg feels there is additional information that was not presented at previous meetings.

Motion to schedule another public hearing for August 9, 1982.
Ekberg/Sorensen - approved unanimously.

PUBLIC HEARINGS: 7:15 p.m.

1. LINDNER & HOLMAAS ANNEXATION REQUEST.

Planner Orr advised the applicants have requested a continuance until the meeting of August 9th.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. MOSTLY BOOKS SITE PLAN SP-82-05 - hearing set for July 26, 1982.

2. PIERCE TRANSIT REQUEST TO PLACE BUS SHELTER ON JUDSON STREET.

Motion to accept Pierce Transit shelter.

Crowe/Ekberg - approved unanimously.

3. REQUEST FOR RESTITUTION FOR FLOOD DAMAGE TO PRIVATE RESIDENCE.

Motion to refer to City Attorney.

Sorensen/Crowe -

Motion amended to follow attorneys advice, deny liability - and refer it back to City Attorney.

Ekberg/Crowe - approved unanimously.

4. REQUEST BY BUSINESS OWNER FOR COUNCIL REVIEW OF LICENSE FEE FOR AUCTIONEERS.

Director Snider will, at council request, do an analysis of similar ordinances and fee structures and report back next meeting.

REPORT OF DEPARTMENT HEADS:

Public Works: 1. Call for bids for Sewer Treatment Plant equipment. Director Tannahill has received one bid for \$14,240.00 from H.D. Fowler Co. and recommended accepting this bid.

Motion to accept bid.

Crowe/Ekberg - approved unanimously.

2. Receipt of bids for 69 Ford pick-up. Have received no bids - will re-advertise and report at next meeting.

Administrator: 1. Library lease agreement - has been signed by City and Channel I and is now in effect. 2. Emergency Service Plan - Chief Pettersen has been delegated the Emergency Management Coordinator.

3. Requested Council begin formulating a policy on water utility lines.

OLD BUSINESS:

1. ADOPTION OF 6 YEAR STREET PROGRAM - RESOLUTION #163.

Motion to adopt as presented.
Ekberg/Sorensen - approved unanimously.

2. REVIEW OF HARBOR ASSOCIATES PROJECT.

Motion to concur with staff recommendations.
Crowe/Ekberg - approved unanimously.

TRANSFER VOUCHERS:

Motion to approve.
Crowe/Ekberg - approved unanimously.

MEETING ADJOURNED AT 7:59 P.M. Reel to reel tape utilized.
#103 side 1 478 - 719.

Clerk

Luth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF JULY 26, 1982

Present: Councilmembers Ekberg, Crowe, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Melton

PUBLIC HEARINGS: 7:00 p.m.

1. MOSTLY BOOKS - SP-82-05.

Planner Orr explained the request to construct a storage space addition at 3126 Harborview Drive.

There was no public opposition.

Motion to allow addition as proposed with Planning Commission recommendation that we delete the staff's recommendation and that the addition is used only for storage. Ammended: Delete

Ekberg/Sorensen - approved unanimously. paving requirement.

Storage use only.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. LYNOTT V-82-06.

Request to reduce front and rear yard setbacks at 2813 Harborview Dr. Hearing set for August 9th at 6:00 p.m.

2. ANKER SP-82-06.

Request for site plan approval to convert existing single family residence into a tavern at 4320 Harborview. Hearing set for August 23rd at 7:00 p.m.

3. HARVESTER RESTAURANT.

Would like hearing to show amended site plan showing parking lot obtained thru lease with Power Company. Hearing set for Aug. 9th.

REPORT OF DEPARTMENT HEADS:

Administrator: Requests study session on Financial Management Study with entire Council. Session set for August 6th at 3:00 p.m.

OLD BUSINESS:

1. REVIEW BIDS ON 1969 FORD PICK-UP. Director Tannahill has received 5 bids from \$300.00 - \$526.50, recommends accepting high bid of \$526.50 from Mr. Bill Dutton. No Council objections to accepting that bid.
2. REQUEST FOR COUNCIL FEEDBACK ON POLICY FOR WATER LINE TRANSMISSION. Director Snider will get his recommendations to Public Works Committee and bring their recommendations to the next meeting.
3. FEEDBACK TO COUNCIL ON FEE STRUCTURE FOR AUCTIONEERS AND TRANSIENT MERCHANTS. Director Snider will do more exploring and will report back to Council.

BILLS: Motion to approve.
Jackson/Ekberg - approved unanimously.

MEETING ADJOURNED AT 7:40 P.M. Reel to reel tape utilized.
#103 - side 1 #722 - 969.

Clerk

Luth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF AUGUST 9, 1982

Present: All present.

PUBLIC HEARINGS: 6:13 p.m.

1. Lynott Variance, V-82-06.

Planner Orr explained the request to construct an addition reducing the front and rear yard setbacks. The property is located at 2813 Harborview.

There was no public opposition.

Motion to accept variance request as outlined with the staff and Planning Commission recommendations to approve.

Melton/Crowe - approved unanimously.

2. Holmaas/Lindner determination of zone.

Planner Orr reviewed the zoning previously established, and the request to reconsider R-1 zoning as applied to Parcel B. Stated proponents have submitted approval for engineered drainfield by Tacoma-Pierce County Health Department with renewal valid until November of 1982, showing property can support an on site sewage system.

Jeff Moore, Sleavin & Associates, representing the proponents, spoke in favor of redetermining the zone.

Phyllis McCloud, attorney representing the Cedarcrest residents, spoke against the redetermination of zoning for Parcel B. Several Cedarcrest and Sunnybrae residents also spoke in opposition.

Motion to rescind previous zoning action and to zone Parcel B B-2 subject to the following:

1. The proponents enter into a contract with the city. The contract shall contain the minimum conditions outlined in the legend on exhibit A.
2. The portions of parcel A and B that are outlined by the shaded boundary line shall be retained for greenbelts and preservation purposes.
3. The city at the site plan review stage may impose additional conditions to mitigate possible impact as a result of development.
4. If development does not occur within 5 years from the date of annexation the property shall resort to R-1 zoning classification.
5. No alterations in entire site at all prior to site plan approval.

Jackson/Sorensen - approved unanimously.

3. Holmaas/Lindner - Annexation request.

Planner Orr recommended approval of annexation request subject to 4 conditions outlined in staff memo.

Councilman Jackson suggested adding condition #5 - no alteration to site prior to site plan approval.

Motion to add a word to 1st recommendation given by staff - 2nd sentence - insert minimum between the & condition, then reading - "the contract shall contain the minimum conditions outlined in the legend on Exhibit A."

Melton/Crowe - approved unanimously.

Motion to annex 54 acres adding condition #5 - no alterations in entire site at all prior to site plan approval.

Jackson/Ekberg - approved unanimously.

MINUTES: Public Hearing - Mostly Books - Mayor Bogue would like to amend minutes; Motion to allow addition as proposed deleting staffs recommendation regarding paving requirement. The addition is to be used for storage only.

REPORT OF DEPARTMENT HEADS:

Administrator: The Chamber of Commerce constructed a float to represent the community. Mr. Axness would like council to publically thank and recognize these efforts. Council advised staff to write a resolution and letter of thanks.

OLD BUSINESS:

1. SP-82-02; amendment to Harvester Restaurant site plan. Request to allow Tacoma City Light right-of-way to be utilized for parking.

Planner Orr explained the applicants have secured a lease with Tacoma City Light for a 44 stall parking lot.

Motion to approve site plan with the following recommendations:

1. Curb, gutter and sidewalk to be located 14' from center line on Soundview.
2. Existing landscaping including firs and salal (16' greenbelt inside of sidewalk) to remain in its natural state.
3. The parking space at the southwest corner to be landscaped with native plant materials to shield lot from view from northbound Soundview traffic.

Ekberg/Sorensen - approved unanimously.

2. Regulating and licensing of temporary businesses.

After council discussion, it was decided Director Snider would research further and report back to council.

BILLS:

Motion to approve.

Crowe/Ekberg - approved unanimously.

Recessed for an executive session. Resumed regular council meeting. Mayor Bogue nominated Judy Kuehn to fill Planning Commission vacancy, Councilwoman Melton seconded, all approved unanimously.

MEETING ADJOURNED AT 9:57 P.M. Reel to reel tape utilized.

Clerk

Luth M. Bogue
Mayor

Present: All present

PUBLIC HEARINGS:

1. SP-82-06 - Anker Site Plan.

Planner Orr explained the request for site plan approval to convert a residence into a tavern in a B-2 zone at 4320 Harborview Drive.

There was no public opposition.

Motion to get site plan redesigned, showing sidewalks and proper landscaping and table issue until information comes in.

Jackson/Ekberg - approved unanimously.

MINUTES: Approval delayed until next meeting for necessary additions to be made.

CORRESPONDENCE:

1. V-82-04, Malich Variance.

Request to allow off street parking to be located beyond 100' of the lot it serves at the foot of Novak Street.
Hearing set for meeting of September 13, 1982.

2. V-82-05, SP-82-07, SDP-82-02, Millville Marina.

Request to develop 4 residential units at 3519 Harborview Drive.
Hearing set for meeting of September 13, 1982.

3. SP-82-09, V-82-07, Olympic Village Exxon.

Request for approval to allow cosmetic site improvement and a 10 x 15 storage room to existing service station.
Hearing set for September 13, 1982.

OLD BUSINESS:

1. Parade float recognition, Resolution #163.

Motion to approve resolution #163.
Jackson/Ekberg - approved unanimously.

NEW BUSINESS:

1. Financial Management Report follow-up.

Director Snider briefly explained the charts containing the follow-up information.

2. Sales or use tax ordinance.

Motion to consider this the 1st reading of sales or use tax ordinance.
Crowe/Jackson - approved unanimously.

3. Temporary Business Licenses - 1st reading.

Second reading scheduled for next meeting, 9-12-82.

4. Council instructed City Attorney to look into a topless dancing ordinance.

COUNCIL COMMITTEE REPORTS:

Street Department: Director Tannahill informed council he has made a locational map of street lights in the city - recommends the city maintain lights at each intersection in the city. Councilman Jackson suggested checking what other municipalities do, report back to Council at the next meeting.

COUNCIL REQUEST: Council requested Planner Orr to establish a workable policy for requiring performance bonds on construction projects and to research the time limit requirements for site plans.

BILLS:

M Motion to approve.

Crowe/Melton - approved unanimously.

MEETING ADJOURNED AT 8:20 P.M.

Reel to reel tape utilized.
#104 - side 1 ool - 332

Clerk

Ruth M. Lague
Mayor

REGULAR COUNCIL MEETING OF SEPTEMBER 13, 1982

Present: All present.

PUBLIC HEARINGS: 7:06 p.m.

1. SP-82-09, V-82-07 - Olympic Village Exxon.

Planner Orr explained the request for site plan approval and variance to allow a 10 x 15 storage addition and a canopy over the pump islands.

1. Site Plan - SP-82-09.

There was no public opposition.

Motion to approve based on 2 conditions:

1. Traffic posts placed around propane tanks.
2. Recommendation from Public Utilities to reduce driveway width from 35' to 30', and a submitted landscape plan.

Jackson/Ekberg - approved unanimously.

2. Variance - V-82-07.

There was no public opposition.

Motion to approve variance request.

Sorensen/Jackson - approved unanimously.

2. V-82-05, SP-82-07, SDP-82-02; Milville Marina.

Planner Orr reviewed the request for variance, site plan and substantial development permit approval to allow construction of four residential units at 3519 Harborview Drive.

Councilman Jackson abstained from this hearing due to a possible conflict of interest.

1. Shoreline Development Permit - #82-02.

Planner Orr explained the request.

Monte Hester, Attorney representing the applicants, spoke in favor.

Jack Bujacich spoke in opposition, and Bob Frisbie asked Council to hold consideration of this request in abeyance until all conditions of the original permit have been complied with.

Motion to approve SDP-82-02 as requested.

Ekberg/motion died for lack of second.

Motion to approve SDP-82-02 as requested.

Ekberg/Melton - approved unanimously, with Councilman Jackson abstaining.

2. Site Plan - #82-07.

Planner Orr explained the request.

Councilmember Melton feels condition #7 is confusing and could be worded better.

Monte Hester, Attorney, Jim Widrig, Architect, and several city citizens spoke in favor of granting the site plan.

There was no public opposition.

Motion to table site plan proposal until next meeting to allow time to redesign the side area to preserve the parking presently existing on Novak Street.

Melton/Crowe - approved unanimously.

Motion to amend original motion to include a landscape plan to be submitted at the same time.

Sorensen/ motion died for lack of second.

Motion to amend the original motion to at least provide various schemes that would help preserve the parking.

Crowe/Melton - approved unanimously.

3. Variance - V-82-05.

Planner Orr explained the variance request.

Monte Hester, Attorney, Jim Widrig, Architect and several city citizens spoke in favor of granting the variance.

Several citizens of Gig Harbor concerned with potential view loss spoke in opposition of granting the variance.

Motion to table variance request, and instructed applicants to return with a redesigned plan that eliminates the basement in unit #2 and sinks the units down several feet to lessen the variance that would be required.

Ekberg/Melton - approved unanimously.

3. V-82-04 - Malich Marina.

Planner Orr informed Council the Malichs have requested a continuance.

Council had no objections and granted the request.

4. First Public Hearing - 1983 Federal Revenue Sharing Money.

Director Snider explained this hearing is for citizen input. The 1983 Federal Revenue Sharing amount is \$28,016.00, and 1983 is the last year the money will be available.

One citizen stated the city needs a public restroom.

MINUTES: August 9, 1982 - Approved as posted.

August 23, 1982 - Approved as posted.

CORRESPONDENCE:

1. Request by liquor board for council review of liquor application.
Director Snider explained this is for a wedding reception, one night only.

q Council had no objections.

2. Request by business association for Council review of sign ordinance.

Staff would like Council direction for sandwich board signs.

Council would like staff to present proposals and advised not to rigorously enforce the ordinance in this area at this time.

3. V-82-08, Braaten.

Request to construct a carport reducing the required yard from 25' to 8' at 9323 Peacock Hill.

Hearing set for September 27, 1982.

4. SP-82-09 - Telephone Utilities of Washington.

Request for site plan approval for a two story office complex at the northwesterly corner of the intersection of Rosedale & 46th.

Hearing set for September 27, 1982.

REPORT OF DEPARTMENT HEADS:

Administrator: Disposition of Shoreacres request for franchise - The city will recognize existing franchise with the County and those limits that were in existence, and the city must be named as an insured party.

Planning: Update on performance bonds - Just received requested information from A.W.C. in today's mail, will have report ready for next meeting.

OLD BUSINESS:

1. Ordinance adopting optional sales tax - 2nd reading - Ordinance #399.

Motion to approve ordinance #300, with effective date of 1-1-83.
Ekberg/Crowe - approved unanimously.

2. Ordinance adopting provisions for licensing temporary business - 2nd reading - Ordinance #400.

Motion to approve ordinance #400 with the addition that under Section 5 fishermen will also be included in the exemptions.
Ekberg/Melton - approved unanimously.

MEETING ADJOURNED AT 9:30 P.M.

Reel to reel tape utilized.
#104 - side 1 - 334 - 338.

Clerk

Luth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF SEPTEMBER 27, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson, & Mayor Bogue

Absent: Councilmember Crowe

Council had no objections to Old Business being heard first at this meeting.

Councilman Jacison excused himself due to a possible conflict of interest.

OLD BUSINESS:

1. V-82-05, SP-82-07; MILLVILLE MARINA.

Planner Orr explained the 3 schemes the applicants have submitted dealing with councils requests from last meeting of lowering height variance request, parking schemes on Novak Street, and the basement eliminated in unit #2.

1. Variance request.

Planner Orr explained the revised request and recommended application be approved.

Jim Widrig, Ron Ray & Judy Stancic spoke in favor of the variance.

Bob Frisbie and Jack Bujacich spoke in opposition of the variance.

Motion to grant a variance not to exceed 4.25 feet.
Ekberg/Melton - approved unanimously.

2. Site Plan.

Planner Orr explained the revised site plan request. Staff feels scheme C is the more appropriate alternative.

Jim Widrig, architect for the applicants, and Shirley Babich spoke in favor.

Bob Frisbie spoke in opposition.

Motion to accept proposal for scheme C with the following conditions:

1. Curb, gutter and sidewalk as required by the Public Works Director shall be provided along the frontage of Harborview Drive and Novak Street.
2. Storm drainage facilities shall be installed in accordance with standard engineering practice and approved by the Public Works Director.
3. Fire protection devices shall conform to the specifications of an inspection by the fire prevention district.
4. Delinate all open parking spaces with white paint.
5. Construct a 4" high concrete curb (minimum) or equal to separate all paved parking and passageway areas from landscaped areas. Curbs may be deleted where sidewalk adjoins parking and passageway, provided the sidewalk is at least 4" higher than adjoining pavement.
6. Fire protection improvements required shall have been installed and be operable at the time the building department is requested to make the final inspection of approved structures.
7. Building Permit for approved structures shall be secured and construction commence within two years subsequent to approval of this site plan by the City Council or said approval shall be void.
8. Prior to securing a building permit, submit a specific landscaping plan prepared by a landscape architect to the Planning Department for review and approval. The site shall be developed in accordance with the approved landscaping plan prior to occupancy.
9. Surface drainage from parking area shall not directly enter the waters of Gig Harbor unless properly treated, "oil sludge separator".
10. Automatic door openers shall be provided on all garages.
11. The greenbelt within the right of way along Novak St. to be eliminated with the exception of the southwest corner.

Melton/Ekberg - approved unanimously.

Mayor Bogue excused herself from the meeting at 8:15 p.m.

Mayor Pro Tem Melton resumed the meeting.

PUBLIC HEARINGS: 8:15 p.m.

1. V-82-08; BRAATEN.

Planner Orr explained the request to construct a carport reducing the required yard from 25' to 8' at 9323 Peacock Hill Rd.

There was no public opposition.

Motion to approve variance request.
Sorensen/Jackson - approved unanimously.

2. SP-82-09; TELEPHONE UTILITIES OF WASHINGTON.

Planner Orr explained the request for site plan approval for a 2 story office complex at the northwesterly corner of the intersection of Rosedale & 46th Street.

Councilmember Melton would like time to review the plans that were just submitted at tonight's meeting, would like Planner Orr to provide the list of original conditions that were attached to the initial site plan, and the staff recommendation that went along with the original project. Also requested the Fire District to respond to the project in writing.

Motion to table until next regular meeting to allow time to gather above requested information.
Jackson/Sorensen - motion passed.

3. FEDERAL REVENUE SHARING - 2nd proposed use hearing.
Director Snider explained to Council the proposed distribution of the \$28,016.00.

Ordinance 1st reading scheduled for next meeting.

4. PROPOSED 1983 BUDGET.
Director Snider reviewed the proposed programmatic budget.

MINUTES: Motion to approve.
Ekberg/Jackson - approved unanimously.

CORRESPONDENCE:

1. LIQUOR LICENSE REQUEST - our Lady of Good Counsel Guild.
Motion to approve.
Jackson/Ekberg - approved unanimously.
2. LIQUOR LICENSE REQUEST - Fox Island Taverns, Inc.
Public hearing scheduled for next meeting.
3. LIQUOR LICENSE REQUEST - Southland Corporation.
Not within the city limits - no action will be taken at this time.

NEW BUSINESS:

1. AD VALOREM TAX ORDINANCE- 1st reading.
2nd reading next meeting.

Council Jackson requested staff write a letter of thanks to the High School boys for cleaning up the litter in the city.

BILLS: Motion to approve.
Ekberg/Jackson - approved unanimously.

MEETING ADJOURNED AT 9:25 P.M. Reel to reel tape utilized.
#104 - side 2 #001 - 740.

Clerk

Ruth M. Lague

Mayor

REGULAR COUNCIL MEETING OF OCTOBER 11, 1982

Present: All present.

PUBLIC HEARINGS: 7:07 P.M.

1. Proposed 1983 Budget - 2nd hearing, 1st reading of 1983 Budget Ordinance.
Councilman Ekberg request Council hold a Budget Study Session.
Study Session scheduled for November 1 at 7: P.M.
2. Application by Fox Island Taverns for a beer and wine license for a proposed tavern at 4313 Burnham Drive.
Director Snider informed Council of the liquor board's requirement that if the property line of the school is within 500 feet of the establishment serving liquor, the applicants must receive written permission from the school district, and this application is within the 500 feet.

Lynn Manke, applicant, says he was informed by the liquor board the distance is as traffic flows, not from point A to point B, and his proposed location is 508 feet from the school. Stan Moshier, owner of Delmonicos, and John Ross also spoke in favor.

Carol Krabler spoke in opposition.

Councilman Sorensen requested letter from Peninsula School District stating their position on this application.

Motion to table allowing time for letter from Peninsula School District.

Jackson/Sorensen - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Donkey Creek Saloon liquor application.
Hearing set for October 25, 1982.
2. V-82-04; Malich Marina.
Request to waive off-street parking requirements for an existing Marina.
Hearing set for October 25, 1982.

NEW BUSINESS:

1. Ordinance establishing capital reserve accounts - 1st reading.
2. Participation in Pierce County Solid Waste Plan - Resolution #164.
Motion to adopt Resolution #164.
Ekberg/Jackson - approved unanimously.
3. "Offenses against public morals" - Ordinance 1st reading.

OLD BUSINESS:

1. SP-82-09; Telephone Utilities of Washington.
Planner Orr reviewed the amended site plan reflecting concerns of curb, gutter and sidewalk. Staff recommends the application be approved subject to the same conditions mentioned at last meeting.

Motion to approve site plan to include following recommendations:

1. Curb, gutter and sidewalk shall be installed along Rosedale frontage. Curb and gutter shall be installed along the west side of 46th for a distance of 75. Said improvements to be constructed prior to final inspection of the structure.
2. Storm drainage facilities shall be installed. Specific location, extent and sizes shall be subject to approval by the Public Works Director.
3. Fire protection devices shall conform to the specifications of the Fire District.
4. Delineate all parking spaces with white paint.
5. Construct a 4" high concrete curb (minimum) or equal to separate all paved parking and passageway areas from landscape areas.
6. Fire protection improvements required shall have been installed and be operable at the time the Building Department is requested to make the final inspection of approved structures.
7. Building Permit for approved structures shall be secured and construction commence within 2 years subsequent to approval of this site plan by the City Council.
8. Prior to securing a Building Permit, submit a specific landscaping plan prepared by a landscape architect to the Planning Department for review and approval. Submitted plan shall be in conformance with the general landscaping proposals indicated on the submitted exhibit. The site shall be developed in accordance with the approved landscaping plan prior to occupancy.
9. Four way stop at 46th & Rosedale to include 4 way flashing red light.

Jackson/Crowe - approved unanimously.

2. SP-82-06; Anker.

Motion to table site plan hearing to coincide with public hearing for liquor permit at meeting of October 25, 1982.

Ekberg/Melton - approved unanimously.

3. Ad Valorem Tax Ordinance - 2nd reading - Ordinance #401.

Motion to adopt Ordinance #401.

Ekberg/Crowe - approved unanimously.

Council would like to adopt a policy to hear liquor license permits before hearing site plans.

BILLS:

Motion to approve.
Melton/Crowe - approved unanimously.

MEETING ADJOURNED AT 8:01 P.M.

Reel to reel tape utilized.
#105 Side 1 001 - 274

Clerk

Ruth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF OCTOBER 25, 1982

Present: Councilmembers Melton, Crowe, Sorensen, Jackson & Mayor Bogue

Absent: Councilmember Ekberg

PUBLIC HEARINGS: 7:08 P.M.

1. Liquor license application Hi-Yu-Hee-Hee tavern to be located at 4313 Burnham Dr.

Mayor Bogue read response letter from Peninsula School District stating the existance of a tavern will not adversely affect school age children in our community, therefore the school district will not issue a negative response to the liquor board.

There was no public opposition.

Motion to approve this application.
Jackson/Melton - approved unanimously.

2. Liquor license application - Donkey Creek Saloon to be located at 4320 Harborview Dr.

Director Snider clarified that this liquor license application is for beer and wine to be sold on premise as well as off premise by the package.

Ron Ray spoke in opposition.

Councilmember Melton would like council to establish a policy of prior to granting a new license the demonstrated history of a good operation be exhibited.

Motion to deny liquor license appliction.
Melton/Crowe - approved unanimously.

3. V-82-04; Malich.

Applicant has requested continuance to next council meeting.

Council had no objections to granting this continuance.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Request by liquor board for council response on license renewal for Finholms Market.

Council had no objections to this renewal.

2. Request by Skagit County Commissioner Bud Norris for support of legislation to overturn the Boldt decision on fishing rights.

Councilman Jackson suggested contacting the local fishermen's club to see if they would be supportive.

Tabled until next meeting to allow time for response from the Gig Harbor Fishermen's Club.

3. RZ-82-01; Bannecker. Petition to reclassify one parcel containing .490 acres from the R-1 (single family residential) district to the B-2 (general retail) district. Planning Commission recommended approval.

Hearing scheduled for November 8, 1982.

4. Gig Harbor Eagles Club.

Requesting permission to serve alcoholic beverages outside in their parking lot. The liquor board will give approval if the City does. The liquor board has now done away with the screening requirement previously needed.

Director Snider explained granting this would give them flexibility when they have barbecues and other gatherings.

Council determined there should be a public hearing, with site plans showing specific locations to be utilized.

5. Optimist Club.

Proposed bus shelter on Judson Street - Director Snider informed Council the Optimist Club will fund a bike rack for this location if it is determined feasible.

OLD BUSINESS:1. Ordinance establishing capital reserve accounts - 2nd reading - Ordinance #402.

Motion to adopt Ordinance #402.
Jackson/Crowe - approved unanimously.

2. Ordinance setting provisions for offenses against public morals - 2nd reading - Ordinance #403.

Motion to approve ordinance #403.
Crowe/Sorensen - approved unanimously.

3. SP-82-06; Anker (Donkey Creek Saloon).

Request for site plan approval to convert an existing dwelling into a tavern, the property is located at 4320 Harborview Dr.

Planner Orr suggested that in light of Councils action this should be continued for final disposition from the liquor board.

Councilman Jackson would like to see interior design, response from the Fire Department regarding capacity, and sewer capacity requirements.

Motion to continue until final disposition from liquor board.
Jackson/Crowe - approved unanimously.

SPECIAL GUESTS:

1. Dr. Bud Nicola, Director of Pierce County Health Department, gave a brief presentation of the services the Health Department offers.

BILLS:

Motion to approve.
Jackson/Crowe - approved unanimously.

MEETING ADJOURNED AT 7:46 P.M.

Reel to reel tape utilized.
#105 side 1 280 - 429

Clerk

Ruth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF NOVEMBER 8, 1982

Present: Councilmembers Ekber, Crowe, Sorensen, Jacison and Melton as Mayor Pro Tem.

Absent: Mayor Bogue

PUBLIC HEARINGS: 7:07 P.M.1. Request by Eagles Club to allow consumption of alcoholic beverages outside their building.

Wade Perrow spoke in opposition.

Motion for Director Snider to write a proto-type policy for Council review and after approval staff to administer.

Sorensen/Jackson - approved unanimously.

2. RZ-82-01; Bannecker, request to reclassify parcel from R-1 to B-2.

Planner Orr explained to Council actions taken to date are not consistent with the current zoning ordinance. Recommends tabling request until finalization of new zoning ordinance.

Motion to table this proposed hearing.
Ekberg/Sorensen - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Letter from Mr. and Mrs. Babbit opposing any tavern on Burnham St.
2. C.U.P. - 82-01; Braaten.
Request to allow temporary sales of Christmas trees at 9323 Peacock Hill Ave.
Hearing set for 11/22/82.

NEW BUSINESS:

1. Ordinance amending billing fees in water and sewer utilities - 1st reading.
Councilman Ekberg recommended reducing due dates to 20 days instead of 25 days.
2. Ordinance adjusting utility tax - 1st reading.
3. Discussion and reading of resolution setting policy on extension of utility lines - Resolution #164.
Director Snider informed Council of two changes - the 2nd WHEREAS, the work publically should be municipal, and Section 8-B. should read "Utility lines shall not extend beyond the present or future approved comprehensive drainage basin plan".
4. Street names.
Councilman Ekberg would like Planning Commission's reasoning for these name selections.
Motion to table to obtain further information.
Ekberg/Jackson - approved unanimously.
5. Frick-N-Frack Charters.
Planner Orr asked Council for direction and interpretation of zoning ordinance for parking standards to apply to this type of use.
Councilman Ekberg suggested addressing this in the zoning ordinance rewrite, until that time set a policy that as long as housed at a marina or tied to adequate upland parking, it would be acceptable.

OLD BUSINESS:

1. Presentation by Jack Shirley on sewer revenue bonds and rate structure.
Jack Shirley explained the financial report he prepared for Council.
Motion to accept plan as set forth and adopt Schedule A.
Ekberg/Jackson - approved unanimously.
2. Revenue Sharing Ordinance - 2nd reading - Ordinance #404.
Motion to adopt Ordinance #404.
Ekberg/Crowe - approved unanimously.
3. 1983 Budget Ordinance - 2nd reading - Ordinance #405.
Director Snider informed Council of two additives in revenues: Sewer project construction - \$90,000.00 for major repairs - Sewer contingency - \$16,240.00 in a reserve account. The same figures appear below in expenditures.
Motion to adopt Ordinance #405.
Ekberg/Crowe - approved unanimously.
4. Report on Skagit County's request for council support of Legislation to overturn the Boldt decision on fishing rights.
George Bujacich and Dennis Gilich, representing the members of the Gig Harbor Fishermen's Club, spoke in favor of the City taking a positive stand on this legislation.
Motion to support with Resolution #165 and send letters also in support.
Jackson/Ekberg - approved unanimously.

RECESSED TO AN EXECUTIVE SESSION AT 8:10 P.M.

BILLS: Motion to approve.
Jackson/Ekberg - approved unanimously.

MEETING ADJOURNED AT 8:30 P.M.

Reel to reel tape utilized.
#105 side 1 430-983

Clerk

Nancy Melton

Mayor

REGULAR COUNCIL MEETING OF NOVEMBER 22, 1982

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson & Mayor Bogue.

Absent: Councilmember Crowe.

PUBLIC HEARINGS: 7:05 P.M.

1. C.U.P.-82-01; Braaten.

Planner Orr explained the request to allow seasonal sales of Christmas trees in an R-1 District.

There was no public opposition.

Motion to approve subject to the following conditions:

1. That no more than 75 trees be displayed or stock piled on the site at any one time.
2. That one-way traffic signs be posted on the property as directed by the staff to route traffic.
3. That the parking area be designated as such.
4. That the lot be attended at all times during operation.
5. That lighting be limited to the display area for purposes of providing safe vision only and subject to staff approval.
6. That any traffic problems or hazards that develop because of the commercial activity will be cause for immediate suspension of the Conditional Use Permit.
7. That the hours of operation be limited from 9 A.M. to 9 P.M.
8. That the permit be valid between the 1st of December and the 25th of December, 1982, only (both dates inclusive).
9. Site must be cleaned and restored to original condition within five days of termination of permit.
10. This permit is subject to annual renewal at the Council's discretion pursuant to the above conditions. Such renewal request to be submitted to the City by October 1.

Jackson/Ekberg - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. Claim for damages filed by Hattie and Esther Wood.

Director Snider informed Council there had been no negligence on the city's part, the claimants had resisted the offer of the city to pay for professional cleaning.

Motion to not approve this claim for damages.

Sorensen/Melton - approved unanimously.

SPECIAL GUESTS:

1. Gene Pape, representing Donkey Creek Saloon, requested Council hold another public hearing for additional information not submitted previously.

Motion to reschedule for December 13, 1982, if liquor license application has not been approved by the liquor board.

Jackson/Melton - approved unanimously.

NEW BUSINESS:

1. Amendment to sales tax ordinance - 1st reading.
2. Repeal of Ordinance #401 and 1st reading of replacement ordinance for Ad Valorem taxes.

OLD BUSINESS:

1. V-82-04; Malich. Request to locate off-street parking beyond the maximum 100' of the lot it serves.
Planner Orr explained the legal counsel for the proponents had a conflict, and requests rescheduling for meeting of December 13, 1982.
2. Ordinance amending sewer utility ordinance - 2nd reading - Ordinance #406.
Motion to adopt Ordinance #406 with the understanding that the 25 days will be changed to 20 days.
Ekberg/Melton - approved unanimously.
3. Ordinance amending water utility ordinance - 2nd reading - Ordinance #407.
Motion to adopt Ordinance #407.
Ekberg/Melton - approved unanimously.
4. Ordinance amending utility tax ordinance - 2nd reading - Ordinance #408.
Motion to adopt Ordinance #408.
Jackson/Ekberg - approved unanimously.
5. Street Names.
Council would like additional time to review the new list of proposed street names.

BILLS:

Motion to approve.
Ekberg/Melton - approved unanimously.

MEETING ADJOURNED AT 7:39 P.M.

Reel to reel tape utilized.
#105 side 2 001 - 191.

Clerk

Ruth M. Bogue

Mayor

REGULAR COUNCIL MEETING OF DECEMBER 13, 1982

Present: All present.

PUBLIC HEARINGS:

1. V-82-04; Malich.
Planner Orr explained the request to locate off-street parking beyond the maximum 100' of the lot it serves.
Dave Johnson, attorney representing Mr. and Mrs. Malich, and Scott Harrington spoke in favor of the project.
There was no public opposition.
Motion to table for additional information.
Jackson/Sorensen - approved unanimously.
2. SP-82-06; Donkey Creek Saloon. Request for site plan approval to convert a residence into a tavern at 4320 Harborview Dr.
 1. Request for reconsideration of Councils previous denial of liquor permit.
Gene Pape spoke in favor of the request.
Motion to table to allow Council time to review new information.
Melton/Ekberg - approved unanimously.
 2. Request for site plan approval.
Motion to table site plan request.
Ekberg/Crowe - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. SP-82-12; Ross Building.
Request for site plan approval to allow construction of a 5800 sq. ft. commercial structure and ancillary parking for 32 vehicles. The property is located on the south side of Harborview 250' west of Soundview Drive. Planning commission recommends approval. Hearing set for December 27, 1982.
2. SP-82-10; Hy-Iu-Hee-Hee.
Request for site plan approval to allow development of a 3700 sq. ft. tavern and ancillary parking for 37 vehicles. The property is located on the east side of Burnham Drive at the intersection with Harborview. Planning commission motion to approve did not pass. Set for hearing December 27, 1982.
3. Letter from Gig Harbor Texaco regarding amending the zoning ordinance.
Planner Orr explained the zoning ordinance prohibits U-Haul rentals from a service station.

Council recommended Planning Commission review this specific part of Section 15.20 and make a recommendation to Council.
4. Request by Bay Estates for extension of sewer service.
Councilman Jackson would like input from K.C.M. in this regard.

Motion to proceed as planned last fall and not take any specific action on any specific items at this point.
Ekberg/Jackson - approved unanimously.

DEPARTMENT MANAGERS REPORT:

1. Public Works: Director Tannahill introduced street plan for Pioneer & Harborview.

SPECIAL GUESTS:

1. Mr. Burce Steele, Crown Pacific, requested removing scrub cedars and replacing them with fully mature Alaskan Weeping Cedars.

Motion to approve removal of 1 holly tree and a few cedar trees.
Jackson/Crowe - approved unanimously.

Original motion amended to include replacement of trees removed adhering to a specific landscape plan.
Melton/Ekberg - approved unanimously.
2. Mr. Ross Anderson spoke to Council concerning problems with building and zoning, stating in his opinion the building he owns is incorrectly zoned as W-1.

Council suggested Mr. Anderson apply to the Planning Commission for a determination or rezone.

NEW BUSINESS:

1. 1983 Fire Service Contract.
Director Snider explained levy rate is consistent with other districts in the area.

Motion to authorize the Mayor to sign the 1983 Fire Service Contract.
Jackson/Melton - approved unanimously.
2. Ordinance adopting an employee benefit plan - 1st reading.
3. Ordinance amending City's Traffic Code - 1st reading.
4. Ordinance amending the 1982 budget - 1st reading.
5. Ordinance establishing User Fees - 1st reading.
6. Appeal of Decision of Building Official.
Director Tannahill explained the City Building Departments position for denial of the building permit requested by Mr. Shulich and Mr. Allen.

Set for meeting of December 27, 1982.

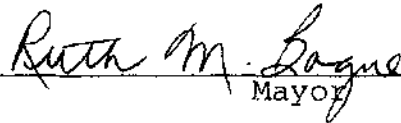
OLD BUSINESS:

1. Ordinance amending the sales tax ordinance - delayed until next meeting.
2. Ordinance setting the 1983 Ad Valorem Tax - 2nd reading - Ordinance #410.
Motion to approve Ordinance #410.
Jackson/Crowe - approved unanimously.
3. Ordinance authorizing the sale of Revenue Bonds - 2nd reading - Ordinance #409.
Jack Shirley, of H. Jackson Shirley & Co., read to Council the formal title of the Bond Ordinance.
Motion to adopt Ordinance #409.
Ekberg/Sorensen - approved unanimously.
4. Resolution adopting a policy on Liquor License applications - Resolution #165. \66
Council requested amending Section 4 "B", and Section 6 "B" to eliminate the use of "few if any".
Motion to approve Resolution #165 as amended and corrected.
Jackson/Crowe - approved unanimously.

MEETING ADJOURNED AT 9:01 P.M.

Reel to reel tape utilized.
#105 side 2 195 - 900

Clerk


 Mayor
REGULAR COUNCIL MEETING OF DECEMBER 27, 1982

Present: Councilmembers Ekberg, Crowe, Jackson & Mayor Bogue

Absent: Councilmembers Melton & Sorensen

PUBLIC HEARINGS:

1. V-82-04; Malich. Request to locate parking beyond the maximum 100' of the lot it serves.
The applicants requested a continuance.
Motion to grant a continuance
Ekberg/Crowe - approved unanimously.
2. Donkey Creek Liquor License Application - request for reconsideration.
Tom Farrow, attorney representing the applicants, spoke in favor.
Mr. and Mrs. Frederick Babbitt spoke in opposition.
Motion to hold firm on original position of denying liquor license application.
Jackson/Ekberg - approved unanimously.
3. SP-82-06; Donkey Creek Saloon. Request for site plan approval to convert a residence into a tavern at 4320 Harborview Drive.
Motion to table.
Ekberg/Crowe - approved unanimously.
4. SP-82-12; Ross Building. Request for site plan approval to allow construction of a 5800 sq. ft. commercial structure and ancillary parking for 32 vehicle.
Planner Orr explained the request recommending approval subject to the 7 conditions outlined, adding #* requiring a lighting plan for the parking area.
Geoff Moore, engineer and Al Ross spoke in favor of the request.
There was no public opposition.
Motion to approve site plan as presented subject to the following conditions:
 1. Curb, gutter and sidewalk shall be provided along the entire frontage of Harborview. Exact location to be approved by the Public Works Director. Said improvements to be constructed prior to final inspection of the building.

2. Storm drainage facilities shall be installed. Exact location, extent and size shall be subject to approval by the Public Works Director.
3. Fire protection devices including a fire hydrant shall conform to the specifications of the local fire district.
4. Fire protection improvements required shall have been installed and be operable at the time the Building Department is requested to make final inspection.
5. Construct a 4" high concrete curb (minimum) or equal to separate all paved parking areas from landscaped areas.
6. Delineate all parking spaces with white paint.
7. Prior to securing a Building Permit, submit a specific landscape plan to the Planning Department for review and approval. A minimum 3' planter strip shall be provided along the eastern parking lot boundary. The site shall be developed in accordance with the approved landscaping plan prior to occupancy.
8. A lighting plan for the parking area shall be submitted to the Planning Staff for review prior to final inspection of the building.
9. The perpendicular parking spaces located behind the building shall be reduced from 4 to 3, and the driveway alley shall be posted one-way.

Ekberg/Crowe - approved unanimously.

5. SP-92-10; Hy-Iu-Hee-Hee.

Planner Orr explained the request for site plan approval to allow development of 3700 sq. ft tavern and ancillary parking for 37 vehicles.

Geoff Moore, engineer requested Council reverse the recommendation of the Planning Commission, stating the applicants would be happy to comply with the 7 recommendations.

Mr. Fred Babbitt spoke in opposition.

Motion to approve site plan subject to the following recommendations:

1. Storm drainage facilities shall be installed including an on-site retention system. Specific location extend and size shall be subject to approval by the Public Works Director. Temporary sediment and run off control must be maintained during construction.
2. Street frontage along the westerly property line shall be developed with curb, gutter, and sidewalk from the northwest property corner to the southerly corner of the existing retail. Specific location extend and size shall be subject to approval by the Public Works Director.
3. Fire protection shall conform to the specifications of the local fire district. Improvements required shall be installed and operable at the time the Building Department is requested to make the final inspection of the building.
4. Delineate all parking spaces with white paint.
5. Prior to securing a building permit, submit a specific landscape plan prepared by a landscape architect to the Planning Department for review and approval. The site shall be developed in accordance with the approved landscaping plan prior to occupancy.
6. Building permit shall be secured and construction commence within two years subsequent to approval of this site plan or said approval shall be void.
7. If it is shown on police records that this facility has been generating at least two disturbance/disorderly conduct/fighting calls per month - or an average of two calls per month over a year's period of time then a uniformed security officer will be required on the premises at times of peak patronage as determined by the Police Chief.
8. Any future short plat would be subject to Council approval.

9. The subject plans shall have the lease line moved 15' to east and to the south of the dotted lease line and the south line coming down to the eastern part of the existing hobby hut and that area be landscaped in dense native evergreen trees.
10. Also include recommendation and comments of the Public Works Director. Specifically, any future driveways to this property be internally tied to this one and that no other ingress or egress be allowed outside of the south 150 feet of frontage along Burnham Dr. Additionally, the Hobby Hut use should be restricted to the present lease and at the end of the lease the building to be vacated or be submitted for site plan review before a new lease is started.

Ekberg/Crowe - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. SP-82-13; Michaelis Construction.
Request for site plan approval to allow construction of a 2200 sq. ft. commercial structure and ancillary parking for 14 vehicles. The property is located on the upland side of Harborview Drive immediately north of the Harbor Landing restaurant. Planning Commission recommends approval. Hearing set for January 10, 1983.

OLD BUSINESS:

1. Ordinance adopting an employee benefit program - 2nd reading - Ordinance #411.
Motion to adopt Ordinance #411.
Jackson/Crowe - approved unanimously.
2. Resolution adopting the International City Management Association's Deferred Compensation Plan - Resolution #166.
Motion to approve resolution #166.
Crowe/Jackson - approved unanimously.
3. Resolution adopting the Standard Insurance Company's Plan - Resolution #167.
Motion to approve resolution #167.
Crowe/Jackson - approved unanimously.
4. Ordinance amending 1982 budget - 2nd reading - Ordinance #412.
Motion to adopt Ordinance #412.
Ekberg/Crowe - approved unanimously.
5. Ordinance adopting a fee structure for liquor licenses - 2nd reading - Ordinance #413.
Motion to adopt Ordinance #413.
Crowe/Ekberg - approved unanimously.
6. Ordinance adopting a fee for researching and reporting property assessments - 2nd reading - Ordinance #414.
Motion to adopt Ordinance #414.
Crowe/Jackson - approved unanimously.
7. Ordinance amending Ordinance #399 - 2nd reading - Ordinance #415.
Motion to adopt Ordinance #415.
Ekberg/Crowe - approved unanimously.
8. Ordinance amending the traffic code - 2nd reading - Ordinance #416.
Motion to adopt Ordinance #416.
Ekberg/Crowe - approved unanimously.
9. Street Names.
Motion to table until next meeting.
Crowe/Jackson - approved unanimously.

NEW BUSINESS:

1. Assignment of Computer Contract.
Council determined they would like additional time to review information provided by Director Snider.
Motion to table decision until next meeting.
Crowe/Ekberg - approved unanimously.

BILLS: Motion to approve.
Crowe/Ekberg - approved unanimously.

Recessed to an executive session at 9:32 P.M.

Reel to reel tape utilized.
#106 side 1 001 - 818

Clerk

Ruth M. Lague

Mayor

REGULAR COUNCIL MEETING OF JANUARY 10, 1983

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson & Mayor Bogue.
Absent: Councilmember Crowe

PUBLIC HEARINGS: 7:09 P.M.

1. SP-82-13; Michaelis Construction.

Planner Orr explained the request for site plan approval to allow construction of a 2,200 sq. ft. commercial structure and ancillary parking for 14 vehicles.

There was no public opposition.

Motion to approve SP-82-13 with the following conditions:

1. Curb, gutter and sidewalk shall be provided along the entire frontage of Harborview. Exact location to be approved by the Public Works Director. Said improvements to be constructed prior to final inspection of the building.
2. Storm drainage facilities shall be installed. Exact location, extent and size shall be subject to approval by the Public Works Director.
3. Fire protection improvements required shall have been installed and be operable at the time the Building Department is requested to make final inspection.
4. Construct a 4" high concrete curb (minimum) or equal to separate all paved parking areas from landscaped areas.
5. Delineate all parking spaces with white paint.
6. Prior to securing a Building Permit, submit a specific landscape plan to the Planning Department for review and approval. A minimum 5' planter strip shall be provided along the parking areas and side lot lines. A 5' planter strip shall be provided between the front property lines and the parking area excluding the 24' access driveway. The site shall be developed in accordance with the approved landscaping plan prior to occupancy.

Ekberg/Jackson - approved unanimously.

MINUTES: Approved as posted.

OLD BUSINESS:

1. Street names.

a. 56th Street.

Motion to rename 56th Street "Hollycroft".
Melton/Jackson - approved unanimously.

b. 46th Avenue.

Motion to rename 46th Avenue "Skansie".
Sorensen/Ekberg - approved unanimously.

ANNOUNCEMENT OF OTHER MEETINGS:

Zoning Ordinance rewrite work/study session January 17th at 7:00 P.M.

BILLS: Motion to approve.

Jackson/Sorensen - approved unanimously.

Recessed to executive session at 7:32 P.M. Reel to reel tape utilized.
#106 side 1 820 - 020.

Clerk

Ruth M. Lague

Mayor

REGULAR CONCIL MEETING OF JANUARY 24, 1983

Present: Councilmembers Ekberg, Crowe, Melton, Sorensen & Mayor Bogue

Absent: Councilman Jackson

PUBLIC HEARINGS: None scheduled.

MINUTES: Approved as posted.

CORRESPONDENCE:1. V-83-01; Sareault.

Request to construct a detached two-car garage so as to reduce a side yard from the required 8' to 5' at 7111 Stanich Ave. The Planning Commission recommends approval. Hearing set for February 14, 1983.

2. Text Amendment; Section 15.20.020.

Recommendation from the Planning Commission to amend the Municipal Code thereby allowing truck and trailer rental and self-service gasoline sales from a service station. Hearing set for February 14, 1983.

3. Arrowhead Development Inc.

Landscape screening on lots 1 thru 7 Northview Addition.

Request to table issue allowing City Attorney time to look into matter.

BILLS:

Motion to approve.

Ekberg/Melton - approved unanimously.

MEETING ADJOURNED AT 7:15 P.M.

Reel to reel tape utilized.
#106 side 2 001 - 022

Clerk

Ruth M. Bogue
Mayor

REGULAR COUNCIL MEETING OF FEBRUARY 14, 1983

Present: Councilmembers Ekberg, Melton, Sorensen, Jackson and Mayor Bogue

Absent: Councilman Crowe

PUBLIC HEARINGS: 7:09 P.M.

1. V-83-01; Sareault.

Planner Orr explained the request for a variance to construct a detached two car garage so as to reduce a side yard from the required 8' to 5' at 7111 Stanich.

There was no public opposition.

Motion to approve variance request.

Sorensen/Jackson - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:1. V-83-02; Kohout.

Request for a variance to expand a non-conforming use (construct an addition off an existing garage which is located within a front setback). The property is located at 7410 Hill St. The Planning Commission recommends approval. Hearing set for February 28, 1983.

DEPARTMENT MANAGERS REPORT:

Public Works: 1. Bids on Air Diffusers. Director Tannahill informed Council he has received one bid from Bennett Co. for \$8,962.00 and recommended approval of this bid.

Motion to accept bid.

Jackson/Sorensen - approved unanimously.

2. Street Names. Director Tannahill recommended to Council the 30 foot alley currently called "Skansie Ave." be renamed to "Judson Court".

Motion to rename "Skansie Ave." to "Judson Court".
Jackson/Sorensen - approved unanimously.

OLD BUSINESS:

1. Request for modification to existing free standing sign at EXXON Service Station.

Jim Harrison, Engineer representing EXXON spoke in favor of the sign change.

Motion to approve alternative #1, allowing sign to be 25 feet high and 112 sq. ft. on each side.

Ekberg/Melton - approved unanimously.

2. Awarding of computer contract.

Director Snider reviewed his recommendations for the computer contract.

Motion to approve proposal for the purchase of the equipment as recommended by staff with the condition that the terms meet the approval of the Finance Committee.

Ekberg/Jackson - approved unanimously.

NEW BUSINESS:

1. Text Amendment; Section 15.20.020 - 1st reading.

Planner Orr explained the request to allow truck and trailer rentals from a service station.

Council requested further definition of accessory use and to know if there are any state requirements regarding service stations.

Ron Belec, U-Haul Co., spoke in favor of allowing the rentals from service stations.

2. Request for financial assistance to the Peninsula Tourism Council.

Harry Dearth spoke in favor of the request.

Motion to contribute \$750.00.

Jackson/Ekberg - approved unanimously.

3. Request for taxi license.

Director Snider informed Council this ordinance was passed in 1948, is outdated and needs updating.

Bob Gateley, applicant for taxi license spoke in favor of revision.

4. Request for repeal of fireworks ordinance - 1st reading.

Motion to go with alternative B to repeal current ordinance and use state law and fire codes to control retailing.

Melton/Jackson - approved unanimously.

5. Ordinance creating and defining the crimes of menacing and provoking assault - 1st reading.

BILLS: Motion to approve.

Ekberg/Melton - approved unanimously.

Recessed to executive session at 8:32 P.M.

Reel to reel tape utilized.

#106 side 2 025 - 445.

Clerk

Ruth M. Bagge
Mayor

REGULAR COUNCIL MEETING OF FEBRUARY 28 1983

Present: Councilmembers Melton, Sorensen, Jackson & Mayor Bogue

Absent: Councilmembers Ekberg & Crowe

PUBLIC HEARINGS:1. V-83-02; Kohout.

Planner Orr explained the request to expand a non-conforming use - construct an addition off an existing garage which is located within a front setback - at 7410 Hill Street.

There was no public opposition.

Motion to approve V-83-02.

Sorensen/Jackson - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:1. V-83-03; Dishman.

Variance to request a non-conforming use (construct an addition off an existing garage which is located within a required setback) at 3404 Harborview. Planning Commission recommends approval. Hearing set for March 14, 1983.

2. V-83-04; Burcar.

Variance request to increase the building height to 25'9" where 24' is allowed and reduce the front setback from 25' to 21'9" at 8910 Franklin. Planning Commission recommends approval. Hearing set for March 14, 1983.

3. Request by Dr. John B. Cornell for extension of Utility Service.
Staff to research matter and prepare a report for next meeting.4. Request by Mr. Rainier Boy Scout Council for assistance to locate moorage for their sailboat.

Council directed staff to write appropriate letter stating the Council's inability to assist in locating moorage for any private party.

5. Request by Thomas Lester for a variance relating to a fence constructed on city right of way.

Mr. Lester spoke in favor of allowing the fence.

Motion for staff to review and present to council at next meeting. Sorensen/Jackson - passed by a vote of 2 - 1.

DEPARTMENT MANAGERS REPORT:

Administrator: Report on research relating to a fireworks ordinance and taxi license ordinance. Director Snider would like to prepare ordinances on each issue and present them to council at next meeting.

NEW BUSINESS:1. Renewal of liquor license for Candles & Wine LTD.

There have been no problems with this license and will automatically renew.

2. Acquisition of Water Department Vehicle.

Motion for Public Works Director to prepare bid specifications. Jackson/Sorensen - approved unanimously.

3. Special Revenue Fund for K-9 program - Ordinance 1st reading.BILLS: Motion to approve.

Melton/Jackson - approved unanimously.

Adjourned to executive session.

Meeting adjourned at 8:17 P.M.

Reel to reel tape utilized.

#106 side 2 477 - 727.

Clerk

Luth M. Bogue
Mayor

REGULAR COUNCIL MEETING OF MARCH 14, 1983

Present: All Present.

PUBLIC HEARINGS: 7:09 P.M.

1. V83-03; Dishman.

Planner Orr explained the request to expand a non-conforming use (construct an addition off an existing garage which is located within a required setback) at 3404 Harborview Dr.

There was no public opposition.

Motion to approve variance request.

Jackson/Crowe - approved unanimously.

2. V-83-04; Burcar.

Planner Orr explained the request to increase the building height to 25'9" where 24' is allowed and reduce the front setback from 25' to 21'9" at 8910 Franklin.

There was no public opposition.

Motion to approve with the following recommendation:

- 1. The deck is to be kept open and not enclosed.

Sorensen/Melton - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

- 1. RZ-82-01; Bannecker. Petition to rezone the southeasterly corner of the intersection of Stinson and Harborview from R-1 to B-2. Hearing set for March 28, 1983.

- 2. V-83-05; Lynott. Variance request to increase the building height from 24' to 27½' at 2813 Harborview Dr. Planning Commission recommends approval. Hearing set for March 28, 1983.

- 3. Lewis and Sandvik Annexation. Petition to annex approximately 9 acres of land lying contiguous to the city's boundaries. The site is just south of the terminus of Cascade and Rainier. The applicants have requested R-1 zoning. Planning Commission recommends approval. Hearing set for March 28, 1983.

- 4. 12-83-02; Crase Builders, Inc. Petition to rezone 2.3 acres, located on the west side of 46th approximately 300' south of Rosedale, from R-1 and G-s to R-3 so as to construct 32 townhouse type units. The Planning Commission's recommendation for R-2 zoning did not pass. Hearing set for April 11, 1983.

OLD BUSINESS:

- 1. Request by Dr. Cornell for extension of Utility Services.

Charles Johnson, Attorney representing Dr. Cornell spoke in favor of extending the utility services.

Jim Madden, speaking for several residents of that area, spoke against the request and requested a public hearing be held if it is to be considered.

Motion to deny request for utility services.

Ekberg/Jackson - passed by a vote of 3 - 2.

- 2. Ordinance repealing Ordinance No. 22 - 2nd reading - Ordinance #417.

Motion to approve Ordinance #417.

Jackson/Crowe - approved unanimously.

- 3. Ordinance adopting provision to regulate fireworks - 2nd reading - Ordinance #418.

Director Snider advised Council of additions and language changes following:

Section 5 - 500 people.

Section 6 E - Strike out performance bond or - and change \$50.00 to \$100.00. Third sentence again strike performance bond or, after cash deposit insert and all property not removed. Forth sentence again strike performance bond or.

Section 6 C - Liability amounts to read: not less than \$300,000 for bodily infurries to a person or persons in any one accident for bodily injuries to a person or persons in any one accident or occurrence; and \$100,000 property damage.

Section 10 G - 2nd sentence - after inside insert the employee area of.

Section 15. Change \$500.00 to \$1,000.00.

Motion to approve Ordinance #418 with above changes.
Jackson/Ekberg - approved unanimously.

4. Ordinance repealing Ordinance #12 - 2nd reading - Ordinance #419.

Motion to approve Ordinance #419.
Jackson/Ekberg - approved unanimously.

5. Ordinance adopting provisions to regulate and license taxicabs and taxicab drivers - 2nd reading - Ordinance #420.

Director Snider informed Council of following modifications:

Section 4. 1st sentence, after requirements insert (RCW 46.72.040)

Section 6. Paragraph 2, after Chief of Police add or his representative.

Section 8. End of paragraph, after inspection add by the City.

Section 15. Strike \$500.00 and insert \$1,000.00.

Motion to approve Ordinance #420.
Jackson/Sorensen - approved unanimously.

6. Ordinance relating to menacing and provoking assault - 2nd reading - Ordinance #421.

Motion to approve Ordinance #421.
Jackson/Sorensen - approved unanimously.

7. Ordinance relating to the operation of a service station - 2nd reading - Ordinance #422.

Planner Orr advised Council of the following changes:

Section 1. B. After allowed add on the service station site.

Section 1. F. Strike Town, insert City.

Section 1. G. b. rewritten to read: Landscaping for the purpose of screening the areas for the storage of rental trucks and/or utility rental trailers shall be planted and maintained when determined to be necessary by the City Council. The City Council shall, in its determination of the need for landscape screening, consider view from other properties, view from streets and pedestrian ways, extent of activity connected with the proposed use, and the impact of all the foregoing on the immediate neighborhood and the City of Gig Harbor in general.

Insert Section 2. Effective Date. This ordinance is effective and in full force five (5) days following its approval, passage, and publication by law.

Motion to approve Ordinance #422.
Jackson/Crowe - approved unanimously.

8. Ordinance adopting a special revenue fund for police K-9 program - 2nd reading - Ordinance #423.

Motion to adopt Ordinance #423.
Melton/Crowe - approved unanimously.

NEW BUSINESS:

1. Request by Rotary Club for reconsideration of temporary business license ordinance.

Dan Smith, Rotary Club, suggested a fee change to \$10.00 a day.

Councilmember Melton requested the number of profit and non-profit businesses that will be participating.

Council directed staff to prepare a proposed amendment to existing ordinance, 1st reading - 2nd reading scheduled for April 11, 1983.

ANNOUNCEMENTS & REPORTS

1. Mayor Bogue announced Planning Commission Chairman Tiernan has resigned and there now is a Planning Commission vacancy.

2. Director Snider advised Council the state has changed their billing date for excise tax from 30 to 20 days, requests authorization to pay these before Council approval to avoid penalties.

Motion to give City Administrator authority to pay excise tax in a timely fashion.

Crowe/Melton - approved unanimously.

BILLS:

Motion to approve.
Crowe/Melton - approved unanimously.

Recessed to an executive session at 8:38 P.M.

Reel to reel tape utilized.
#107 side 1 001 - 493.

Clerk

Ruth M. Loague

Mayor

REGULAR COUNCIL MEETING OF MARCH 28, 1983

Present: All present.

PUBLIC HEARINGS: 7:07 p.m.

1. V-83-05; LYNOTT.

Planner Orr explained the request to increase the building height from 24' to 27½' at 2813 Harborview Drive.

There was no public opposition.

Motion to approve variance referring only to basement, overall height of house should be no more than 24'.
Jackson/Sorensen - approved unanimously.

2. LEWIS AND SANDVIK ANNEXATION.

Planner Orr explained the petition to annex approximately 9 acres of land lying contiguous to the city's boundaries.

Ray Harries of Thornton Land Surveying, representing the applicants, spoke in favor.

Vern Garner spoke in opposition.

Motion to table until next meeting to allow time to gather additional information.
Melton/Crowe - approved unanimously.

3. RZ-82-01; BANNECKER.

Planner Orr explained the petition to rezone the southeasterly corner of the intersection of Stinson and Harborview from R-1 to B-2.

Bill Bannecker spoke in favor of the application.

Tony Franich spoke in opposition and Ed Boyle expressed concerns of possible view loss.

Motion to table to research possibility of restoration of existing building.
Melton/Jackson - approved unanimously.

MINUTES: Approved as posted.

CORRESPONDENCE:

1. SDP-83-01, SP-82-08; UNION 76.

Request for substantial development permit and site plan approval to allow a 973 sq. ft. addition onto an existing service station located at 4106 Harborview Dr. Planning Commission recommends approval. Hearing set for April 25, 1983.

2. RZ-83-01; ANDERSON.

Petition to rezone property located at the southeastern corner of the intersection of N. Harborview and Vernhardson from W-1 to B-2. Hearing set for April 25, 1983.

OLD BUSINESS:

1. MR. LESTER'S FENCE ON CITY RIGHT OF WAY.

Motion to deny the appeal to allow fence to stand.
Sorensen/Melton - appeal denied by a vote of 4 - 1.

NEW BUSINESS:1. APPEAL OF BUILDING INSPECTOR'S DECISION TO DENY A BUILDING PERMIT FOR MR. MONTY JOHNSON.

Edwin Wheeler, Attorney representing Monty Johnson, spoke in favor of issuing the building permit.

Motion to table.

Ekberg/Melton - approved unanimously.

2. REQUEST BY AMERICAN RED CROSS FOR ADDITIONAL FUNDING FOR SENIOR CITIZEN PROGRAM.

Council directed staff to work with the American Red Cross to resolve the funding problem.

COUNCIL COMMITTEE REPORTS:

Councilman Ekberg advised Council the sign committee has met several times and the rewrite of the sign ordinance is progressing.

BILLS:

Motion to approve.

Jackson/Sorensen - approved unanimously.

OTHER ACTION:

Motion to appoint Jim Madden to the Planning Commission vacancy.
Sorensen/Crowe - approved unanimously.

MEETING ADJOURNED AT 9:07 p.m.

Reel to reel tape utilized.
#107 - side 1 500 - 256.

Clerk

Ruth M. Lague

Mayor