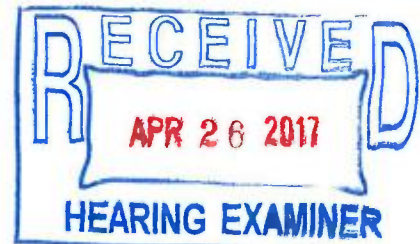


April 25, 2017

City of Tacoma  
Office of the Hearing Examiner Rm #720  
747 Market Street  
Tacoma, WA 98402



Subject: Broadway LID #8645

I am submitting this written document which is to add to my verbal comments I made at the 3/29/17 Hearing pertaining to the subject LID.

To reiterate one of the verbal comments I made at the 3/29 Hearing, it cannot be said loud enough or often enough, "This LID project is the most mishandled, mismanaged and controversial ever undertaken by the City". The City undertook this project by taking the first step. LID's are normally initiated by the property owners NOT by the City. [Attached are seven (7) documents to attest to this mishandling and mismanagement.]

This LID was first proposed and brought up for discussion in 2004 -05 and proposed as a model "urban village" project which was to be the model for future such projects around the City. From 2005 to the actual groundbreaking in June of 2008 there were numerous meetings and hearings pro and con. The City has determined the project as completed in 2012. In actuality it was started in 2008 and completed in 2010. Using the 2005 date as the original date the LID was first initiated and using either the 2010 date or the City's 2012 date, here it is 2017 and actually nothing has been totally finalized.

The total cost of the project has been all over the place. One 8/1/07 Tacoma News Tribune article states "Most of the planned \$12 million in improvements was supposed to come from public funds, primarily from the various utility companies. Property owners in the area were going to pay the remaining \$3.9 million for streetscape improvements. Each owner would be assessed an amount based on the amount of property owned within the district. The cost assigned to the property owners jumped to \$5.9 million - about 50 percent higher than the original estimate - because of increases in construction costs that came while the officials worked to form the district. The original estimate was done in 2004, with work planned for 2005 and 2006, not 2007 and 2008" --- far cry from the now \$9,685,647 being assessed to the property owners. I personally have had six [6] different proposed assessments from a low of \$2,682 to the present amount of \$4,106.

A number of properties have changed hands in this interim period and nobody was able to get a definitive assessment amount, causing a lot of confusion and heartache. All this caused by the City's inability to get this done in a timely orderly manner.

At the 3/29 Hearing comments were made about charges and fees that went to the project e.g. 1.3 million dollars of interest accrued, hiring of an independent appraiser [cost??] and an undue amount of manhours to mention a few. To add these costs to the project and make the property owners responsible for them is ludicrous and totally unfair.

**ORIGINAL**

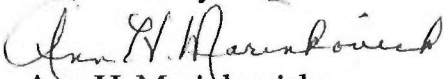
**EX.54**

Further, this LID project did not add any value whatsoever to our property. Any rise in property value was determined by the economy and the times and had nothing to do with the LID. In fact, the LID turned out to be a negative in that we now have diagonal parking on Broadway which is very dangerous. No provision was made for allowing individuals to be left off and picked up in front of our building which makes it extremely difficult for the handicapped of which we have a few in our building. When people are moving in and out of the building the trucks involved have no access to the front of our building and thus adding a burden to the process. Parking for individuals visiting our tenants has posed a problem in that there is limited timed parking on weekdays, causing undue stress in clock watching so that a overtime parking ticket is not issued.

Further, we were lied to in that we were told that no one could opt out of any of the provisions of the LID and yet to this day there is a telephone pole and transformer left on the southern end of our property [525 Broadway] left to service the building next door (formerly David's on Broadway). All utilities were to be underground.

It is my sincere hope that the City will reevaluate the assessment fees for this LID and assure that the property owners are not being assessed unfairly. Also, that they will use this project as a learning tool and never repeat it again anywhere in this City.

Submitted by:

  
Ann H. Marinkovich  
525 Broadway, #205

Attachments [7]

- (1) Letter dated 3/21/06 to Mayor and City Council
- (2) Tacoma News Tribune article 3/27/06
- (3) Tacoma Weekly article 4/20/06
- (4) Broadway LID 8645 Poll Results dated 8/21/07
- (5) Tacoma News Tribune article (9/7/07)
- (6) Broadway LID Groundbreaking Ceremony (6/10/08)
- (7) Letter dated 12/15/08 to Mayor and City Council





March 21, 2006

Mayor and City Council Members:

SUBJECT; LOCAL IMPROVEMENT DISTRICT (LID) 8645

Having had no communication from the City of Tacoma regarding this L.I.D., since August of 2005, we now have received a letter dated March 16, 2006 to inform us that the City has revived this thought to be "dead horse".

This particular L.I.D. has been very controversial and polluted from the very start. The many changes that ensued from its original inception back in 2004 make it a deception. The original area to be encompassed was later downsized in order to change the status of the overall vote. Changes were also being made as to what amenities the L.I.D. will be providing.

It is apparent, above all, that the City of Tacoma has spent a good deal of time on this L.I.D. and are therefore adamant and determined in seeing that it becomes a reality, and will do everything in their power to get that result. This particular L.I.D. has been a farce from the very beginning. Most L.I.D.'s are initiated by the property owners. For some unknown reason, the City of Tacoma took the initial action for this L.I.D.. The reason for this reversal in roles, in itself, is questionable.

Further, the City took great pains to scrutinize and discredit the NO votes, but never gave the same scrutiny to the YES votes. Records will reveal that the majority of property owners were against this L.I.D. rather than for it. The City took it upon themselves to discredit some of the NO votes by saying that it was not the registered owner voting NO but rather a representative for the owner(s). They then counted them as a YES vote in order to have a majority of YES votes. They listed one such owner who had actually appeared in person before the council to indicate his NO vote. On the final tally they still had him as a YES vote since a representative had signed the ballot. They also counted those properties that neglected to vote as a YES vote. This too is a very questionable and unethical practice.

The properties that stand to gain the most from this L.I.D. are the new construction sites underway as well as the many proposed new structures to be built in the near future. These particular properties will not only benefit from this L.I.D., but they also benefit from the 10 year property tax exemption status they are given. All this at the expense of the already established structures in the area that have very little or nothing to gain.

It should also be noted that since original balloting was taken quite some time ago some properties have changed ownership and the new owners should receive consideration in this matter.

Of the 36 units at the Bayview Condominiums, 525 Broadway, there are twenty-five votes against the L.I.D, nine votes for it and two owners that are non-residents and did not vote.

Attachment No 1

As the Mayor and Council Members, who will have the final say in this matter, I hope that you will all consider the facts stated herein and further question how and why the Department of Public Works became so involved in their desire to get this L.I.D. passed. Their tactics and zeal should be weighed against the wishes of the property owners who will ultimately be paying for this project.

Sincerely,

Ann H. Marinkovich  
525 Broadway, #205  
Tacoma, WA 98402-3911



3/27/06

# Developing neighborhood debates revamp

**Tacoma city officials haven't yet given up on the idea of creating an 'urban village' near downtown, but some property owners who would help pay for it aren't interested.**

**EDITOR'S NOTE:** This story appeared in Sunday's News Tribune on Page B1, but much of it was inadvertently omitted from many newspapers.

**BY JASON HAGEY**  
The News Tribune

Tacoma city officials are considering forming one of the largest Local Improvement Districts in the city's history even though more than half of the property owners in the area object.

If formed, the district would generate \$12 million to fund new water and sewer lines, street and sidewalk improvements, traffic-calming bulb-outs and aesthetic touches such as trees and ornamental streetlights.

The work would help further the development of the St. Helens neighborhood, one of the hottest sections of downtown where new condominiums and businesses are rapidly transforming the area.

Craig Sivley, assistant public works director, said the revenue from a local improvement district would provide enough money to create a pedestrian-friendly "urban village," lending a sense of identity to an entire section of town similar to

Gastown in Vancouver, B.C., or the Pearl District in Portland.

Without a district, improvements will happen piecemeal as individual projects materialize, he said.

"We've really got one chance to create a uniform neighborhood," Sivley said. "We've never done this before. We're trying to be creative."

But some property owners are crying foul, arguing that they already rejected the idea and the discussion should be over.

Approximately 53 percent of the property owners protested the idea, saying they won't receive enough benefit from the improvements to justify the cost. As a result, the city's hearing examiner recommended the city not form the district.

It's the city's policy to establish a local improvement district only when a majority of property owners in the affected area want one. However, state law allows cities to form a district when fewer than 60 percent of property owners object.

Now the City Council is weighing whether it should go against the hearing examiner's recommendation and form the district anyway in the belief that doing so is in the best interest of the city as a whole.

In the mean time, city officials are sending property owners more information about the project in the belief that they didn't fully understand it and might change their minds after they learn more.

Councilman Bill Evans said he suspects many property owners will change their opinion when they learn more about the idea.

For example, private property owners would contribute just \$3.5 million, or about 32 percent, of the total cost of this district. The rest of the funding would come from city and Tacoma Public Utility funds.

Private property owners typically contribute 60 percent of the cost of a local improvement district. As of Friday, the rate of protest had dropped to 51.8 percent, Sivley said.

The City Council is scheduled to talk about the idea at the April 4 study session, and possibly vote on it April 18.

Several council members have signaled they don't favor moving ahead with the plan if more than 50 percent of the property owners continue to oppose it.

They were caught off guard when the issue appeared recently on a council agenda, and didn't realize the district had been discussed at the City Council's Economic Development Committee.

Mayor Bill Baarsma said he has yet to hear a good-enough reason to go against a majority of property owners.

Councilman Tom Stenger characterized the discussion as "odd." He thinks the city should use its limited supply of local improvement district funds in places where property owners want to form a district.

Councilman Spiro Manthou said he hasn't decided how he will vote, but said he believes there was a lot of confusion surrounding the idea.

"I want to go back and make sure everybody understands what they were voting on," Manthou said.

Although it would rank among Tacoma's biggest LIDs, the current plan is just half the size of the original idea. A majority of property owners objected to the first plan, prompting city officials to redraw the boundary lines and try again.

Initially, the city said just 45 percent of property owners opposed the second version. But the figure was revised to 53.48 percent after William Lynn, an attorney representing property owners, challenged the city's calculation.

Lynn and one of his clients, William Riley, said it appears that Tacoma officials are pushing hard to establish a district that will cost many property owners far more than they will receive in benefits.

"The city staff really has gone to fairly extraordinary lengths to try to justify this," Lynn said. "Something doesn't add up here."

"I'm most offended by the way they've been doing this," Riley said. "It has just been terrible."

"Somebody over there is totally dedicated to seeing it gets done."

Jason Hagey: 253-597-8542  
jason.hagey@thenewstribune.com

Attachment No 2



# City council proves downtown LID

By John Larson  
Tacoma Weekly Staff Writer

Despite objections from many downtown residents and property owners, as well as the recommendation of the city's hearing examiner, Tacoma City Council voted April 17 to approve almost \$12 million in infrastructure work to an area stretching from city hall towards Stadium District.

Bounded by St. Helens Avenue on the west, Broadway on the east, South 9th Street on the south and South 2nd Street on the north, this area is home to an increasing number of new apartments and condominiums. The council's action will create a local improvement district (LID). Common in residential areas of the city, a LID commences money from the city and property owners to pay for new sidewalks or repave streets.

The St. Helens LID differs in both its size and the controversy surrounding it. The city will pay for \$8 million of the cost of new

## ▼ LID

From page 1A

pavement, sidewalks, landscaping, water mains and other work. Property owners will pay \$3.9 million.

About 50 of the 150 property owners in the area have registered their opposition with the city. While in most LIDs this would indicate about two-thirds support, votes were tabulated using a weighted formula based on whether property had a building or was vacant.

Dale Stirn, representing a homeowners association at Skyview Terrace, spoke in favor. He said the LID was "more than we could ever hope to get" in the way of neighborhood improvements. Stirn said the wealthiest property owners were the ones opposing it.

William Riley said he and his wife own seven properties in the

area and manage two others.

"I never thought of myself as wealthy," said Riley, one of the most vocal opponents. "This election was badly handled and still resulted in a majority opposition," he remarked.

Steve Anderson, representing Titus Will Enterprises, expressed concern about how the process was handled. Anderson said the process has the appearance of being driven by city staff, rather than by the citizens.

His said his clients have already seen their property tax assessments rise too much recently. "We don't need this additional expense," he said. "We are adamantly opposed."

William Lynn, an attorney representing owners who opposed the LID, said city staff has tried to encourage people to change their opposition votes.

He criticized how the council has handled the LID, including holding a recent study session on the issue. It should have relied solely on the report from

the hearing examiner's report.

"We want to go on record as objecting to the process," Lynn said.

Grandville Brinkman said the 10 property owners on St. Helens and Broadway he represents support the LID.

Anne Marinkovich, who owns a condominium in the Bayview complex, said her building already has sidewalks and landscaping. She told the council that the proposed angle parking would make access to her building difficult for handicapped individuals.

In her opinion, the LID will mostly benefit those who have been granted by the city a 10-year exemption on property taxes for new or renovated apartments and condominiums.

Sanford and Sons owner Alan Gorsuch called the LID "unwarranted, unwanted and unfair."

He also feels the condominium tax break is the real reason for the LID, and said developers and owners of those units should pay the costs.

Councilmembers Mike Lonergan, Jake Fey and Tom Stenger voted against the LID.

Lonergan voiced concern about going against the recommendation of the hearing examiner and general council policy on such matters.

Council members who voted yes mentioned the benefits the area will receive as a result of the infrastructure improvements.

■ See LID / page 8A



City of Tacoma  
Public Works Department

Broadway LID 8645 Poll Results  
August 21, 2007

May 2006

| # of Parcels |               | Assessments    | % of Total |
|--------------|---------------|----------------|------------|
| 235          |               | \$3,952,476.13 | 100%       |
| 3            | City Property | \$ 434,539.14  | 10.99%     |
| 232          |               | \$3,517,936.99 | 89.01%     |

| # of Parcels | Vote        | Assessments    | % of Total |
|--------------|-------------|----------------|------------|
| 74           | Protest     | \$1,836,325.17 | 52.20%     |
| 39           | In favor    | \$ 468,663.60  | 13.32%     |
| 119          | No response | \$1,212,948.22 | 34.48%     |
| 232          |             | \$3,517,936.99 | 100%       |

August 17, 2007

| # of Parcels |               | Assessments    | % of Total |
|--------------|---------------|----------------|------------|
| 246          |               | \$5,922,052.40 | 100%       |
| 3            | City Property | \$ 651,092.45  | 10.99%     |
| 243          |               | \$5,270,960.25 | 89.01%     |

| # of Parcels | Vote        | Assessments    | % of Total |
|--------------|-------------|----------------|------------|
| 63           | Protest     | \$2,660,765.39 | 50.48%     |
| 92           | In favor    | \$1,384,504.88 | 26.27%     |
| 88           | No response | \$1,225,689.98 | 23.25%     |
| 243          |             | \$5,270,960.25 | 100%       |

The City Council created the Broadway LID by Ordinance 27475 on April 18, 2006, utilizing the remonstrance of 60%. Since the polling results above indicate a remonstrance of 50.48%, the Public Works Department will recommend that the City Council award the construction contract to Northwest Cascade, Inc.

The matter will go before the City Council at their regularly scheduled meeting on August 28, 2007, starting at 5:00 p.m.



ACCOUNTABILITY ISSUES

# City manager ousts two after 'very bad week'

Two Tacoma employees get the heave-ho following mistakes on a neighborhood project and a housing development appeal.

thenewstribune.com

Posted online at 6:47 p.m. Thursday

BY JASON HAGEY  
The News Tribune

Tacoma City Manager Eric Anderson announced the departure of two staffers Thursday, a little more than a week after City Hall came under scrutiny for a pair of embarrassing blunders.

Cheryl Carlson, an assistant city attorney, had already resigned effective later this month, but was terminated instead, according to an e-mail Anderson sent to the mayor and City Council members.

The e-mail doesn't give a reason for the decision, but council members believed it was because of Carlson's role in a mistake that led the city to withdraw its appeal of a controversial plan to build 860 homes on North Shore Golf Course. The city failed to properly deliver copies of court documents to all of the parties, a mistake that City Attorney Elizabeth Pauli called "inexcusable."

Additionally, Craig Sivley, an assistant public works director, will be "separated" from city employment at the end of the month, Anderson said. He's been placed on administrative leave for the rest of the month, according to Anderson's e-mail.

No reason was given in Sivley's case either. How-

Please see CITY, back page

## CITY

CONTINUED FROM A1

ever, Sivley was one of the city officials who tried for years to create a Local Improvement District in the St. Helens/Broadway neighborhood. Council members shot down the project last week, saying they lost faith in the Public Works Department after a series of mistakes.

The district would have taxed property owners to help fund the creation of an "urban village" in an emerging neighborhood. But it ran into multiple setbacks, including a major cost increase and an error in the city's tally of property owner opinion over the project.

Calls to Carlson's and Sivley's homes were not returned Thursday.

Council members praised the manager's decisions.

"I think Eric's doing his job," Councilman Spiro Manthou said. "I think he understands someone needed to be held accountable."

Councilwoman Connie Ladenburg called last week's troubles a "double whammy." The mistake regarding the appeal of the planned North Shore development hurt because the city was trying to do everything in its power within the limits of the law to help Northeast Tacoma residents, Ladenburg said. Residents have complained loudly over the planned development, saying it would ruin their quality of life.

The developer's plans will now be

processed under rules that were in place before the city made changes to them.

But Ladenburg said the problems with the St. Helens/Broadway LID were more troubling because she felt city officials weren't being honest with council members.

"I feel like I've lost trust with that department," she said.

"Last week was a very bad week," Councilman Jake Fey said, echoing Ladenburg's comments. The golf course and the proposed LID both fall within Fey's council district. Fey said he wasn't in a position to know the details about which employee did or didn't do what, but he supported Anderson.

"I do believe those were major mistakes," he said. "I believe there need to be consequences."

Manthou said the mistake regarding the golf course appeal was "pretty basic." Someone just made an error, he said. But Manthou, a former city employee, said Sivley came up during a different era when city officials were accustomed to pushing projects through without public input. The owners of a majority of the property in the area affected by the LID opposed the project.

"We're trying to bring back trust and transparency," Manthou said. "It's a different age. This council's not there to rubber-stamp things. It's not like the old days."

Jason Hagey: 253-597-8542

jason.hagey@thenewstribune.com





# Broadway Local Improvement District Groundbreaking Ceremony

Help us celebrate the start of the **Broadway Local Improvement District** project on **Tuesday, June 10, at 10 a.m., St. Helens Avenue and South 7th Street.**

For more information, visit [www.cityoftacoma.org/BroadwayLID](http://www.cityoftacoma.org/BroadwayLID), or call Karrie Spitzer with Community Relations at (253) 591-5790.



2008

Attachment No. 6

Note:  
Never received a  
response

December 15, 2008

TO: City Manager, Mayor, and Council Members

From: Residents of Bayview Condominiums  
525 Broadway

SUBJECT: LID #8645

We the undersigned are all owners/residents of the Bayview Condominiums and share the same concerns with regard to the progress and work being done on the subject LID.

This letter is to notify you of our complete dissatisfaction on the progress of the work being done. We here at the Bayview have been inconvenienced and frustrated with the project beyond words.

This project started on approximately June 1, 2008 and as of this date, December 15, 2008 we still barely have use of our front entrance on Broadway without the possibility of injury.

As of mid-week, December 10th, they redug up the asphalt that had been put down in the intersection at 6th and Broadway in front of our building, and laid concrete. On December 12th they were, for whatever reason, back drilling and cutting into the newly laid concrete. This is indicative of the way this project has progressed from the onset. They dig large holes one day, fill them back up and then in a day or two dig up the same hole. It would appear that there is no real planning and coordination for this project.

We have been told that we should have known from the onset that this project would take two years to complete. Who in their right mind would believe that the City could inconvenience property owners for that length of time? Although the majority of owners at Bayview voted to reject this LID, even those that did vote for it have become disillusioned and dissatisfied with what we have had to endure to date. None of you receiving this letter would be content or willing to put up with the inconveniences that we have had to endure. To add insult, not only are we having to endure these inconveniences but we are being forced to pay for them too.

It would have seemed reasonable and logical to have completed this project in a more sensible manner by completing one phase before going on to another. For example, finish Broadway, or as much of Broadway that would less inconvenience property owners, then go on to another area such as St. Helens or Market Street.

We want the work to be concentrated so as to allow us complete usage of our front entrance which in the very least allows us complete access to Broadway without risking injury. Heaven help anybody that would need the services of 911 with the site in its

Attachment No 7



present condition. We would like to reiterate that Bayview is 95% occupied by Senior citizens.

While we are addressing inconveniences, how and why has the City allowed the traffic barrels on a major thoroughfare such as Stadium Way to remain intact steadily for three years now for the 505 Broadway project. These barrels have posed a vehicular site obstruction for us coming and going out of our garage on Stadium Way. This, too, is an added inconvenience that we should not have had to put up with for the past three years, Sheer luck has prevented an accident from occurring. There is no other project in the City of Tacoma that has allowed this type of obstruction for such a lengthy period of time,

We ask that you undertake to address our concerns and see that they are remedied or at the very least modified in the immediate future so as to allow us and our visitors safety to our entrances at 525 Broadway.

Ann H. Marinkovich #205

~~Jeff D. Brown~~ #203

Katherine Samuel #108

Allen Evans #107

Robert Johnson #102

Gyenne R. Simpson #407

~~James H. Bohner~~ #209

Rosemary Dye #101

Rita Latson #201

Robert Wan #207

Robert W. Jones #203

Maureen McCluskey #100

Charles Mast #403

Virginia Fisher #409

David W. Christensen #202

Dorothy M. Neff - 306

Submitted by:

Ann H. Marinkovich #205  
(253) 272-6977