

MINUTES RECAP

00281

MARYSVILLE CITY COUNCIL MEETING APRIL 11, 1994

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS: 4/4/94 Approved

AUDIENCE PARTICIPATION: Roger Hertrick & Mel  
Critchley/Citizens for  
Waterfront Access & Safety

STAFF'S BUSINESS: - BNRR Proposal

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATION: None

PUBLIC HEARINGS: None

REVIEW BIDS:

1. Refuse Containers and Pockets (for Conversion of Rear Load Equipment). Continued to 4/25/94

CURRENT BUSINESS:

1. Subdivision Code; MMC Chap. 20 Postponed to 4/25/94

NEW BUSINESS:

1. Conditional Use Permit; Asbury Place/Graham; PA 9401001 Public Hrg. set 5/9/94

2. Vacation of Alley; Robert Cole; PA 9401004 Public Hrg. set 5/23/94

3. Tenaska Power Partners L.P. Co-Generation Plant Util.Variance Tabled for further discussion

4. Osberg Const. Co. Util.Variance UV 94-001 Denied without prejudice

5. Helmut Bitto Utility Variance UV 94-003 Approved

6. Parks & Rec. Comp Plan Development; Cheyne & Assoc. Approved

7. Parks & Rec. Personnel Recommendations - Approved

CONSENT AGENDA:

1. Mar/94 Payroll - \$483,331.43 Approved

2. 4/11/94 Claims - \$293,338.14 Approved

3. Smokey Pt. Blvd. & 172nd St. Utility Relocation Project & Begin the 30 Day Lien filing Period Approved/Accepted

ORDINANCES & RESOLUTIONS:

1. Res. stating intent to Annex Palmer Tracts & Transmit to BRB Res. 1671 Approved

2. Res. Reversing Hearing Examiner Decision & Denying Thorpe Rezone Res. 1672 Approved

3. Anti Crime Resolution Res. 1673 Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 10:50 p.m.

1. Real Estate No Action

2. Litigation No Action

3. Personnel No Action

RECONVENED & ADJOURNED: 11:24 & 11:25 p.m.

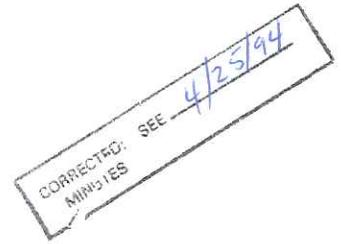
MARYSVILLE CITY COUNCIL MEETING

APRIL 11, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Ken Baxter  
 John Myers  
 Dave McGee  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Gloria Hirashima, City Planner  
 Janet Berg, Assistant Finance Director  
 Grant Weed, City Attorney  
 Ken Winckler, Public Works Director  
 Jim Ballew, Parks & Recreation Director  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETING:

In the minutes of 4/4/94 Councilmember Leighan noted on page 10, in the first paragraph "detention ponds" should be "dry wells".

Councilmember Pedersen noted on page 2 in the 5th paragraph, the word "say" should read "determine at what point". Also, on page 2, 2nd to last paragraph, the 318 solid waste customers are "new". On page 4, in the 2nd to last paragraph, "being" should be changed to "needing to be made" and City Planner Hirashima's response was that yes, they would need to be. On page 7, at the beginning of the 3rd full paragraph, it should be "Beth" not "Bev" Love. On page 10, Councilmember McGee's name was misspelled "McGeen" (already corrected in the minutes put on the computer disc).

Councilmember Herman noted that on page 1 under Staff Business, second line, the word "county" should be deleted. On page 4, last word of the 5th paragraph should be "lot" not "allowed".

There being no further corrections to the 4/4/94 minutes, Councilmember Pedersen moved and Councilmember Herman seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

## 1. Citizens for Waterfront Access and Safety - BNRR Proposal.

City Administrator Zabell noted there has been a lot of correspondence on this topic as well as many letters to the editor and Roger Hertrick and Mel Critchley are here tonight to make a short presentation.

Roger Hertrick addressed Council, stating he is from Edmonds and he noted he used to be on the City Council there. He stated his committee has addressed several city councils in the area on the issue of the high speed trains and Mukilteo has said no to any increase in speed and so has Stanwood. He said he recognizes that there are a lot of trains that go through Marysville and some that don't go at all, but the main concern is the freight trains because BN is proposing a 40% plus increase in freight plus the increase in speed and the concern of the committee is the safety.

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Mr. Hertrick stated BN keeps saying the higher the speed the safer it is but in Marysville, like Edmonds, you have a lot of crossings and in Edmonds they are trying to move a ferry dock because of this. He noted Connie Chung had a program recently on TV about how there are 600 deaths a year because of signals that are inoperable at various railroad crossings, not all the time, but inconsistently, enough to confuse people when they come to the crossing or else the arms don't come down when they should, etc. He said Mel Critchley would like to make a couple comments but first Mr. Hertrick said he would like to address the 3:55 maximum time Amtrak is proposing: This is basically because of their crew limitation and they would have to add another crew member if the train takes more than 3:55 for their trip from Vancouver to Vancouver, he said. He added the committee is having a meeting 4/18 at 7 p.m. at the chairman's home in Edmonds (Gary Jones) and he invited a representative from the Marysville City Council to attend if they wish. He said he wished the City Council to use the Citizens for Waterfront Access and Safety as a resource; they are in favor of commuter trains but are very concerned about the safety.

Mel Critchley, also of Edmonds, addressed Council. He noted he has lived next to the railroad tracks for many years and up until 2 years ago, trains went 35 mph maximum but then they increased to 45 mph which wasn't too bad but then they wanted to go 60 mph. He said the biggest hazard here is Liquid Petroleum Gas which is transported in large quantities on the trains. It must be kept at 45 degrees below zero for stabilization but in the event of a roll over train accident/derailment, the safety valve will be covered and the LPG tanker could explode. These tankers hold 35,000 gallons of LPG each and a lot of time you have 6 tankers in a row, he said, along with other very volatile gases in tankers. He stated LPG is heavier than air and does not rise up or evaporate, it follows the ground and when it finds a spark it will go off like a small bomb, he said. He described a recent train derailment near Minot, ND where the LPG spread to a farmhouse nearby and when the people opened their door to see what the noise was all about, the gas came in and exploded their furnace and house and then the fireball returned to the train and it exploded, too. This resulted in many deaths and injuries and this incident was in the country, he stressed, so you can imagine what would happen if had occurred in a largely populated area. He said the committee has discovered several incidents that have received very little publicity similar to this one where they have had explosions of aromatic benzene, for example as well as methanol alcohol and it was also discovered that these accidents happened in all cases where the train was going 35 mph or more, just on the outskirts of a town, where they are allowed to speed up after going through the town or just before they enter a town. So he concluded that higher speeds are certainly to have most disastrous impacts on Marysville and other communities along the way.

Mayor Weiser noted the Mayor of Edmonds is going to have a meeting with 4 other concerned cities soon.

STAFF BUSINESS:

City Administrator Zabell stated the City is currently in the interviewing process for the Community Information Officer.

City Attorney Weed stated he has prepared and sent out a strongly worded letter to BN explaining that while the City has a case against them because of the blockage, we have elected not to issue a citation in this case but if there are any recurrences a citation may be issued.

The second item City Attorney Weed brought up was that he submitted the AWC anticrime sample resolution (in the packets) and he asked Council to review and to consider what Marysville should do in this case as far as our own resolution.

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Mayor Weiser asked if this could be reconsidered under Ordinances & Resolutions and City Attorney Weed agreed to that.

Public Works Director Winckler noted the 4/14 Traffic Advisory Committee meeting has had to be rescheduled to 4/28 and the WWTF tour will be Fri. 4/15 at 2 p.m.

He noted that following the last windstorm it has been discovered that the Lake Goodwin pump station needs roof repair, as does the Sunnyside Well outbuilding and a few other minor repairs are needed at other locations.

Councilmember Leighan asked about the size of the job and Councilmember Baxter asked about the exact nature of repairs needed at the Lake Goodwin well.

Public Works Director Winckler stated it was temporary roof repairs, which have been done.

MAYOR'S BUSINESS:

Mayor Weiser reported that one of the Boy Scout troops this Thursday will be meeting with the Fire Dept. with regard to coming out to each of the Councilmembers' homes.

CALL ON COUNCILMEMBERS:

Councilmember McGee reported an EMS questionnaire/ mailing is to be sent out to registered voters very soon.

Councilmember Herman announced the upcoming Stillaguamish Sr. Center Sunday dinner from 1-4 p.m. 4/24 and invited staff and fellow Councilmembers to attend. (He has purchased 10 tickets.)

Councilmember Leighan asked about a DARE class reunion and City Administrator Zabell said he would check with Mary Swenson who was working with Cyndy Whitcomb on this.

Councilmember Leighan reported he recently attended a Law & Justice meeting and the county is looking at changes in jail time and the impacts on their population problems. He said they are in the process of checking with other jurisdictions regarding jail space. He noted the Fire Board might want to be aware of the new 800 megahertz radio frequency change being instituted and the impacts that will have as far as cost of new radio equipment.

Councilmember Wright asked for an excused absence 4/25 when she will be in Washington, DC.

Mayor Weiser noted he will be one to 1-1/2 hrs. late next Council meeting.

Councilmember Baxter stated the 800 megahertz radio frequency change is going to cause a lot of problems for smaller fire districts.

Councilmember Leighan said apparently they are going to put it on a levy countywide in order to help out the smaller districts.

Mayor Weiser stated Edmonds and Lynnwood are going to be participating in that now; they originally were not going to be.

Councilmember Baxter said the Fire Board/District is looking at running an EMS additional 25 cent levy in addition to the radio equipment levy. He said Steve Wilson had some information in the packets about bonds that need to be sold for the fire trucks, too. (Apparently this information was left out of some of the packets.)

Councilmember Baxter reported he attended the Lakewood/Smokey Pt. Planning Advisory meeting the other night.

Mayor Weiser said they are trying to establish a UGB within a planning area and the committee was looking at the possibility of expanding the boundaries whereas Marysville has been looking at how much we need to accomplish the needs of population and employment forecasts--Smokey Point/Lakewood is going to decide the densities after the boundaries are established. Also, there is going to be another rural forum meeting tomorrow night, he said.

Councilmember Herman said apparently the Stillaguamish Senior Center housing <sup>units</sup> ~~is not going to be included within the boundaries~~ <sup>initially</sup> ~~and that seemed to present a lot of concern at the meeting.~~ <sup>UCB</sup>

Mayor Weiser agreed it was felt they should be included.

CORRECTED: SEE 4/25/94  
MINUTES

Councilmember Baxter said one of the discussions was the areas on either side of the railroad tracks, for example.

Mayor Weiser said Lakewood is upgrading their 1988 Comp Plan and another issue, of course, is the water/sewer line and they were to let Marysville know what densities they are eventually projecting.

Councilmember Baxter said once they give Marysville that information, we can give them a yes or no regarding extension of the lines. He said he made it clear that we don't put in the petitions, the developers make all the efforts, pay the mitigation fees, etc. and Marysville isn't to be considered "Santa Claus."

Councilmember Myers asked about the status of the situation at 917 Quinn, if that could be reported at the next Council meeting. He also noted he has been put on a subcommittee for dealing with battery solid waste.

CORRECTED: SEE 4/25/94  
MINUTES s/b vector

Councilmember Baxter reported he went on a cogenerator tour in Sumas and was very impressed with the environmental issues and a reverse osmosis system, making clean water into super clean water to eliminate mineral deposits.

City Administrator Zabell said he forgot to announce that the Foothills Park grand opening will be 4/17 from 2-3 p.m.

REVIEW BIDS: Refuse Containers & Pockets (for Conversion of Rear Load Equipment).

Public Works Director Winckler reviewed the agenda bill, noting the low bid came in from Capital Industries at \$75,225 plus tax. With options, the cost would be \$84,385.18 and \$84,436 was budgeted, he said. He added there may need to be a professional services contract for the welding and staff is recommending awarding the bid of \$84,385.18 to Capital Industries for painted containers.

Councilmember Leighan noted that galvanized containers would have a longer life.

Vern Tridell, Capital Industries of Seattle addressed Council and confirmed galvanized containers usually last 15 years plus, depending on maintenance whereas painted containers last about 10 years.

Public Works Director Winckler pointed out that the galvanized containers would cost an additional \$8900.

Councilmember Baxter moved and Councilmember McGee seconded to approve the \$84,385.18 bid including sales tax, not to include galvanized containers.

Councilmember Pedersen said she would like to see the City go for the \$8900 option for galvanized containers but Councilmember Baxter pointed out the City needs so many other tools, etc. There was discussion about the life of galvanized containers and whether the extra five years could justify the extra expense.

A roll call vote revealed Councilmembers Myers, Leighan, Pedersen, Wright and Herman against so the motion failed 5-2.

Councilmember Myers then moved to include the \$8900 for galvanized containers, the rest of the previous motion remaining the same. (\$8900 plus tax.) Councilmember Pedersen seconded the motion.

Councilmember Baxter said he would like to know how the City is going to pay for the extra \$8900 and there was discussion about no list of tools having been submitted that the City needs as yet, the City has been pretty much on target so far this year bugetwise, need for computers for the billing process and that request will be coming before Council soon.

Councilmember Pedersen asked when the implementation of the computers for billing was planned and Public Works Director Winckler said with the purchase of the last truck.

Councilmember Myers asked if that (or part of it) could come out of the Finance budget seeings as how billing is their responsibility.

There was discussion about savings in man hours, <sup>50%</sup> increase in life expectancy for an extra 10% <sup>cost</sup> neet for computer being in competition with the other issue, postponing the issue, 7/1 deadline to have everything in place, replacement of old containers with new, delivery time frame.

CORRECTED: SEE 4/25/94  
MINUTES s/b need

Councilmember Myers withdrew his motion and suggested only galvanizing half of the containers. Councilmember withdrew her second but disagreed with Councilmember Myers' suggestion.

Councilmember Myers moved to continue this to 4/25/94 to allow staff time to see if they can come up with the \$9,000 out of the budget. Councilmember Baxter seconded and the motion passed 6-1 with Councilmember McGee opposed.

CURRENT BUSINESS:

1. Subdivision Code; MMC Chapter 20; PA 9304013.

Moved to follow Consent Agenda.

NEW BUSINESS:

1. Conditional Use Permit; Asbury Place/Graham; PA 9401001.

City Planner Hirashima reviewed the agenda bill, noting staff is recommending Council affirm the Hearing Examiner's recommendation for approval.

Councilmember Pedersen asked about the sign provision and City Planner said they will not be required to file for a variance.

Councilmember Pedersen noted the Hearing Examiner under recommendation #10 is requiring the applicant to provide a Stortz adapter on the fire hydrant at Alder & Quinn.

City Planner Hirashima stated the Fire Marshal brought this up.

Councilmember Baxter noted that's an existing hydrant and as such it is not necessary for the applicant to put a Stortz adapter on anymore; that was agreed on 6 months ago by the Fire Board/Fire District. The only time it would be required is for new hydrants, he said. It was the consensus to eliminate this condition then from the hearing examiner's recommendations.

City Administrator Zabell said on the alley/frontage requirements typically some minor improvements might have to be made to make access safe.

Councilmember Leighan stated he understood there was to be no more parking out front in the event 4th might need to be widened.

City Planner Hirashima noted condition #7 requires signing and fencing to be reviewed for sight distance problems and one of the suggestions was that the sign be relocated and also that there be some consideration of removing the on street parking.

Mayor Weiser asked if on street parkign would be moved to the east of the structure and City Planner Hirashima said apparently the applicant's engineer did cite sight distance as an issue.

Councilmember Pedersen asked about the letter in the packets indicating no sight distance problem. She said she would like to see no parking in front of this building. She asked whether making these changes would require another public hearing.

There was discussion about taking any more public testimony, input from the applicant only, alley access, exiting only, no specific recommendation by the Hearing Examiner, the applicant to possibly redesign the site plan/parking lot, the minimum number of parking spaces needed being 14 and they have 15 stalls proposed, no formal landscaping requirement, possibly having another public hearing to clarify the parking issue.

Councilmember Leighan moved to have a public hearing 5/9/94, Councilmember Herman seconded and the motion passed unanimously.

## **2. Vacation of Alley; Robert Cole; PA9401004.**

City Planner Hirashima reviewed the agenda bill, stating at this time the alley is primarily obstructed by storage of personal property by each of the abutting property owners. She stated the City received a petition signed by three out of four of the owners; Ole Lindberg, owner of Lots 8-9-10-11, did not sign.

Councilmember Baxter pointed out the alley is Ole Lindberg's access and City Planner Hirashima stated adjacent property owners would be notified of a public hearing however Mr. Lindberg may not have been contacted originally on this.

Councilmember Herman noted as a sidelight that he has heard from a number of people regarding the spelling of Beach.

City Administrator Zabell said in 1968 it was changed officially to Beach Avenue, not Beech St.

Councilmember Herman then moved to set a public hearing for this alley vacation for 5/23/94 and to use the assessed value method of compensation. Councilmember Pedersen seconded and the motion passed unanimously.

## **3. Tenaska Power Partners L.P. Co-Generation Plant Utility Variance; UV 94-002.**

Councilmember Herman disclosed that he has had interactions with this particular proponent through his day job and asked if this would constitute a conflict of interest or problem with appearance of fairness.

City Attorney Weed stated this is more of a permitting process, not a quasi-judicial process and would not disqualify Councilmember Herman from participating on the City Council.

Councilmember Herman stated he does not feel his prior involvement would impair his ability to serve impartially on the Council and there were no challenges from the audience.

Public Works Director Winckler reviewed the agenda bill and explained the co-generation plan operation is similar to the one Councilmember Baxter visited in Sumas recently. He stated staff recommends 7 conditions upon which this request would be approved:

1. Maintenance of the current capacity of the Stillaguamish Well;
2. All capital improvements necessary to provide subject utilities to the subject site will be constructed by Tenaska Power Partners, L.P. and at their expense;
3. Any additional capital improvements required to serve existing customers along the supply route shall be paid for by Tenaska;
4. The City shall determine what capital improvements are to be constructed;
5. All pertinent connection fees shall be paid by Tenaska;
6. Rates are to be negotiated with the City;
7. The ability to serve the subject site cannot jeopardize the ability of the City to continue existing service off the same system.

Public Works Director Winckler stated Mr. Kirby Zicafoose is here tonight, representing Tenaska Power Partners.

Mayor Weiser asked if the potential site is within Arlington's IUGA and City Planner Hirashima said yes, it is.

Public Works Director Winckler said the City of Marysville does have a letter from the City of Arlington stating they can't serve them water at this time.

Councilmember Pedersen asked when we provide water to a company in someone else's UGA what happens to revenue generated by the company and Public Works Director Winckler said it is believed this will be a tax free/exempt company and his understanding is there would be no property taxes. He added that PUD is apparently funding a good portion of the co-generation plants, this plant would have only 15-20 employees but a sizable number of construction workers initially.

Councilmember Herman asked about the PUD proposal and how many facilities are proposed within Snohomish County.

Public Works Director Winckler said he understands 1-2 sites, depending on the size of the facility, with 70 bidders competing and with a time limit involved of May 15th. He said the City has been approached by 10 different agencies now and Council is going to be seeing more of these variances requests; this is the first request and staff is looking for methods of prioritization, he said.

Councilmember Baxter left Council Chambers at 8:45 p.m.

Councilmember Herman asked about water quality and Public Works Director Winckler stated co-generation plants use their own filtering process and so the water doesn't have to be potable from the source.

Councilmember Leighan asked if there could be cost to the City in the future for new water lines and City Administrator Zabell said much of the line (18") is in place with 40-50 customers in place and part of this proposal would be for replacement of the domestic line to run potable water to other customers.

Councilmember Baxter returned to Council Chambers at 8:47 p.m.

Councilmember Herman asked more questions about supplying industrial/commercial/potable water.

City Attorney Weed said it's going to depend on Marysville's planning efforts.

Councilmember Herman asked if Marysville could just supply industrial water and not have to be obligated to supply potable water and that was confirmed.

Councilmember Pedersen asked if any of the other proposers are in Marysville's UGA and City Administrator Zabell said yes and one is proposing to use water from Marysville's WWTF.

City Attorney Weed stated a preliminary prioritization of requests for water connections has been developed, eg. 1) within RUSA, 2) occasionally outside RUSA with 9 variance criteria, 3) dependent upon Marysville's capacity and in compliance with 14.32.020, 14.32.030 and 14.32.040 of MMC.

Public Works Director Winckler stated the request is for the well water and the RUSA Committee has been reviewing the surface water issue.

Councilmember Wright asked about the other proposals and City Administrator Zabell stated they are for treated effluent sources and well water.

Public Works Director Winckler stated Hammond Collier Wade put together 2 requests for the ease of calculation and that's what is presented on the map in the packets for Tenaska and National.

Kirby Zicafoose, 510 SW 3rd Av. #400, Portland, Oregon, addressed Council. He stated Mr. Winckler's comments were quite accurate and Councilmember Herman is also quite knowledgeable about these projects as he has interfaced with Tenaska on another project in Pierce County. Mr. Zicafoose stated their primary goal is producing electricity for Snohomish County and they have another plant in Ferndale which sells power to Puget Power & Light and the residual steam generated goes to a local refinery nearby. He stated they are just finishing the Frederickson facility near Tacoma and the power from that plant will be sold to Bonneville. He stated Tenaska is the most experienced power producer in the Northwest and are very familiar with the environmental impact statement process and permits, they like to get close to the pipeline and PUD is very interested in having some of its own generation of power because of their having to purchase power from Bonneville. He noted the hardware, permitting, etc. is very costly but Tenaska has the capability of setting up this non-taxable venture; it's very possible there will be some "in lieu of payment", however. He said they will have a small payroll--about 25 employees over 3 shifts, very little traffic impact, eg. and most of the employees would be from the immediate area. He said PUD's request for the proposal process has a deadline of May 18th and due to the nature of these facilities and magnitude of the process, it's very unlikely anyone is going to build a plant/facility like this without an intent/agreement to sell power to PUD. He added that he thinks Marysville will see at least one project in the county but he also thinks only one would get the contract with PUD, possibly 2 plants, but he said he thinks they will try and keep it to one to keep the power price down. He noted it is a price driven economic situation and he said he thinks it would behoove City Council to look at a company with experience, Tenaska needs a source of water and this area makes a good regional site similar to the other site in Pierce County, he said.

Councilmember Herman asked if one of the criteria/conditions would be that the company be a successful proposer to the PUD and Mr. Zicafoose said yes, he thinks that would be prudent. He added he thinks Tenaska would be satisfied to take an indication from the Marysville City Council that they would be able to supply them with water for their 245-250 megawatt range plant.

Councilmember Myers asked about transmission lines and Mr. Zicafoose stated Arlington has a good point of interconnecting with PUD and that's why Tenaska is proposing a site in Arlington.

Councilmember Myers asked how much property the facility would locate on and Mr. Zicafoose stated they have an option agreement on 15 acres which would be adequate for their facility.

Councilmember Herman asked if the transmission lines would be overhead or underground and Mr. Zicafoose stated he can't answer that. He handed out some brochures.

Mayor Weiser asked about their sewer/waste water needs and Mr. Zicafoose said they may be interested in coming back to Marysville for a variance on that.

Mayor Weiser asked about PUD/RUSA meetings and City Attorney Weed stated the code does make provision for tax reducing operations; further discussions with PUD would be beneficial, he said.

Councilmember Pedersen asked about tax benefits to the community and Mr. Zicagoose said in Snohomish County because PUD has the capability of realizing a 20% tax reduction there are going to be a lot of proposals come before Marysville City Council. He said the water will provide a lot of income to the community because of the water sold to Tenaska; Monroe is another possibility for a location for joint operating agencies such as Tenaska, he said.

City Attorney Weed asked if a joint operating agency would be exempt from paying sales tax and Mr. Zicafoose said he is not sure, that someone by the name of Co Hutchison at PUD could get that information for the City.

Public Works Director Winckler asked what size city a 245 megawatt plant would provide for and Mr. Zicafoose stated a city the size of Tacoma. For example, their plant at Frederickson near Tacoma is located on 8 acres and they have very compact facilities capable of supplying a lot of power and they also are fully compliant with all EIS and other permitting requirements, he said.

There was discussion about being at the junction of a policy making decision, revenue is solely for selling water, potential for sites.

Public Works Director Winckler stated there are a couple sites being considered by another company near the lagoon as well as a couple sites up by Highway 9.

Councilmember Baxter asked about the quality of the discharge water and City Administrator Zabell said it would be essentially the same as what goes in, maybe 20 degrees warmer.

Public Works Director Winckler added that the water will have gone through a filtering process.

Mr. Zicafoose noted the co-generation plant has to have a pure water quality, filtered for turbidity, some of it has to be of super high quality, a lot of it will be used simply for cooling and then discharged in accordance with the waste water criteria. There would be very minimal treatment of it when it's discharged, if any, he said.

There was further discussion about discussions with PUD, a need to develop an agreement with the successful proposer with PUD, replacement of water lines, separation of resource waters, Warm Beach/Lake Goodwin Well request on hold, possibility of using the Rainey Well resources, finding an industrial use for that water, not wanting to lose our water rights, upcoming 4/21 RUSA meeting, getting someone from PUD to attend that meeting.

Councilmember Leighan noted the RUSA Committee members are very knowledgeable of the issues and Councilmember Baxter noted the use and quality of that water has been an issue for a number of years.

Councilmember Leighan stated he would like to see Council have a workshop and Councilmember Pedersen agreed. She added this is something that's going to affect the Comp Plan, for example.

Councilmember Leighan noted Northwest Composites is another industrial user that has come before Council and he said he would like to see this discussed further.

Councilmember Baxter pointed out that there are a number of issues involved such as Critical Water Service Area, Tribal rights, Arlington wells, discharges in the river, filtering being viable to make potable water.

Councilmember Leighan noted that fire protection and watering your lawn could be with untreated water and it's possible eventually homes would have 2 sources of water like in California.

There was more discussion about industrial water users, Lake Goodwin, Edwards Springs and Rainey Well sources.

Councilmember Herman stated he is leaving for Washington, DC this Saturday but would like to see input from the RUSA Committee as well as PUD by next Council meeting so that the applicants can be within the PUD's timeline.

After brief discussion, a Council workshop was set for Friday, 4/15 at 6:30 p.m. with Larry Wade and a PUD representative in attendance. This issue was considered "tabled for further discussion."

#### 4. Osberg Construction Co. Utility Variance; UV 94-001.

Public Works Director Winckler reviewed the agenda bill, noting they are proposing 30 water connections and staff recommends the request be granted with a no protest agreement for possible future ULIDs required. He stated the subject property is 1500' away from the closest water and sewer connection and Hammond, Collier & Wade is studying this area with regard to needing to be included within RUSA.

Grant Osberg, Osberg Construction, Seattle addressed Council and made himself available for questions. He noted the property is zoned 12,500 and is lightly timbered at present.

Mayor Weiser asked how far away the sewer is and Public Works Director Winckler stated about 1500' south. It is an 8" line on Smokey Pt. Blvd., he said.

Councilmember McGee left Council Chambers at 9:50 p.m.

City Administrator Zabell explained where the sewer force main begins and ends, the gravity system, etc.

Mr. Osberg said they are proposing a septic system and they have no problem with signing a no protest agreement for a future ULID.

Councilmember McGee returned to Council Chambers at 9:52 p.m.

Councilmember Pedersen asked about policy for granting variances in the area and there was discussion about not granting variances because of the indecision in the area.

Councilmember Baxter asked how many lots there are involved and Mr. Osberg stated there will actually only be 27 and if they are denied by Marysville they will have to put in wells and then the City will probably end up seeing the people eventually when their wells deteriorate. He said they could do a Group B system with storage tanks.

City Administrator Zabell noted the Comprehensive Water Plan should be completed in 90 days and that's why the other requests were denied, without prejudice. He said until we have a chance to review the site and see if Marysville wants to serve it, they can't make a decision yet.

Public Works Director Winckler said he agreed the Comprehensive Water Plan is somewhere between 60 and 90 days until completion.

Councilmember Pedersen left Council Chambers at 9:57 p.m.

City Administrator Zabell stated he thinks there are about six different study areas involved and more brief discussion followed.

Councilmember Pedersen returned at 10:00 p.m.

Councilmember Baxter moved to deny the request without prejudice for 180 days. Councilmember Wright seconded and the motion passed unanimously.

**5. Helmut Bitto Utility Variance; UV 94-003.**

Public Works Director Winckler reviewed the agenda bill, noting staff recommends a sewer hookup off 48th Drive providing they enter into an agreement obligating the owner to participate in any future extensions of the sanitary sewer in 89th Pl. NE and agrees not to protest the formation of a local improvement district or privately funded extension. He said they see a difficulty in getting recovery as the lot to the north of the applicant is already served by City sewer.

Councilmember Leighan asked about a letter from the health district and City Administrator Zabell said the City has required that on systems outside RUSA; within RUSA the City wants them to cover the frontage and Lot 13 is having to foot the bill for Lot 26 who were exempted years ago.

Councilmember Myers moved to allow the Bittos to hook up as per staff recommendation, with frontage to be covered on 89th. Councilmember McGee seconded the motion.

Councilmember Leighan asked about the no protest agreement and both Councilmembers Myers and McGee agreed this was part of the motion. (No protest agreement for annexation.)

Mrs. Bitto stated their son lives at this address and he lives on \$530 per month and can't afford a future ULID, even though he is willing. She asked if the future owner would be tied to the ULID like a lien against the property.

City Attorney Weed said in a general sense, yes.

Mrs. Bitto stated they have to relocate the system to 48th and that added to the cost to hook up plus the ULID assessment is a lot of money. She also complained about poor notification.

Mayor Weiser explained the ULID is a future obligation, plus if the 89th line is extended then the agreement is to participate in the cost.

City Administrator Zabell added it's standard process to have a non protest agreement signed; this is part of Trunk Line A.

The motion passed unanimously.

Councilmember Pedersen asked about notification of the Bittos and Public Works Director Winckler stated usually Public Works calls the people as soon as it's known it's going to be on the agenda but he could check into what happened in this case further.

**6. Parks & Recreation Comprehensive Plan Development; Cheyne & Associates.**

Parks & Recreation Director Ballew stated Cheyne & Associates have been contacted with regard to providing a Parks & Recreation component to the Comp Plan, to include goals and objectives, planning area descriptions, evaluation of existing facilities,

etc. The park plan element needs to be adopted by 7/1/94 and funds were dedicated in this year's budget to do this under a professional contract, he said. He noted the Planning Commission schedule has not been developed as yet but the Parks & Recreation Dept. goal is to have the draft plan approved by 6/30/94. He noted Cheyne & Associates have done several plans in the county and are very tuned into our region in addition to three previous questionnaires they have done for the City of Marysville in the past, he said.

Councilmember Pedersen asked if the dates are realistic that are proposed and Parks & Recreation Ballew said he feels they are; they basically feel they can use the same questions they used in 1989, what type of services do people want and what are they willing to pay for, teen issues, athletic issues.

Councilmember Pedersen asked how many pieces are going to be mailed out and Parks & Recreation Director Ballew stated 900-1000 random mailings within the City to registered voters, with an estimate of a 30% return.

Councilmember Herman commented this is a tight time frame and he asked if any direction has been given to staff regarding an evaluator and then what kind of cost is involved. He said possibly we should revisit these guidelines.

Councilmember Leighan asked about a school district representative on the advisory committee and elements to be included in the Comp Plan.

Parks & Recreation Director Ballew referred to the agenda bill and contract and noted we need to add "Dept. of Community Development checklist and GMA requirements" in the scope of work guidelines.

City Attorney Weed said he would like to reserve the right to take a closer look at the indemnification rights; part of it may require some modification. He suggested language: "indemnity and insurance language acceptable to the City Attorney."

Councilmember Herman moved to authorize the Mayor to sign the contract with Cheyne & Assoc. subject to DCD checklist, GMA requirements and subject to indemnity and insurance language as approved by the City Attorney. Councilmember Leighan seconded and the motion passed unanimously.

#### 7. Parks and Recreation Personnel Recommendations.

Parks & Recreation Director Ballew explained they are asking for additional staff to expand recreational services. He said in the agenda bill they have identified increases in services requested by the schools and in addition to increased services, they need to coordinate existing services, oversee youth summer recreation programs and they also need someone to work weekends and evenings. The request is to change the Grade XI position to Recreation Manager, transfer personnel funds for 2 seasonal groundkeepers to Recreation Services, establish a new job description for a Recreation Coordinator (probably Grade VIII), he said.

Councilmember Baxter asked about negotiation of fees/salaries in the Recreation Manager's position and Parks & Recreation Director Ballew explained the people signing up for dog obedience classes, eg., would pay the instructor's fee and that's the salary negotiated by the Recreation Manager.

City Administrator Zabell said he thinks this is going to be money well spent.

There was discussion about expanding programs, comparable worth study to be done, youth/teen study indicating needs within the community.

4/25/94  
MINUTES

evaluation and eventual awarding of contracts on a competitive basis

an a policy for

Councilmember Baxter moved to approve the requests as proposed by staff, with the Recreation Coordinator position being established as a temporary full time position funded for a period of 19 months, after such time a review and utilization analysis can be accomplished. Councilmember Myers seconded and the motion passed unanimously.

CONSENT AGENDA:

1. **March, 1994 Payroll in the amount of \$483,331.43.**
2. **4/11/94 Claims in the amount of \$293,338.14.**
3. **Acceptance of Smokey Point Blvd. & 172nd St. Utility Relocation Project and Begin the 30 Day Lien Filing Period.**

Councilmember Myers moved and Councilmember McGee seconded to approve Consent Agenda Items 1, 2 & 3.

Councilmember Pedersen asked about Voucher #19323, \$537 for printing pawn tickets and Asst. Finance Director Berg stated she would check into this further.

Councilmember Baxter stated he would be abstaining on Voucher #19360 and Councilmember Leighan stated he would be abstaining on Voucher #19407.

The motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **A Resolution of the City of Marysville Stating Its Intent to Annex Certain Unincorporated Area, Known as Palmer Tracts Annexation into the City and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

Councilmember Leighan moved and Councilmember Wright seconded to adopt Resolution #1671. Motion passed 6-1 with Councilmember Pedersen against.

2. **A Resolution of the City of Marysville Reversing the Decision of the Hearing Examiner and Denying a Rezone and Variance for Property Owned by David Thorpe/Pearl McDaniel.**

Councilmember Pedersen moved and Councilmember Herman seconded to adopt Resolution 1672. Passed unanimously.

LEGAL MATTERS:

1. **Anti Crime Resolution.**

Councilmember Pedersen moved that the AWC Anti Crime Resolution be adopted by Marysville, with "Marysville" being inserted where appropriate and authorizing the Mayor to sign and the City Attorney to transmit Resolution #1673 by fax to Councilmembers. Councilmember Herman seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. **Subdivision Code; MMC Chap. 20; PA 9304013.**

Postponed to 4/25/94.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:50 p.m.

- |                |             |
|----------------|-------------|
| 1. Litigation  | (No Action) |
| 2. Personnel   | (No Action) |
| 3. Real Estate | (No Action) |

RECONVENED & ADJOURNED: 11:24 & 11:25 p.m.

Accepted this 25<sup>th</sup> day of April, 1994.

*David Weiser*

MAYOR

*Mary Jensen*

CITY CLERK

*Standa A. Averson*

RECORDING SECRETARY