

MARYSVILLE CITY COUNCIL MINUTES

OCTOBER 14, 1991

6:00 p.m.

Council Chambers

Present: Rita Matheny, MayorCouncilmembers:

Ken Baxter, Mayor Pro Tem

Dave McGee

Dave Weiser

Donna Pedersen

Donna Wright

Lee Cundiff

Bob Lashua

Administrative Staff:

Carolyn Sanden, City Administrator

Grant Weed, City Attorney

Phil Dexter, Finance Director

Roger Kelley, Community Information Officer

Dave Zabell, Public Works Director

Steve Bennett, Associate Planner

Doug Ronning, Fire Chief

Jim Ballew, Parks & Recreation Supt.

Mary Swenson, Asst. to the City Administrator

Wanda Iverson, Recording Secretary

CORRECTED: SEE 10128191
MINUTESEXECUTIVE SESSION:**1. Pending Litigation.**CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:05 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Cundiff noted on page 5, in the second paragraph, in the minutes of the October 7, 1991 meeting, that Mr. "Leverman" should be "Leatherman".

Councilor Pedersen noted on page 15 under Call on Councilmembers, Councilor Pedersen was referring to "a portion of a lot" rather than "a nuisance area called Plats Plus".

Councilor McGee moved and Councilor Pedersen seconded to approve the 10/7/91 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Parks & Recreation Supt. Ballew addressed Council with a request from the Marysville Junior Athletic Assn. who wish the City to take over the youth basketball program serving approx. 900 students. He said the school district recommended the City be approached with the request and they (MSD) have volunteered use of their computers for the program for the first year. It was noted that the City does not have the funds budgeted to put the league on however all the fees and seasonal personnel would be covered by registration fees, however a part time person would be needed to work for one month on data entry/scheduling, etc. He said the program needs to start in 2 weeks and it is felt this is an excellent program, one worth supporting by the City for the first year. Parks & Recreation Supt. Ballew further suggested that an advisory board be set up with dedicated funds although no registration fees have been paid as yet. It was noted the MJAA program has been in existence for 31 years.

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Finance Director Dexter stated he did an analysis and felt the City could do the same as has been done with softball and basketball programs in the past, taking funds out of the Parks Dept. account/budget. He stated he would like to see the Parks Dept. do the actual subsidiary accounting and there would be a budget amending ordinance with a special accounting of the funds.

Councilor Cundiff asked if this wasn't actually an advance out of the General Fund and Parks & Recreation Supt. Ballew said yes, for about 3 weeks.

Councilor Lashua asked about carry over funds and Parks & Recreation Supt. Ballew said yes, the Parks Dept. does have carry over funds in the amount of about \$1500. He mentioned something about equipment acquisition/purchase.

Councilor Pedersen asked if the school district's liability insurance would cover this program because of use of their facilities and Parks & Recreation Supt. Ballew said yes, to a certain extent, but the City still needs to notify the City's insurance carrier, also. He indicated a minimal premium cost.

Councilor Baxter moved to authorize the agreement with the Parks Board and the MJAA to assume the basketball league. Councilor McGee seconded and the motion passed unanimously.

MAYOR'S BUSINESS:

Mayor Matheny appointed Councilors Wright, Pedersen and McGee to the Budget Review Committee.

STAFF'S BUSINESS:

City Administrator Sanden commented that the Budget will be reviewed in a couple of weeks with the Council Committee and will probably consist of a full week of half days.

CALL ON COUNCILMEMBERS:

Councilor McGee reported he accompanied Chief Dyer last Friday night for 4 hours and it was a real experience.

Councilor Weiser asked about City paychecks being a couple days late last week and Finance Director Dexter said he was not aware of any late checks, that perhaps there was some misunderstanding but he could not ever remember the checks being late.

Councilor Baxter said he had been approached by a pioneer family who wants to donate historical records to the City and he asked about the possibility of storing them in the old furnace room at City Hall. City Administrator Sanden said she would follow up on this.

Councilor Baxter welcomed a City Councilmember and Mayor Kraski from Arlington, in the audience.

Councilor Pedersen followed up on a pile of rubble that she had reported and Associate Planner Bennett said he would be following up on having the rubble removed.

Councilor Pedersen asked about setting up the advisory board for the merger/agreement between Fire Dist. 12 and the City Fire Dept. and City Attorney Weed explained this was on the agenda for later this evening.

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Councilor Wright commented on the tremendous success the Safety Fair was this weekend at the Mall and she particularly mentioned the three firemen who worked the Smoke/Safety House on their hands and knees, showing children how to escape a housefire.

Councilor Cundiff asked about the traffic count/traffic signal progress at 51st & Armar and Public Works Director Zabell said he would be reporting on this at the 10/28/91 meeting.

Councilor Lashua reported fresh headlight glass at the corner of 4th & Cedar this morning and again explained that he feels strongly that the attending tow truck or police should clean it up after an accident. He said also, there's been lots of speeding on South State.

Councilor Weiser said he noted a lot of speeding all over town and as far as the broken glass on the roadway, he suggested the possibility that the accident may not have been attended by the police or towing company at all and the glass just got left there as the aftermath of a "fender bender".

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

CORRECTED: SEE 10/28/91
MINUTES

John Seehn, new manager of TCI Cablevision, addressed Council with a proposal regarding Channel 18. He explained that on Nov. 8 they would like to air the Mike Tyson-Evander Holyfield fight on Channel 18. He stated he had met with the access channel committee and they were in favor of the idea. He stated it would involve people having to subscribe for \$39.95 up to 11/5 and after that, it would be \$49.95, with no commercials. He also explained that the main reason for having to use Channel 18 at this time would be that de-scramblers have to be used and they can only get Channel 18 descramblers at this time.

Councilor Baxter objected to use of Channel 18 after all the negotiations the City had to go through but Councilor Cundiff stated he understood that TCI has another channel they will be using at a later time.

Mr. Seehn confirmed that after this, they would be using Channel 36 but they could not obtain Channel 36 descramblers at this time. With regard to the descramblers, he added there would have to be some testing of them and this would mean an hour a day for three days prior to the fight set aside for people to test their descramblers on Channel 18 to verify that they work.

Councilor Baxter reiterated that the City spent a lot of time and money to get Channel 18 and Councilor Cundiff agreed, but pointed out that this would be a one time thing.

Mr. Seehn pointed out that the cities of Marysville and Arlington would get 5% of the gross receipts as per the franchise agreement.

Councilor Lashua explained that the access channel advisory committee met with Mr. Seehn and he answered all the committee's questions this morning and the committee voted unanimously for this to be approved.

Councilor Cundiff moved to approve the TCI request for one time, including the pretesting as outlined. Councilor McGee seconded.

There was discussion about confusion being created with Channel 18 viewers and Mr. Seehn said they could do an announcement telling people about the changes and he added that Channel 18 may end up

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with new watchers as a result of their having to test their equipment/descramblers for the fight.

Mary Swenson, Asst. to the City Administrator, added that TCI did intend to advertise that this event would be occurring (if approved by City Council) and it would be extremely carefully worded so that it won't look like an advertisement.

A roll call vote was taken with Councilor Baxter the only one casting a dissenting vote. The motion passed.

Arlington Mayor Bob Kraski then addressed Council and first of all stated he was very enthusiastic about the upcoming Channel 18 fight. He invited the Marysville City Council to resume negotiations with Arlington and to form a committee to get together with Arlington regarding the respective Comprehensive Plans, noting that the Arlington and Marysville boundaries overlap. He said he felt these discussions would be of mutual benefit to both cities.

Mayor Matheny stated this item was already on the agenda for tomorrow, when the City of Marysville was going to approach Mayor Kraski about the same thing and she stated Marysville is looking forward to the negotiations with Arlington. She thanked Mayor Kraski for coming personally to the Marysville City Council meeting this evening.

PUBLIC HEARINGS:

1. Northwest Annexation (Leifer).

Consultant Hirashima explained that on 8/26/91 the Council approved a reduced boundary and she gave the boundaries, noting that this annexation consists of 450 acres and has been proposed by the petition method. The area is carried by petitions (45%) and covenants (16%), she said and added that it is within RUSA and the proposed Urban Growth Boundary Area. She did note that there is a boundary irregularity issue and there are three annexations currently pending: this one (Leifer), Quil Ceda Auto Annexation and the Nobach annexation. She noted that the Northwest Annexation is contiguous to City limits at one point and would carry over existing county zoning.

City Attorney Weed noted that a letter had been received from the Marysville Community Action Network dated 8/30/91 with regard to the covenants in Indian Creek Estates, questioning their validity because of the signature on the covenants and language in the covenants. He stated he researched this and in fact the validity of the covenants is questionable because the covenants were signed by a different person other than the owner of the property (Westmark) at the time. Therefore, the petitions would not equal 60% and he recommended that the annexation boundaries be reduced by the amount represented by the covenants in this annexation.

Wayne Leifer, 13001 Old Highway 99, addressed Council and read a statement. He noted that this annexation was not an easy one for him to convince others that it was the right thing to do and he noted the various objections people had to change. He apologized to those not wishing to be in the City, stating they can't be excluded if the annexation goes through with the majority of the people/assessed valuation in favor. He noted that growth is something that we have to face up to and he said he felt the most important benefit would be that tax revenue would remain within the City, especially the revenue from the industrial park. He stressed that there is no commercial or ag use that is being replaced and that he knows from experience that the City is easier

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to deal with than the county. Another benefit would be lower or the same taxes, and he pointed out that you can't stop growth and just because people have their "spot" is no reason to try and prevent others from coming in. He added that he has lived in the community for close to 70 years and sincerely hopes the annexation will be approved by the Council.

No one else wished to speak in favor and the Mayor then opened up the hearing to comments from those against the annexation.

Warren Pelletier addressed Council and stated that he had come here about four years ago with the intent of being in the county. He said he doesn't take a newspaper but was told he would have to sign an annexation agreement if he wanted water. He stated he signed this under duress plus he paid out a lot of money and objects to not being notified of the pending annexation until a week ago. He concluded that he is definitely opposed to this annexation.

Dan Lester, 11916 38th Av. NE, addressed Council and stated he moved here 3 years ago. Because of surface water on 38th and around the Leifer's property, he said it was recommended no further development be done and so now he can't see where bringing that area into the City would be of any great value. He concluded he is opposed to the annexation.

Mike Papa, 9128 58th Dr. NE, addressed Council, representing Marysville Community Action Network and he stated they are opposed to the annexation. He then proceeded to outline several reasons why, including their opinion that the 60% petition method puts "money before people", with a small number of people taking the lead; the question of legality with respect to the no protest covenants; inconsistency with Snohomish County Tomorrow plans for the area; because of a lack of subsidy on approval of annexation, the City will see more expenses and there is an issue of irregular boundaries, he noted.

Councilor Lashua asked Mr. Papa about his understanding concerning mitigation under the county's Title 26A, 26B and 26C and Mr. Papa compared the City and county mitigation fees: Parks mitigation \$800 to \$900 in the county, the City having a voluntary donation for mitigation; for roads \$3-400 in the county and he said he was not sure on the schools. In other words, Mr. Papa said he believed the county would collect more of the true costs than the City and not have to subsidize these costs.

CORRECTED MINUTES 10/28/91

Councilor Lashua pointed out that the City has made it a policy that the developer must collect mitigation in the City.

Celeste Eagle(??), 41st NE, addressed Council and said most of the property is open, that her family does not currently have sewer or water and she would have had to pay approx. \$25,000 for sewer and water. She pointed out that the map has very irregular boundaries and hardly any population so she is questioning if it's a developer who is looking at this property. She stressed that they want to stay in the county with their animals, etc., which time and time again she has seen phased out whenever people get annexed in.

Mayor Matheny pointed out that you can even have a farm within City limits but Mrs. Eagle(??) said it's been her experience that animals tend to get phased out.

Councilor Cundiff asked if it is her understanding that remaining in the county would insure no development.

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Ms. Eagle(??) said no, not entirely, but that she felt development would be slowed down for awhile because there's a minimum of 5 acres in the county before you can develop and it's less in the City.

Councilor Lashua pointed out that zoning will not change because of annexation and Ms. Eagle(??) responded that most of the people around her like having a little bit of room and she added that she has seen things change when you get annexed; there's a lot of pressure from developers down the road, she said and annexation may be appropriate later on but not at this time. She said that further, she cannot see any benefits and they have lived here for three years and wanted to be in the county. She explained that they looked for 2 years for this place and wanted to stay out of the City with their horses, chickens and other animals. She said it's their feeling people could go and live in one of the developments east of the City, if they want to be in the City so badly.

Mrs. William L. Brown, 100th NE, addressed Council and proceeded to explain that the only access to her property is by way of 88th and the mileage is actually 2 miles from State by the time you reach her home. In other words, the proposed annexation includes a 1-1/2 block "island" and to get to it, you would have to use county road and she said she does not see the logic for this. She said she does not see why the creek wasn't used as the dividing line.

William R. Wilson, 3628 122nd St. NE, addressed Council, stating he has lived there for 1-1/2 yrs. He said they moved here because it was out of the City and yet close enough to work and he sees a lot of land north zoned commercial that looks like a good area to be developed industrially and for new homes. He stated he has City water but from 116th north to 122nd, these are people most likely to be forced to get on to the City systems and it's going to cost a lot of money to get hooked up. One of Mr. Leifer's comments was that a lot of people can't use their land for farming any more so that means development, Mr. Wilson deduced and stated that they moved here because he heard Marysville was going to hold off for awhile, going to step back and take a look at things and so he concluded he is against expansion. As far as fire protection, police protection, etc., he said he would like to put that cost off as long as possible; this is their first house and every dollar counts, he said.

Mayor Matheny pointed out that she has lived in her house for 26 years and has never been forced to hook up to water and sewer, that is not an automatic thing when you live in the City, she said.

Bob Hayman, 3831 100th Pl. NE, addressed Council and stated he is confused about the whole annexation process. He stated he is in the same area as Mrs. Brown, which is a contiguous area but with no access except on 88th St. which is not proposed for annexation, he noted. This area is all on well and septic, he pointed out and he said he questions the benefits for the residents and do they get to vote on the annexation? He asked if police service would be extended to the annexed area and if there is going to be some kind of change in that area regarding development. He pointed out that most of the area is already developed except for a small area not contiguous to the City.

Councilor Pedersen asked if he had received any annexation information and Mr. Hayman said he had received a brochure a couple months ago about a different annexation.

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Community Information Officer Kelley explained the annexation brochure/information was sent out at the 10% stage--369 brochures were mailed and 404 notices sent out for the public hearing tonight. He added that he could make these brochures available at City Hall tomorrow for anyone interested. He stated that as far as fire protection, there would be no change because of the merger and as far as police protection, there are actually more police officers per capita in the City than the County.

(Several people in the audience spoke up about lack of notices and brochures.)

City Attorney Weed stated that state law has actually been exceeded with regard to the notices that were sent out, that state law only requires posting and advertising in the newspaper.

Consultant Hirashima stated their office (Shockey/Brent) obtained mailing labels from the Snohomish County Assessor's office and they made every effort to notify people, even if the label was for a mortgage company or bank, in which case, a notice was sent to the residents as well. She added that 10 signs were posted within the annexation area, on arterials, for which Mr. Leifer was responsible.

It was noted that there was now some testimony to be received in favor of the annexation and so Councilor Cundiff moved to reopen that portion of the public hearing. Councilor Wright seconded and the motion passed unanimously.

Fotis Koutlas, 2916 79th Av. NE, Everett 98205, addressed Council, explaining that he now lives in the Lake Stevens area but his family and he have owned property just south of 116th since 1919. He said he is living on 5 acres now and soon after he moved there, Hewlett Packard and Belmark started developing around him, so he can see people's points with regard to development. He said he was on a 22,500 lot and now it's 9600 with wetlands having changed the zoning. It's now less than Everett requirements, because the county is now allowing development on 5000 sq. ft. in the county, he stated. He assured people that growth is going to happen whether you are in the City or not and his biggest objection is that the City has provided water and sewer to areas outside of the City and people don't owe a thing to the City of Marysville. With regard to the new road to Smokey Point, he said the county has actually leap-frogged up to 172nd and they have taken the money away from north Marysville and sent it up to Smokey Point. This annexation is not farmland and you can't grow anything there except a few strawberries, he said; there's no farms out there any more, Marysville is growing, septic tanks are going to have to be replaced with sewers and people are going to have to put in Marysville water, he warned. He concluded that he is supposedly "in the country" but actually in the same position as the people who just testified against the annexation.

Alan Fabian, 8103 53rd Pl. NE, addressed the Council, stating he is just out of City limits and has been for many years, up next to Sonotherm Insulation. He said he wanted a place to site a business and purchased the land in 1977. He said he understands the land is zoned for light industrial, not residential and when he went in to get a building permit in 1983 or 1984, he knew the land had been exhausted for ag--it's light industrial and very valuable--too valuable for houses, he pointed out. He concluded that he would like to see that tax base included in Marysville.

City Attorney Weed read a letter from Edwin Carlson in support of the annexation, into the record.

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Councilor Cundiff said he thinks there's a misunderstanding about being forced to hook up to sewer; that he has lived in his home for 26 years and is still not on sewer. If your septic tank goes bad or you are within 200', you have to hook up but otherwise, you don't, he pointed out.

Steve Leifer, 12709 Hwy. 99, addressed Council and said he has heard a lot of concerns and the are where there is a lot of concern already has a ULID in place. Anyone else would have to bring in their own ULID when that time comes, in other words, the areas where development would occur already have utilities in place, he said. He continued by saying he thinks the reason this was put together is to do with an industrial rezone and the City would get more revenue from an industrial park and it's high time we brought in jobs and revenue into the community, he stated. There are a lot of people who have had to move away to find jobs and maybe we can change some of that, he pointed out. The proposed annexation area is in the Marysville School District, has Marysville utilities and Marysville addresses and he said he thinks they should be in the City of Marysville with a voice as far as what goes on with utilities and City government.

The public testimony portion of the hearing was closed at 8:47 p.m.

Councilor Weiser asked how many people are involved in the proposed annexation and Consultant Hirashima said she didn't have that figure, however she had some comparisons of 1990 taxes and utility rates. She said in the City, for 1990, a \$70,000 home would be assessed \$904.23 in taxes and in the County, \$905.00. Water and sewer in the City in 1990 was \$11.00 and in the County \$18.00.

Councilor Pedersen said she appreciated that people that received the annexation brochures may not remember the information and she would suggest the brochure be available at public hearings.

Councilor Baxter said the City has been blamed for creating a lot of annexations and someone has to sell some property in order to instigate an annexation; people should be having neighborhood meetings, too. He said he keeps hearing the same stories and it's obvious people are not getting the correct information.

There was a question regarding clarification on the status of the 3 pending annexations and City Attorney Weed explained that some of the covenants were not valid in the Quil Ceda Annexation, particularly in the Indian Creek Estates area and without them, the petitions come to less than 60% of assessed valuation. On the Leifer annexation it has to be considered as to whether the Quil Ceda annexation will affect this or not and he said his recommendation is to request the Boundary Review Board to not include Indian Creek Estates or have another public hearing which would then affect the amount of contiguous boundary within the City of Marysville.

Councilor Lashua asked about the Nobach annexation and Councilor Pedersen suggested that a determination be made on the Quil Ceda annexation first.

Councilor Lashua said he would support the shrinking of the Quil Ceda annexation and put Leifer on hold until a later date.

Councilor Weiser said he would prefer Council shrink the boundaries vs. sending it to the Boundary Review Board to shrink boundaries.

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Councilor Pedersen said she would like to reschedule the Quil Ceda annexation public hearing also and then moved to withdraw the Notice of Intent to the Boundary Review Board regarding the Quil Ceda annexation and reschedule the public hearing concerning the covenants to 10/28/91. Councilor Wright seconded the motion.

After brief discussion about the 10/28 agenda, the motion passed unanimously.

Councilor Pedersen then moved to continue the Northwest (Leifer) annexation to 11/4/91 and to leave the public hearing portion open. Councilor Lashua seconded and there was brief discussion with regard to taking additional public testimony.

The motion passed unanimously.

BREAK: 9:05 to 9:15 p.m.

CONSENT AGENDA:

1. Approval of Claims in the amount of \$262,727.73.

Councilor Lashua questioned voucher #3547 in the amount of \$1400 and it was explained this was for Hepatitis B vaccine for the Fire Dept. for a 3 year supply.

Councilor Lashua questioned voucher #3581 and 3584 for physical exams and it was explained that the \$301 item was for a pre-employment exam and included serology labs, X-rays, EKG and multi-phasic testing; the \$625 check was for 13 prisoners.

Councilor Lashua questioned voucher #3693 for \$526 and it was explained this was for 5 cases of shampoo and 6 cases of toothpaste for the jail.

There was discussion about storage space for jail supplies, having a purchasing agent, more information regarding whether this is a year's supply or what, with City Administrator Sanden stating she would have more information in the Friday Briefing.

Councilor Lashua moved and Councilor McGee seconded to approve the claims. Passed unanimously.

2. Angle Parking Request 7th St.

City Administrator Sanden stated the City has received a letter from the Chamber of Commerce who support business owners requesting angle parking and Public Works Director Zabell added that all business owners are in favor and the City will be responsible for the striping.

Councilor Cundiff moved to approve the request for angle parking as per the Public Works staff recommendation and Councilor Weiser seconded. The motion passed unanimously.

There were a few comments regarding length of the job, delays, etc.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Hearing Examiner Decision - Rex Hensrude, Shoreline Development Permit & Conditional Use Permit.

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Consultant Hirashima explained that the hearing examiner has recommended approval of the request and she reviewed the staff report, public hearing minutes of 9/12/91 and noted there are 8 recommended conditions.

Councilor Cundiff asked about the staff recommendation for a sight obscuring fence and Consultant Hirashima stated a 60% solidity of the fence had been recommended.

Rex Hensrude (applicant) addressed Council and said he has proposed to install a solid metal fence.

Councilor Lashua asked about the berm and Mr. Hensrude admitted there had been a berm problem but it was taken care of long before the public hearing.

Mayor Matheny asked for clarification of the location and Mr. Hensrude explained it is at the end of 47th on Allen Creek, not Quil Ceda Creek as some people have thought.

Councilor Weiser asked about the final determination on the set-back and Mr. Hensrude said 25' had been determined to be adequate.

Councilor Lashua moved to approve the request as per the hearing examiner's recommendation and Councilor McGee seconded. The motion passed unanimously.

2. Adoption of Coordinated Water Study.

City Administrator Sanden gave an overview, explaining the RCW under which the agreement was formed, noting this represents a cooperative effort between Snohomish County, Tulalip Tribes, PUD, the Dept. of Health and surrounding jurisdictions. She reviewed the need, existing and projected land use for the next 50 years, service area, with each jurisdiction to "provide a safe and adequate water supply in a timely and reasonable manner", being the underlying goal.

She talked about contingencies for non-viable systems, in the event jurisdictions are not able to provide safe and adequate systems, classification of existing systems, there being 600 systems within the Critical Water Study Area, unclaimed systems, going to PUD for agreement/service, water conservation program, wells and ground water management, regional supply system/JOA, interties, data management/coordination of information through the county, administrative framework.

Councilor Baxter gave a history of the study, noting it was started in 1985 when the Tulalip Tribes had asked Jones & Stokes to do a study and then Marysville had got involved with the Tulalip Tribes. Since then, he said Marysville has taken the lead and Jones and Stokes helped form Sno-Water with everyone except Granite Falls and PUD joining that group. Sno-Water was dissolved in 1991 and he listed all the people involved over the years. He noted that from 1985-88, it took 3 years to convince the county to take the lead and in 7/88 they finally did. There were 13 drafts, many meetings, with the final documentation coming before City Council tonight as the culmination of many hours of meetings and review. He said 10/24/91 would be the final meeting of the Critical Water Study but not the final meeting of the water purveyors committee who will oversee the application of the agreement.

Public Works Director Zabell said one of the first issues was to review and establish a service area and he passed around a map in-

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cluding the overlapping area with PUD. He said service areas will each be identified by each jurisdiction with adjustment possible under mutual agreement of the parties. The total agreement is to be reviewed every five years, he noted and commented on minimum design criteria and standards adopted as well as construction standards, including pressure testing, disinfection, metering, cross connections, interties, hydrant spacing, fire flow and rates, protection in overlap area, satellite system management area.

Some of the other elements covered are how each city would be responsible for all new water system operation, water supply requirements to the year 2040, considering our projections as well as homeporting information, per capita water use, data being based on the Office of Financial Management population figures.

He also itemized action items: Joint Operating Agreement, west Lake Stevens pipeline, negotiations for JOA, Phase II of the pipeline, planning to start probably in 12 years.

City Administrator Sanden said once adopted, the plan is designed to base decisions on, with the second part of the plan for Comprehensive Plans to be brought in line to recognize additional service areas, etc. This will then be submitted with the County who will review it for inconsistencies with land use, she said. She added that the County Council has 60 days to review it and then it goes on to the Dept. of Health and they also have a 60 day review period. The plan is to be reviewed every 5 years by the WUC Committee, she said and noted there are two primary areas of concern at this point--land use development with respect to the appeals/approval process and data collection.

Councilor Lashua asked about the "disputed area" and Public Works Director Zabell said that pertains to joint use facilities, eg. Edwards Springs was identified as a potential joint use facility but that has to be agreed to by parties involved.

City Administrator Sanden stated the agreement says we will look at interconnecting systems and Public Works Director Zabell added that Edwards Springs is "suggested" only for joint use, in other words.

City Administrator Sanden pointed out that as far as disputed area --the problem is who can best serve that area and these are still being reviewed.

Councilor Baxter said that with regard to Edwards Springs and the Stillaguamish River, Marysville has not given up any water rights but if we expect to use these sources, we would have to bring up the water standard of quality and he added that for example, Warm Beach has not been able to come to terms with the adjoining water purveyor and Marysville could provide Seven Lakes with the water, who would then be required to pass it along to Warm Beach. He stated the whole program/goal is to distribute water to the needed areas and to foster cooperation.

City Administrator Sanden said staff is looking for approval of the plan with a resolution to be adopted, at this time.

Councilor Baxter moved to instruct the city attorney to write a resolution with City Council's approval of the Coordinated Water Study. Councilor Cundiff seconded and the motion was approved unanimously.

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ORDINANCES & RESOLUTIONS:

1. **Resolution Denying a Variance Under Marysville Code Section 14.32.060 for the Noretap Property Located north of 188th St. NE, west of Highway 99, Arlington, Washington.**

Councilor Wright moved and Councilor Weiser seconded to approve/adopt Resolution #1502. Passed unanimously.

2. **Resolution Amending Resolution No. 1491 Relating to the Findings, Conclusions and Decision Concerning the Marysville Golf Center.**

Councilor Pedersen moved and Councilor Wright seconded to approve/adopt Resolution #1503. Passed unanimously.

3. **Resolution Granting Variance to Centex Real Estate Corp. for a Temporary Sales Office.**

Councilor McGee moved and Councilor Wright seconded to approve/adopt Resolution #1504. Passed unanimously.

LEGAL MATTERS:

1. **Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities.**

Fire Chief Ronning referred to the packets and explained this is the last draft of the contract that's been under study for about a year with the study prior to that lasting about 6 years. He noted that City Council was given a Joint Operating Agreement for the merging of Fire Dist. 12 and Marysville Fire Dept. and they now need to have a joint board set up to make decisions that would implement the contract, set up a 1992 budget, set up a working contract with the firefighting employees, appoint a chairperson of the board, etc.

Councilor Baxter noted that a bank account needs to be set up also and the name of the entity was discussed. Chief Ronning recommended that the name end in "District" rather than just "Marysville 12 Fire".

Councilor Pedersen commented on the tremendous cooperation of the whole group and how easy they were to work with.

Mayor Matheny thanked everyone on the committee for the tremendous effort and time commitment.

Councilor Weiser said that areas of disagreement were compromised in a professional manner and he was also impressed with the cooperation of the group.

Councilor Baxter made some comments regarding the history of the group and the effort spent in negotiation of a very delicate issue.

Councilor Weiser commented on the name and said it really didn't matter, whatever they wanted to call themselves, was fine with him.

Councilor Baxter moved to approve the Joint Operating Agreement with Fire District 12 and Councilor Lashua seconded. The motion passed unanimously.

Mayor Matheny asked that Councilors Weiser, Baxter and Pedersen

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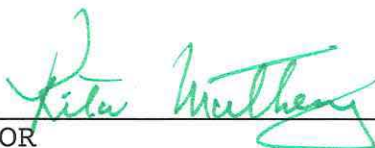
continue on the committee to oversee initial implementation of the joint operating agreement.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:25 p.m.


1. Pending Litigation.
2. Personnel.

RECONVENE AND ADJOURN: Approx. 11:20 p.m.

Accepted this 28 day of October, 1991.



MAYOR



CITY CLERK



RECORDING SECRETARY