

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPTEMBER 12, 1994 08118

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Mayor Weiser excused

MINUTES OF PREVIOUS MEETINGS: 9/6/94 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

1. 8/94 Payroll in the amount of \$499,632.81
2. 9/12/94 Claims in the amount of \$784,142.07
3. Larry Gable Rezone; PA 9402006

STAFF BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

1. Puget Sound Light Rail Transit Society; Commuter Rail (Tacoma to Arlington); Marc Silver Information Only
2. Skateboarding - Jim Ballew Cont. to 9/26/94

PUBLIC HEARINGS:

1. Borseth Const. Variance Approved

REVIEW BIDS: None

CURRENT BUSINESS: None

NEW BUSINESS:

1. Sno. Co. Hotel/Motel Grant Application Prioritization
  1. Merrysville for the Holidays
  2. Msvl.Sights & Bites Festival
2. Viking Estates Prel. Plat Approved
3. Title 10 Animal Code; Planning Commission Recommendation PH set for 10/3/94

ORDINANCES & RESOLUTIONS: None

LEGAL MATTERS:

1. Interlocal Agreement for Animal Shelter Svcs. & Office Space Mayor auth. to sign w/chgs in boundaries as outlined in letter from City Atty.

RETREAT TOPICS: Agenda set for 10/21 & 10/22/94 (See Minutes)

ADJOURNED INTO EXECUTIVE SESSION: 11:33 p.m.

1. Personnel No Action
2. Potential Litigation No Action

RECONVENED & ADJOURNED: Approx. Midnight.

MARYSVILLE CITY COUNCIL MINUTES

00149

SEPTEMBER 12, 1994

7:00 p.m.

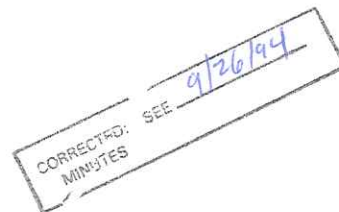
Council Chambers

Present: Dave Weiser, Mayor (excused)  
Donna Pedersen, Mayor Pro Tem  
Councilmembers:

John Myers  
Ken Baxter  
Donna Wright (7:04 p.m.)  
Mike Leighan  
Otto Herman (7:03 p.m.)  
Shirley Bartholomew

Administrative Staff:

Janet Berg, Asst. Finance Director  
Gloria Hirashima, City Planner  
Ken Winckler, Public Works Director  
Grant Weed, City Attorney  
Jim Ballew, Parks & Recreation Director  
Dave Zabell, City Administrator  
Walt McKinney, Asst. Police Chief  
Wanda Iverson, Recording Secretary



CALL TO ORDER:

Mayor Pro Tem Pedersen called the meeting to order at 7:00 p.m. and asked Councilmember Leighan to lead the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Bartholomew moved and Councilmember Herman seconded approval of the 9/6/94 Council meeting minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **8/94 Payroll in the amount of \$499,632.81.**
2. **9/12/94 Claims in the amount of \$784,142.07.**
3. **Larry Gable Rezone; PA 9402006.**

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously. (Councilmember Leighan abstained from voting on Voucher #21242 and Councilmember Baxter abstained from voting on Voucher #21170.)

STAFF BUSINESS:

City Administrator Zabell reminded Council of the upcoming Cities and Towns meeting 9/20 in Arlington and that RSVPs should be in by 9/15. With regard to the Council Retreat, he noted several issues have been suggested for the agenda, a location needs to be discussed as well as dates. It was the consensus, after brief discussion, to have the retreat on October 21 and 22. Possible agenda items: Crime, Gang Briefing, City Hall issue, Budget Process, Future Revenue Sources, Economic Development, Annexation Policies Review, Landscaping & Streetscaping Standards, Utilities. It was decided to discuss this later on the agenda tonight.

City Attorney Weed reported his office has been in the process of conducting training for the Marysville Police Dept. regarding the new DWI statute. Also, the current Public Defender has given notice of termination effective 9/30/94 and letters have been sent out searching for an interim public defender.

City Planner Hirashima reported the draft transportation plan will be reviewed 9/13 at the Planning Commission meeting; the Poortinga/Sunnyside interlocal agreement is being worked on also.

Public Works Director Winckler stated the engineering selection for the 6 million gallon reservoir project is underway and the committee will be making a recommendation to Council 9/26. With regard to the Jones & Stokes wetland mitigation analysis/consultation services, he summarized Jones & Stokes' history and future plans for 23 wetlands in the Marysville area. He reported there is going to be a water shutoff for at least 2 days, 8 hours a day, in the immediate vicinity of 83rd Av. & 64th St. because of a problem in the system and this will affect about 50-100 homes. He passed out copies of a WSDOT letter concerning a 4-way stop (interim action only until the traffic signal can be installed) at 67th & 528.

After considerable discussion about the safety concerns, it was decided to draw up a resolution citing the many reasons why we need a 4-way stop (interim measure) at that intersection, noting any reasonable agency would recommend it, resolution to be given to the Superintendent of Schools for their concurrence. Councilmembers to stop by City Hall tomorrow to sign the resolution. It was also suggested a copy of the resolution be sent to the 38th and 39th District Representatives as well as to WSDOT in order to try and expedite the process, now that school is in session.

Public Works Director Winckler reported on PUD luminaires that people have been reporting as malfunctioning. PUD is to follow up on these.

Public Works Director Winckler reported on changes made at State and Grove and said he would follow up on the 5th & State situation, per Mayor Pro Tem Pedersen's request.

CALL ON COUNCILMEMBERS:

Councilmember Herman reported at length on what happened at the PSRC meeting where they discussed the alternative airport issue. His conclusion was that after all the objections given, the Marysville and Arlington sites are still going to be considered and there didn't seem to be any logical reason why.

Mayor Pro Tem/Councilmember Pedersen reported the Health Board and the Fire Board will both be meeting tomorrow, presumably at different times. She asked about 70th & 57th, noting it looks like pavement and grasscrete have been installed. City Planner Hirashima stated she would check with Centex tomorrow; they may be putting up a chain link fence.

Mayor Pro Tem/Councilmember Pedersen reminded everyone to vote 9/20/94.

Councilmember Bartholomew asked about 9-1-1 information disclosure/confidentiality regarding a patient's condition and the new law requiring all calls to be treated as though the patient has a communicable disease. City Administrator Zabell stated Dispatch treats all calls that way now. City Attorney Weed added his office has provided legal analysis with regard to the RCW covering that.

PRESENTATIONS:

1. **Puget Sound Light Rail Transit Society; Commuter Rail (Tacoma - Arlington); Marc Silver.**

Mr. Silver gave his address as 2809 Lakewood Rd., Arlington and stated Puget Sound Light Rail Transit Society was developed 4 years ago to determine the needs of the community. He explained RTAs are being formed now and have come up with three options: 1) low cost improvements in transportation (mainly more buses); 2) middle class option (buses and light commuter rail improvements); 3) heavy rail which could cost as much as \$13 billion.

He stated the middle option is most likely to pass and that's the option they are concentrating on; we have a tremendous opportunity to utilize existing rail from Edmonds and Everett to Arlington. He listed some of the advantages of commuter light rail as tying together the communities, social and economic cohesion, plan to have a commuter train once an hour and tie it in with bus network as a superior alternative to automobiles. He noted Boeing employees would use light rail, it is less stress and expense to use, it would bring more tourists into Snohomish County and have less of a fragmenting effect, less auto congestion, could connect with ferries, Navy base, people could come to take hot air balloon rides, Boeing tours, walk or ride the Centennial Trail. He said with existing rails, the cost is estimated at \$79 million for adding a few stations and passenger cars. He added the RTA needs to have an adequate representation of the State for this option as opposed to simply trying to improve bus service; commuter light rail is more viable and would give us equity with the rest of the State.

Frank Hutchins, Chairman of Puget Sound Light Rail Transit Society, addressed Council. He said the secret is access, dependability, reliability and comfort and it's getting close to 70 cents a mile now in costs to run our automobiles, including hidden costs such as depreciation. He explained the advantages of rail and buses over autos such as coordination of schedules, less congestion and pollution. He pointed out that 76% in a recent survey were in favor of proceeding with light rail in King, Snohomish and Pierce County. He explained in Oregon recently people turned down a property tax increase but voted in favor of a tax increase for transportation improvements. He gave examples of San Diego and Sacramento who used existing track and kept costs down and noted Marysville and Arlington have a perfect opportunity here to use existing track. He stated the PSLRTR would like to see Marysville adopt a resolution or petition to ask to be included in the RTA; the Navy is willing to endorse this and would like to see Smokey Point and Lakewood included. He noted a once an hour diesel multiple unit would serve Marysville well and he indicated that is pictured in the handouts.

Councilmember Herman asked if Arlington has signed a similar resolution and Mr. Hutchins stated not yet. They will be making a presentation to Arlington within the week.

Councilmember Myers asked about speed of the commuter trains and Mr. Hutchins stated commuter rail would follow the same speed limits as freight traffic. He noted that commuter trains and freight trains can co-exist.

After discussion, it was the consensus to wait until Arlington has made a decision and then put this item on a Council agenda. Council wished more information on BN track improvement, eg.

## **2. Skateboarding - Jim Ballew.**

Parks & Recreation Director Ballew handed out a lengthy report and noted he had a video depicting skateboarding facilities in Moses Lake, Bellevue, Mercer Island and Seattle. He showed the video and talked about feasibility, possible site need and popularity, costs (\$16,000 to \$35,000 to build a skateboarding facility) and asked for direction from Council.



He did note he has heard from about 13 kids in the community who would like to sit on an advisory committee and would like to help with a solution. He added that kids do get tired of the facilities; the Mercer Island one is not used at all and will probably be turned into an art piece!

Councilmember Baxter asked about a private party running a facility like this and Parks & Recreation Ballew said that's a possibility; some of the facilities do charge the kids.

Lou Lyons, WCIA Executive Director, addressed the Council, explaining City owned skateboarding facilities are not something they are interested in insuring; it would be a situation for self insurance, he said. He added there are some issues you can't avoid but this is a high risk issue and "uninsurable" by private insurance carriers. He noted a lot of the skateboarding facilities fail due to lack of interest, lack of insurance, lack of protective equipment being worn, poor design; the good designs are professional U2 designs.

After more discussion, it was concluded that it is the high risk of the sport that makes it attractive but that's also what makes it uninsurable. Mr. Lyons said the City should not charge a fee because that increases the City's liability; the school district makes kids/parents sign waivers and the kids wear protective equipment, he noted. He added a warning that kids wear safety equipment doesn't necessarily make the City immune to liability.

There was discussion about youth activities and alternatives, Sea-sk8 pays \$12,000 per year insurance premium, liability for people in the parks and what kind of activities we should allow in the park, the short life span of the skateboarding facilities, exposure and experience factors.

Councilmember Herman moved to have this as a future agenda item after reviewing materials, 9/26/94. Councilmember Myers seconded and the motion passed unanimously.

Councilmember Bartholomew noted that perhaps Council could get together with the WCIA representative to discuss liability issues in detail and perhaps have a workshop on the topic.

PUBLIC HEARINGS:

**1. Borseth Construction Variance; PA 9404021.**

Mayor Pro Tem Pedersen reviewed procedure thoroughly and there were no disclosures or challenges/conflict of interest/appearance of fairness. City Attorney Weed swore in those wishing to testify.

Councilmember Baxter left Council Chambers at 8:50 p.m.

City Planner Hirashima reviewed the agenda bill.

Councilmember Baxter returned at 8:53 p.m.

City Planner Hirashima noted that two homes out of 6 do not require a variance and one of these homes is currently under construction; the lot size is over 5000 sf. The existing home will be rebuilt but setbacks will remain the same, she said, and so no variance is required there, either. She noted that the applicant intends to remove an existing barn. It was noted this is not a rezoning request but is subject to the 1978 Comp Plan, zoned single family medium density which would allow a duplex.

In response to Councilmember Bartholomew's question, it was noted the maximum height allowed under Residential 7200 is 35' without a variance.

CORRECTED: SEE 9/26/94 MINUTES SLB Low Leigh



There was discussion about different requirements of the code.

Todd Borseth (applicant), 5326 93rd Av. SE, Snohomish, addressed Council and submitted an elevation drawing. He used the overhead and explained alley vacation, property dimensions and road dimensions. He stated he has a building permit on Lot 10 which is currently under construction. He said he has held off on design on the others; his plan is for 1400 to 1500 square foot homes to sell at about \$130,000 which is about \$20 per square foot lower than normal. He explained this is what's considered affordable housing, especially for a 1300 sq. ft. rambler and he said he knows there are no houses in Marysville as inexpensively priced as that other than the ones he's built. He noted so far he has spent \$27,000 on sewer, about the same for gas and they have applied for deferment on the sidewalks. He said he thinks this is a good project and hopes Council supports it.

Herb Barstad, 7111 Armar Rd., Marysville, addressed Council, stating he is a building. He noted he was only allowed to build 3 houses on the same sized property Borseth is building 6 houses on and he also understood no construction was going to happen until the hearings were over. Now they have put in sewer and 6 stubs and he said he opposes uses of these substandard lots--Marysville has since adopted the UBC, since 1891 when these lots were platted and he said he thinks the only reason they are doing this is to make money and he thinks the Council needs to uphold current laws and codes. He said he wondered about the lack of logic being used here.

Beth Love, 5004 73rd Pl. NE, Marysville, addressed Council. She said they built their house 3 years ago--they have one house and a shop building on 3 lots; they could have built 3 houses. She said they feel this is a special granting of privileges and building these townhouses is not complying with the MMC. She commented on the granting of variances/criteria and that she feels building 4 townhouses in a row is not going to enhance the neighborhood. She talked about the present setbacks and suggested the applicant be allowed to build only 2 ramblers at the most.

Ed Crabb, 5014 73rd Pl. NE, Marysville, addressed Council, stating he is only 80' from the corner lot and these contractors should have to think about the impacts they have on the neighborhood: The noise, the dust, it's awful, he said. As far as the "barn" building referred to, that was built for a Model T Ford and not used for animals, he said. He added this is going to look like San Francisco in the 1800s--2 story houses all close to each other. He noted the rest of the houses in the neighborhood here are ramblers and 2 low profile duplexes would be plenty. He talked about going to the Planning Dept. and no one knowing anything about the variance on the sidewalk there or in the Street Dept. He concluded he is against this and quoted from an article in the newspaper written by the Mayor about the people not being allowed to make decisions about things in the community that affect them. He felt that situation applied in this case as well as to the airport sitings.

Alfred Husby, 3311 72nd Pl. NE, Marysville, addressed Council and asked about Lot 12, how they get by building into the road.

City Planner Hirashima explained there is only a 10' setback and Mr. Husby pointed out there would only be room for 2 ramblers and there are no other 2 story buildings in there.

Diane McCarthy, 5127 74th Pl. NE, Marysville, addressed Council. She said this is really going to cause a devastating domino effect in the area; every residence in the area uses 2 or 3 lots, it is a family setting, a family atmosphere, with gardens, etc. She said even the school district noted this would cause an adverse effect if this plat is approved. She added she works in the lunch room

CORRECTED: SEE 9/26/94  
MINUTES s/b builder

of the schools and there is so much congestion, they are at their limit. She used an overhead to show that Mr. Borseth would have to go to 3 homes vs 6 in order to conform with the neighborhood. She noted that Mr. Borseth had also mentioned that he would be willing to go with one story buildings with a paved apron and turtles for a pathway.

Public Works Director Winckler noted the applicant has a deferral for sidewalks.

Ms. McCarthy said that shows her that Mr. Borseth does not care about the community, his proposal is too dense, it doesn't go along with the neighboring area. She said she is thoroughly against this because it just does not go along with the neighborhood.

Councilmember Bartholomew asked about the drainage and Public Works Director Winckler explained as more of the streets are developed a new system will probably have to be developed in the future. City Administrator Zabell noted Mr. Borseth will have to put up a bond for the waiver of the sidewalk construction.

It was clarified that the drainage system would go in before sidewalks and Public Works Director Winckler further explained the drainage requirements and road improvements.

James Olson, 7421 49th Dr. NE, Marysville, addressed Council. He stated he lives just north of the project and he used overheads also. He echoed Ms. McCarthy's comments about the density and noted the landscaping will be very minute and all you're going to see is 4 garage doors in front. He stated this magnitude of density has never been allowed in their neighborhood and several people in the audience were restricted from building to this density. With regard to the barn, this used to be a small farm with a well, he said; also, there is no hardship here. Mr. Borseth can still use it the same way the rest of the neighborhood does--there are supposedly 18 substandard lots in the neighborhood but a lot of them are simply used for gardens or sport courts or garages, he pointed out. He said he doesn't believe Mr. Borseth meets all criteria under #2 and said perhaps it's a matter of interpretation but he thinks the barn counts as part of the property and the well. They are all tied in together, he said and Mr. Borseth should have to build along the property lines like everyone else. In 1891, Aubury's Addition did not conform to any building code, people had to buy 8,000 sq. ft. in order to build and he said he doesn't think the old zoning has any relevance to what's happening today. As far as this not being detrimental--it's detrimental to all of the neighborhood, he said, it's very stressful, the dust, noise, etc. He added their neighborhood is relatively quiet and Mr. Borseth is trying to put a subdivision in an existing quiet neighborhood and this is going to look like a beer belly on Twiggy, he said. He said he doesn't think the City should start allowing this against the zoning code to go in and he would like to know what is going to happen about the existing drain field and well.

City Planner Hirashima said there would have to be a health district sign off on them and they would be filled in with sand.

Chris McCarthy, 5127 74th Pl. NE, Marysville, addressed Council. He said from a kid's point of view, there is not much room for them to play as it is in the neighborhood and they have a big yard --with 6 more homes coming in it will be very busy and he said he wouldn't want to live in one of the new houses himself.

Kim Dove, 5015 74th Pl. NE, Marysville, addressed Council, noting he lives just north of the proposal and he is in opposition to the density in an established neighborhood. He reported his wife got 114 signatures against Mr. Borseth's proposal and a lot of the



signatures are from Aubury's Addition. He said he is also concerned about no frontage improvements going in. He noted that other buildings have had to improve frontage and he sees an exception being made here. He stated they are concerned and think they need to have a voice in this. He said he doesn't want to see a precedent set here; this is going to have an adverse impact in an already established neighborhood. He concluded that this project needs to be carefully considered.

Bob Demateo, 6128 26th St. NE, addressed Council. He stated he presently lives in Sunnyside, an area about to be annexed and he is interested in how low the City Council will go here. He explained he comes from New York where the lots are 55.1' wide and you have a 4 bedroom house on that lot (in Queens).

Don Smith, 4901 73rd Pl. NE, addressed Council, stating he is just here to reiterate what everyone has said; this is too much building.

Todd Borseth, in rebuttal, said the letter Mrs. McCarthy refers to from the school district was asked to be removed from the record by Mr. Borseth. He said from his standpoint, these are affordable homes and he was somewhat appalled that someone would sent their kid up to speak against affordable housing. He said there are a lot of homeless people in the community and he suggested someone ask them if this type of housing is needed or not.

City Planner Hirashima added this request is not a rezone or a Comp Plan change and not subject to environmental review, such as the school district. She further pointed out that the City does not have a mitigation ordinance however the developers, under an environmental review, will give on a voluntary basis, but this application is exempt. In response to Councilmember Herman's query, City Planner Hirashima stated with corner lots, if there is a stop sign, the side yard setback is 10', with no stop sign, it would be 20'. The front yard setback would be 20' with side yard set backs 5' on a normal lot, she said. She also pointed out that duplexes would require a conditional use permit.

Don Smith asked about the right of way being allowed for so that future sidewalks can be put in and City Planner Hirashima assured him that was taken into consideration and required.

Mr. Kroeth addressed Council and stated along 73rd & 74th there are countless homes on larger lots and he asked if this is approved, could another developer put additional homes on the over-sized lots.

City Attorney Weed explained under the MMC vacant lots would require a variance and would have to meet criteria in the case where there are existing homes next to the vacant lots. He added that the third lot would be eligible for a variance if it is under 5000 sq. ft.

There being no one further from the audience wishing to testify, the public hearing was closed at 10:04 to public testimony.

After lengthy discussion by Council and staff, Councilmember Wright moved to affirm the hearing examiner's recommendation to approve the variance request, including sidewalk, drainage and street improvement requirements. Councilmember Leighan seconded and the motion passed 5-2. (Councilmembers Myers and Baxter were against.)

Councilmember Bartholomew left Council Chambers at 10:28 p.m.

REVIEW BIDS: None.

CURRENT BUSINESS: None.

CORRECTED: SEE 9/26/94  
MINUTES 5/6 Row Grove  
7111 Arroyo Rd.



NEW BUSINESS:

**1. Snohomish County Hotel/Motel Grant Application(s)  
Prioritization.**

Parks & Recreation Director Ballew reviewed the agenda bill, noting these funds can be used for newspaper ads, flyers, banners.

Councilmember Bartholomew returned to Council Chambers at 10:30 p.m.

After further brief discussion, Councilmember Wright moved that the priorities be: 1. Merryville for the Holidays and 2. Marysville Sights & Bites. (The Visitors Information Center request has not formally been submitted as yet.) Councilmember Baxter seconded the motion and it passed unanimously.

**2. Viking Estates - Preliminary Plat Approval; PA9212067.**

City Planner Hirashima reviewed the agenda bill. She referred to Pat Chaffee's letter and reviewed the pros and cons for fencing, eg. between different uses or where one use required a conditional use permit. She noted there is a 35' strip between the project and Cherry Tree Lane subdivision and Bill Roberts, the applicant's representative, did say he would work with the neighbors on this issue and she said she would assume that means he would pay half of the fence. She added the detention pond would be constructed by the developer but dedicated to the City and the City will have to maintain it.

There was discussion about fencing, no access onto 528, fencing the detention pond, vandalism, trees.

Councilmember Myers moved to affirm the hearing examiner's recommendation to approve the preliminary plat with conditions. Councilmember Bartholomew seconded the motion and it passed unanimously.

**3. Title 10 - Animal Code; Planning Commission Recommendation.**

Asst. Police Chief McKinney suggested the alternative of tattooing animals for identification be deleted from page 6. He also suggested cats not be licensed as this would be too difficult to enforce.

Councilmember Baxter moved and Councilmember Bartholomew seconded that the animal code not require licensing of cats. Councilmembers Wright and Leighan were opposed but the motion passed 5-2.

Councilmember Wright moved and Councilmember Leighan seconded to delete the alternative of tattooing as a form of identification. This motion passed unanimously.

There was discussion about license fees for dogs, regarding administrative expense in collecting fees, compensation from other areas and Councilmember Herman moved and Councilmember Leighan seconded to defer setting fees until this information comes back to Council. Passed unanimously.

There was discussion about enforcement of trespassing of dogs and cats, penalties, barking dog policy, public hearing not being required because this is not a part of the zoning code, definition of "unreasonable" disturbance.

Councilmember Baxter moved and Councilmember Leighan seconded to set a public hearing 10/3/94 for the animal code with revisions made tonight. The motion passed unanimously.

(Discussion about public hearing notice to be posted in pet stores, veterinarian clinics and a press release to be submitted to the papers.)

LEGAL MATTERS:

**1. Interlocal Agreement for Animal Shelter Services & Office Space.**

Asst. Police Chief McKinney led the discussion about boundaries between Marysville and Arlington.

Councilmember Herman moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the interlocal agreement with changes in boundaries as outlined in letter from Marysville City Attorney. Passed unanimously.

RETREAT TOPICS:

It was decided to have the Council Retreat Oct. 21 & 22 (Fri. & Sat.) at the Village Inn, from Noon on Fri. until 5 p.m. and then from 1-7 Saturday including dinner. Agenda decided on was:

Friday Topics: Utilities in Smokey Pt. & Lakewood areas  
Annexation policies to be reviewed

Saturday topics: Economic Development of Marysville  
Use of old library building  
(City Hall to move there?)  
Budget

Sat. Dinner topic: Legal issues Council should be aware of,  
appearance of fairness, etc. (Grant Weed)

It was decided to have separate workshops on the following two topics and not try and squeeze them into the Retreat agenda:

Separate Workshop on: Crime/Gang issues/Policing/Youth  
Activities

Separate Workshop on: Landscaping and Streetscaping

It was the consensus not to have a facilitator at the retreat.

Councilmember Bartholomew brought up the issue of rationing water and possibly having a DOE representative come in to speak to Council about this and City Attorney Weed agreed. He said he could do a 15 minute presentation in conjunction with the Retreat on this.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:33 p.m.

1. Personnel. (No Action)
2. Potential Litigation. (No Action)

RECONVENED AND ADJOURNED: Approx. Midnight.

Accepted this 26<sup>th</sup> day of September, 1994.

David Weiser  
MAYOR

Lillie Leis  
DEPUTY CITY CLERK

Wanda A. Iverson  
RECORDING SECRETARY