

MARYSVILLE CITY COUNCIL RETREAT

January 23, 2004

8:00 a.m.

Marysville Library

Mayor Kendall called the City Council Retreat to order at 8:15 a.m. The following people were present:

Councilmembers: Mayor Dennis Kendall
Jon Nehring, Mayor Pro Tem
Jeffrey Vaughan
Donna Wright
Jeff Seibert
John Soriano
Lee Phillips
Lisa Vares

Staff: Mary Swenson, Chief Administrative Officer
Grant Weed, City Attorney
Sandy Langdon, Finance Director
Gloria Hirashima, Community Development Director
Police Chief Bob Carden
Phil Williams, Interim Public Works Director
Jim Ballew, Parks & Recreation Director
Doug Buell, Community Information Officer
Lillie Lein, Recording Secretary

Chief Administrative Officer Swenson reviewed the agenda for the day, and turned the meeting over to City Attorney Grant Weed who discussed "Ethics" with Council.

Mr. Weed referred Council to the Municipal Research Services Center's web site; noting that they have a lot of helpful information on-line for various subjects including booklets on: public records disclosure; a bidding book; Appearance of Fairness Doctrine; an Annexation Handbook; and a book entitled, Knowing the Territory. He also encouraged attendance at the AWC workshop for newly elected officials.

Public Disclosure: Mr. Weed explained the premise of these laws is that people have the right to know what is going on in government. He explained that personal notes are generally exempt; however, if included in a file, they may be deemed a public record. Also, e-mails relating to city business could become a public record.

He further explained that there are exemptions to public records disclosure; but added that, if you don't provide a record, you must show which specific exemption in the RCW applies to this record. Exemptions are narrowly construed by the courts, so one must be sure before denying any requests.

Attorney Weed also outlined the requirements of city staff in responding to requests noting the sometimes large amounts of time are involved when responding.

Washington Cities Insurance Authority: Attorney Weed reviewed indemnification of Council if they are personally sued and circumstances that would not be covered, i.e., intentional acts of wrong doing.

Attorney Weed and Chief Executive Officer Swenson reviewed the process, procedures, and benefits of working with WCIA and being members of this insurance pool. It was noted that there currently are 108 cities in the pool.

Open Public Meetings Act: Attorney Weed gave an overall view of the Open Public Meetings Act. He explained that a meeting is when four or more Councilmembers meet to take action. This includes discussion, deliberations, etc. of public business. E-mails are a grey area, and Attorney Weed advised avoiding them. He noted that Council could get together socially or when traveling but they could not talk city business.

There are two types of meetings:

- Regular Meetings: These are planned, regularly scheduled meetings.
- Special Meetings: These require 24 hour notice, must have a notice issued, and only the business included in the notice can be discussed. He added that any action taken at an illegal meeting could be voided, and individuals could be personally fined for attending.

In addition to the above, Attorney Weed discussed Executive Sessions. He stated that issues allowed to be discussed in Executive Session are as follows:

- Real estate acquisition including purchase and lease of property;
- Complaints against officers or employees;
- Evaluate qualifications of potential employees;
- Review performance of an employee/discipline;
- Collective bargaining;
- Discussion of litigation with legal counsel present;
- Potential litigation – this would be when an official threat was made or when an action the city would be taking might result in a claim or lawsuit; settlement agreements.

Attorney Weed stressed that discussion in Executive Session is confidential and must remain in the room. Divulging confidential information is very serious, and is a violation of State and City codes. Penalties could include: removal from office; a charge of "gross misdemeanor" which carries up to a \$500 fine and up to a year in jail.

Minutes of Executive Sessions are not required; however the start and ending times and any action taken after the Executive Session must be recorded.

Appearance of Fairness:

Attorney Weed said the Appearance of Fairness Doctrine applies to quasi-judicial actions only. He stressed caution in discussing general land use issues such as docketing during the comprehensive plan revisions.

Attorney Weed added that during quasi-judicial proceedings it is improper for a Councilmember to do their own personal investigation such as visiting a site, etc. Council as a whole could visit a site. It is also improper for a Councilmember to talk

personally with a developer or individual during quasi-judicial proceedings. Consequences of doing so would be that the individual Councilmember could not participate in any action taken by the Council. If they were to participate, then any action taken by the entire Council could be voided and the whole procedure would have to be restarted. Attorney Weed noted that Legislative Action has more relaxed rules.

Attorney Weed advised that Hearing Examiner decisions must be approved by Council unless an error by the Hearing Examiner is detected, in which case, the Council can hold its own hearing or remand the issue back to the Hearing Examiner.

A short discussion of quasi-judicial and legislative issues followed. Community Development Director Hirashima noted that her department traditionally makes the assumption that all rezones and comprehensive amendments should be treated as if quasi-judicial.

Attorney Weed summarized by stating that appearance of fairness occurs when there is a potential for an individual to gain financially. He said there are other grey areas, and Council should call his office in advance if they are not sure. He added that it is appropriate for the Councilmember to leave the room during discussion and action of any item that may fall under this category.

Mayor Kendall called for a break at 9:45 a.m., and resumed the retreat at 10:00 a.m.

Non-partisan positions: Attorney Weed discussed endorsing a candidate or bill. He noted that Council can endorse or oppose a particular bill but they must do so as a group; the issue must be on the Council agenda; and they must take testimony from both sides before taking this action.

Attorney Weed continued stating that Council can have their own personal opinions but when making statements, whether written or oral, it is not appropriate to do so representing the City. They should state that they are a councilmember but that these are their personal views and not necessarily the views of the city.

Communication:

Chief Administrative Officer Swenson discussed the change in roles for the Mayor and herself. She noted that the Mayor will be concentrating his efforts on business outside of the day-to-day city operation such as working with legislators to help promote the city for economic development; working with Community Transit; and keeping in touch with outside committees such as Park Board and Planning Commission.

Chief Administrative Officer Mary Swenson will be responsible for the day-to-day operations. All department heads will report to her. It was noted that this would provide more accountability and be more effective to have everyone reporting to one person.

Ms. Swenson emphasized that the Mayor would be kept updated on all issues, and that they will be looking at the Mayor's and Chief Administrative Officer's job descriptions to update them to this change. It was explained that this is an effort to streamline accountability and continuity of the City, especially if someone leaves the City.

It was noted that Council is welcome to go to directors if they have a question. This provides an opportunity to go to one person that can provide an overall picture. It was noted that the Mayor's first priority will still be City business. Ms. Swenson stated that Mayor Kendall is good at lobbying, and added that Marysville is getting recognized.

Councilmember Wright discussed the fact that Marysville is the fourth largest city and focal point in the North County. She emphasized the importance of Council being able to have a voice on issues and the necessity of Council supporting a decision once made.

Councilmember Seibert stated that he would like to review "Council Rules of Procedures".

Ms. Swenson discussed the doctrine of "no surprises", asking Council to ask questions of staff prior to Council meetings. She added that this is an issue of trust, and would help staff be prepared to provide the information and answers Council needs to make their decisions.

It was noted that Council needs to remain impartial and not get involved in issues of on-going labor negotiations and/or grievances. Chief Carden discussed the arbitration process noting that this is an acceptable process to resolve differences.

Mayor Kendall called a recess at 11:30 a.m. and reconvened the retreat at 11:40 a.m.

A discussion of the dissolution of Council committees and department reports commenced. It was suggested that monthly reports from each department received in the packets for the first meeting of each month would be helpful in keeping Council informed.

Each department head discussed reports they are able to generate and explained the information they can provide. Councilmember Soriano asked for an acronym list from Community Development and a report broken down by what type of crime and where they are occurring from the police department.

Visioning:

Each person was given an opportunity to provide input as to what their vision for Marysville is:

Mayor: Wanted Council and staff to be thinking about future issues in addition to what is on-going for Marysville now, i.e., Sound Transit.

Jeff Vaughan:

- Would like to see momentum & camaraderie Council has built continue;
- See continuation of economic development;
- Find better ways of funding projects instead of taxes;
- Would like to see Council focus on core elements City should provide, i.e., security, infrastructure.
- Find a creative approach to funding that would improve quality of life.

Lee Phillips:

- Sees lots of teamwork/camaraderie – would like to see this continue;
- Agreed with Councilmember Vaughan on continuation of economic development;
- Would like to see people who live in Marysville be able to work in Marysville;
- Would like to see City bring in big business;
- Would like to increase technology – need to look good if we are going to succeed in economic development;
- Upgrade the city logo and web site to make the City look more like the present/up-to-date.

Jon Nehring:

- Thought the City has come a long way in the two years he has been in office with some major accomplishments.
- Would like to see completion of State Avenue; Strawberry Fields; economic development in the north end; and Marysville Community Campus.
- Would like the City to be efficient, responsive, and accountable;
- Continue to increase number of people that feel they have a stake in the community/feel government listens to them;
- Be a destination city;
- Decrease traffic problems.

Jeff Seibert:

- Would like to see the projects that have been started completed as much as possible including all of State Avenue including the north end;
- Would like to see a Pavement Improvement Program;
- Would like economic development of north end continue;
- Would like to see the same tenacity used on other problems such as traffic;
- Would like to identify problems and start to focus on them;
- Long term – would like to see a train station somewhere;
- Would like to see mid-level development in downtown area;
- Would like to keep public safety as a priority.

Lisa Vares:

- Agreed with others regarding camaraderie and economic development. Felt that Council was all on the same page;
- Would like to enhance tribal relations;
- Would like to look at Quil Ceda Village as an asset;
- Heartened to see both sides of the freeway coming together;
- Thought public safety was important;
- Would like to continue public events, i.e., Touch-A-Truck, Merrysville for the Holidays;
- Would like to see traffic improvements in different areas of the City.

Donna Wright:

- Also, agreed with others on camaraderie of Council and economic development;
- Stated that public safety should be No. 1;
- Get gateways to City to be attractive – east, west, north, and south;
- Would like to see 51st punched through as indicated on 6-year TIP;
- Would like to see 88th Street connected from I-5 to Highway 9;

Marysville City Council Retreat

January 23 & 24, 2004

Page 5 of 9

- Would like some type of train station and/or trolley;
- Would like to see the parks/walkways throughout City connected;
- Complete the waterfront park—good gateway/enhancement.

John Soriano:

- Referred to the commonality of Council;
- Continue with economic development
- Thought 1% tax is the best bet to ensure revenue;
- Would like to share resources with other neighboring cities;
- Would like to see military personnel stay in Marysville after leaving the service. Noted they are looking for affordable homes, jobs, and good schools.
- Stated that Marysville has the key elements. We need to find funding to develop them.

Mayor Kendall noted that the goal of the City is to continue and complete projects that are already started; and Ms. Swenson agreed that it was important for the City to “stay the course”.

Jim Ballew:

- Wants to involve and engage the community;
- More neighborhood meetings to educate the public on initiatives;
- Involve kids in government – maybe a Youth Advisory Council;
- Increase cultural arts – We have a diverse community moving here;
- Recognize community activities; have a central district; maybe youth club/activities;
- More urban open space in the downtown area;
- Partnering with other entities such as the school district;
- Keep recreation, tourism, image, and identity in the forefront.

Sandy Langdon:

- Would like to increase communication with the community to let them know what the City is doing, when, how, and what we have been doing;
- Would like to see a Youth Council;
- Would like to see what the City provides to the citizens to be visible;
- Traffic issues need to be addressed;
- Talked about a community center citing one she is familiar with that is open almost 24 hours with a pool that is free and activities for all ages;
- Thought gateways were important. Likes the gateway on Fourth and would like to see something at each gateway to the City.

Phil Williams:

- Emphasized what a great staff there was down at Public Works;
- Underscored the thoughts on gateways into the City;
- Gave kudos for the State Avenue project;
- Thought a train station was a good idea that would need some buffering and add some aesthetics around crossings.

Gloria Hirashima:

- Pleased with community leadership, business and community involvement;

- Wants to see increased service;
- Need to educate community on the benefits of a full-fledged, full service community;
- Has seen stretches of community apathy but community interest has picked up in recent months;
- Outreach through Comprehensive Plan to see where the City is headed so there is need to see change;
- Need to focus on traffic – a critical connection on 84th to open east/west arterial;
- Need to finish State Avenue all the way;
- Need to address more north/south, east/west arterials. Traffic should be addressed before it stops economic development;
- Creative solutions to address environmental challenges in the north end, i.e. stream relocation, innovative water quality measures.

Chief Carden:

- Facing tremendous growth;
- Need to address public safety – policing is expensive;
- Image & identity is critical – need to decide who we are; where we want to go; how we are going to get there;
- Need more recreational activities;
- Environmental design is critical;
- We should be promoting the City;
- Is critical the school system is fixed;
- More public/youth programs, i.e., Bicycle Rodeo, Explorer Program;
- Part of vision is to increase leadership to prepare them for future turnover of leadership;
- Need to focus on marketing and connecting with the community.

Doug Buell:

- Need to help the School District recover because citizens don't distinguish between the City and the School District;
- Continue institutional network and fibre network;
- Need more trees/more sculptures;
- Aesthetics/gateways are important;
- Would like to see a train depot;
- Need a museum;
- Should conduct another community survey – maybe next year as a benchmark of how we are doing since the last survey.

Lillie Lein

- Happy to be working for the City;
- Exciting to see the progress on State Avenue and the possibilities.

Finance Director Langdon gave a short presentation on the new Tim Eyman initiative. She has heard that some cities will be preparing two budgets, but felt it was too early to do that noting that it is very time consuming and expensive.

Ms. Langdon also noted that libraries and fire districts would also be affected but school districts would not. Mr. Eyman has also prepared two other initiatives limiting utility taxes and lowering sales tax, but she did not know if he had filed them yet.

She stated that the money loss would come from the general fund which is confusing for citizens to understand.

In reference to monthly reports, Councilmember Vaughan stated that it would be helpful for each department to pick a key performance indicator to track how things are progressing. The Mayor stated that this is the first time this is being tried. If the City moves in this direction, Council would be asked for input on what key indicators they would want to see.

Seeing no further business for the day, Mayor Kendall adjourned the January 23, 2004 City Council Retreat at 4:15 p.m.

January 24, 2004 9:00 a.m. Ken Baxter Senior Community Center

Mayor Kendall called the meeting to order at 9:10 a.m.

Those in attendance were: Mayor Dennis Kendall,
Councilmembers: Jon Nehring, Mayor Pro Tem
Jeff Vaughan
Donna Wright
Jeff Seibert
John Soriano
Lee Phillips
Lisa Vares
Chief Administrative Officer Mary Swenson

Mayor Kendall briefed Council on his views relating to Council committees. He indicated that he looked at a variety of issues, i.e., staff time, council time, etc. and decided that there was a better way to disseminate information without having Council Committee meetings.

Mayor Kendall indicated that he would rather go to an ad hoc committee process and have these committees convened when there is a specific issue. Along with the ad hoc committees, department directors would be distributing monthly reports to Council. On a quarterly basis the council would then meet for 3-4 hours to have updates from each department. At the quarterly meetings Council could ask any questions they deem appropriate.

There was a discussion that ensued relating to the usefulness of the current committee process and fiduciary concerns regarding staff time. Pros and cons of the current process and the ad hoc process were then outlined.

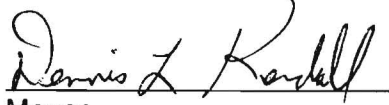
Following discussion it was determined that the current committee process would continue with the following identified committees, i.e., Finance, Public Works, Public Safety, and Facilities. It was further determined that councilmembers should determine


committee appointments and that the Mayor Pro Tem would facilitate this process. These appointments would occur at the next City Council work session.

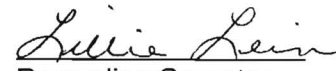
Councilmember Phillips indicated that he would like to see the TV Advisory Committee reactivated. CAO Swenson stated that she would bring this forward at an upcoming workshop. She also indicated that tours would be set up of the public works facilities and the parks facilities.

The meeting adjourned at approximately 12:05 p.m.

Approved this 9th day of February, 2004.


Mayor
Dennis L. Kendall


City Clerk
Gerry Becker


Recording Secretary
Lillie Lein