

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING APRIL 14, 1997

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; 4/7/97 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

1. March, 1997 Payroll in the amount of \$648,254.19; paid by check nos. 24955 through 25301 with check nos. 24915, 24916, 24922, 24925 and 24944 void - Approved
2. 4/14/97 Claims in the Amount of \$849,444.61; paid by check nos. 33571 through 33836 with 33580 on the Next Check Run and 33581 through 33612 void - Approved
3. Affirm the Hearing Examiner's Recommendation to Approve the Request for a Rezone with Conditions; David Thorp; PA 9612049 - Moved to Item #1 under New Business.
4. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions; Harvey Jubie; PA 9608038.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

1. Mayor's Innovative Service Award DOUG BYDE

CALL ON COUNCILMEMBERS:

PETITIIONS & COMMUNICATIONS: None

PRESENTATIONS:

1. Snohomish County Health Status Report - Dr. M. Ward Hinds.
2. Executive Search for Police Chief; Law Enforcement Training Services - Tom Miller

PUBLIC HEARINGS: None

REVIEW BIDS:

1. Baxter Building Remodeling Project - Special Council Meeting 4/18/97 1:00 p.m.

CURRENT BUSINESS: None

NEW BUSINESS:

1. Hearing Examiner Recommendation Approved/Affirmed to Approve the Request for Rezone with Conditions; David Thorp; PA 9612049.
2. Planning Commission Recommendation - Approved Comp Plan Policy Revision re 88th St. NE

ORDINANCES & RESOLUTIONS:

1. Ordinance 2124 Approved Excluding the Position of Police Chief from Civil Service and Amending MMC 2.48.020, MMC 2.48.030 and MMC 2.16.040.

ADJOURNMENT: 9:08 p.m.

EXECUTIVE SESSION: 9:20 to 10:37 p.m.

1. Litigation (No Action)
2. Real Estate (No Action)

RECONVENED & ADJOURNED: 10:37 p.m.

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**MARYSVILLE CITY COUNCIL MINUTES**

APRIL 14, 1997

7:00 p.m.

Council Chambers

**Present:** Dave Weiser, Mayor  
**Councilmembers:**  
Donna Wright, Mayor Pro Tem  
John Myers  
Ken Baxter  
Donna Pedersen  
Mike Leighan  
Otto Herman  
Shirley Bartholomew  
**Administrative Staff:**  
Dave Zabell, City Administrator  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Owen Carter, City Engineer  
Jim Ballew, Parks & Recreation Director  
Lt. Dennis Peterson, Marysville Police Dept.  
Gloria Hirashima, City Planner  
Wanda Iverson, Recording Secretary

**CALL TO ORDER:**

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

**ROLL CALL:**

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

**MINUTES OF PREVIOUS MEETINGS:**

**1. Council Minutes 4/7/97 Meeting.**

Councilmember Leighan asked that on page 2, in paragraph 2, the first sentence be changed to read: "Councilmember Leighan questioned how a real estate deal this large had been put together so quickly and Mr. Scott responded that this property has actually been on the market for several years and they have had many offers but the best offer is from the Tulalip Tribes who they had been working with for five or six months."

Councilmember Leighan then noted on page 3, under Call on Councilmembers, first paragraph, regarding the fire hydrant at Grove & Cedar, that the fire hydrant had been repaired; his question was when the sidewalk around it was going to be repaired. (The City is now working on it, it was noted.)

There being no further corrections, Councilmember Leighan moved and Councilmember Myers seconded to approve the 4/7/97 Council Meeting Minutes as corrected. Passed unanimously.

**AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:** None.

**CONSENT AGENDA:**

1. Approval of March, 1997 Payroll in the Amount of \$648,254.19; paid by check nos. 24955 through 25301 with check nos. 24915, 24916, 24922, 24925, and 24944 void.
2. Approval of April 14, 1997 Claims in the Amount of \$849,444.61; paid by check nos. 33571 through 33836 with 33580 on the next check run and 33581 through 33612 void.
3. Affirm the Hearing Examiner's Recommendation to Approve the Request for a Rezone with Conditions; David Thorp; PA 9612049.
4. Affirm the Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions; Harvey Jubie; PA 9608038.

Councilmember Myers asked that Item #3 be taken out; it was moved down to Item #1 under New Business.

Councilmember Myers then moved and Councilmember Bartholomew seconded to approved Consent Agenda Items 1, 2 and 4. Passed with Councilmember Baxter abstaining on Voucher #33759 under Item #2.

STAFF'S BUSINESS:

City Administrator Zabell noted the 5/2/97 deadline for disclosure information for anyone wishing to run in the AWC officer elections.

MAYOR'S BUSINESS:

**1. Mayor's Innovative Service Award.**

Mayor Weiser explained that because of the innovative ways a WWTF employee has come up with to save the City in operating costs and not adversely affect the safety and effectiveness of the Wastewater Treatment Facility, he was presenting the "Mayor's Innovative Service Award" to Doug Byde. Doug, unfortunately, was not present to receive the plaque but City Administrator Zabell concurred that there will be savings of about \$15,000 to \$20,000 a month.

Councilmember Baxter spoke about the innovative filtration methods and how other cities have been reviewing Marysville's operation as a model.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen gave a Library update, noting the recent Friends of the Library book sale brought in \$2700 and the March circulation was 57,000 items. She spoke about the placement of a memorial plaque on the Library building by the Masons and City Administrator Zabell is to follow up on this with Joan Flagg.

Councilmember Herman announced he has been elected to the King County Economic Development Council.

Councilmember Leighan reported the Marysville Fire District and District 20 partnership/consolidation study process is continuing. He referred to a letter to Councilmembers regarding the speed trailer.

It was noted the speed trailer was funded with casino/gambling revenue and is being utilized on City streets very effectively.

PRESENTATIONS:

**1. Snohomish County Health Status Report; Dr. M. Ward Hinds.**

Dr. Hinds noted he has been the County Health District Director since 1986 and was pleased to review the 1996 Snohomish County Health Status Report. He mentioned that Snohomish County has now received the Samuel Crombine award twice for high food standards and he spoke about mortality rates and trends, cancer, cigarette smoking, pregnancy rates, motor vehicle accidents, seatbelt use, homicide/suicide rates, communicable diseases, tuberculosis, AIDS and other statistics from the very detailed written report already presented to Council.

Councilmember Bartholomew asked about teens' access to cigarette vending machines and Dr. Hinds said there was a special survey done a couple years ago; it's now illegal for a vending machine to be placed where minors are allowed to go. He noted that hard statistics on teen smoking are very difficult to obtain because first parental/school consent is required in order to survey teens.

Councilmember Bartholomew asked about fetal alcohol syndrome and drug addicted babies in Snohomish County and Dr. Hinds said they think they are making progress in that area due to public education.

Councilmember Pedersen mentioned a meeting with editorial staff of the Herald with regard to "public education."

Dr. Hinds also spoke about processes in the way of food permitting, permitting of onsite septic systems, wells, public pools, hazardous materials, ASARCO coordination, home visiting nurses, public health clinics, immunizations, HIV/AIDS program, hepatitis, meningitis, whooping cough, health care status of the community, coordination with Tulalip Tribes, home visits, linking them with health services in the community.

## **2. Executive Search for Police Chief; Law Enforcement Training Services.**

City Administrator Zabell explained that one of the options that may be utilized is to hire an executive search firm and he introduced Mr. Tom Miller of Law Enforcement Training Svcs.

Mr. Miller spoke about his background with the City of Edmonds and introduced his associate, Steve Cyber who is originally from Marysville.

Mr. Miller stressed the importance of hiring the right person for the job of police chief, noting how police officers are in the public eye the most and the best risk management is to have a chief that has management skills and aware of public/cultural problems. He gave examples of what is happening in large cities where an inadequate selection was used, eg. Reno, cities in Florida, California. He explained that a search firm checks out prior employers, references, for example, and he noted that they also check out certification and qualifications. They have between the two of them, 50 years of experience in the field of law enforcement, he said. He briefly outlined what the process would entail:

- needs assessment
- screening
- reference checks
- 5 to 7 candidates chosen for the interview process
- onsite background with candidates
- would look for professional manner/managerial skills.

He said whether it's an internal or external candidate, it's important that the person selected be responsible and professional and he spoke about his past work with 9-1-1 and how their firm would be able to spend more time than City staff on this project. He added that their search would be guaranteed for two years, i.e., if the police chief should leave within two years of being hired, Mr. Miller's firm would redo the whole process at no charge to the City.

Councilmember Herman asked about a list of others who have been placed by this firm and Mr. Miller explained he has only been in this business for six months but would be happy to provide a resume of his personal experience in law enforcement. As far as the fee he would charge, he said it would be 3 months' salary of the police chief and this would include developing a recruiting brochure. He noted he has been involved in the law enforcement industry for many years and has already been contacted by many people interested in the position. Also, there are many considerations that need to be discussed, eg. the certification process, etc., he said and he added he also does law enforcement training, executive searches and management reviews as part of his company's services.

REVIEW BIDS:

**1. Baxter Building Remodeling Project.**

Parks & Recreation Director Ballew reviewed the agenda bill, noting staff is recommending awarding of the bid to Red Mountain Company of Monroe in the amount of \$117,747. He noted this was the low bid and a background check was done. No claims have been filed against Red Mountain, they did similar work for the Kent School District (\$150,000 project) and were highly recommended by the Kent School District, having completed the project within specs and on time. He added that the architect has no problems with this firm, their subcontractors check out satisfactorily and they also did a remodel of the UW Health Science Lab. Red Mountain also has an excellent record with the surety company; the Baxter Building project is anticipated to take 60 days.

There was discussion about what the Building Committee discussed, budget of \$130,000, architect's estimate of \$100,000. It was noted that the Building Committee would be meeting again tomorrow, there could be a general discussion this weekend with a final decision at next Council meeting. It was also noted that there will be a pre-construction meeting as part of the process and if the building is redesigned or the scope of work changed, the whole project would have to be rebid.

It was also noted that as the bid stands from Red Mountain, it is slightly over the budgeted amount of \$130,000.

Councilmember Pedersen moved that Council award the bid to Red Mountain Company in the amount of \$117,747 contingent upon the Tuesday (4/15/97) Building Committee meeting. If there is a problem, the committee would come back to Council --this process not to exceed a time frame of 30 days. It was noted that generally it is not permissible for a committee to award a bid, that generally public works contracts are 30 days but if it's 10 days, the contractor may extend and that there will be a telephone survey of Councilmembers.

Councilmember Baxter seconded the motion.

After more discussion, the motion was defeated 4-3 with Councilmembers Herman, Leighan, Bartholomew and Meyers against.

Councilmember Leighan then moved and Councilmember Herman seconded to award the bid to Red Mountain Company in the amount of \$117,747 contingent on the Building Committee meeting on Tues. and then holding a Special Council Meeting on Friday to advise Council of its decision/recommendation. Also to have plans, etc. available for Councilmembers. The motion passed 6-1 with Councilmember Bartholomew against.

A Special City Council Meeting was set up for Friday, 4/18/97 at 1:00 p.m. in Jim Ballew's office at Jennings Park.

NEW BUSINESS:

**1. Affirm Hearing Examiner's Recommendation to Approve Request for David Thorp Rezone with Conditions; PA 9612049.**

City Planner Hirashima reviewed the agenda bill, noting the hearing examiner recommends approval.

Councilmember Myers said he had a concern about parking as well as turns into the parking lot not having enough radius.

City Planner Hirashima stated the project does meet the parking code requirements for residential and office space; this will be reviewed again during the Zoning Code review, she added.

City Engineer Carter noted that because of the narrowness of the lot, the City would rather have access on 51st; other possibilities would be access through the alley which would give one car length in the queue but that would cause a sight distance problem, he said.

There was discussion about flip flopping the traffic pattern on the drawing, sidewalk improvements, 35' curb radius standard, striping, traffic flow, sending it back to the hearing examiner.

Councilmember Myers moved and Councilmember Bartholomew seconded to approve the rezone as recommended by the hearing examiner with the only entrance to the parking lot being from 51st with the exit being a right turn only onto 51st. Parking space angles to be reversed (flip flopped) in the parking lot to accommodate this.

After a brief discussion about the Gibson Traffic Report, the motion passed unanimously.

**2. Planning Commission Recommendation - Comprehensive Plan Policy Revision Regarding 88th St. N.E.**

Councilmembers Pedersen and Wright disclosed that they both had a family member involved in transactions that this revision could affect and so they stepped down.

It was noted that this is a legislative matter but that it would be better to err on the side of caution.

City Planner Hirashima reviewed the agenda bill and noted that a site specific access plan for 88th could be brought back within two months now that traffic counts have been completed since the 88th St. interchange has been opened.

There was discussion about limiting access, the portion of 88th between the bridge and State, reference to the Planning Commission minutes, WSDOT controlling driveway cuts at 36th & 88th within 130' from centerlines.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve the Comprehensive Plan Policy Revision as recommended by the Planning Commission: (New wording to be inserted in the Comprehensive Plan):

"Community Commercial along 88th Street NE is contingent upon approval of an access management plan by the City. The access management plan shall include provisions for joint access development along all properties between State Avenue and 36th Avenue NE, and shall address the logn range capacity, level of service, and safety of motorists using 88th St. NE, and shall be consistent with the Marysville Transportation plan. This plan shall be approved through the public review process, and shall be considered an integral part of the comprehensive plan for this planning subarea."

The motion passed 5-0.

Councilmembers Pedersen and Wright returned to Council Chambers.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance of the City of Marysville excluding the position of Police Chief from Civil Service and Amending MMC 2.48.020, MMC 2.48.030 and MMC 2.16.040.**

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City Administrator Zabell explained the police chief was included within the civil service but the WACs actually allow him to be removed from civil service after the number of police officers exceeds six. Staff recommends approval of the ordinance which will put him more in line with a department head, he said.

City Attorney Weed explained the employment agreement concept which is provided for in this ordinance, similar to the City Administrator. He noted references to fire employees and fire chief are to be deleted in three sections and also "Park Officer" should be changed on page 2 to "Parking Officer" in Business of Police Chief.

There was discussion and Mayor Weiser noted a letter from the Civil Service Board in opposition to this ordinance. It was noted that the Civil Service Commission/Board still oversees the positions of police officers, dispatcher, assistant chief and lieutenant. Councilmember Herman went on record saying he had mixed feelings about the change.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2124 with revisions as per the City Attorney and under MMC 2.48.040, "subject to consultation/concurrence with Mayor and/or City Administrator."

The motion passed 6-1 with Councilmember Herman against.

ADJOURNMENT: The meeting adjourned at 9:08 p.m. and went into Executive Session at 9:20 p.m. to discuss Real Estate and Pending Litigation.

RECONVENED & ADJOURNED: 10:37 p.m. (No Action taken in Executive Session.)

Accepted this 28<sup>th</sup> day of April, 1997.

David Weiser  
MAYOR

Mary D. Swenson  
CITY CLERK

Wanda A. Swenson  
RECORDING SECRETARY