

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, September 22, 2014

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Kim Daughtry, Marcus Tageant, and Sam Low

COUNCILMEMBERS ABSENT: Kathy Holder, Suzanne Quigley and John Spencer

STAFF MEMBERS PRESENT: Planning Director Becky Ableman, Finance Director/City Clerk Barb Stevens, Public Works Director Mick Monken, Senior Planners Russ Wright and Sally Payne, Human Resources Director Steve Edin, Police Chief Dan Lorentzen, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Ken Harvey, Communications Director, Sno-Isle Libraries, Miriam Driss, Sno-Isle Librarian, Lake Stevens, Valerie Stevens, Sno-Isle District Manager, and Jonalyn Woolf-Ivory, Sno-Isle Executive Director

Excused Absence. Councilmember Welch moved, Councilmember Daughtry seconded, to excuse Councilmembers Holder and Quigley. Motion carried unanimously (4-0-0-3).

At 8: 29 p.m. Councilmember Tageant moved, Councilmember Welch seconded, to excuse Councilmember Spencer. Motion carried unanimously (4-0-0-3).

Guest Business. Ken Harvey, Communications Director for Sno-Isle Libraries, shared the findings of two community focus groups, and reported the consensus was that the current library facility is inadequate and that there should be a public vote for a larger library facility at a new site. They believed the best site for a new library would be the Grade Road site, and wondered about building a new library as part of a civic center.

Jonalyn Woolf-Ivory reviewed the next steps for Sno-Isle are to run two ballot measures: (1) forming a library facility area with the boundaries being the Lake Stevens School District, and (2) a bond measure to construct the new facility. Sno-Isle prefers to run both measures together and asked if there is support from the City to run the measures in 2015. Discussion ensued regarding costs, a feasibility study of the Grade Road site, and the City's timeline for construction of other civic projects. Ms. Woolf-Ivory advised if the project moves ahead a group of library advocates would also need to be formed in the project area. She added that it is Sno-Isle's desire to construct a facility that will be unique to the Lake Stevens community.

Consent Agenda.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the Consent Agenda: (A) Approve 2014 vouchers [Payroll Direct Deposits 9/15/2014 for

\$137,636.29, Payroll Checks 37375-37376 for \$4,867.54, Tax Deposits 9/16/2014 of \$58,409.86, Electronic Funds Transfers ACH of \$5,422.27, Claims Check Nos. 37374, 37377-37453 for \$198,137.44, Void Check 37361 for \$635.85, Total vouchers approved \$403,837.55], (B) Approve City Council regular meeting minutes of September 8, 2014, and (C) Approve City Council special meeting minutes of September 9, 2014. Motion passed unanimously (4-0-0-3).

Public Hearings:

City Clerk Barb Stevens read the Public Hearing procedure for Open Record Public Hearings and noted the procedures would apply to agenda items regarding Ordinance Nos. 916, 917, 918, 919 and 920.

Public Hearing in consideration of first reading of Ordinance No. 916, Frontage

Improvements Update: Senior Planner Payne presented the staff report and noted that the proposed ordinance has gone through the required public process. Senior Planner Payne said the proposed code revision on "sun setting" of the no protest agreement for the formation of a Local Improvement District was set at ten years to be consistent with the RCW, and further identified that conditions are included in the ordinance which would allow staff to waive the frontage road requirements. She then responded to councilmembers' questions.

Councilmember Tageant requested the sunset clause be set at six or eight years and requested the ordinance be revised to allow for discretion in the situation where no additional frontage improvements would be required or made to adjoining properties.

Mayor Little invited public comments on the proposed ordinance and there were none.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to close the public comments portion of the hearing. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 916 and to hold a second and final hearing on Ordinance 916 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Council Tageant moved, Councilmember Low seconded, to direct staff to bring forward optional changes to Ordinance 916 at the second reading, including changing the sunset clause to eight years, and providing for staff to have situational control to handle unique property issues with regard to frontage improvement requirements. Motion carried unanimously (4-0-0-3).

Public Hearing in consideration of 2014 Comprehensive Plan Amendments and First Reading of Ordinances 917, 918 and 919. Senior Planner Payne presented the staff report and said that the public hearing on Ordinance 917, Comprehensive Plan Amendments, is to consider city-initiated amendments including two substantive text amendments and other minor administrative amendments to the Comprehensive Plan. She reviewed the proposed amendments and advised Planning Commission does recommend approval of the proposed Comprehensive Plan Amendments.

Senior Planner Wright said that the required public process and review have been completed. He then reviewed Ordinance 918, Kjorsvik proposed map amendment for property located at SR 9 and Soper Hill Road. The proposed map amendments change the designations on seven parcels in the northeastern corner of the project area to Commercial and on one parcel in the

southeastern corner of the project area to Local Commercial. Staff recommends an additional adjacent parcel also be rezoned to Local Commercial. Senior Planner Wright said that a Mitigated Determination of Nonsignificance was issued to ensure traffic concurrency at the time of development. The proposed amendment meets the Comprehensive Plan and Map criteria. He then responded to councilmembers' questions.

Senior Planner Wright then turned to Ordinance 919, Huber proposed map amendment. City Attorney Beyer advised a councilmember discussed a possible conflict with her. She said that map amendments are legislative and there would be no conflict; she further clarified that RCW 42.36.090 addresses that in the case of a challenge creating a lack of a quorum of council, such as this evening, a challenged councilmember may vote if the conflict is publicly disclosed.

Councilmember Low disclosed that his personal business has transacted business with one of applicant Huber's businesses. He does not believe this will affect his decision or vote.

Senior Planner Wright said that the Huber map amendment process was similar to the last one, legal requirements have been met, and he reviewed the proposed amendment, which is in the area of SR 204 and 10th Street SE. The proposal is to amend the map to Local Commercial from Medium Density Residential. Senior Planner Wright said the proposed map amendment meets the criteria in the Comprehensive Plan, and that the Planning Commission recommends approval.

Senior Planner Wright responded to councilmembers' questions regarding access. He advised the Applicant provided a traffic study that did not find any deficiencies in level of service. Traffic impacts would be reviewed again at the time of any future development.

Mayor Little invited public comment on Ordinance Nos. 917, 918 and 919, and there was none.

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public comments portion of the public hearings on Ordinance Nos. 917, 918 and 919. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Tageant moved, Councilmember Welch seconded, to close the Public Hearings on Ordinance Nos. 917, 918 and 919. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to approve the first reading of Ordinance 917 and to hold a second and final reading of Ordinance 917 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 918 and to hold a second and final reading of Ordinance 919 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Welch moved, Councilmember Tageant seconded, to approve the first reading of Ordinance 919 and to hold a second and final reading of Ordinance 919 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Public Hearing consideration of Kjorsvik Rezone and first reading of Ordinance No. 920.

Senior Planner Russ Wright presented the staff report and said that applicant Kjorsvik applied for a comprehensive plan map change and concurrent area-wide rezone of approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road. The rezone request is for two

parcels in the southeastern corner of the project area be rezoned to Local Business from Mixed-Use, and for seven parcels in the northeastern corner of the project area to be rezoned to Commercial District from Multifamily Residential. City Council previously imposed some restrictions on the properties through a development agreement at the time the parcels were originally zoned, and this ordinance repeals those restrictions. Additionally it is Staff's recommendation that the subarea regulations found in LSMC 14.38 be applied to the portions of the site to be zoned as Commercial District. Public process has been completed in accordance with the legal requirements of the LSMC and RCW. The Planning Commission recommends approval of this rezone request. Senior Planner Wright invited questions from Council and there were none.

Mayor Little invited comments from the audience and there were none.

MOTION: Councilmember Low moved, Councilmember Welch seconded, to close the public comment portion of the hearing. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public hearing on Ordinance 920. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Tageant moved, Councilmember Daughtry seconded, to approve the first reading of Ordinance 920 and to hold a second and final reading on Ordinance 920 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Closed Record Public Reading in consideration of Huber Rezone and first reading of Ordinance No. 921. City Clerk Barb Stevens read the Public Hearing procedure for Closed Record Public Hearings.

Councilmember Low disclosed that his personal business has transacted business with one of applicant Huber's businesses. He does not believe this will affect his decision or vote.

Senior Planner Wright presented the staff report and reminded that because this rezone request is site specific for two parcels it is a quasi-judicial matter and that a public hearing was previously held before the Hearing Examiner on September 10, 2014; therefore Council may receive comments from parties in interest, but no new evidence may be presented. He noted that the applicant, Mr. Huber, will speak on this application at the October 13, 2014 Council meeting. Mr. Wright distributed the Hearing Examiner's Findings, Conclusions and Recommendation to Council. He then responded to councilmembers' questions. Senior Planner Wright noted there was no public comment made at the hearing before the Hearing Examiner. He also noted that the public process for this rezone request was carried out in accordance with the legal requirements of the LSMC and RCW. Senior Planner Wright invited questions from Council and there were none.

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded, to close the closed record hearing on the Huber rezone request. Motion carried unanimously (4-0-0-3).

MOTION: Councilmember Welch moved, Councilmember Daughtry seconded, to approve the first reading of Ordinance 921 and to hold a second and final reading on Ordinance 921 at the October 13, 2014 regular City Council meeting. Motion carried unanimously (4-0-0-3).

Action Items:

Resolution 2014-6 Declaring an Emergency and Authorizing the Mayor to Enter into a Contract with B&B Utilities and Excavating, LLC for Repair of 20th Street SE. Public Works Director Monken presented the staff report and advised that discovery of the sink area on 20th Street NE near the 8900 block created a public safety hazard requiring immediate repair of the roadway. The contractor B&B Utilities and Excavating, LLC was already working on site for Lake Stevens Sewer District, and agreed to a time and material contract.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve Resolution 2014-6 declaring an emergency and authorizing the Mayor to enter into a contract with B&B Utilities and Excavating, LLC for repair of 20th Street SE. Motion carried unanimously (4-0-0-3).

Discussion Items:

Snohomish County Cities—2015 Legislative Agenda. Councilmember Daughtry said that SCC is requesting input as to what the city's top five legislative priorities are for 2015, and distributed a list of suggested priorities. He requested each Councilmember rank their top three priorities from that list in order and return the list to him. Councilmember Daughtry will provide the ranked lists to SCC for consideration in the 2015 legislative agenda.

Council Person's Business: Councilmembers reported on the following meetings: Councilmember Tageant: Budget, Boys & Girls Club; Councilmember Welch: Fire Commission meeting, Cavalero Park Public Meeting; Low: Cavalero Park Public Meeting, Health Board meeting, Budget, has been in contact with Dr. Goldbaum regarding scheduling for the student interview project previously presented to Council; Daughtry: Military Affairs Committee, SCC Board meeting.

Mayor's Business: Upcoming meetings with Dave Somers regarding Cavalero Park, SCCIT and SCT/PSRC, and Representative Dunshee, attending final grant presentation on the boat launch in Olympia.

Staff Reports: Staff reported on the following: Planning Director Ableman: Cavalero Park Public Meeting and next steps; Public Works Director Monken: new engineer starts October 1, Grade Road update, Sewer District staff are preparing alternatives for downtown area; Police Commander Lorentzen: distributed a handout with results of two community surveys which includes the new department mission statement; Human Resources Director Edin: updates on hiring and salary commission recruitment.

Adjourn. Councilmember Tageant moved, Councilmember Welch seconded, to adjourn the meeting at 8:47 p.m. Motion carried unanimously (4-0-0-3).



Vern Little, Mayor



Kathy Pugh, Deputy City Clerk