

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

Tuesday, June 28, 2016

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

CALL TO ORDER: 7:00 p.m. by Mayor John Spencer

ELECTED OFFICIALS PRESENT: Mayor John Spencer, Councilmembers Kim Daughtry, Sam Low, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder, Marcus Tageant

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: Interim City Administrator Mary Swenson, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Mick Monken, Interim Police Chief Ralph Krusey, Interim Lt. Bob Summers, Police Officer Nathan Adams, Police Records Specialist Deb Smith, Human Resources Director Steve Edin, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Lake Stevens Police Explorers Colton Ream, Alex Cooper, Dawson Pitzer, Massena Logan, Sara Mayfield, Brenann Peters

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**Pledge of Allegiance:** Council President Sam Low introduced the Lake Stevens Police Explorers, who then led the Pledge of Allegiance.

**Roll Call.**

**Approval of Agenda:**

Council President Low said the following items will be removed from the Consent Agenda and placed under Action Items: (C) Approve City Council Regular Meeting Minutes of June 14, 2016 will be moved to Action Item (E); (D) Approve Marine Boat Purchase will be Action Item (F); and (E) Approve Visitor Information Center – Wall Mounted and Monument Signs will be Action Item (G) Council President Low also said that Action Item D, Approve Ordinance 956 Establishing a Moratorium on New Construction in the Downtown Area might be removed from the agenda following the Staff briefing.

On the Consent Agenda, Item (H), Authorize Mayor to Enter into Contract with Distinctive Interior Designs for Space Planning re Temporary City Hall, Council President Low and Councilmember Daughtry both disclosed they have business relationships with owner Kelly DuByne, but this will have no bearing on their vote. Councilmember Holder said Ms. DuByne is a friend, but this will not affect her vote.

Mayor Spencer commented for the record that the reasoning for bringing the moratorium for new building in the downtown area forward at this time is to provide for a clean slate as the City enters into the downtown subarea planning process.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Daughtry to approve the Consent Agenda as amended. On vote the motion carried (7-0-0-0).

### **Guest Business:**

Mathew Palicte, 2425 170<sup>th</sup> Drive NE, Lake Stevens, suggested that the City open up the eastbound blocked right lane at the Eagle Roundabout to ease traffic flow.

### **Employee Introduction:**

Mayor Spencer introduced new lateral hire Police Officer Phillip Bassett and administered the oath of office to him. Interim Police Chief Ralph Krusey welcomed Officer Bassett.

### **Council Business:**

Councilmember Daughtry: Trestle Station grand opening, SCCIT, Community Police meeting, AWC Conference, Police Chief Candidates Reception, Police barbecue, Rain Garden installation at Lundeen Park; Councilmember Low: Welcomed Police Chief candidates and their spouses, Police Chief Candidates Reception; Cavelero Police meeting; Trestle Station grand opening; Councilmember Hilt: Potential Youth Council; Councilmember Welch: Music on the Lake and Shakespeare in the Park, Arts Commission; various subcommittee meetings; Councilmember McDaniel: Police Chief Candidates Reception and interviews, Public Safety subcommittee; Councilmember Holder: Police Chief Candidates Reception; positive feedback on Lundeen Park; Councilmember Tageant: Police Chief interviews, Chamber, Trestle Station grand opening, Public Safety subcommittee.

**Mayor's Business:** Mayor Spencer said he is working with Snohomish Mayor Karen Guzak on a strategic plan for Snohomish County Tomorrow, and that there needs to be a focus on land use values and how it connects to transportation. Mayor Spencer said that he and Interim City Administrator Swenson traveled to Yakima today to meet with Senator King, who is the chair of the Senate Transportation Committee regarding the upcoming transportation projects in Lake Stevens and the Trestle.

### **City Department Report:**

Public Works Director Mick Monken updated on the SR 204/SR 9 interchange project, said that WSDOT has invited the City to participate in the consultant selection process for the Trestle project, updated on the Grade Road repair and said it may be completed in two parts, updated on the 36<sup>th</sup> Street Bridge repair.

Community Development Director Wright said that building and land use permits are still continuing at a high rate, provided a staffing update, said that Parks Coordinator interviews are underway, first Citizens Advisory Committee meeting will be held this week, is working to develop a Council Executive Committee to help facilitate the advisory committee meetings, provided an update on Cavelero Park.

Interim Police Chief Krusey, recognized the Explorer Scouts and their coordinators, Officer Nate Smith and Records Specialist Deb Smith, and there will be a Police Community Meeting on July 21<sup>st</sup> regarding issues related to Opioids.

Finance Director/City Clerk Barb Stevens provided an update on the Budget Subcommittee and the budgeting schedule for preparing a 2017 budget.

Interim City Administrator Mary Swenson said that training was completed with the Teamsters on collaborative bargaining which will be very helpful in the upcoming union negotiations. A member of the Police Guild also attended the training.

### **Consent Agenda.**

**MOTION:** Moved by Councilmember Low, seconded by Councilmember Hilt, to approve the amended Consent Agenda: (A) 2016 Vouchers [Payroll Direct Deposits of \$155,151.80, Payroll Checks Nos. 40617-40618, 40623 totaling \$4,065.52, Tax Deposits of \$64,949.22, Electronic Funds Transfers (ACH) of \$14,174.90, Claims Check Nos. 40615-40616, 40619-40622, 40624-40687 totaling \$247,149.90; Void Checks Nos. 40590, 40491-40492 totaling \$16,431.95; Total Vouchers Approved: \$469,059.39]; (B) City Council Workshop Meeting Minutes of June 14, 2016; (F) Authorize Mayor to Enter into Contract with Robinson Noble, Inc. for Geotech Services for 36<sup>th</sup> Street Bridge Repair; (G) Authorize Mayor to Enter into Contract with Prothman for City Administrator Recruitment; (H) Authorize Mayor to Enter into Contract with Distinctive Interior Designs for Space Planning Services re Temporary City Hall; (I) Approve Updated Salary Range and Title – Police Administrative Manager; (J) Approve Additional Staffing – Building Inspector/Code Enforcement; (K) Approve Additional Staffing, Salary Range, and Job Description – Senior Accountant. On vote the motion carried (7-0-0-0).

### **Public Hearing:**

**Public Hearing to Adopt a Six Year Transportation Plan and Adoption of Resolution 2016-13:** Deputy City Clerk Kathy Pugh opened the public hearing and read the rules of procedure for the record.

Civil Engineer Adam Emerson presented the staff report and reviewed the projects proposed projects to be added to the 2017-2022 Transportation Improvement Plan. He then responded to Councilmembers' questions, and clarified that the six-year transportation plan can be amended at any time.

In response to a question from Councilmember Low, Mr. Emerson said that sidewalks are scheduled for Vernon Road projects, but that there is also the potential for roadway improvements as well. Regarding improvements to South Lake Stevens Road, it is possible some of these improvements will be included in this year's pavement overlay project, but there are environmental concerns that Staff is actively working on it.

Mayor Spencer invited public comment from the audience and there was none.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Welch, to close the public comment portion of the public hearing. On vote the motion carried (7-0-0-0).

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Welch, to close the public hearing. On vote the motion carried (7-0-0-0).

**MOTION:** Moved by Councilmember Low, seconded by Councilmember Hilt, to approve Resolution 2016-13 adopting the 2017-2022 Six-Year Transportation Improvement Plan. On vote the motion carried (7-0-0-0).

**Action Items:**

**Award Bid to Kamins Construction re Safe Routes to School:** Civil Engineer Emerson said that a revised contract was distributed prior to the meeting, with the only difference being the removal of the pollution insurance requirement as it is not necessary for this type of work. Mr. Emerson then presented the staff report and reviewed that the City received a state-funded grant through WSDOT's Safe Routes to School program in December 2015 for design and construction of a sidewalk along 91<sup>st</sup> Avenue SE between 8<sup>th</sup> Street SE and 12<sup>th</sup> Place SE. Mr. Emerson reviewed the bid process and opening and said that Kamins was the lowest responsive bidder. He said that the City received an official bid protest from the second lowest bidder, protesting that Kamins did not complete its bid package to the requirements specified in the Request for Bid. Staff consulted with the City Attorney, who determined that the differences were "immaterial irregularities" and advised Staff to proceed with the lowest responsive bidder. It is Staff's recommendation that Council award the bid to Kamins Construction in the amount of \$459,533.90 and authorize the Mayor to enter into Public Works Contract in that amount for the 91<sup>st</sup> Avenue SE Safe Routes to School Project, and also authorize an administrative contingency of \$120,255.10. Mr. Emerson then responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember McDaniel, to award the bid for the Safe Routes to School – 91<sup>st</sup> Avenue SE project, authorize the Mayor to execute a Public Works contract with Kamins Construction for the amount of \$459,533.90 and authorize an administrative contingency of \$120,255.10. On vote the motion carried (7-0-0-0).

**Approve Ordinance 955 re Traffic Mitigation Adjustment:** Community Development Director Russ Wright presented the Staff report and said that tonight's requested action is to approve Ordinance 955 adopting a revised traffic fee adjustment and repealing Resolution 2014-13. Approval of Ordinance 955 will allow adjustments to the City's traffic impact fees for the purpose of implementing the City's growth strategy, stimulating development of new businesses in subareas, replace impact fees by increasing sales tax revenue from new mid to large-sized retailers; set a clear duration of three years and provide a clear nexus between adjustment and projected revenue. Director Wright said that based on comments Staff has identified that the program needs to be simple and easily implemented. Director Wright explained the two-tier strategy that is being proposed.

Discussion ensued regarding how the three year averaging will apply, how this adjustment will apply to commercial sites with multiple businesses, concerns regarding when the certificate of occupancy issues and how the ordinance will apply when tenant improvements are made by developers during the first year that push out the issuance of the certificate of occupancy, how the sales tax is applied, and whether big box or niche developers are being targeted by this ordinance.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Low, to remove this item from the agenda to allow Staff to make changes based on Council input and to bring it

back on the August 23, 2016 agenda for further consideration. On vote the motion carried (7-0-0-0).

**Approve Ordinance 957 Amending LSMC 4.04 relating to Business Licenses and**

**Regulations:** Director Wright presented the Staff report and said that approval of this ordinance will transfer the responsibility of administering business licenses from the City Clerk to the Planning and Community Development Department. He then responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Holder, seconded by Councilmember Welch, to adopt Ordinance 957 transferring the responsibility of administering business licenses from the City Clerk to the Planning and Community Development Department. On vote the motion carried (7-0-0-0).

**Approve Ordinance 956 Establishing a Moratorium on New Construction in the**

**Downtown Area:** Director Wright presented the Staff report and said that because the City is initiating a planning effort for the downtown Lake Stevens area which will include a subarea plan and planned action environmental statement, it is appropriate to temporarily prohibit new construction of commercial, mixed-use and multifamily buildings in the Mixed-Use and Central Business District Zones. This will allow time to evaluate the necessary infrastructure improvements for sewer, stormwater and streets to facilitate increased development in the downtown area. Director Wright then responded to Councilmembers' questions.

Discussion ensued. Councilmembers Low, Tageant, Welch expressed concern regarding the message the City is sending to big businesses who may want to come into the downtown area if this ordinance is approved, and how development impacts the Lake Stevens Sewer District infrastructure, and also said that issues related to heights restrictions can be addressed.

Mayor Spencer responded that it rests with the City to determine how downtown development will impact the existing infrastructure including sewer, and also that the community has expressed concern about new development coming in, particularly as it relates to height. This moratorium would allow the City to move forward with the downtown subarea planning without contradictions from any development plans that may be submitted. Councilmembers McDaniel and Holder agreed with the Mayor's comments.

**MOTION:** Councilmember Low moved, Councilmember Hilt seconded to remove this item from the agenda. On vote the motion (4-3-0-0) carried with Councilmembers Daughtry, McDaniel and Holder voting against the motion.

**Approve City Council Regular Meeting Minutes of June 14, 2016:** Councilmember Low requested the minutes be amended to reflect his question as to whether anyone would be displaced if the City proceeded with an eminent domain process to acquire the 20<sup>th</sup> Street SE Right of Way.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember McDaniel, to approve the minutes of the June 14, 2016 City Council Regular Meeting with the requested amendment. On vote the motion carried (7-0-0-0).

**Marine Boat Purchase:** Chief Krusey reviewed the status of the current fleet and that one of the two boats is seriously deteriorating. He said that the City received three bids and the North

River Seahawk was the lowest bid and would meet the City's needs. Chief Krusey noted that the need for a boat is high in the summer, but there are also needs, including rescue, on the lake all year round.

In response to Councilmember Holder's comment, Administrator Swenson said that the upcoming budget process will include a comprehensive plan for vehicle replacement schedules.

Discussion ensued and Councilmember Tageant confirmed that this proposal went through the subcommittee to go to full Council.

Councilmember Low asked that the request be amended to include a \$15,000 contingency reserve for the purchase and installation of a boatlift. Following discussion there was consensus to bring back the purchase of a boatlift later this year.

**MOTION:** Moved by Councilmember Low, seconded by Councilmember Daughtry to approve the Marine Boat Purchase. On vote the motion carried (7-0-0-0).

**Approve Visitor Information Center – Wall Mounted and Monument Signs:** Director Monken reviewed the Staff report and said there is one sign to be installed on the west side that consists of a small sign and a larger sign and provides outside identification for people entering the park. The second sign is a monument sign that is a variable message sign, which will be used to advertise events and activities taking place within the City. The sign designs proposed are consistent with the City's sign codes. The intent is to install the signs before the end of the summer.

Councilmember Holder asked if this signage will be consistent with the established parks signage. She asked if these signs will be stand alone or will they represent the City's future signage.

Director Wright responded that this sign request is in part a request by the Chamber. Staff has tried to ensure that the colors are representative of other colors that are used in City signage, and actually the request led to the Beautification Program. This sign will be more of a stand alone and will not be quite the same as what comes out of that process, but it will have similarities with the base stone and proposed colors. This could be brought back with more elements developed from the Beautification Program, and the cost would not change.

Councilmembers Holder and McDaniel believe the sign should include the logo or a consistent City theme. Councilmember Holder reminded there is a signage program for the City parks.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Tageant, to approve the budget for the monument and wall mounted signs for the Visitor Information Center. On vote the motion carried (7-0-0-0).

### **Study Session:**

**2016 Budget Amendment No. 2 – Ordinance 963:** Finance Director/City Clerk Barb Stevens presented the staff report and reviewed the proposed budget changes. Most of the changes have been brought to Council or to the subcommittees previously. She then responded to

Councilmembers' questions. Following discussion there was consensus to bring Ordinance 963 forward for consideration on the consent calendar at the July 12, 2016 City Council meeting.

**Adjourn:**

Moved by Councilmember Hilt, seconded by Councilmember Welch, to adjourn the meeting at 8:42 p.m. On vote the motion carried (7-0-0-0).



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Sam Low, Mayor Pro Tem



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Kathy Pugh, Deputy City Clerk