

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

Tuesday, October 13, 2015

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: Kim Daughtry, Sam Low, John Spencer, Todd Welch, Kathy Holder, Marcus Tageant

COUNCILMEMBERS ABSENT: Councilmember Quigley

STAFF MEMBERS PRESENT: City Administrator Jan Berg, Finance Director/City Clerk Barb Stevens, Planning and Community Development Director Rebecca Ableman McCrary, Public Works Director Mick Monken, Human Resources Director Steve Edin, Police Chief Dan Lorentzen, Deputy City Clerk Kathy Pugh and City Attorney Cheryl Beyer

OTHERS: Snohomish County Sheriff Ty Trenary, Stillaguamish Police Chief Joe Orford, Marysville Police Chief Rick Smith, Snohomish County Sheriff Bureau Chief Nelson Beazley

Excused Absence. Moved by Councilmember Welch, seconded by Councilmember Holder, to excuse Councilmember Quigley from the meeting. On vote the motion carried (6-0-0-1).

Guest Business.

Dick Todd, 825 99th Avenue SE, distributed copies of photographs and read from a prepared statement. Mr. Todd said that his concerns arise from annexations by the City, and expressed concern that citizens' concerns are not being heard by city officials.

Brent Kirk, 25 South Davies Road, said he located a statistical study that shows Lake Stevens has 40% less tax revenue per capita than peer cities that are often used for comparison by the City when making budget decisions and urged the Council to think long term.

Real Property Crimes Unit Presentation: Police Chief Lorentzen introduced Snohomish County Sheriff Ty Trenary, Stillaguamish Police Chief Joe Orford and Marysville Police Chief Rick Smith and Snohomish County Sheriff Bureau Chief Nelson Beazley

Chief Smith said the goal of the Real Property Crimes Unit is to create an impact on crime. The unit goes after offenders rather than trying to solve the crime. Chief Smith reviewed the arrest and search warrant statistics for the last nine months and reported that a number of criminal organizations have been taken off the streets. The success of the unit is based on sharing information and combining resources. The unit has recovered and returned property valued in excess of \$365,000.

Sheriff Trenary commented that the success of the unit has been accomplished with no new dollars. Sheriff Trenary noted that there is an epidemic of heroin in the community and 90% of the time criminals say their crime is directly related to their addiction.

Chief Orford said this is a great opportunity to participate, and that while the Tribe does not have the manpower to participate, it is able to contribute funds to assist the unit.

Patrick McCourt representing Trestle Holdings, LLC, 10515 20th Street SE, Suite 202, referenced a letter he previously submitted and said that he has questions about the traffic mitigation fee adopted by Ordinance 922 as it relates to zoning and he is working with staff on this. Mr. McCourt also distributed a letter and said that Trestle Holdings is interested in purchasing excess right-of-way from the City adjacent to its project on 20th Street SE.

Sally Jo Sebring, 1023 99th Ave SE requested clarification on traffic mitigation, and staff will report back.

Michael Fear, 829 99th Avenue SE, referenced a public records request for appraisals of the Williams property, and wondered who makes decisions about whether appraisals are released. City Attorney Beyer responded to Mr. Fear's inquiry.

City Department Report.

Consent Agenda.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve (A) 2015 Vouchers [Payroll Direct Deposits of \$136,737.35, Payroll Check No. 39160 in the amount of \$2,670.14, Tax Deposits of \$53,752.27, Electronic Funds Transfers (ACH) of \$166,234.78, Claims Check Nos. 39159, 39161-39262 totaling \$369,110.86, Void Check Nos. 38060 and 39127 totaling \$1,840.00; Total Vouchers Approved: \$726,665.40]; (B) September 22, 2015 City Council Regular Meeting Minutes; (C) Interlocal Agreement with Snohomish county for Emergency Management Services; and (D) Agreement with Wave Broadband for Telephone and Internet Services. On vote the motion carried (6-0-0-1).

Public Hearing:

Approve Ordinance 938 re Whispering Meadows Right of Way Vacation: City Clerk Barb Stevens opened the public hearing and read the rules of procedure into the record.

Senior City Planner Russ Wright presented the staff report and said that tonight's action is to hold a public hearing for the proposed Whispering Meadows right-of-way vacation and to approve the right-of-way vacation by adoption of Ordinance 938. Mr. Wright reviewed the history of the plat application and said that it was approved under Snohomish County and that one of the conditions of approval was that a portion of right-of-way along 102nd Avenue NE be vacated; in return property would be dedicated back to the City for realignment of 102nd NE. The Planning Commission forwarded to the Council findings of fact and conclusions, together with its recommendation for approval. He then responded to Councilmembers' questions.

Mayor Little invited public comment.

Judy Cowper, 10324 Oak Road, said she is concerned about potential safety issues with increased traffic travelling past the school to access 92, and also that the one-way street has created additional traffic at Callow.

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public comment portion of the public hearing. On vote the motion carried (6-0-0-1).

Councilmember Holder asked if the re-alignment of 102nd would help with traffic issues of ingress and egress. Public Works Director Mick Monken explained that 102nd is the internal road and that access would be onto 101st. Most peak trips will be to Lundeen, and not north to 92.

Councilmember Holder inquired about sidewalks and Director Monken responded there will be internal sidewalks, and that the developer has worked cooperatively with the City to provide for a pedestrian walking shoulder along 101st. Director Monken reminded this project was vested under Snohomish County and that to provide sidewalk would have required the developer to purchase additional property.

MOTION: Councilmember Spencer moved, Councilmember Welch seconded, to close the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Welch moved, Councilmember Spencer seconded, to approve the proposed right-of-way vacation by adoption of Ordinance 938. On vote the motion carried (6-0-0-1).

Public Meeting:

Final Plat Acceptance of Whispering Meadows: Senior Planner Wright presented the Staff report and referenced a handout for tonight's meeting that describes the resolution of the various encroachment issues. Staff has concluded that the applicant has satisfied the Hearing Examiner's conditions for approval. He said tonight's action is to hold a public meeting and accept the proposed Estates of Whispering Meadows final plat and right-of-way dedication of 102nd NE, 35th Place NE and 33rd Place NE, all within the project. He then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Welch seconded by Councilmember Tageant to approve the final plat of Whispering Meadows and accept the road dedication. On vote the motion carried (6-0-0-1).

Final Plat Acceptance of Maple Rock: Senior Planner Wright presented the staff report and an updated staff report distributed at this evening's meeting. He said that tonight's action is to hold a public meeting, and to accept the Maple Rock Subdivision, the associated right-of-way dedication and the findings of fact. He then responded to Councilmember's questions.

Councilmember Spencer inquired about how traffic will exit from the plat and Mr. Wright responded. Councilmember Spencer then inquired about site distance for exiting onto 92nd, and Public Works Director Monken reviewed and explained the site distance requirements.

Councilmember Tageant inquired about how many peak trips will be generated and Director Monken responded approximately 22.

Michael Fear, 820 99th Avenue SE, asked about the concrete wall on 20th SE, and Director Monken responded that it is a storm vault. Senior Planner Wright added that there is no requirement by code to screen detention vaults; however, the applicant has plans to screen the vault and develop a semi-public playground along the top of it for the neighborhood.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Holder, to accept the final plat of Maple Rock and the associated right-of-way dedication and findings of fact. On vote the motion carried (6-0-0-1).

Action Items:

Approve Resolution 2015-14 Endorsing: Snohomish County Public Transportation Benefit Area Corporation (Community Transit) Proposition No. 1 Transit Mobility Improvement 0.3% Sales and Use Tax Funding: Councilmember Daughtry reviewed that the Legislature authorized public transportation agencies to seek voter approval for increased tax revenue, and said that if this ballot proposition is approved Snohomish County residents would benefit from increased services that the new revenue would provide.

Councilmember Low commented his research shows that Lake Stevens will not receive a direct benefit from Community Transit if this proposition is approved.

Councilmember Daughtry elected to bring back Resolution 2015-14 to Council along with more information.

Approve Ordinance 941 re Zoning Moratorium for Additional Marijuana Retail Locations: Senior Planner Wright presented the staff report and said that if approved tonight's action would establish a moratorium within the city of Lake Stevens temporarily prohibiting the establishment, siting, location, permitting, licensing or operation of new retail locations to sell marijuana. If approved, during the time of the moratorium the City would have an opportunity to review the new legislation, gather public input and establish regulations that are consistent with the new legislation and also in the best interests of the City. Adoption of the ordinance would also set a public hearing date of December 8, 2015 for public input on the merits moratorium. He then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Low, to adopt Ordinance 941 temporarily prohibiting the establishment, siting, location, permitting, licensing or operation of new retail locations to sell marijuana pursuant to the authority of RCW 36.70A.390, and setting a time for a public hearing within 60 days of adoption of Ordinance 941, scheduled for December 8, 2015. On vote the motion carried (6-0-0-1).

Approve Right of Way Acquisition Relocation Assistance Procedures for 20th Street SE: Public Works Director Mick Monken presented the staff report and explained that establishing approved procedures for relocation assistance for property owners in the right-of-way acquisition area is one of the requirements of the federal grant funding. He then responded to Councilmember's questions.

MOTION: Moved by Councilmember Spencer, seconded by Councilmember Welch, to approve the Right-of-Way Acquisition Relocation Assistance Procedures for 20th Street SE, Phase 2, Segment 1. On vote the motion carried (6-0-0-1).

Approve Ordinance 940 Authorizing the Issuance and Sale of a Limited Tax General Obligation Refunding Bond in a Principal Amount Not to Exceed \$820,000 to Refund Certain Outstanding Limited Tax General Obligation Bonds: Finance Director Barb Stevens presented the staff report and said the 2004 bond was issued to finance the acquisition of land and purchase and installation of a modular building on Grade road to serve as the City's police station. If Council approves Ordinance 940, the City will save an estimated \$60,000 over the next eight years due to the improved terms of the 2015 bonds over the 2004 bonds which the City currently holds. She then responded to Councilmember's questions.

Discussion ensued on the merits of using general or reserve funds to pay the bond in full versus approving Ordinance 940 authorizing the issuance and sale of a limited general obligation refunding bond as proposed by Staff. Director Stevens noted that the City's reserve funds are generally set aside for infrastructure and if they are drawn down to pay this bond it will likely impact the interest rates of bonds the City wishes to sell in the future as well as the City's ability to successfully apply for grant funding for various projects.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Spencer, to authorize the Mayor to sign 2015 Limited Tax General Obligation Bond Ordinance No. 940. On vote the motion carried (6-0-0-1).

Approve Ordinance 939 Amending Ordinance 925, 2015 Budget: Finance Director Stevens presented the staff report and said this budget amendment is the one brought forward two weeks ago. It is not on the consent agenda because two items were added since the last meeting, both of which were brought before Council previously: increase general fund expenditure for the wetland delineation study of the Grade Road property, and increase the approved amount for removal of dangerous trees as a result of the August 2015 wind storm. There is potential for FEMA reimbursement for the tree removal. The increase to the capital equipment fund for police vehicles remains on this budget amendment.

MOTION: Moved by Councilmember Holder, seconded by Councilmember Daughtry, to approve Ordinance No. 939 amending Budget Ordinance No. 925. On vote the motion carried (6-0-0-1).

Emergency Resolution 2015-15 – City Shop Gate Repair: Public Works Director Mick Monken presented the staff report and said that over the weekend the gate and fencing around the City Shop was heavily damaged by a hit-and-run vehicle and requires repair. Without immediate repair the City is unable to secure the shop area and yard where equipment and vehicles are maintained, including evidence vehicles. He then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Low, seconded by Councilmember Tageant, to declare an emergency and adopt emergency Resolution 2015-15 with the correction removing the paragraph regarding trees, and authorize the Mayor to execute a contract for the emergency gate and fence repair at the City's shop. On vote the motion carried (6-0-0-1).

Discussion Items:

Ordinance 942 Amending 2015 Budget: Finance Director Barb Stevens presented the staff report and said this budget amendment is presented for consideration of staffing changes in the police department brought about in part by the Police Commander's plan to retire. She then responded to Councilmembers' questions.

Discussion ensued regarding the benefit of eliminating the commander position and adding the operations lieutenant position or waiting until a later date. There was consensus to bring this item back on the October 27, 2015 Council agenda.

HUR Impervious Surface Allowance Code Amendment: Associate Planner Stacie Pratschner presented the staff report and said this discussion item is brought forward as a result of a request by a developer to modify the language in LSMC 14.48.055 to allow 65% impervious surface in High Urban Residential (HUR) zoning districts. She said that this matter has been reviewed by staff and by the Planning Commission, including a public hearing. Staff's review concluded that this request is consistent with the Comprehensive Plan. The Planning Commission recommended Council approve this amendment, with one no vote on the Planning Commission. Discussion ensued and Ms. Pratschner responded to Councilmembers' questions.

Cavelero Park Update: Community Development and Planning Director Becky Ableman McCrary provided an update on the Cavelero park partnership with Snohomish County and related improvements and said the County has issued a request for proposals for the skateboard park design. Director McCrary distributed a handout showing the different phases of development for the park. Currently the County and City are in Phase IA of the development. She reviewed the various proposals for the park and said that the schedule anticipates completion of Phase I by September 2017. She then responded to Councilmembers' questions.

Councilmember Holder commented the Park Board wonders why the commercial buildings are not built until Phase 3 instead of in Phase 2. The commercial buildings will give a presence near the skate park and starts to build a public/private presence to the park early on in the project. Director McCrary said staff agrees and has had conversations with Snohomish County about this. Staff will continue to advocate for earlier construction of the commercial buildings.

Discussion ensued regarding funding, security and public facilities.

Roadside Memorial Program: Mayor Little said this item is being removed from the agenda.

2015 Budget Update and 2016 Preliminary Budget: Finance Director Stevens provided an update on the 2015 budget and presented the 2016 Preliminary Budget. Discussion ensued and Director Stevens responded to Councilmembers' questions. There was consensus to hold a workshop Council meeting on October 20, 2015 at 7:00 p.m. in the Community Center to further discuss the 2016 preliminary budget.

Council Person's Business: Councilmembers reported on the following meetings:
Councilmember Low: Lake Stevens Fire.

Mayor's Business: Homeless encampment; Haggen's.

Executive Session: Mayor Little announced an executive session for 10 minutes to discuss potential litigation beginning at 10:30 p.m. and ending at 10:40 p.m. with possible action to follow. At 10:41 p.m. the executive session was extended 5 minutes. At 10:46 p.m. the executive session was extended an additional 5 minutes.

The regular meeting of the City Council was reconvened at 10:51 p.m. No action was taken following the executive session.

Adjourn.

Moved by Councilmember Holder, seconded by Councilmember Welch to adjourn the meeting at 10:51 p.m. On vote the motion carried (6-0-0-1).



Vern Little, Mayor



Kathy Pugh, Deputy City Clerk