

CITY OF LAKE STEVENS
CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, October 24, 2017
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:04 p.m. by Mayor John Spencer

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder and Marcus Tageant

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Police Chief John Dyer, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Economic Development Coordinator Jeanie Ashe, Commander Ron Brooks

OTHERS:

Pledge of Allegiance: Mayor Spencer opened the meeting and led the Pledge of Allegiance.

Roll Call: All present.

Approval of Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember McDaniel, to approve the agenda.

Councilmember Petershagen requested a correction to proposed Ordinance No. 1003 regarding marijuana retail sales in the ninth recital. The City Council vote count set out in that recital is correctly 5-0-0-0, and not 4-0-0-0.

VOTE: On vote the motion to approve the agenda carried (7-0-0-0).

Citizen Comments:

Mary Dickinson, 2514 85th Drive NE, Lake Stevens, spoke in support of Resolution 2017-17 supporting the Library Bond.

Michele Hampton, Post Office Box 596, Lake Stevens, requested that Exhibit B to Resolution 2017-17 be amended to reflect that the City will own the new facilities including the land, building, furnishings, library collections and equipment.

Council Business:

Council President Hilt commented that Council has been discussing over the year how to get information out of the subcommittees and to the Council and public in an effort to be open and transparent to the public. The plan is that the subcommittee chair will provide a brief report on agenda items reviewed by that particular subcommittee, and staff will be available to answer any additional questions.

Councilmember McDaniel said there are two consent agenda items this evening that were reviewed by the Public Safety Committee. The first is the Interlocal Agreement with the Washington State Traffic Safety Commission. The City was awarded an \$11,500 grant by this commission to be used for traffic emphasis patrols including DUI, motorcycle safety and seatbelt enforcement. The emphasis patrols will be spread out through the year.

Councilmember McDaniel said the second item is an Interlocal Agreement with ICART, which stands for Interagency Child Abduction Response Team. This program is modeled after the SMART program and focuses on child abduction. It provides that in certain cases a multidisciplinary team will be asked to assist the local agency. Participating agencies are asked to provide trained personnel to participate as part of the multidisciplinary team. The City has been asked to participate.

Councilmember McDaniel reported on additional discussion items including, the Interlocal Agreement to participate in the new agency Snohomish County 911, which is being formed through a consolidation of SnoPac and SnoCom, and will be effective January 1, 2018. This will be brought forward at the November 14, 2017 meeting by Police Chief Dyer and Kurt Mills, SnoPac Director, who will be available to answer questions.

Councilmember McDaniel added that the subcommittee has discussed the current police department building, which is experiencing settling issues. The building was inspected and it was determined it is safe for use. Public Works is exploring how this can be addressed. Director Wright and Chief Dyer have been putting together recommendations regarding construction of the new police department. Finally, there is a recommendation to change the police fleet makeup by moving away from the Dodge Charger and going to the Ford Explorer for the patrol fleet, which is a cost-saving measure.

- Councilmember Daughtry: Snohomish County for Improved Transportation; Elected Officials Reception.
- Councilmember Petershagen: Planning Commission.
- Councilmember Hilt: Elected Officials Reception.
- Councilmember Welch: Library Board.
- Councilmember McDaniel: Public Safety, Planning Commission, Historical Society.
- Councilmember Holder: Parks: Gazebo acquired for installation at Eagle Ridge Park near the community garden, Cavelero Park, Snohomish Health District clean air signs, Family Center.
- Councilmember Tageant: No report.

Mayor's Business: Mayor Spencer reported on meetings he has attended in the last two weeks regarding the Trestle. The Port of Everett is very invested in seeing that the Trestle is replaced because of freight mobility and Naval Station Everett. The Port is working with the

congressional delegation and state legislators to move forward with having the Trestle replaced. Mayor Spencer also participated in a meeting with state legislators and their representatives regarding funding of a Trestle replacement, and they are looking forward to legislation that would allow the Trestle to be rebuilt through a public/private partnership.

Mayor Spencer also said there is a Lake Safety Task Force meeting tomorrow night. The meeting is organizational and ultimately the task force will make advisory recommendations to the Public Safety Committee, and ultimately recommendations would come to City Council. Key items include education about lake safety and use, signage, clear direction to police regarding enforcement of safety rules, and does the City want to have safety buoys, and if so how will they be deployed and managed. The goal is to have recommendations brought forward no later than April 2018, and sooner if possible.

City Department Report:

- City Administrator Brazel: Snohomish County Tomorrow.

Consent Agenda:

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve (A) 2017 Vouchers [Payroll Direct Deposits of \$186,957.43, Payroll Checks 43644-43648, 43655-43656 totaling \$7,555.34, Tax Deposits of \$78,878.19, Electronic Funds Transfers (ACH) of \$182,197.74, Claims Check Nos. 43649-43654, 43657-43776 totaling \$440,035.92, Void Check Nos. 43647, 42210 and 43584 totaling \$8,930.15, Total Vouchers Approved: \$886,694.47], (B) City Council Regular Meeting Minutes of October 10, 2017, (C) Interagency Agreement with Washington Traffic Safety Commission re Traffic Emphasis Enforcement, (D) Interlocal Agreement with Snohomish County re Interlocal Child Abduction Response Team, and (E) Association of Washington Cities Master Agreement. On vote the motion carried (7-0-0-0).

Action Items:

Approve Resolution 2017-17 Supporting Library Bond:

City Attorney Weed reviewed that in anticipation of the February 2017 election, Snolsle and the City entered into two agreements. One was an interlocal agreement for joint development of a site for the library and a civic campus, and the other related to the formation of the Library Capital Facilities Area (LCFA) which is a separate taxing and bonding authority. The other was for the issuance of bonds for construction of a new library. Formation of the LCFA was passed by the voters, the second ballot measure, authorizing issuance of bonds and incurring debt, did not pass. The purpose of tonight's resolution is to ask that Council consider requesting that the bond portion of the issue be placed before the voters for a second try. Snolsle passed its resolution on October 23, 2017, and LCFA which is composed of a different board, will also consider a resolution asking the County Council to place the bond issue before the voters. If the bond issue is approved, it allows the LCFA to issue the bonds and service the debt on those bonds. Pursuant to the 2016 agreements, the proceeds of the bonds will go to Snolsle for the purpose of acquiring land and building a facility for a public library. Also important to keep in mind is that the interlocal agreement between Snolsle and the City provides that Snolsle will acquire one parcel of land to complement a parcel of land already owned by the City, with the concept being to plan together how a public library and city civic facilities will function

harmoniously. The agreement provides that Snolsle will own the land that it purchases until there is an exchange, and also that Snolsle will own and operate the library.

Mayor Spencer noted that the boundaries of the LCFA extend beyond the City limits and are coterminous with the Lake Stevens School District.

Attorney Weed confirmed that not just City residents would pay taxes, but also people living in the LCFA jurisdiction would be taxed to service the debt.

Attorney Weed said that the exhibits are the current Memorandum of Understanding and the Interlocal Agreement that were previously entered into for the February 2017 ballot measure. Snolsle will bear the cost of placing this measure on the ballot.

MOTION: Moved by Councilmember Holder, seconded by Councilmember Hilt to approve Resolution 2017-17 requesting a Special Election relating to the issuance of not more than \$17,000,000 in General Obligation Bonds by the Lake Stevens Library Capital Facility Area (LCFA) to finance the Acquisition, Construction, Furnishing and Equipping of a Library Capital Facility and the imposition of an Excess Levy to retire said bonds. On vote the motion carried (7-0-0-0).

Adopt Ordinance 1003 re: Interim Zoning Regulations for Retail Marijuana Sales: Director Wright presented the staff report and said this ordinance is being brought forward following receipt by the city of an application for a second retail facility. Both the Planning Commission and City Council reviewed the request and issue. Council's direction was to bring back an interim ordinance to prohibit retail sales of marijuana in the Commercial District. The interim ordinance would be in place until the Planning Commission makes a final recommendation and Council takes a final action related to the allowed number of marijuana retail facilities in the city. Director Wright responded to Councilmembers' questions. This ordinance will be in place for six months or until the Planning Commission returns a formal and final recommendation to Council, at which time this ordinance could be repealed or allowed to sunset.

Councilmember Welch asked why the City is entering into an interim regulation, which is essentially an emergency ordinance. He is concerned that there is not a public process here, and he does not believe the need is immediate. Councilmember Welch said this is a case of a government body telling a private business it cannot operate in the city. This is not the Council's job. Council's job is to provide public safety. Cities cannot pick and choose who can operate within the city limits. Councilmember Welch is concerned that approval of this ordinance will set a precedent allowing the City to pick and choose which legal retail businesses operate in the City. Marijuana retail sales was approved by voters and is a legal business.

Responding to Councilmember Hilt's question, Director Wright said that in passing this ordinance the practical change in the code prohibits retail marijuana sales as an allowed use in the Commercial District, where it is currently allowed. Speaking to timing, Director Wright commented it was something that Council indicated it wanted to take action on and resolve this topic when there seemed to be consistent direction from the Planning Commission and the Council. The interim regulation would stay future acceptance of future businesses while the Planning Commission works through its process, including taking public testimony.

Speaking to Councilmember Welch's concern regarding public process, Director Wright said there is a process that requires a public hearing within 60 days of the Council taking any action, and at that point Council has the opportunity to reverse or repeal the action at that time.

Councilmember Hilt clarified that if this ordinance is passed and not repealed following the public hearing, through June 2018 the City would not allow a second retail store in the city, nor would a retail store be allowed in the Commercial District. He noted that if Council does nothing there is still not a second shop or a shop in the Commercial District.

Director Wright responded there is the potential that a shop could be located in the Commercial District if the existing shop were to close.

Attorney Weed commented that the reason state law allows interim zoning ordinances such as this one, with the condition that it is only in effect for six months and having a public hearing, is to put a hold on the City having to entertain new applications for uses that might otherwise vest.

Councilmember Hilt said he does not see the urgency in adopting this ordinance.

Councilmember Tageant said this is something the Council already tried to put on hold once until 2018, and that it is appropriate for this issue to go to the Planning Commission to allow for the public process and then make a recommendation to Council.

Councilmember Welch said this is a private business and it is not the constituents' role to determine what businesses are opened in the City. The market will determine if the business succeeds.

Councilmember Holder believes this is also a zoning issue.

Councilmember Petershagen said that the zoning code does regulate businesses in various zoning codes. Also, it is not the City's sole responsibility to regulate retail businesses, in this instance, the Washington Liquor and Cannabis Board also regulates these businesses.

Councilmember Holder commented the City is currently considering a car wash in a certain zone, and that there are two sides to the argument, and the Council does need to listen to input from its citizens on this issue.

Councilmember Hilt wondered if there is any attempt at compromise. It seems this is a pre-emptive action, and it is being applied to a business that is legal in the state, and Lake Stevens did vote in support of making this business legal.

Mayor Spencer suggested the answer is to allow the Planning Commission to move forward with the public process including holding the public hearing to receive citizen input. Once the Planning Commission makes a recommendation to Council that may be the time for Council to determine if there is a possible compromise.

Responding to Councilmember Welch's question, Mayor Spencer does not believe the Council will use interim legislation for new businesses all the time; it is occurring at this time because this is a highly regulated industry and people choose to exercise their right to have their public comment.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Daughtry, to adopt Ordinance1003 prohibiting the retail sales of marijuana in the Commercial District. On vote the motion carried (5-2-0-0).

Adopt Ordinance 1004 re Moratorium on Siting of Supervised Drug Consumption Facilities:

Director Wright presented the staff report and said adoption of this ordinance will impose a twelve-month moratorium on the siting of supervised drug consumption facilities while the City implements a work plan and the City Council considers options for permanent regulations, including potentially banning such facilities within the city.

Councilmember Holder asked if other jurisdictions are allowing these facilities, and Director Wright replied that Seattle does and maybe Portland.

Councilmember Hilt commented he understands that the sites will bring in addicts, and they can then be connected to resources that can help them. Councilmember Hilt said that Snohomish County does not yet offer those resources, and additionally, he does not believe this is an effective way to address concerns about addicts.

Councilmember Welch asked why this should be brought forward at this time. He believes the process is illegal from the beginning, and he is concerned about spending a lot of time on something like this when there are so many other things going on in Lake Stevens.

Councilmember Holder believes this moratorium is important, and there are a lot of people looking at new ways to treat the opioid epidemic. The City should be prepared if there is legislation that comes from the state or from the Health District in the future.

Mayor Spencer confirmed Councilmember Hilt's recall that one county councilmember requested this ordinance be considered. Marysville and other jurisdictions are also considering this issue. This is more of a statement so that the City can identify what work needs to be done to determine how it wishes to approach these types of facilities.

Responding to Councilmember Welch's question regarding the recent court ruling and whether this point is moot, Attorney Weed said that ruling affects the issue of if the City wants to buy time to study its zoning code. The City's code does not address this type of facility one way or the other, and the underlying intent is to put a hold in applications so they do not vest while the City studies the right way to address the issues.

Councilmembers Tageant and Daughtry support this moratorium, and Councilmember Daughtry said that in addition to being studied by the Planning Commission, this should go to the Public Safety subcommittee as well.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to adopt Ordinance 1004 temporarily prohibiting the establishment, siting, location, permitting, licensing or operation of supervised drug consumption facilities within the City of Lake Stevens pursuant to the authority of RCW 36.70A.390, and set a time for a public hearing within 60 days of adoption of this ordinance, currently scheduled for December 12, 2017. On vote the motion carried (7-0-0-0).

Approve Resolution 2017-16 authorizing and endorsing the submittal of a 2018 CDBG application for funding improvements to Frontier Heights Park: Director Wright presented the staff report and said that this year Snohomish County has funding available for Community Development Block Grants (CDBG) to be used to support acquisition, construction and/or rehabilitation of up to two public facilities benefitting principally low to moderate income neighborhoods. One of the things the funding can be used for is park facilities, and staff believes the improvements planned for Frontier Park would fit nicely with this funding opportunity. Approval of the Resolution sends a message to the grant administrators that the Council supports applying for these grant funds.

MOTION: Moved by Councilmember Holder, seconded by Councilmember Tageant, to approve Resolution 2017-16 authorizing and endorsing the submittal of a 2018 CDBG application for funding improvements to Frontier Heights Park. On vote the motion carried (7-0-0-0).

Discussion Items: Mayor Spencer said that County Executive Dave Somers is scheduled to participate in a workshop meeting with City Council beginning at 5:30 p.m. on November 14, 2017. To ensure this meeting is productive Mayor Spencer is proposing primary topics to include (1) Growth Management and PSRC's 2040 and 2050 plans, (2) UGA expansion, (3) Trestle replacement, and (4) Cavelero Park. Other potential topics the Mayor needs to address with Executive Somers include (1) 20th Street Properties (County transfer of deeds), (2) 20th Street Soccer field (County transfer of property to Lake Stevens), (3) Emergency management and County/City resilience, and (4) Opioid awareness, community-regional strategies. Mayor Spencer requested Council input. Mayor Spencer said he will send the topics to Executive Somers prior to the meeting, and will also send data including growth information. Commenting on the Trestle replacement, Mayor Spencer said it is imperative that the legislature address this issue now.

Councilmember Daughtry recalled that two years ago the County and City sat down together and determined they wanted to find a way to get common issues resolved quickly, and he wondered if this can be brought up again.

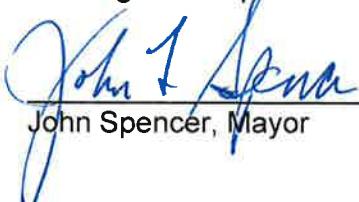
Mayor Spencer believes this can happen, and he also noted that Executive Somers is reaching out to other Snohomish County cities.

Responding to Councilmember Welch's question, Mayor Spencer said that he is also talking with other Snohomish County mayors.

Executive Session: None.

Adjourn:

Moved by Councilmember Daughtry, seconded by Councilmember Welch to adjourn the meeting at 8:21 p.m. On vote the motion carried (7-0-0-0).



John Spencer, Mayor



Kathy Pugh, Deputy City Clerk