

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

Tuesday, March 27, 2018

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 Pro Tem Marcus Tageant

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Todd Welch, Rauchel McDaniel, Brett Gailey and Marcus Tageant

ELECTED OFFICIALS ABSENT: Mayor John Spencer, Councilmembers Brett Gailey and Kurt Hilt

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Commanders Jeff Beazizo and Ron Brooks, Human Resources Director Teri Smith, City Clerk Kathy Pugh, City Attorney Grant Weed, Associate Planner Dillon Roth

OTHERS: Acting U.S. Marshall Jacob Green, Supervisory Deputy U.S. Marshall Michael Leigh, Mukilteo Police Sgt. Andy Illyn, and Snohomish County Deputy Sheriff Scott Berg

Pledge of Allegiance: Mayor Pro Tem Tageant led the Pledge of Allegiance.

Roll Call: Moved by Councilmember Welch, seconded by Councilmember McDaniel, to excuse Councilmembers Hilt and Gailey from the meeting. On vote the motion carried (5-0-0-2).

Approval of Agenda:

MOTION: Councilmember McDaniel moved, Councilmember Daughtry seconded, to remove from the Action Items (P) Approve Concession Agreement and Request for Bid Form, (Q) Approve Lease Agreement re Historical Society and (R) Approve Lease Agreement re Grimm House, from the agenda. On vote the motion carried (5-0-0-2).

Following the vote there was consensus to add Action Items (P), (Q) and (R) to Discussion Items, and also that these items would be brought forward in a workshop.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda as amended. On vote the motion carried (5-0-0-2).

Guest Business: Commander Beazizo introduced U.S. Marshall Jacob Green, Acting Marshall for the Western Washington District U.S. Marshall's Office, and Sgt. Dave Crandall of the Snohomish County Sheriff's Office and handles the Pacific Northwest Violent Offender Task Force and Supervisory Deputy U.S. Marshall Michael Leigh. They will be swearing in Corp. Michael Hingtgen, Mukilteo Police Sgt. Andy Illyn and Snohomish County Deputy Sheriff Scott Berg.

Acting Marshall Green reviewed the structure of the task force and what it is responsible for. He then introduced Task Force Commander Michael Leigh, who thanked the City for participating in the task force. He reviewed that Lake Stevens previously participated in the task force and they are excited to have the City represented on the team again. He next introduced U.S. Marshall Jacob Green.

Marshall Green then administered the Oath of Office to Corp. Hingtgen, Sgt. Andy Illyn, with the Mukilteo Police Department, and Scott Berg, Deputy Sheriff with Snohomish County Sheriff's Office.

Citizen Comments:

Don Fuller, 1329 – 99th Avenue SE, Lake Stevens, is concerned with Eagle Glen and how it is finished. He distributed photos illustrating his concerns.

Kris Bitnes, 11118 20th Street NE, Lake Stevens expressed her concern that the Lundeen concessions lease agreement allows the concessionaire to be in direct competition with her business and other existing brick and mortar businesses. She would like a no compete clause in the agreement. She also provided a letter from her husband expressing those same concerns.

Council Business:

- Councilmember Daughtry: Snohomish County Committee for Improved Transportation (SCCIT).
- Councilmember Petershagen: National League of Cities.
- Councilmember Tageant: National League of Cities.
- Councilmember Welch: Growth Management Act Workshop at Ruckelshaus Center.

Mayor's Business:

City Department Report.

- Human Resources Director Teri Smith: Hiring update.

Consent Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve (A) 2017 Vouchers [Payroll Direct Deposits of \$199,321.63, Payroll Checks 44711-44712 totaling \$4,455.03, Tax Deposits of \$74,224.37, Electronic Funds Transfers (ACH) in the amount of \$8,008.66, Claims Check Nos. 44710, 44713-44910 totaling \$634,564.93, Void Check Nos. 44596 and 43037 totaling \$360.30, Total Vouchers Approved: \$920,214.32], (B) February 13, 2018 City Council Regular Meeting Minutes, (C) March 6, 2018 City Council Special Meeting Minutes, (D) Resolution 2018-10 Authorizing Special Market Condition Purchase, (E) Ordinance No. 1021 re Cashier Change Funds, (F) Professional Services Agreement with Pacific Rim Environmental re Asbestos Abatement, (G) Professional Services Agreement with Feldman & Lee re Social Services, and (H) Interlocal Agreement with City of Arlington re Social Services Joint Grant Administration. On vote the motion carried (5-0-0-2).

Public Hearing:

Model Homes Ordinance No. 1019: Mayor Pro Tem Tageant opened the public hearing,

Senior Planner Josh Machen presented the staff report and said this is brought forward following receipt of a petition to allow the development of model homes within proposed subdivisions. Planner Machen said the Planning Commission has completed a public process on this request and recommends approval. Planner Machen invited Councils' questions and there were none.

Mayor Pro Tem Tageant invited public comment and there was none. Mayor Pro Tem Tageant closed the public comment portion of the hearing.

Discussion ensued regarding the financial security requirement, with consensus being that this requirement be removed.

Mayor Pro Tem Tageant then closed the public hearing.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Daughtry, to adopt Ordinance 1019 adopting model home regulations, with the financial security requirement contained in Exhibit A, Paragraph B, Section, stricken. On vote the motion carried (5-0-0-2).

Safe Injection Sites, Ordinance No. 1020: Mayor Pro Tem Tageant opened the public hearing.

Planner Machen presented the staff report and said this proposed code amendment is brought forward at the direction of Council. He reviewed the public process before the Planning Commission and said the Planning Commission recommends approval of the proposed ban on safe injection sites. Councilmembers had no questions of staff.

Mayor Pro Tem Tageant invited public comment.

Robin McGee, 2505 Meadow Drive, spoke in support of safe injection sites, saying these sites provide assistance to people to help them get off of drugs.

Michelle Hampton, Post Office Box 596, Lake Stevens, supports a ban on safe injection sites.

Mayor Pro Tem Tageant then closed the public comment portion of the hearing and invited Council discussion.

Councilmember Petershagen clarified a safe injection site is not a treatment site, with Councilmember Welch agreeing.

Mayor Pro Tem Tageant then closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to adopt Ordinance No. 1020 prohibiting the siting of supervised drug consumption facilities. On vote the motion carried (5-0-0-2).

Action Items:

Eagle Glen North Final Plat Acceptance and Right of Way Dedication: Associate Planner Dillon Roth presented the staff report and said the subdivision has met all requirements of the preliminary plat approval and the City's standards for final plat approval. He provided a brief history of the plat development. The requested action of Council is to accept the Final Plat of Eagle Glen North and the associated right-of-way dedication. Planner Roth then responded to Councilmember's questions and reviewed mitigation fees that will be received beginning when the building permits are issued.

MOTION: Moved by Councilmember Welch, seconded by Councilmember McDaniel, to accept the Eagle Glen North subdivision and associated right-of-way dedication. On vote the motion carried (5-0-0-2).

Professional Services Agreement with StrategyClicks, Inc.: Human Resources Director Teri Smith presented the staff report and said the Police records clerks are experiencing increased records requests and working with evolving public records laws. In addition there have been staffing changes. Approval of this professional services agreement will provide training to assist the records clerks in changing and restructuring team dynamics, thereby enhancing team relations. This will result in improved efficiencies and work product. Councilmembers' had no questions.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to approve the Professional Services Agreement with StrategyClicks, Inc. in the amount of \$7,250. On vote the motion carried (5-0-0-2).

Ordinance 1018 re Budget Amendment No. 1: Finance Director Barb Stevens presented the staff report and reviewed the changes to the budget amendment since it was last presented to Council. She then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve the second reading of Ordinance No. 1018 amending Budget Ordinance No. 1005 and including changes to the Organizational Chart. On vote the motion carried (5-0-0-2).

Resolution 2018-08 re Updated Council Rules of Procedure: City Clerk Kathy Pugh presented the staff report and said Council's requested changes, including providing for a single interview panel which will include up to three Councilmembers, have been made. She added that LSMC Chapter 2 has been reviewed, and all code sections relating to boards and commissions provide for Council approval or confirmation of the Mayor's appointment with the exception of the Civil Service Commission, which follows state law and does not require Council approval.

Discussion ensued as to whether the Salary Commission appointments require Council approval.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve Resolution 2018-08 adopting updated Council Rules of Procedure with the caveat that the Salary Commission is not included [for Council approval]. On vote the motion carried (5-0-0-2).

Appoint Additional Councilmembers to Participate in Board and Commission Interviews:

City Clerk Pugh presented the staff report and said with approval of the updated Council Rules of Procedure, appointment of the two additional Councilmembers at this time is appropriate. Councilmembers Brett Gailey and Rauchel McDaniel previously said they are interested in participating in the interview process.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Welch, to appoint Councilmembers Brett Gailey and Rauchel McDaniel to participate in Boards and Commissions interviews for calendar year 2018.

DISCUSSION ITEMS:

Concession Agreement and Request for Bid Form: Administrator Brazel said this is modelled after the County agreement and reviewed that the 12.45 percent leasehold tax is included in this agreement. He has language for a non-compete agreement, but is awaiting Council direction on including this language. Administrator Brazel said he heard from Councilmember Gailey that he does not agree with the fixed price requirement.

Discussion ensued with concern being raised about rent prices and whether or not utilities are included in the rent price, parking, and competition with adjacent brick and mortar businesses. Council agreed it is important to get it right the first time, especially since the agreement will apply to concessions in parks throughout the city. This will be brought back to a workshop for further discussion.

Lease Agreement re Historical Society: Administrator Brazel presented the staff report and said approval of this lease will allow the Historical Society to continue to lease the Museum premises. Staff is requesting direction as to the lease term length and noted that a lease term of one year was previously discussed. The requirement of providing quarterly reports has been added, including review of a financial report prior to lease-signing.

Discussion ensued with there being consensus that janitorial services as well as phone and internet need to be addressed in the lease. Council said it is important that leases be uniform, and requested this be brought back for further discussion at a workshop.

Lease Agreement re Grimm House: Administrator Brazel presented the staff report and said the proposed lease provides a lease term of five years, but also allows for termination by either party with six months' notice.

The need for insurance and valuation of contents was discussed, and Attorney Weed commented on the need for insurance requirements to be met and in place at the inception of the lease.

Councilmember McDaniel suggested the City develop a checklist to be completed at the time of move in and move out by lessees.

This will be brought back for further discussion at a workshop.

Mayor Pro Tem Tageant recognized the recent passing of lifetime Lake Stevens resident Frank McDaniel, and suggested that with the redevelopment of the downtown area and Main Street, perhaps one of the walkways or pathways could be named in his honor.

Study Session: None.

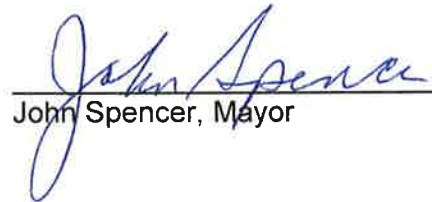
Executive Session: Mayor Pro Tem Tageant announced an executive session beginning at 8:14 p.m. and lasting five minutes to discuss collective bargaining negotiations, with action to follow.

The regular meeting of the City Council reconvened at 8:18 p.m.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember McDaniel, to authorize the Mayor to sign the Noncommissioned Police Employees Guild Agreement. On vote the motion carried (5-0-0-2).

Adjourn:

Moved by Councilmember Welch, seconded by Daughtry, to adjourn the meeting at 8:19 p.m. On vote the motion carried (5-0-0-2).



John Spencer, Mayor



Kathy Pugh, City Clerk