

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

Tuesday, April 24, 2018

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:** Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Brett Gailey and Marcus Tageant

**ELECTED OFFICIALS ABSENT:** None.

**STAFF MEMBERS PRESENT:** Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources/Executive Assistant Julie Good, City Clerk Kathy Pugh, City Attorney Grant Weed, Senior Planner Josh Machen, Capital Project Coordinator Aaron Halverson

**OTHERS:** Mark Sawyer, Washington State Department of Transportation (WSDOT)

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**Pledge of Allegiance:**

**Roll Call:** All present.

**Approval of Agenda:** Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda. On vote the motion carried (7-0-0-0).

**Guest Business:** Mark Sawyer, Washington State Department of Transportation, provided an overview of WSDOT's planned summer project to repave U.S. 2 west from Bickford Avenue, westbound to the west end of the Trestle. The project will be completed over six weekends, beginning Friday evenings until early Monday mornings. Mr. Sawyer reviewed the various detour alternatives that can be used during the first four weekends of the project. He said the last two weekends will include a total shutdown of the westbound Trestle and not all alternatives will work. Mr. Sawyer commented on how this will impact Lake Stevens and the surrounding communities and encouraged it is important to get the word out to the community now. Other projects impacting Lake Stevens are a roundabout project at SR 9 and 108<sup>th</sup>, and on 96<sup>th</sup>, near Machias Road, there will be a total closure for an extended period of time to construct a new culvert; detour routes will be marked. Mr. Sawyer then responded to Councilmembers' questions.

**New Employee Introduction:** Public Works Director Eric Durpos introduced Aaron Halverson, who is the city's new Capital Projects Coordinator. Mr. Halverson previously worked for Lake Forest Park and has a strong background in project management. Mr. Halverson has a master's degree in environmental science and a bachelor's degree in zoology.

**Citizen Comments:** None.

**Council Business:**

- Councilmember Daughtry: Sedona development, Veterans Commission and Veterans nonprofit, Snohomish County Cities for Improved Transportation (SCCIT).
- Councilmember Petershagen: Lake Stevens Rowing Regatta, Red Barn.
- Councilmember Hilt: New ship and commander coming to Port of Everett, Sedona.
- Councilmember Welch: Snohomish Health Department, Library Board, Beautification meeting.
- Councilmember McDaniel: Sewer Board, Planning Commission, Historical Society.
- Councilmember Gailey: Planning Commission, Sedona development.
- Councilmember Tageant: Discover Expo, Rowing Regatta.

**Mayor's Business:** Joint Meeting with Marysville City Council on May 15, 2018; Everett Clinic cleaned up entryways and signage to City, including planting flowers; Interchange Justification Report US 2/ SR 204, scheduled for wrap up and moving forward with environmental review; WSDOT workshop on SR 9 / SR 204 intersection improvement.

**City Department Report.**

- Community Development Director Russ Wright: Parks grants, Cavelero Park, Arts Commission re Mural Project, School District Modernization Public Hearing.
- Public Works Director Eric Durpos: Stormwater Capital Plan, Frontier Heights Park, South Lake Stevens Multi-Use Path; Village Way Project, 20<sup>th</sup> Street Ballfields.
- Chief of Police John Dyer: Ten proposals for Police Department design; staffing update; Lake Safety Task Force; grant program for social work programs for vulnerable populations, Car 64 historical vehicle being spruced up.
- Finance Director Barb Stevens: Washington Public Treasurers Conference.
- City Clerk Kathy Pugh: Boards and Commissions update.

**Consent Agenda:**

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Gailey, to approve (A) 2018 Vouchers [Payroll Direct Deposits of \$215,105.78, Payroll Checks 45035-45038 totaling \$7,244.87, Tax Deposits of \$84,728.60, Electronic Funds Transfers (ACH) of \$10,606.04, Claims Check Nos. 45039-45133 totaling \$302,088.07, Total Vouchers Approved: \$619,773.36], (B) City Council Workshop Meeting Minutes of April 3, 2018, (C) City Council Regular Meeting Minutes of April 10, 2018, and (D) Plans Examiner/Code Enforcement Position Description. On vote the motion carried (7-0-0-0).

**Public Hearing:**

**Final Plat Authority and Approve Ordinance 1023:** Mayor Spencer opened the public hearing.

Senior Planner Josh Machen presented the staff report and reviewed that this ordinance is brought forward for consideration in accordance with Senate Bill 5674, which provides that approval authority for final plats for short and long subdivisions may be delegated to administrative personnel through legislative action, which will streamline the final plat review

process. Planner Machen explained that by the time a final plat is ready to be approved it has been reviewed by staff, and the Hearing Examiner has granted approval. No new public comment can be taken at this point because the decision can only be based on the Hearing Examiner's record which consists of the materials provided to the Hearing Examiner and public comments. The Planning Commission held a public hearing on this matter and recommends approval of this ordinance. Planner Machen then responded to Councilmembers' questions.

Mayor Spencer invited public comment.

Sally Jo Sebring, 1023 – 99<sup>th</sup> Avenue SE, Lake Stevens, does not see that final plat approval is a closed record hearing and does not support this action.

Andrea Wright, 10815 29<sup>th</sup> Street NE, Lake Stevens, does not support streamlining the final plat process.

Michael Fear, 829 9<sup>th</sup> Avenue SE, Lake Stevens, supports Council keeping the final plat authority.

Richard Todd, Lake Stevens, requested Councilmembers look into the final plat approval process before voting; he opposes this action.

Mayor Spencer closed the public comment portion of the hearing.

Council discussion ensued. Councilmember Gailey was concerned that by transferring approval of final plat authority to staff, the public would lose an opportunity for public comment.

Director Wright reviewed the opportunities for the public to engage in the process and comment on a plat project and noted that comments challenging earlier decisions in the plat review process, including before the Hearing Examiner, cannot be challenged at the time of final plat approval. At the time the plat moves into the construction phase, technical reviews take place including by staff and peer review, depending on staffing levels and the situation. These reviews ensure consistency with the approved construction plans, and that conditions of approval set out by the Hearing Examiner have been met. If the plat does not meet those conditions, it would not be brought forward for final plat approval by Council.

Responding to Councilmember Daughtry's question, Director Wright said that under the RCW's, following the Hearing Examiner's decision, there is a ten-day window to request reconsideration, followed by a fourteen-day period in which to appeal the decision to Superior Court.

Responding to Councilmember Hilt's question, Planner Machen explained that Snohomish County retained public noticing for comments with administrative approval of final plats.

Director Wright clarified that the Nourse development is an entirely unique land use action with a development agreement and a mitigation agreement. This is legislative. A subdivision is a quasi-judicial process which is different.

Responding to Councilmember McDaniel's question, Attorney Weed explained that the only thing before the Council on a final plat approval is to review that the Hearing Examiner's conditions are met. The Hearing Examiner decision is not appealable after the time for reconsideration and appeal have run. If the City does not act within the 30-day timeframe once

the project is ready for final plat approval, the plat is approved without Council action; this opens the City up to possible litigation because without formal approval the lots are not saleable.

Planner Machen said in response to Councilmember Tageant's question, that the best time for public involvement is early in the process. He noted that final plat approval is not a political decision.

Mayor Spencer then closed the Public Hearing.

**MOTION:** Moved by Councilmember Gailey, seconded by Councilmember McDaniel, to send Ordinance 1023 back to staff to include a public comment process that would be included with the final plat approval process.

Councilmember McDaniel asked for better public notice, including improved signage.

**VOTE:** On vote the motion carried (4-3-0-0).

**MOTION:** Moved by Councilmember Petershagen, seconded by Councilmember Gailey, to close the Public Hearing on Final Plat Authority and Ordinance 1023. On vote the motion carried (7-0-0-0).

**Action Items:**

**Public Works Contract with A-1 Landscaping to Provide Lundein Park Construction Improvement:**

Public Works Director Eric Durpos presented the staff report and said this project provides for improvements to Lundein Park. Staff recommends that the base bid plus alternatives 1, 2 and 4, for a total cost of \$767,130.80, by A-1 Landscape and Construction be approved, and that the Mayor be authorized to enter into a public works contract to complete this work. The deadline for completion of the work is June 29, 2018 and the contractor understands this date is not negotiable. Staff recommends a management reserve of \$32,869.20 to address minor changes administratively. \$600,000 was budgeted for this project and staff will bring forward a budget amendment for the additional \$200,000. Director Durpos then responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Welch, to authorize the Mayor to execute a Public Works contract with A-1 Landscaping & Construction, Inc. of Snohomish, WA to provide construction of the Lundein Park Improvement project in the amount of \$767,130.80 with a management reserve of \$32,869.20. On vote the motion carried (7-0-0-0).

**Professional Services Agreement with KPG, P.S. re Main Street Design:** Director Durpos presented the staff report. He reviewed the Scope of Work, and said the proposal provides for redesign, engineering, permitting and right of way acquisition for construction of full street improvements to Main Street in downtown Lake Stevens, from 16<sup>th</sup> Street NE to 20<sup>th</sup> Street NE. This project is identified as a key component of the City's Downtown Subarea Plan, and the design of the roadway will be integrated into the North Cove Park Master Plan. He added that this project is intended to be funded out of the Downtown Grant fund.

Responding to Councilmember McDaniel's question, Attorney Weed said that because this contract is for a design of Main Street, he does not see a reason that there would be a need for Councilmember McDaniel to recuse herself due to conflict of interest.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Welch, to authorize the Mayor to execute a Professional Services Agreement with KPG, P.S. to design the Main Street Improvements project in the amount of \$719,214.00 with a management reserve of \$10,786.00. On vote the motion carried (7-0-0-0).

**Recreational Concession Agreement and Request for Proposal:** Mayor Spencer presented the staff report in City Administrator Gene Brazel's absence. The request for proposal and agreement have been retooled to provide only for recreational activity concessions following Council's earlier input.

Discussion ensued with councilmembers being concerned that the lease agreement being set at "at least 5%" in the Request for Proposal is not adequate and not competitive. Also it does not reflect the cost of utilities. It was commented that this concession is a brick and mortar business, not a mobile business. Council also expressed concern that any concession under this agreement would not have exclusive beach access, that goods should not be stored after the season, and that Council should have final authority to make any changes to the lease, including extending it.

Councilmember Tageant urged moving forward with this concession agreement.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Gailey, to approve the Recreation Concession Agreement and Request for Proposal, provided that the Concession Agreement is amended to preclude pre-and post-season use of the facility for storage, there will be no exclusive beach access provided, but safe access to the beach will be accommodated, the lease is for the 2018 summer season ending Labor Day 2018, the minimum charge will be raised to take into account the cost of services the concessionaire is receiving from the City, such as parking, electrical use, water and other utilities, and including commercial square footage of the building. On vote the motion carried (6-1-0-0).

#### **Discussion Items:**

**2018 First Quarter Financial Update:** Finance Director Barb Stevens provided the 2018 First Quarter Financial Update and responded to Councilmembers' questions.

**Downtown Plan Update:** There was consensus to move this discussion to a future meeting.

**Choose Washington:** Mayor Spencer will bring this forward at a future meeting.

**City Council Workshop Schedule:** Mayor Spencer requested clarification from Council as to whether they want to hold one workshop meeting a month on the first Tuesday of each month, or if the preference is for two meetings, on the first and third Tuesdays.

Discussion ensued with the consensus being that workshops be held on the first and third Tuesday of each month, and that in addition to staff bringing matters forward, the workshops will be an opportunity for Council to bring ideas and concerns forward.

Councilmember McDaniel requested regular updates on the Mayor's activities.

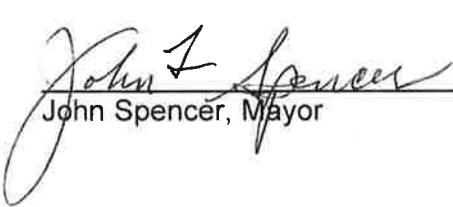
Councilmember Welch suggested the process and method for communicating to citizens and encouraging citizen input be clarified. Discussion ensued and Council commented that citizen concerns regarding technical issues are more appropriately directed to staff than Council.

**Study Session:** None.

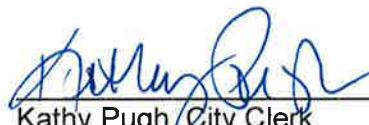
**Executive Session:** None.

**Adjourn:**

Moved by Councilmember Welch, seconded by Daughtry, to adjourn the meeting at 8:53 p.m. On vote the motion carried (7-0-0-0).



John Spencer, Mayor



Kathy Pugh, City Clerk