

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

Tuesday, November 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 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: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Police Commander Ron Brooks, Human Resources Director Teri Smith, City Clerk Kathy Pugh, City Attorney Greg Rubstello

OTHERS: Fire Chief Kevin O'Brien and Chief Mike Messer

Pledge of Allegiance: Mayor Spencer led the 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).

Citizen Comments:

Mayor Spencer invited citizen comments and added that the approval of the style of park benches with the Rotary Club donation is the same as proposed by Rotary.

Gary O'Rielly, 2514 85th Drive NE, Unit M-3, Lake Stevens, secretary of the Lake Stevens Rotary Club, commented that at the November 13, 2018 meeting the Council passed a resolution accepting a donation from the Rotary Club and District 5050 to purchase additional benches and tables for Lundein Park. He expressed concern with the City requesting alternate style benches and asked exactly what "lounging in the park" really means. He believes that divided benches do not promote families with young children using them and that they have a negative impact and unattractive look. He said if the Council were to approve the optional benches, the Rotary will need to go back to their Board for further review and decision.

Laurie Westover, 24103 Hidden Valley Road, Granite Falls, is president elect of the Lake Stevens Rotary Club, understands that the desire to have divided benches is to keep the parks safe, but she believes it sends a negative message. She said inviting people to enjoy Lake Stevens builds good will, but divided benches do not.

Dustin Johnson, 18030 21st PL SE, Lake Stevens, spoke in favor of adopting the Washington All Terrain Vehicle (WATV) ordinance and spoke to some of the concerns set out in Chief Dyer's staff report noting that side by sides are just as safe, if not safer than motorcycles and dirt bikes which are both currently allowed on roadways.

Austin Finch, 22116 99th Avenue SE, Snohomish, spoke in favor of adopting the WATV ordinance, and commented the police chief of Monroe had the same concerns as Chief Dyer, and that County Councilman Low supports use of WATV's in unincorporated areas. He believes allowing WATVs will bring opportunities for business.

Jerry Stumbaugh, 2514 85th Drive NE, Unit AA4, Lake Stevens, representing the Senior Center, said the Senior Center is working closely with the City to come to an agreement on how city funds could be used and the Senior Center is willing to compromise to ensure the funding.

Mayor Spencer corrected his earlier comment regarding the style of donated park benches by Rotary and asked if Council wished to remove this item from the Consent Agenda to Action Items for consideration.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to remove Item (D) Approve Park Benches and Tables for Lundein Park Under Rotary Donation for consideration as the first Action Item. On vote the motion carried (7-0-0-0).

Council Business:

- Councilmember Daughtry: Snohomish County Cities for Improved Transportation (SCCIT).
- Councilmember Petershagen: Congratulated Lake Stevens High School football team, SCC Dinner, Sewer District Meeting, Marysville ILA Meeting.
- Councilmember McDaniel: Sewer Utility Meeting.
- Councilmember Tageant: Marysville ILA Meeting.

Mayor's Business: Soper Hill and Marysville development at Whiskey Ridge is inside Lake Stevens School District and will have impacts to roads and parks within Lake Stevens so the City will continue seeking a way to jointly work with Marysville to mitigate the impacts the development of Whiskey Ridge will have on Lake Stevens. WSDOT meeting tomorrow regarding design options for SR 9/SR 204 intersection improvements. Winterfest is this Saturday December 1st with the tree lighting ceremony at 4:30 p.m.

City Department Report:

- City Administrator Gene Brazel: Monroe extended an invitation for earthquake training which he, Director Smith and IT Manager Stevens will be attending.
- Public Works Director Eric Durpos: Winterfest, Transportation Improvement Grant for 20th Street SE.
- Human Resources Director Teri Smith: Salary Commission.
- Chief of Police John Dyer: Update on design of new Police Department; received 2018 Chevy Tahoe donation to be a canine vehicle and update on moving forward.

Consent Agenda:

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve the consent agenda as amended: (A) 2018 Vouchers [Payroll Direct Deposits of \$214,129.95, Payroll Checks 46432 totaling \$1,722.74, Tax Deposits of \$75,776.62, Electronic Funds Transfers (ACH) of \$198,193.69, Claims Check Nos. 46543-46625 totaling \$1,955,270.12, Void Check No. 46473 totaling \$1,640.68, Total Vouchers Approved: \$2,443,452.44], (B) City Council Workshop Meeting Minutes of November 6, 2018, (C) City Council Regular Meeting Minutes of November 13, 2018, (D) Moved to Action Items, (E) Final Project Acceptance of Lundein Park Improvements. On vote the motion carried (7-0-0-0).

Public Hearing:

Second and Final Reading of Ordinance 1038 Adopting the 2019 Annual Budget: Mayor Spencer opened the public hearing.

Finance Director Stevens presented the staff report and said this is the second and final hearing for the proposed 2019 budget. She noted the first public hearing was held on November 13, 2018. Director Stevens reviewed the executive priorities and changes to the proposed 2019 budget since the first public hearing. She then invited questions from Council and there were none.

Mayor Spencer opened the public comment portion of the public hearing, and there was none. He then closed the public comment portion of the hearing and invited additional questions and comments of Council.

Councilmember Daughtry is very pleased with the staffing levels and the new staff coming on.

Councilmember Hilt is very pleased with the budget process this year.

Councilmember Petershagen asked for clarification regarding the Senior Center, and Director Stevens explained that \$40,000 was rolled from 2017 and 2018 (\$20,000 each year) and no additional funds were added to the 2019 budget.

Mayor Spencer commented the budget process was excellent and added that expenditures and revenues will be tracked and reported to Council at a minimum on a quarterly basis to make sure the budget stays on track.

Mayor Spencer closed the public hearing.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Gailey, to approve the second and final reading of Ordinance 1038 adopting the 2019. On vote the motion carried (7-0-0-0).

Action Items:

Park Benches and Tables for Lundein Park Under Rotary Donation:

Councilmember Daughtry sees no reason to change the Rotary Club donation as it was made.

Councilmember McDaniel appreciates the Rotary donation and commented that as an elected body there is a responsibility to maintain the safety of the park. She supports the divided benches.

Councilmember Welch clarified whether or not there is a need to take action. City Attorney Rubstello responded that Council will need to take action.

City Administrator Brazel said there are options to retrofit benches, if the need arises.

Councilmember Petershagen supports Rotary's proposal for the benches. He appreciates Councilmember McDaniel's concerns, but believes the improved lighting improves the park's overall safety.

Councilmember Tageant supports the Rotary donation as originally proposed.

Public Works Director Durpos confirmed the benches proposed by the Rotary Club are compatible for retrofitting.

Mayor Spencer commented on the high level of homelessness in the county and noted that Lake Stevens does not have a significant level of homelessness and the Lake Stevens Police Department works very hard to stay ahead of it.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve the park benches donation as proposed by the Rotary Club. On vote the motion carried (7-0-0-0).

Approve Supplemental Agreement No. 5 with Perteet re 20th Street SE: Public Works Director Durpos presented the staff report and said the City has been awarded a federal grant to perform design and right-of-way acquisition on Phase II of the 20th Street Project. He said the funds available are \$749,525 for Professional Engineering and \$585,400 for Right-of-Way acquisitions and this is a supplement to extend the existing contract to December 31, 2019. He then responded to questions from Council.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to approve Supplemental Agreement No. 5 with Perteet re 20th Street SE Phase II. On vote the motion carried (7-0-0-0).

Approve Supplemental Agreement No. 1 to Professional Services Agreement with Lochner re 24th SE Extension: Director Durpos presented the staff report and said H.W. Lochner was selected through a competitive request for qualifications process to provide Professional Engineering Design for the 24th Street SE/91st Ave SE extension project. He said this supplement is to extend the contract completion date to December 31, 2019. He noted the original contract is under budget and this contract extension also includes a new scope of work and removal of some items under the original scope of work. He then invited questions from Council and there were none.

Councilmember Tageant disclosed he has a conflict of interest and will abstain from voting on this matter.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to authorize the Mayor to execute Supplemental Agreement No. 1 extending the term of the original Professional

Agreement and adding an additional Scope of Services, Task Order No. 12, in an amount not to exceed \$95,800. On vote the motion carried (6-0-1-0).

Appoint 2019 Sewer Utility Committee Representatives: City Administrator Brazel presented the staff report and said the City and Sewer District are actively discussing the 2005 Unification Agreement and since there will be a committee meeting in January prior to the Council's meeting, staff recommends Council appoint members as representatives to the Sewer Utility Committee for 2019 at this time. He then invited questions from Council.

Councilmember McDaniel requested to be appointed to the Sewer Utility Committee.

Councilmember Tageant has been on the committee for three years and would like to stay on it to provide continuity.

Councilmember Petershagen also would like to remain on the Sewer Utility Committee.

Councilmember Daughtry said he will step aside.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry to appoint Councilmembers Petershagen, McDaniel and Tageant to the Sewer Utility Committee for 2019. On vote the motion carried (7-0-0-0).

Mayor Spencer clarified the role of the Utility Committee under the 2005 Unification Agreement.

Councilmember Daughtry commented he has enjoyed his time on the Sewer Utility Committee but he has other responsibilities coming up related to transit in the coming year that will take his attention.

Discussion Items:

Wheeled All Terrain Vehicles (WATV's): Police Chief Dyer summarized the State of Washington and Snohomish County regulations for allowing wheeled all-terrain vehicles to be operated upon public roadways. He requested input from Council as to whether they would like to pursue allowing WATV's on city roads, and if so, what restrictions should be put in place.

Responding to Councilmember McDaniel's question, Chief Dyer said WATVs are allowed on South Lake Stevens Road, in the county, and he reviewed the restrictions.

Councilmembers Tageant, McDaniel and Hilt support pursuing this ordinance with the same restrictions the County has. Responding to Councilmember Hilt's question, Chief Dyer said he will research whether concerns raised by other cities and the county come to fruition.

Councilmember Gailey supports the draft ordinance as written and believes WATV's are as safe as any motorcycle.

Responding to Councilmember Welch's question, Chief Dyer said that the 35 mph speed limit is state law.

Chief Dyer said some of the restrictions he would recommend if this ordinance moves forward are that it be limited to 18 and over licensed drivers, that WATV's be registered and insured and

limited to side-by-side WATV's. He would also like an opportunity to review and make recommendations on what streets they would be allowed on.

Councilmember Tageant understood Chief Dyer's concerns on the roadways, but believes public education goes a long way.

Councilmember Daughtry supports the ordinance as written.

Chief Dyer said he will work with his staff and bring this back for approval by Council.

Fire Department Regulations and Inspection Fees: Community Development Director Russ Wright explained the City contracts with the Lake Stevens Fire District for Fire Marshal services and sets fees for services on their behalf. He then turned the discussion over to Chief O'Brien and Chief Messer. Chief O'Brien briefly reviewed the legal requirements for maintaining fire regulations and regular inspection schedules.

Chief Messer reviewed a PowerPoint showing where fires occur, and which types of buildings require inspection. He said buildings that are inspected see less fire damage. He then briefly reviewed the fire code adoption, saying it is particular to Washington state, and he reviewed the requirements for fire inspection frequency.

Chief O'Brien explained the role of Washington Survey & Rating Bureau and said that insurance companies use this bureau rating to set insurance rates. He further explained that this bureau sets its rates, in part, on fire inspection schedules.

Chief Messer reviewed some recent fire inspection successes, including at the Boys and Girls Club, where improvements were made following a fire inspection, which helped to minimize fire damage that occurred in May 2018.

Chief Messer next reviewed inspection program improvements including streamlined inspections, tablet-based inspection software, and other conveniences, including a customer portal that allows for self-correction of deficiencies. He shared that one of the biggest violations is with fire extinguishers, and the fire department has partnered with Triple A for a fire extinguisher roundup.

Chief O'Brien next reviewed the methodology of the fee analysis, and shared the new fee schedule, which is a flat fee, together with reinspection fees.

Chief Messer reviewed the cost recovery for Lake Stevens Fire under the proposed fee schedule, which would be 39% instead of 64%.

Chief O'Brien, closed by saying the Fire Department is pleased to partner with the City, and invited Councilmembers' questions.

Councilmembers Daughtry and Hilt inquired regarding inspections in the County.

Councilmember Petershagen asked about requirements for home sprinkler system, and Chief Messer said there is no requirement.

Councilmember McDaniel asked why the Fire Department does not recharge fire extinguishers.

Chief Messer explained there is liability, and servicing fire extinguishers is an enterprise business. He also shared the various requirements for fire extinguisher inspections.

Councilmember Hilt thanked the Fire Department and said it has been very responsive to Council's concerns.

Councilmember Tageant appreciated the Fire Department's efforts.

Critical Areas Briefing: Community Development Director Wright explained that the Growth Management Act of Washington requires cities and counties to review their critical areas ordinances as part of their mandatory Comprehensive Plan update. Director Wright presented a PowerPoint and reminded that a review was previously begun of the entire Critical Areas Ordinance in 2016, but that the Council determined to not proceed with updates at that time due to concerns over impacts to the City's buildable lands inventory when the model was untested.

Director Wright said that the Washington State Department of Ecology (DOE) has now refined its Wetland Rating System for Western Washington and provided a supplemental report in July 2018 that includes a revised buffer rating system and an updated mitigation table. With this update, staff has held additional workshops and a public hearing with the Planning Commission, who recommends approval of the revised Critical Areas Code subject to City Council Review and a final City Council Public Hearing. Director Wright then invited discussion from Council.

Councilmember McDaniel asked what technology is used to determine buildable lands, and Director Wright responded it is a very sophisticated methodology. He added Snohomish County is responsible for determining the buildable lands.

Councilmember Petershagen commented the issue remains that the buffers never get smaller, and the City is tasked with having urban development in the UGA when things are continually taken away to satisfy that, so he wonders where some of the impacts can be neutralized. He then asked how much flexibility the City has to incorporate some of these ideas into its ordinance.

Responding to Councilmember Petershagen's questions, Director Wright reviewed some of the mitigation options that the City is proposing in its ordinance. He also said staff is trying to provide some flexibility within the mandates of the model ordinance.

Director Wright requested direction on when Council would like to hold a public hearing on the critical areas ordinance.

Councilmember Petershagen commented on the need to start building a case to expand the urban boundary, with this being a component of it, but he does not see a need to rush to adopt this item.

Mayor Spencer commented if this item is moved out, he would like to push to get the buildable lands report done and bring the structure of the new ordinance back for discussion by the end of May. He also added he would like the natural outlet of the lake be re-established in the future.

Director Wright clarified that Council is looking for flexibility and he asked if the Council is good with the majority of proposed code changes.

Council consensus was to focus on the buildable lands and how that affects the City's ability to deal with growth.

Old Treatment Plant Site for Recreation/Park Purposes: City Administrator Brazel presented the staff report and explained the Lake Stevens Sewer District is planning to surplus the Old Sewer Treatment Plant Site. He said City staff has had informal conversations about potential options for the site, and said if Council is interested in the property, the first step would be negotiating with the Sewer District and initiating a site reconnaissance to identify usable areas. He then responded to questions from Council.

Adjourn:

Moved by Councilmember Tageant, seconded by Gailey, to adjourn the meeting at 8:51 p.m. On vote the motion carried (7-0-0-0).


John Spencer, Mayor


Kathy Pugh, City Clerk