

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

Tuesday, September 10, 2019  
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 Pro Tem Petershagen

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

ELECTED OFFICIALS ABSENT: Mayor John Spencer

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Public Works Director Eric Durpos, Police Chief John Dyer, Interim Human Resources Director/Risk Manager Julie Good, City Clerk Kathy Pugh, City Attorney Greg Rubstello, Police Commander Ron Brooks, Parks Planning and Development Coordinator Jill Meis, Stormwater Coordinator Leah Everett

OTHERS: Doug Levy, Outcomes by Levy, Attorney Brett Vinson

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**Pledge of Allegiance:** Mayor Pro Tem Petershagen led the pledge of allegiance.

**Roll Call:** All present.

**Approval of Agenda:** Council President Petershagen said an executive session is on tonight's agenda and staff has requested it be moved to immediately follow Citizen Comments.

Moved by Councilmember Hilt, seconded by Councilmember Welch, to approve the agenda with the noted change. On vote the motion carried (7-0-0-0).

**Guest Business:** Doug Levy of Outcomes by Levy, the City's contracted state lobbyist, presented the draft 2020 Legislative Priorities and requested Council's input. He said this session of the legislature will be a short 60-day session which is taken into consideration with the proposed legislative priorities. Also included is a listing of federal priorities and a list of priorities the Association of Washington Cities is working on. He noted the state will not be doing significant re-openings of its budget. Turning to the capital budget, Mr. Levy said one of staff's growing priorities is the lack of park and recreation facilities in the Frontier Heights area, so that has been flagged to possibly work on a smaller scale request. Turning to transportation, he will continue to look for opportunities to talk about how critical it is to replace the US2 Trestle. Mr. Levy then reviewed the success of funding requests for SR9/20<sup>th</sup> Street SE and reminded of the need for additional funding due to a previously unidentified culvert in the project area. Mr. Levy commented on a recent study showing the tremendous transportation needs and lack of available funding at the local level, and this is flagged as a recommended priority for AWC. He explained there will likely be more legislative proposals on Tax Increment Financing (TIF) and Local Revitalization Financing (LRF).

Mr. Levy said there were recent legislative proposals presented for how to handle the Cost of Living (COLA) increases for members of Public Employee Retirement System (PERS) Plan 1. He explained most local governments are very supportive/sympathetic to PERS Plan 1 members. He said the proposal is an across the board rate increase for all classes of employees and employers, and AWC does not believe this is a fair way to address the issue.

Mr. Levy requested feedback and suggestions from the Council to move forward with the prepared priorities.

Councilmember Daughtry inquired if the Public Works Assistance Fund was swept last year. Mr. Levy explained the Legislature did put money in the fund, however, in past years the Legislature has redirected significant portions of the Public Works Assistance account into K-12 education and this will continue to be an issue as to when and how much funding the Legislature returns to the Public Works Assistance Fund.

Councilmember Hilt asked for a brief description of the Homelessness Bill of Rights. Mr. Levy responded the bill was written to try and ensure there will not be unnecessary harassment of those who are homeless and in need of treatment and services. He then explained the bill was drafted so broadly, that it had unintended consequences including that almost any contact by law enforcement could be considered harassment.

Councilmember Welch questioned if Initiative 976 passes, how will it affect the city's Transportation Benefit District (TBD) bonding ability. Mr. Levy recommended there be a work session with the Council on Initiative 976 to provide more of the factual background on what the initiative means and the fiscal impact statement that has been done. He added that TBD funding through vehicle license fees would no longer be allowed if I-976 passes, but that other types of funding such as sales tax would not be directly impacted.

Replying to Councilmember Petershagen's questions, Mr. Levy said he is planning to bring this forward again next month but is looking to formalize everything after the election.

### **Citizen Comments:**

Mark Somers, 2411 – 118<sup>th</sup> Drive NE, Lake Stevens, commented on the draft legislative priorities. He is a member of the Retired Public Employees Council (RPEC) of Washington, and PERS II, as a retiree from the City of Everett. He explained RPEC's mission is to unite retired public employees for their mutual benefit and welfare, and one of RPEC's goals is to catch up PERS I benefits from what it was in 2011; RPEC would like Council's support on this by supporting the COLA House Bill 1390 and Senate Bill 5400. He also commented AWC and other associations are opposing these two bills and RPEC is requesting local governments ask their associations to not oppose the COLA bills in the upcoming legislative session.

Clair Olivers, 2030 Grand Avenue #4, Everett, is also a member of RPEC. Mr. Olivers explained the COLA increase and cap for last year and this year, and why they were put in place. He said the only opposition RPEC is aware of is from the Association of Washington Cities and Counties and requested the city recommend to AWC that it support a COLA for the PERS I retirees.

David Toyer, 3705 Colby Avenue, Suite 1, Everett, Toyer Strategic Consulting, handed out two letters and said the Puget Sound Regional Council (PSRC) is drafting the Vision 2050 policy. He said some of the policy provisions do not appear to be particularly favorable to the City of



Lake Stevens and he is concerned about some of the language and the overall focus of how PSRC wants to pattern growth in the future.

Councilmember Daughtry commented Snohomish County Tomorrow and Snohomish County Cities are working on a draft proposal to go back to PSRC with concerns about the Seattle-centric way the Vision 2050 Plan is coming together.

**Executive Session:** Mayor Pro Tem Petershagen announced an executive session beginning at 7:32 p.m. to last for 10 minutes, for the purpose of discussing potential litigation and to consider real estate acquisition, with potential action to follow.

At 7:43 p.m. the regular meeting of the City Council reconvened.

City Attorney Rubstello requested a motion to authorize the Mayor to sign a use and possession agreement with Gary Petersen with respect to 79<sup>th</sup> Avenue SW consistent with the discussion in executive session.

Moved by Councilmember Daughtry, seconded by Councilmember Welch, to authorize the Mayor to sign a use and possession agreement with Gary Petersen with respect to 79<sup>th</sup> Avenue SW consistent with the discussion in executive session. On vote the motion carried (7-0-0-0).

**Council Business:**

- Councilmember Petershagen: Has reviewed the revised draft minutes for the August 7, 2019 Special Meeting and is comfortable with them. He commented there is a verbatim transcript of the discussion and the recording of the meeting is available on the City's web page for those wanting more detail.
- Councilmember Hilt: Veterans Commission, Parks Board, thanked Sherwood for providing staff with a broader sense of ADA playground needs.
- Councilmember McDaniel: Tomorrow is Day of Remembrance at Station 81, Freedom Run at Lundeen Park.
- Councilmember Tageant: Veterans Commission, Military Appreciation Day.

**Mayor's Business:** None.

**City Department Report:**

- Commander Brooks provided an update on public outreach with the imbedded social worker program.

**Consent Agenda:**

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Welch, to approve:

- A. 2019 Vouchers [Payroll Direct Deposits of \$226,293.46, Payroll Check No. 48403 totaling \$1,817.22, Electronic Funds Transfers (ACH) of \$146,499.58, Claims Check Nos. 48539-48624 totaling \$491,984.76, Void Check No. 48534 in the amount of \$24,001.50, Total Vouchers Approved: \$842,593.52]
- B. City Council Special Meeting Minutes of August 7, 2019
- C. City Council Regular Meeting Minutes of August 27, 2019

- D. City Council Workshop Meeting Minutes of September 3, 2019
- E. Ordinance 1065 Delegating Bonding Authority
- F. Ordinance 1066 Amending LSMC re Library Board
- G. Ordinance 1067 Amending LSMC re Civil Service Commission
- H. Addendum No. 1 to Real Estate Purchase and Sale Agreement re South Lake Stevens Road Right-of-Way

On vote the motion carried (7-0-0-0).

**Public Hearing:** None

**Action Items:**

**Park Naming in Timbers Development:** Parks Planning and Development Coordinator Meis presented the staff report and summarized the Park and Recreation Planning Board held a public hearing and solicited names via social media, the City website, and the local newspaper. She said the Park and Recreation Planning Board's recommendation is "Oak Hill Park". Coordinator Meis added that no other suggested names were received, and the naming of this park was part of the Park Board's work plan presented to Council in December 2018. She then invited questions from Council and there were none.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Hilt, to adopt the formal name of "Oak Hill Park" for the park located in the Timbers Residential Development, formerly known as Nourse. On vote the motion carried (7-0-0-0).

**Professional Services Agreement with Davido Consulting for Lake Stevens Outfall Study:** Stormwater Coordinator Everett presented the staff report and summarized under this contract Davido Consulting will evaluate historic, current and potential future hydrologic conditions in the Lake Stevens basin and outfall, and this will assist with lake management. She then invited questions from Council.

Councilmember Petershagen inquired what the timeline is for this study. Attorney Rubstello said the term of the contract expires December 31, 2020.

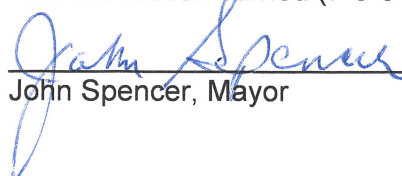
Discussion ensued and Council requested the term of the contract end August 31, 2020 and that a time is of the essence clause be added.


**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Daughtry, to authorize the Mayor to sign the Professional Services Agreement with Davido Consulting Group, Inc. in the amount of \$76,909 for a Lake Outfall Study with the contract term expiring August 31, 2020 and the addition of a time is of the essence clause. On vote the motion carried (7-0-0-0).

**Discussion Items:** None.

**Adjourn:**

Moved by Councilmember Hilt, seconded by Welch, to adjourn the meeting at 8:02 p.m. On vote the motion carried (7-0-0-0).

  
John Spencer, Mayor

  
Kathy Pugh, City Clerk  
Adri Crim, Deputy City Clerk