

CITY OF LAKE STEVENS
CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, September 22, 2020
By Remote Participation via Zoom

CALL TO ORDER: 7:00 p.m. by Mayor Brett Gailey

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Shawn Frederick, Mary Dickinson, Anji Jorstad, Marcus Tageant and Steve Ewing

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Anya Warrington, City Clerk Kelly Chelin, IT Manager Troy Stevens and City Attorney Greg Rubstello

Call to Order:

The meeting was called to order at 7:00 p.m. by Mayor Brett Gailey.

Pledge of Allegiance:

Mayor Gailey led the Pledge of Allegiance.

Roll Call:

All Councilmembers were present.

Approval of Agenda:

Mayor Gailey stated that Item L under Discussion Items, Bridge Dedication, would be moved to Action Items.

MOTION. Moved by Councilmember Jorstad, seconded by Councilmember Daughtry to approve the agenda with the revision. The motion passed 7-0-0-0.

Citizen Comments:

Mamera's Ipad. From the waterfront task force, she urged the Council to approve the task force's recommendation. She also asked the Councilmember that owns property along the lake to recuse themselves from this discussion.

Larry Crawford, Vernon Road. Mr. Crawford also spoke about the waterfront task force and asked the Council to listen to the recommendation from the homeowners.

Bruce Morton. Mr. Morton stated that he is in the minority and does believe we need multi-family housing around the lake. He believes the City needs more affordable options.

Kari. She stated that she was made aware of the Council not going forward with the diversity training and she was upset by this decision.

Earl Gary. Mr. Gray also spoke on the diversity training and believes the Council dismissed the input of the citizens.

Honey Marie. She spoke in favor of the waterfront task force recommendations. She also told the Council that she was disappointed in the fact that they were not continuing with the diversity training.

Robin McGee. Ms. McGee also spoke to the diversity training. She urged the Council to continue with this important work.

Janice. She spoke in favor of the waterfront task force recommendations. She urged the Council to keep the lake as is.

Jessica. She commented on the equity and diversity training. She urged the Council to invest in the equity training.

Dr. Dana Brickham. Dr. Brickham spoke about the pledge of allegiance and systematic racism. She urged the Council to look at training options.

Helen. She stated that there are 25% people of color in the City. She also stated that she is disappointed that the Council will not be doing the training.

Chuck Whipple. Mr. Whipple spoke in favor of the waterfront task force recommendation.

Stephanie's iphone. She spoke about her thoughts on the Council not doing the equity training.

Council Business:

Councilmember Jorstad stated she attended a candlelight vigil in the City. She thanked everyone that spoke tonight.

Councilmember Dickinson stated that she was also at the candlelight vigil. She also spoke about a meeting regarding the Lake Stevens museum. The senior center is providing more meals every week.

Councilmember Daughtry stated that he attended the Snohomish County transportation meeting. It's a bleak outlook for Boeing.

Councilmember Petershagen stated that he attended the last Planning Commission meeting and the Utility commission meeting today.

Councilmember Frederick stated the COVID numbers are moving in the right direction. He urged everyone to keep up with the masks and maybe there will be a vaccine by the end of the year.

Councilmember Tageant stated that he attended the Utility committee meeting and they are working on items to move forward.

Mayor's Business:

Mayor Gailey stated that he wanted to correct the record that there is not a 2% sewer tax in the City.

Consent Agenda:

MOTION. It was moved by Councilmember Tageant and seconded by Councilmember Frederick to approve the consent agenda as submitted. The motion passed 7-0-0-0.

The consent agenda included the following:

Vouchers

City Council Workshop Meeting Minutes of September 1, 2020

City Council Regular Meeting Minutes of September 8, 2020

Professional Services Agreement with Outcomes by Levy

Public Hearing:

Machias Industrial Annexation (Continued)

Director Wright explained that the City Council held a public hearing for the Machias Industrial Annexation on August 25, 2020 continued to September 8, 2020. Staff has met with other landowners interested in joining the annexation petition. Three additional property owners have signed the petition. Staff is awaiting the receipt of final signatures, at which time staff will bring a revised petition back to Council for its action. After this point staff will resubmit to Snohomish County. The hearing will be held open until County certification is received. The staff is recommending that the Council continue the public hearing for the Machias Industrial Annexation until October 13, 2020 and approve Resolution 2020-19 accepting the 60 percent Machias Industrial petition and to submit a notice of intent to annex to the Boundary Review Board.

MOTION. It was moved by Councilmember Daughtry and seconded by Councilmember Jorstad to move the public hearing from the agenda to an action item. The motion passed 7-0-0-0.

MOTION. It was moved by Councilmember Daughtry and seconded by Councilmember Tageant to continue the public hearing to October 13, 2020 and adopt Resolution 2020-19. The motion passed 7-0-0-0.

Food Truck Ordinance

Planner Needham explained that the interim mobile vending unit regulations were adopted under Ordinance 1090 and are currently in effect. The proposed Ordinance 1096 repeals and replaces Ordinance 1090. The final ordinance streamlines and simplifies the permitting requirements for mobile food vendors and reduces application fees. Primary changes follow:

- Added definition for Mobile Food Preparation Vehicle in Chapter 14.08, as defined by the IFC.
- Added 14.44.085(b) (1), requiring Fire approval for all Mobile Food Preparation Vehicles operating within the City, even those associated with events.
- Staff has removed requirements for a wastewater/grease disposal plan, proof of L&I approval, and specific trash receptacle requirements as the Snohomish Health District has many identical regulations and permit submittal requirements.
- Insurance requirements added, as shown in 14.44.085(c)(9) per City attorney recommendation.
- Added 14.44.085(d)(5), requiring Fire District approval.
- Limits vending from public right-of-way on arterials and highways.
- Renamed 'Concession Agreement' in 14.44.085 (e) to 'Public Property Use Agreement' to better reflect the intent.
- The minimum distance a vendor may operate from an existing brick-and-mortar restaurant without the owner's permission has been reduced to 150 feet. Language outlining the measurement method has been added.

The Mayor opened the public hearing at 7:53 p.m.

There was no public comment.

The Mayor closed the public hearing at 7:54 p.m.

MOTION. It was moved by Councilmember Daughtry and seconded by Councilmember Jorstad to approve Ordinance 1096, an Ordinance of the City of Lake Stevens, repealing Ordinance 1090 and amending the Lake Stevens Municipal Code Chapter 14.08 Basic Definitions and Interpretations and Chapter 14.44 Supplementary Use Regulations. The motion passed 7-0-0-0.

Action Items:

Resolution 2020-22 Fee Update

Correction: The Resolution says it repeals Resolution 2019-12 when it should be repealing 2019-16. The City Clerk has made this correction to the final Resolution for the City's official record.

Planner Needham explained that the Fees Resolution was updated to include fees for Mobile Food Vending Unit licenses and license renewals. Page 5 of the updated fees resolution shows a fee of \$75.00 and an annual review fee of \$40.

MOTION. It was moved by Councilmember Jorstad and seconded by Councilmember Daughtry to approve Resolution 2020-22 approving amendments to the fee schedule. The motion passed 7-0-0-0.

Waterfront Task Force

Planner Levitan explained to the Council that the second meeting of the Waterfront Residential Task Force (WRTF) was held on August 26 via Zoom. The task force was asked to provide feedback on potentially expanding permitted housing options within the Waterfront Residential zone beyond the currently allowed detached single-family and duplex uses. Ten of 11 members were present, as was Commissioner Huxford (Planning Commission liaison).

The discussion included topics such as preferred residential uses near the shoreline, potential infrastructure and site constraints, an assessment of the city's housing capacity and the ability to meet future residential growth targets.

In the latter part of the meeting, several task force members expressed their opinion that the city should not consider any additional housing options along the waterfront. A motion was made to recommend to the Planning Commission and City Council that the permitted residential uses in the WR zone remain as is. Nine members voted in support of this resolution, while two opposed. Staff provided a similar update to the Planning Commission at their September 16 meeting, and asked commissioners to provide a recommendation to Council on whether to:

- 1) Accept the task force's recommendation to maintain the existing permitted uses in the zone, and disband the task force;
- 2) Continue the task force, with a focus on those housing types (cottages, townhouses, etc.) that some task force members had expressed a level of comfort with; or
- 3) Allow for broader public feedback on the topic, such as distributing the survey to the community.

Three members of the task force (Don Iverson, Tom Elsemore and Bruce Morton) provided feedback on the process, as did Councilmember Petershagen and Commissioner Huxford.

Following the discussion, Chair Davis called for a vote on the three options below, which resulted in all seven commissioners opting to accept the task force's recommendation to maintain the existing permitted uses in the zone and disband the task force.

Overall, commissioners felt that the task force had served its purpose exploring and providing feedback on the concept of expanded housing options in the WR zone, and given the thorough vetting that had occurred in selecting and appointing task force members (including a review by Mayor Gailey) as well as the amount and quality of discussion that happened at both task force meetings, that their input should be respected.

Staff is now requesting guidance from the Council on how staff should proceed with this planning effort. Options include:

- Accept the majority opinion of the task force and unanimous opinion of the Planning Commission, which is to maintain the existing permitted uses in the WR zone (detached single-family residences and duplexes) and disband the task force;
- Continue the task force with a focus on those housing types that some task force members expressed some level of comfort with, as well as strategies/measures to mitigate potential impacts; or
- Allow for broader public feedback on the topic, such as distributing the survey to the community

Council engaged in a discussion.

MOTION. It was moved by Councilmember Petershagen and seconded by Councilmember Frederick to accept the majority opinion of the task force and unanimous opinion of the Planning Commission which is to maintain the existing permitted uses in the WR zone (detached single-family residences and duplexes) and disband the task force.

Councilmember Dickinson stated that she believed the City needed different housing needs in the City.

The motion passed 6-1-0-0 with Councilmember Dickinson opposed.

Bid Award and Contract for Chapel Hill

Director Wright explained that the City of Lake Stevens, Lake Stevens Sewer District and Sno-Isle Libraries requested a letter of interest and statement of qualifications for professional architectural, planning and engineering services to prepare a joint site development plan for a proposed civic center located near Chapel Hill. City, District and Sno-Isle Library staff and officials interviewed four highly qualified firms. The review panel recommended that the Mayor approve a contract with Stowe Development and Strategies to develop a master plan for the municipal campus.

The review panel has recommended Stowe Development and Strategies for several reasons:

1. They have assembled a good support team of engineers, architects and financial experts;
2. They have familiarity with Lake Stevens, responded most thoroughly to the proposal request and focused on the identified topics of interest during the panel interview;
3. They have produced many needs assessments and participated in multi-agency master plans; and
4. They understood the scope of the proposal and work required.

Staff briefed the Council on the proposal at its September 15, 2020 workshop. There was support of moving forward with planning for the civic campus. The scope of the project will include a Needs Assessment, Site Alternatives and a Financing Strategy. The city would be responsible for \$224,061 of the project cost. Sno-Isle acknowledges their willingness to invest \$125,894 as their share of this Professional Services Agreement; however, Sno-Isle Libraries will require a viable Financing Strategy if project participation is to continue beyond this initial investment. This project is unfunded and will require a future budget amendment for professional services.

MOTION. It was moved by Councilmember Frederick and seconded by Councilmember Dickinson to authorize the Mayor to execute a Professional Service Agreement not to exceed \$349,955 with Stowe Development and Strategies to develop a master plan for the civic campus at Chapel Hill. The motion passed 7-0-0-0.

Replacement of Police Fleet Vehicles

Chief Dyer explained that the Police Department has over 30 vehicles in the Police Department fleet. To keep the fleet in operation, as well as to help create a reliable and stable funding model, which does not fluctuate greatly from year to year, we have created a replacement cycle for the fleet vehicles. The replacement schedule is based on 5 years for a patrol vehicle and 10 years for non-line vehicle. The reasoning for this estimate is:

1. This is the average in which these vehicles reach 100,000 miles. Our experience is that these vehicles, which are used much differently than non-police vehicles, start to experience increased maintenance costs after 100,000 miles. The City experiences better value at auction when vehicles do not have extensive repair histories.
2. By using a mileage guide for replacement, we can create a level replacement cycle, which avoids huge fluctuations in budgeting, thus being able to plan for a stable vehicle fleet.

Police vehicles are purchased out of the Law Enforcement 520 Capital replacement funds. The full cost of these replacements is \$217,393.35 for 2021.

Council is requested to authorize the order of 4 Police Vehicles in 2021. To receive 2021 models in a timely manner, we need to order before October of 2020. If the City waits until January of 2021 to order the vehicles, we will be looking at a delivery date of late 2021 for the 2021 models.

Two points of note:

- The \$217,393.35 figure is full cost. We will reuse as much equipment as possible.
- In 2020, we transitioned to the hybrid platform for our patrol vehicles. We are recommending, based on department needs, and total operating cost over 5 years, that we continue with the hybrid system. The supporting documentation included consists of our fleet replacement plan, the specific requests for the 4 vehicles being requested and the list of equipment that goes into a fleet vehicle.

MOTION. It was moved by Councilmember Jorstad and seconded by Councilmember Tageant to go with Chief Dyer's recommendation to purchase 2021 vehicles now so that we can assure that we have cars in a timely manner. The motion passed 7-0-0-0.

Bridge Dedication

Parks Coordinator Meis explained that on July 26, 2019, 16-year-old James M. Barnes died as a result of mental illness. James was born and raised in Lake Stevens and attended Lake Stevens schools. Jeffrey Barnes is James' older brother and he has contacted the city to dedicate the bridge located approximately in the 700 block of Lundein Parkway for those suffering from mental illness and suicide prevention in the name of James M. Barnes.

The bridge would bear his name as well as the quote, "It's ok to cry" "Dedicated to those affected by mental illness or suicide ideation. You are not alone. Seek help, find hope." Staff has reviewed Policy P-3-90 and found that dedication of bridges and ROW is not covered by this policy. City Council has approved naming elements of significance after individuals within the community in the past. The budget impact is the cost of the plaques for dedication.

Councilmember Dickinson spoke in support of this.

Councilmember Jorstad also spoke in favor of this and asked if the National Suicide Awareness or Crisis Line could be added to the plaque.

MOTION. It was moved by Councilmember Petershagen and seconded by Councilmember Daughtry to approve the dedication of Lundein Parkway Bridge in Memory of James M. Barnes and Mental Health Awareness. The motion passed 7-0-0-0.

Discussion Items:

Adopt a Community Update

Parks Coordinator Meis explained that Lake Stevens has a vibrant volunteer community of individuals and groups that help with projects ranging from roadside clean-up to ongoing dedication to specific sites. A coordination of these efforts was requested by City Council to consolidate different department volunteer needs and track available volunteers and projects. The Adopt-a-Community Program coordinates all categories of volunteers and volunteer activities for City Hall and provides a framework to outline expectations, policies, schedule and recognition of volunteers.

This volunteer program is established to keep our public spaces vibrant, welcoming and beautiful and to create opportunities for individuals, non-profit groups, corporations and businesses to participate in a program that improves the quality of life in our community. The City recognizes the vital role that volunteers fulfill and want the volunteer experience to benefit both the City and the volunteer. The Adopt-A-Community offers groups and individuals a way to enhance their corporate or civic visibility and promote their commitment to the local community. The program also provides guidance on capital projects, partnerships and legacy gifts of property, equipment and donations. Evaluation of the program on a yearly basis will provide vital information on expansion and potential changes needed to keep the program relevant and engaging. Protocols for required paperwork are included for ease of volunteer compliance and reference. Part of the program is developing and updating a list of available projects and keeping program information on the City website.

Recognition of volunteers is critical for ongoing success of the Adopt-A-Community Program. Recognition is defined in the program commiserate with type of volunteering provided such as plaques, letters of recommendation or naming of elements. All volunteers are also invited and encouraged to attend a yearly event that is scheduled to honor and recognize the contributions volunteering provides.

Mayor Gailey spoke in support.

Councilmember Daughtry asked that the community know about this.

Councilmember Tageant spoke in support.

Comcast Franchise

IT Manager Stevens explained that Comcast's 10-year cable franchise agreement with the City of Lake Stevens originally expired on July 29, 2013. Elana Zana, attorney at Ogden Murphy Wallace, has been assisting the City with negotiations with Comcast.

The new agreement with Comcast includes:

1. Requirement that Comcast continues to pay 5% of their gross revenues from cable services to the City as a franchise fee.
2. A 30% discount rate from regularly published rates for individuals who are considered low income by federal standards, and who are either permanently disabled, or over 65 years of age.
3. Continued complimentary cable service to all City-owned buildings, subject to an election by Comcast to discontinue upon 120 days' notice.
4. Collection of \$0.50/subscriber/month to support the Government Access Channel for one year. Thereafter this amount will reduce to \$0.35/subscriber/month.
5. Terms requiring compliance with general use of the ROW requirements and permitting.
6. Indemnification and Insurance provisions.
7. Design standards and requirements for strand-mounted Wi-Fi devices on Comcast's own cables.

Outside of the terms of the franchise, Comcast offers an Internet Essentials Program for low income families and individuals, which is offered to the citizens of Lake Stevens.

Council discussed the franchise. Council asked if Comcast could provide training services to residents. Ms. Zane answered that it was unlikely, but she would ask them.

This Ordinance will come back to a future meeting for approval.

Citizen Comments:

Sue Fernald. Ms. Fernald suggested that the City email and write to the homeowner associations in the City as it relates to the adopt a community update from the earlier conversation.

Melissa K. Melissa stated that there are many community partners such as the conservation district and service groups in the City.

Adjourn:

Moved by Councilmember Petershagen, seconded by Jorstad, to adjourn the meeting at 8:52 p.m. The motion passed 7-0-0-0.



Brett Gailey, Mayor



Kelly M. Chelin, City Clerk