



## ***City of Lake Stevens Vision Statement***

*By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.*

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### **CITY COUNCIL SPECIAL MEETING AGENDA BY REMOTE ACCESS ONLY VIA ZOOM**

**Lake Stevens, Washington**

**Zoom Log in Information:**

<https://us02web.zoom.us/j/87145768256>

or call in at: (253) 215-8782, Meeting ID: 871 4576 8256

**Tuesday, November 17, 2020 – 7:00 p.m.**

#### **Call to Order**

#### **Action Items:**

Resolution 2020-25 Property Surplus	Russ
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#### **Workshop:**

• Adoption of Building and Fire Codes	Ryan M.
• Update Code Compliance Process	Ryan M.
• Full-time Mayor Benefits	Anya
• Council Start Time	Kelly
• 2021 Council Retreat Dates and Location	Kelly

***THE PUBLIC IS INVITED TO ATTEND BUT WILL NOT BE ALLOWED TO COMMENT***

#### ***Special Needs***

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.*

***NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.***



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** November 17, 2020

**Subject:** City Property Surplus

**Contact Person/Department:** Russ Wright, Comm. Dev. Director      **Budget Impact:** None

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

1. Approve the surplus of the identified properties; and
2. Authorize the Mayor or designee to market the properties and enter into purchase and sale agreements with potential buyers.

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**SUMMARY/BACKGROUND:**

Lake Stevens Municipal Code (LSMC) 2.98.010 authorizes the City Council to surplus real property when it is not needed for present or future municipal use and if it can be sold for a reasonable return. There are two city-owned properties not needed for present or future use and should be returned to the tax rolls. Staff is proposing to sell these properties at fair market value through direct marketing per Chapter 2.98 LSMC.

The enacting resolution (Attachment 1) finds that the properties described below would be put to a higher or better use for the community by a negotiated sale for commercial purposes. The city would directly market these properties for sale. There are marketing dollars in the budget if we need to produce materials for sales. Any potential offers would be brought to the Council for their review and concurrence.

**Property 1**

As part of the Downtown Lake Stevens Subarea Plan, the city identified the need for additional commercial development in the downtown core. As the city has developed the plans for Mill Spur and Phase 3 of North Cove Park, staff has identified an area south of Mill Spur that would be better suited for private retail or mixed-use development. After the completion of a boundary line adjustment, the parcel will be approximately 24,000 square feet. Next steps would be to order a title report and complete the boundary line adjustment. Sale of this property could help finance other downtown redevelopment projects. Staff recommends that the sale of this property would be contingent upon the execution of development agreement to ensure the property is consistent with the goals of the Downtown Lake Stevens Subarea Plan.

**Property 2**

In 2019, the city purchased the property at 1819 South Lake Stevens Road, along with other properties, for a new police station. The parcel contains a 7,067-square-foot two-story commercial building on a 18,549-square-foot lot with 4 commercial tenants. This building has been considered for a potential training room and / or expansion area for PD in the future. With the construction of the Mill and a proposed civic campus at Chapel Hill there will be shared meeting areas that can be used for training. Revenues could help fund current city projects or be applied to debt payment.

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**BUDGET IMPACT:** Sale of property

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**ATTACHMENTS:** Resolution 2020-25

## RESOLUTION NO. 2020-25

### **A RESOLUTION OF THE CITY OF LAKE STEVENS, WASHINGTON AUTHORIZING THE CITY COUNCIL TO SURPLUS REAL PROPERTY AND AUTHORIZING THE MAYOR OR DESIGNEE TO CONVEY OR SELL REAL PROPERTY PURSUANT TO CHAPTER 2.98 OF THE LAKE STEVENS MUNICIPAL CODE. MAKING THE DETERMINATION THAT CERTAIN CITY-OWNED REAL PROPERTY WOULD BE PUT TO A HIGHER OR BETTER USE FOR THE COMMUNITY AT LARGE BY A NEGOTIATED SALE.**

WHEREAS, Lake Stevens Municipal Code (LSMC) 2.98.010 authorizes the City Council to surplus real property when it is not needed for some present or future municipal use and if it can be sold for a reasonable return; and

WHEREAS, the city owns the real property depicted in Exhibit A and Exhibit B to this resolution ("the Surplus Property"); and

WHEREAS, LSMC 2.98.020 authorizes the Mayor to dispose of surplus property for a reasonable return or to benefit the public interest by sealed bid, auction, negotiated sale or special disposition; and

WHEREAS, the City Council has determined that the properties or portions of properties depicted in Exhibit A and Exhibit B are no longer needed for present or future municipal uses; and

WHEREAS the City has determined the approximate fair market value for the surplus properties for purposes of sale; and

WHEREAS, the sale of the surplus property depicted in Exhibit A will be subject to a development agreement between the purchaser and the City to ensure the future development will implement comprehensive planning goals for Downtown Lake Stevens; and

WHEREAS, the City Council deems it to be in the public interest to sell or convey real property where the property is no longer useful to the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF LAKE STEVENS, WASHINGTON AS FOLLOWS:

**Section 1.** The City Council hereby authorizes the Mayor or the Mayor or designee to sell or dispose of the properties or portions of properties depicted in Exhibit A and Exhibit B according to the provisions of Chapter 2.98 LSMC including determining fair market value and appropriate process for disposition.

**Section 2. Further Authority.** The Mayor or designee may negotiate a Purchase and Sale Agreement for the surplus properties.

**Section 3. Downtown Property.** Sale of the downtown surplus property shown in Exhibit A will be subject to a development agreement as a condition of sale to ensure the development is compatible with the Downtown lake Stevens Subarea Plan.

**Section 4. Effective Date.** This resolution shall take effect immediately upon its passage and adoption.

Passed by majority vote of the Lake Stevens City Council in open meeting this 17th day of November 2020.

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MAYOR, Brett Gailey

ATTEST:

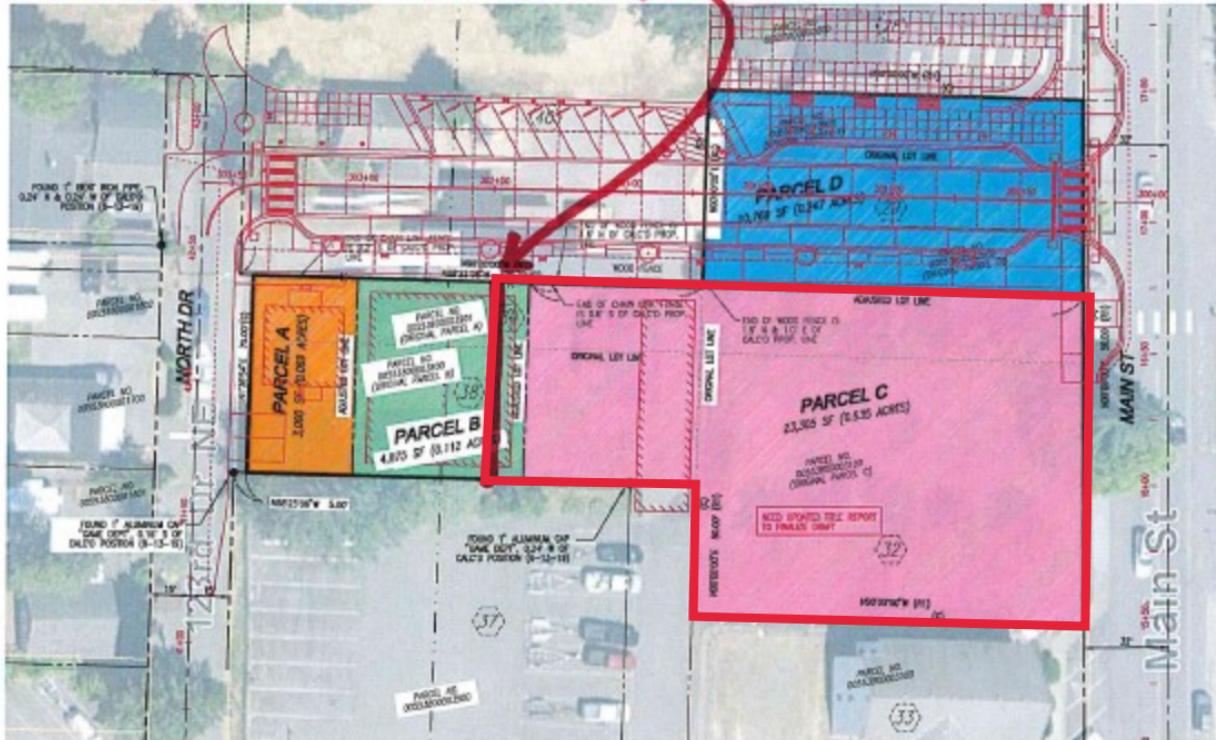
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CLERK, Kelly Chelin

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCI:

RESOLUTION NO. 2020-25

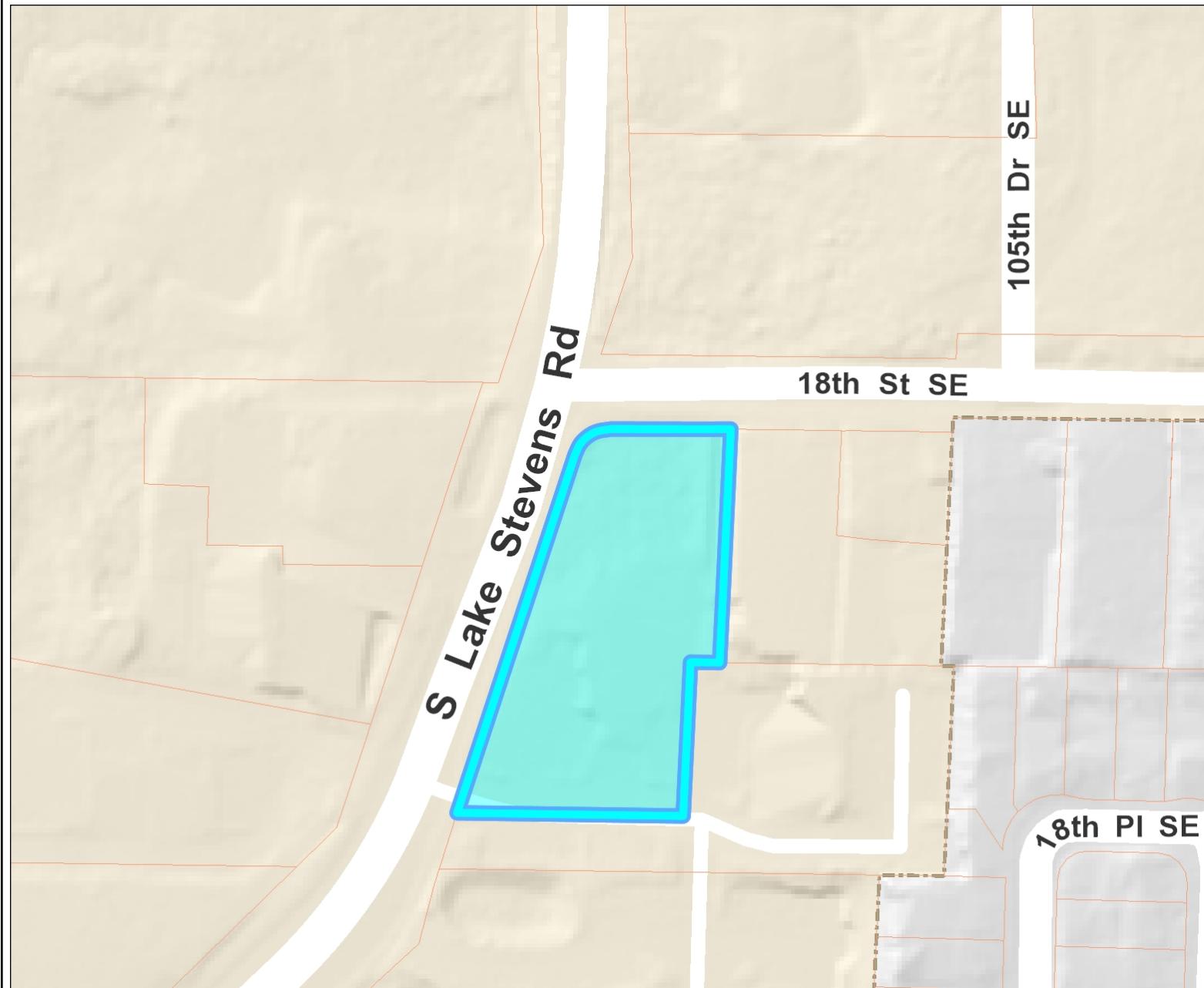
MOVE BLA LINE 10' WEST-



**PROPOSED LOT CONFIGURATION WITH PROPOSED IMPROVEMENTS  
(POST BOUNDARY LINE ADJUSTMENT)**

Exhibit B

Map Title



Legend

- Parcel
- Recent Sales 2020
- Recent Sales 2019
- Recent Sales 2018
- City Boundary
- County Park
- National Forest
- Water

Street Types

- Interstate
- State Route
- Local Road

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official election to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.



# ADOPTION OF BUILDING AND FIRE CODES

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AMENDMENT AND ADOPTION PROCESS FOR 2018 CODE CYCLE

# PURPOSE OF TODAY'S PRESENTATION

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- The City is required to regularly update and adopt building codes in accordance with State regulations
- Initiate the adoption process for the 2018 code cycle
- Review code cycle background
  - Discuss the limitations of amendments by local authorities
- Discuss staff recommendation for code amendments
- Outline direction going forward based on council's decision

# BACKGROUND ON CODE CYCLES

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- The national code councils publish model codes on 3-year cycle. We are currently on the 2015 code cycle, which was adopted by the City in 2016.
  - There are 11 model codes adopted by the State, in addition to various standards. Some of most common codes include:

**2018 International Building Code**

**2018 International Residential Code**

**2018 International Fire Code**

**2018 Uniform Plumbing Code**

**2018 International Mechanical Code**

**2018 Washington State Energy Code**

# BACKGROUND ON CODE CYCLES

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- WA State Building Code Council (SBCC) amends and adopts model codes that local jurisdictions must also adopt. Many local jurisdictions then further amend the codes to address local conditions.
  - A new code cycle typically takes effect one year after an updated code edition is published. The 2018 code cycle has been delayed twice and currently takes effect February 1, 2021.
  - Local jurisdictions can make limited amendments which are equal or more restrictive than the model code. Generally, local amendments cannot diminish the model code requirements.

# BACKGROUND ON CODE CYCLES

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- Codes are revised with each cycle to increase the safety and durability of buildings and evolve with new materials, processes, and local laws.
- Several model codes are integral with one another where certain requirements are based on provisions in another code.

# SUMMARY OF CURRENT COLS CODES

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- Lake Stevens has currently adopted the model codes as adopted by WA SBCC. However, most building codes were adopted with minimal to no local amendments.
- City fire code is currently amended heavily for sprinklers, access roads, and fire hydrant requirements.
  - Amendments create different requirements in Lake Stevens which can be difficult and confusing for customers.
  - Creates a lack of consistency with other partner cities which are served by the same fire district
  - Majority of the model code is effective without the need for numerous amendments. Many local conditions can be addressed through the application of fire district standards.

# Options for code adoptions

- Option 1 - Maintain 'status quo' and adopt 2018 model building codes with little or no local amendments, only revising LSMC to reflect 2018 code cycle
  - Retain current local amendments in our adoption of the 2018 Fire code
- Option 2a – **Building code (Staff recommendation)**  
Adopt 2018 model codes with local amendments to replace administrative provisions across all codes.
- Several jurisdictions associated with eGov Alliance/MyBuildingPermit.com have developed a "Common Administrative Code" (CAC) and adopted it with their local construction codes.
- In addition to creating one common chapter containing all admin provisions, benefits to adopting a CAC include;
  - High level of consistency across many local jurisdictions in the region.
  - Consistency for regional builders who work in several jurisdictions.

## Benefits to Common Admin Code

- Allows the City to tailor our process, not only to be more consistent regionally, but to address local conditions more effectively;
  - Predictable dates for expiration and renewal of permits which expire on a set date from issuance
  - Permit exemptions can be defined with greater detail which allows for more uniform application of the codes.
- Allows the City to clearly define when permits are required or not.
- A common code resolves possible conflicts of administrative provisions within various adopted codes.
- Amendments improve the administrative provisions by allowing the addition of provisions which may not be addressed in the differing construction codes
- A single reference for administrative provisions creates less work when updating provisions during later code cycles.

## Option 2b – Fire code Adoption (Staff Recommendation)

- Repeal current Fire Code amendments and revert to the base model code. Utilize a policy for local district standards to be administered by Fire Marshal's office.
  - Benefits include:
    - Creating consistency in district's application and enforcement of codes among Lake Stevens and neighboring agencies
    - Predictability and consistency with other local jurisdictions for improved customer service to our regional contractors and customers
    - District standards can more appropriately address local conditions for our City

To briefly summarize, the proposed code changes achieve these objectives:

- Minimizing the volume of local amendments to be more consistent with the model code.
- Moving a lot of previous local amendments to a fire district standard (much like the EDDS), which we will make freely available through our website and other sources.
- Ensuring that Appendix D achieves the model code provisions of Section 503 that the state didn't adopt.
- Provides a 5,000sf threshold for fire sprinkler protection for new commercial occupancies.
- Maintains the perspective that fire walls do not constitute separate buildings for the purpose of avoiding fire sprinkler protection; we will provide additional documentation about why we believe this is an important objective of a safe community.

Additionally, we are exploring a theoretical change that I hope will make it into these code amendments which will allow us to increase the 150' maximum exterior wall distance from an approved fire apparatus access roadway to 200'. Once additional testing and consideration is complete, we will know whether we can substantiate this increased distance.

# QUESTIONS?

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# WHAT DIRECTION WOULD YOU LIKE US TO PROCEED?

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✓ Option 1

✓ Option 2

# EXHIBIT 1

RCW [19.27.031](#)

## State building code—Adoption—Conflicts—Opinions.

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1)(a) The International Building Code, published by the International Code Council, Inc.;

(b) The International Residential Code, published by the International Code Council, Inc.;

(2) The International Mechanical Code, published by the International Code Council, Inc., except that the standards for liquefied petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquefied Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);

(3) The International Fire Code, published by the International Code Council, Inc., including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying handheld candles;

(4) Portions of the International Wildland Urban Interface Code, published by the International Code Council Inc., as set forth in RCW [19.27.560](#);

(5) Except as provided in \*RCW [19.27.170](#), the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That any provisions of such code affecting sewers or fuel gas piping are not adopted;

(6) The rules adopted by the council establishing standards for making buildings and facilities accessible to and usable by individuals with disabilities or elderly persons as provided in RCW [70.92.100](#) through [70.92.160](#); and

(7) The state's climate zones for building purposes are designated in RCW [19.27A.020](#)(3) and may not be changed through the adoption of a model code or rule.

In case of conflict among the codes enumerated in subsections (1), (2), (3), (4), and (5) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW [19.27.074](#). The council shall solicit input from first responders to ensure that firefighter safety issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

[ [2018 c 189 § 1](#); [2015 c 11 § 2](#); [2003 c 291 § 2](#); [1995 c 343 § 1](#). Prior: [1989 c 348 § 9](#); [1989 c 266 § 1](#); [1985 c 360 § 5](#).]

## **RCW [19.27.040](#)**

### **Cities and counties authorized to amend state building code—Limitations.**

The governing body of each county or city is authorized to amend the state building code as it applies within the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW [19.27.020](#) shall not be diminished by any county or city amendments.

Nothing in this chapter shall authorize any modifications of the requirements of chapter [70.92](#) RCW.

## **Title 51 WAC ENTERPRISE SERVICES, DEPARTMENT OF (BUILDING CODE COUNCIL)**

### **Chapters**

**51-11C** State Building Code adoption and amendment of the 2018 edition of the International Energy Conservation Code, Commercial.

**51-11R** State Building Code adoption and amendment of the 2018 edition of the International Energy Conservation Code, Residential.

**51-50** State Building Code adoption and amendment of the 2018 edition of the International Building Code.

**51-51** State Building Code adoption and amendment of the 2018 edition of the International Residential Code.

**51-52** State Building Code adoption and amendment of the 2018 edition of the International Mechanical Code.

**51-54A** State Building Code adoption and amendment of the 2018 edition of the International Fire Code.

**51-56** State Building Code adoption and amendment of the 2015 edition of the Uniform Plumbing Code.

# Update Code Compliance Process

Overall goal is to streamline code compliance for more effective use of resources in order to achieve favorable results and early compliance in violation cases.

# Current barriers to achieve this goal:

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- Provisions for enforcing violations in Lake Stevens Municipal Code are currently spread across multiple titles, creating a conflicting and inefficient enforcement process. Some conflicting provisions include:
  - Title 17 contains many of the enforcement provisions.
  - However, civil violations are also addressed in Title 9.72
  - Nuisance activity is covered under Title 9.60

# Current barriers to achieve this goal:

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- LSMC places emphasis on obtaining voluntary compliance before issuing monetary penalties or proceeding with advanced enforcement, which means it can take longer to achieve compliance
- As referenced earlier, LSMC currently requires issuance of a notice of violation for each day a violation continues vs issuance of one notice with cumulative fines. This limits the City's ability to efficiently issue and collect fines

## Staff recommendation:

Refine and improve our actions in order reduce initial response time and initiate enforcement action sooner

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- Organize and amend the municipal code to create one clear and concise enforcement title
- Develop a standardized approach to all enforcement actions but maintain flexibility to utilize a variety of mechanisms as appropriate for a particular case
- Reduce ministerial actions that increase overall timeline to achieve positive results
  - Develop 'hybrid' notices that promote voluntary compliance yet transition to an NOV where compliance is not achieved.

## Staff recommendation:

Refine and improve our actions in order reduce initial response time and initiate enforcement action sooner

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- The code should clarify that the enforcement process will remain administrative
- Allow for fines and penalties at the outset of enforcement proceedings
- Retain flexibility to send unpaid monetary penalties to collections, or file a lien on the property

## Staff recommendation:

Refine and improve our actions in order reduce initial response time and initiate enforcement action sooner

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- Clarify when to record violation notices on the property title and limit the transfer or sale of the property while an enforcement case is active
- Copy the lender and insurer on violation correspondence, in addition to the property owner
- Support of council and city leadership is important when enforcement actions are taken

By making these improvements, staff believes our code compliance process will be more efficient and yield positive results sooner

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# Questions?



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda** November 17, 2020  
**Date:** \_\_\_\_\_

**Subject:** Ordinance 1104 Amending Lake Stevens Municipal Code Sections 2.08.020 and 2.08.030  
Concerning the Start Time for Regularly Scheduled City Council Meetings

**Contact**

**Person/Department:** Kelly Chelin, City Clerk **Budget Impact:** n/a

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Approve, modify or deny the proposed Ordinance 1104 Concerning the Start Time for Regularly Scheduled City Council Meetings

**SUMMARY/BACKGROUND:**

At the retreat held on September 25, 2020, the Council discussed an earlier start time for regularly scheduled City Council meetings due to lengthy meetings that have been going past 9:00 p.m. The Council and staff discussed that it would be in the best interest of the public, City administration and City Council to amend the start time. The Council discussed a start time of either 6:00 p.m. or 6:30 p.m. rather than 7:00 p.m. After the retreat, staff prepared a survey and placed a link on the City's website in order for citizens to vote on their preferred start time.

The City received 57 responses. Approximately 5 more people preferred 6:30 p.m.

An ordinance has been prepared for the Council's consideration amending the start time of Council meetings to 6:00 p.m.

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**ATTACHMENTS:** **Draft Ordinance 1104**

**CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON**

**ORDINANCE NO. 1104**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON  
AMENDING LAKE STEVENS MUNICIPAL CODE (LSMC) CHAPTER 2.08 BY  
AMENDING SECTIONS 2.08.020 AND 2.08.030 CONCERNING THE START  
TIME FOR REGULARLY SCHEDULED CITY COUNCIL MEETINGS;  
PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION BY  
ORDINACE TITLE ONLY AND AN EFFECTIVE DATE.**

WHEREAS, the City Council has determined it in the public interest and in the benefit and convenience of the public, city administration and the City Council to amend the start time for regularly scheduled city council meetings from 7:00 pm to 6:00 pm, now, therefore,

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Lake Stevens Municipal Code Chapter 2.08 "CITY COUNCIL" and sections 2.08.020 and 2.08.030 are hereby amended to read as follows (additions shown in underline):

**2.08.020 Regular Meetings - Time and Place.**

The City Council of the City of Lake Stevens shall hold its regular City Council meetings on the second and fourth Tuesday of any month, commencing at 76:00 p.m., with the exception that in the month of July of each year the Council will hold one meeting on the second Tuesday, commencing at 76:00 p.m., and in the month of August of each year the Council will hold one meeting on the fourth Tuesday, commencing at 76:00 p.m. In the event the second and fourth Tuesday of any month shall fall on a legal holiday, the meeting shall then be held on the next day thereafter at 76:00 p.m., unless otherwise provided for by resolution, ordinance, or the laws of the State of Washington. The regular meetings of the City Council shall be held at the Mill, 1808 Main Street, located within the corporate limits of the City of Lake Stevens, unless otherwise publicly announced.

**2.08.030 Workshop Meetings - Time and Place.**

The City Council of the City of Lake Stevens may also hold a workshop meeting on the first and third Tuesday, or any other day of any month, commencing at 76:00 p.m., unless otherwise publicly announced. Workshop meetings shall be held for the purpose of information study, review and general discussion. No official action is taken at any workshop meeting, unless the requirements of Chapter 42.30 RCW have been met, including the requirement of public notice for special meetings. Workshop meetings of the City Council shall be held at the Mill, 1808 Main Street, located within the corporate limits of the City of Lake Stevens, unless otherwise publicly announced.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of its title shall be

published in the official newspaper of the City. This ordinance shall take effect and be in full force and effect five days after its publication in the City's official newspaper.

PASSED by the City Council of the City of Lake Stevens this 10<sup>th</sup> day of November 2020.

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Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

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Kelly Chelin, City Clerk

APPROVED AS TO FORM:

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Greg Rubstello, City Attorney

First and Final Reading: November 10, 2020

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_