

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

Tuesday, July 13, 2021, at 6:00 p.m.  
By Remote Participation via Zoom

CALL TO ORDER: 6:00 p.m. by Mayor Brett Gailey

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

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, Human Resources Director Anya Warrington, City Clerk Kelly Chelin, Senior Planner David Levitan, City Attorney Greg Rubstello, Associate Planner Sabrina Gassaway and Building Official Ryan Mumma

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**Call to Order:**

The Mayor called the meeting to order at 6:00 p.m.

**Pledge of Allegiance:**

Mayor Gailey led the Pledge of Allegiance.

**Roll Call:**

All Councilmembers were present.

**Approval of Agenda:**

Mayor Gailey added an executive session at the end of the meeting to discuss Potential Litigation per RCW 42.30.110(1)(i). Councilmember Petershagen asked to remove item K on the consent agenda, *Contract with PACE Engineering for a Feasibility Study for Lake Stevens Regional Septage Receiving Treatment Facility*, and move it to action items for further discussion.

**MOTION.** Councilmember Jorstad made a motion, seconded by Councilmember Ewing, to approve the agenda with the changes noted. The motion passed unanimously.

**Citizen Comments:**

Pablo Granados, Lake Stevens. Mr. Granados spoke about the upcoming pickleball tournament coming to Lake Stevens.

**Council Business:**

Councilmember Dickinson gave an update on the Friends of the Library. She also stated that she is thankful for pickleball coming to Lake Stevens.

Councilmember Ewing thanked the City Staff for all of the outstanding work.

Councilmember Petershagen spoke about the Sewer District Meeting and the Planning Commission meeting. He stated that unfortunately graffiti is still continuing. He is thankful for citizens volunteering to help.

Councilmember Jorstad stated that she has attended all of the farmer's markets. She attended the Health Board meeting today. She urged everyone to get the vaccine.

Councilmember Frederick stated that Lake Stevens has a lot of citizens vaccinated which is great news.

Councilmember Daughtry attended the groundbreaking for the maintenance area at Community Transit. He thanked Community Transit staff for all of the hard work during the pandemic.

**Mayor Business:**

Mayor Gailey reported that there has been 45 to 50 visitors to the pop-up library. He also thanked staff for all of their hard work.

**City Department Report:**

Public Records Requests Reporting for 2020 – City Clerk Chelin Director Wright also reported that the Cedarwood Clubhouse transfer has been made to the City. More details to come.

**Guest Business:**

Veterans Commission Report to Council and Recognize Veteran-Owned Businesses

Veterans Commission Chair Karmin Pincus

**Public Hearing:**

Ordinance 1121 Adoption of Lot Status Regulations

Planner Gassaway explained that LUA2021-0001 is a city-initiated code amendment that would create codified regulations for legal lot status determinations. Legal lot status must be confirmed before the city can approve applications or actions related to land development, property division, or boundary line adjustments. Since 1989 lot status determinations have been regulated through a City Administrative Policy, which lacks a codified framework and decision criteria on which these determinations are made or an avenue for appeal.

On March 3, staff introduced the Planning Commission to the proposed amendment, which would add a new section related to legal lot status to Chapter 14.16C LSMC (Land Use Actions, Permits and Determinations), with a definition to be added to LSMC 14.08. Staff presented a revised draft of the code on April 21 and then again on May 5 after the code was reviewed by the City Attorney.

The Planning Commission held a Public Hearing on June 16 and recommended approval of the proposed amendment after discussion and deliberation. No public testimony was provided. The code amendment shown in Ordinance 1121 establishes the application process, submittal requirements, decision criteria, methods for appeal, and alternative methods for determining lot status for new LSMC Section 14.16C.078 and adds definitions for "lot of record" and "lot status determination" to LSMC 14.08. The proposed code language also allows for lot status determinations to be reviewed concurrently with a building or land use permit, without requiring a separate Type I land use application. Alternative methods for determining lot status are included to provide relief in situations where properties were divided through tax segregation,

deed, or fee simple transfer purchase but the lot in question meets the minimum zoning standards in Title 14.

Mayor Gailey opened the public hearing at 6:42 p.m.

There were no comments from the audience.

Mayor Gailey closed the public hearing at 6:42 p.m.

Council and staff discussed the Ordinance.

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Frederick, to approve Ordinance 1121 Adoption of Lot Status Regulations. The motion passed 7-0-0-0.

**Action Items:**

Ordinance 1122 Amendments to Code Enforcement Process

Building Official Mumma explained that as a follow-up to the Council session on June 22, 2021, staff is providing proposed amendments to LMSC Title 17, regarding enforcement of violations of municipal code. Staff has also proposed amendments to existing sections of Titles 8, 9, and 14 which are necessary to align with the changes to the enforcement provisions in the proposed Title 17. The goal of the amendments is to streamline the enforcement process and complete general housekeeping of the code. These amendments are aimed to clarify the enforcement process, remove conflicting code provisions, and create additional enforcement tools for efficiency in resolving violation cases. The provisions in Title 17 of the Lake Stevens Municipal Code are dedicated to the enforcement of criminal and civil violations of municipal code.

However, there are currently conflicting provisions for enforcement and penalties in at least three other titles, Chapters 8, 9, and 14. By combining and repealing existing provisions staff believes the enforcement process will be more effective. The City will retain the primary goal of advocating voluntary compliance as the preferred outcome, while still maintaining the authority for monetary penalties, advanced enforcement, and abatement by the City where voluntary compliance cannot be achieved.

MOTION. Councilmember Ewing made a motion, seconded by Councilmember Tageant, to approve Ordinance 1122. The motion passed 7-0-0-0.

American Rescue Plan Act Funds

Director Wright reported that the City will receive \$9.466 million in federal funds from the American Rescue Plan Act (ARPA). Under the new ARPA program, funds can be used for the following:

- Compensate cities for lost revenues
- Necessary investments in water, sewer, or broadband
- Assistance to households and low-income communities
- Assistance to small business or non-profits
- Assistance to impacted industries such as travel, tourism and hospitality
- Employee pay and premium pay for essential workers

In 2020, the city used CARE funds to provide grants to small businesses and non-profit entities, purchase personal protective equipment for staff and cleaning equipment for city facilities amongst other items and hazard pay for essential workers. Management staff has met with the

Mayor, Council President and City Administrator to discuss priority uses for the American Rescue Plan Act funds. The following programs have been identified for ARPA allocations:

1. Fund positions (see staff report from Director Warrington)
2. Capital investments and planning for stormwater improvements, water improvements, sewer and broadband communications including Hartford / Machias area, 91st/24th improvements, Main Street improvements, Lake outfall, etc.
3. Fund process improvements and software to reduce in person meetings such as launching the CivicRec program for scheduling rentals.
4. Additional direct assistance for non-profits such as the food bank. Funds must be committed by Dec 31, 2024 and spent by Dec 31, 2026.

MOTION. Councilmember Frederick made a motion, seconded by Councilmember Dickinson, to authorize the Mayor to disperse the APRA funds as recommended. The motion passed 7-0-0-0.

#### American Rescue Plan Act (ARPA) Funded Positions

Director Warrington explained the need for two Custodian positions within Public Works, a reclassification of part-time HR Technician to full-time and a limited duration ARPA Coordinator (Consultant).

Council and staff engaged in a discussion.

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Ewing, to authorize City staff to pursue entering a Professional Services Agreement for ARPA Coordination, to authorize the establishment of two Custodian positions within Public Works and authorize the reclassification of part-time HR Technician to full-time. The motion passed 7-0-0-0.

#### PACE Engineering for a Feasibility Study for Lake Stevens Regional Septage Receiving Treatment Facility

City Administrator Brazel explained that in late 2019, the Lake Stevens Sewer District fulfilled the requirements of the closure plan dated October 2018 and addendum dated March 2019 for the decommissioning of the wastewater treatment lagoon located at 500 Sunnyside Blvd, Lake Stevens Washington to State of Washington Department of Ecology satisfaction. This property was then Quit Claim Deed to the City of Lake Stevens by the Lake Stevens Sewer District on April 26, 2021. The City has met with the Sewer District and identified numerous potential uses of this site including but not limited to, Interpretive Trails, Drone Park, Soccer Fields, Disc Golf, Dog Park, wetland habitat work, H2O Ski Park, Remote Control Boats & regional septic receiving treatment facility. Some of the site challenges identified are, access to and from Sunnyside Blvd, driveway needs structural improvements, site floods, permitting challenges, zoning, neighborhood impact and ongoing financial impact on the City of Lake Stevens.

To support the Lake Stevens City Council vision of Hartford Industrial area, the City has engaged in conversation with Evergreen Sanitation about the possibility of relocating operations to this site. Benefits, should Evergreen relocate, would free up development space in Hartford Industrial. Currently, discharge from Evergreen Sanitation is pumped from the Hartford location through several lift stations to the WWTP located on Sunnyside Blvd. Less pumping will result in lower District operating cost and wear on the lift stations. There's a potential Evergreen could increase discharge amounts to the sewer system if approved by the District. Finally, if

Evergreen could expand, this would help the region giving Snohomish County septic haulers a local dump location verses driving to dump locations in King County. Local dump site option will help reduce the carbon footprint. Next step is to execute the PACE contract. Once the contract is executed, PACE will begin work starting with a stakeholders meeting, to include the City and Sewer District and other agencies and parties of interest.

Council and Staff engaged in a discussion.

**MOTION.** Councilmember Ewing made a motion, seconded by Councilmember Jorstad, to authorize the Mayor to sign a professional services agreement with PACE engineering to prepare a feasibility study for a Lake Stevens Regional Septage Receiving Treatment Facility, not to exceed \$74,000. The motion passed 7-1-0-0 with Councilmember Dickinson opposed.

**Consent Agenda:**

**MOTION:** Councilmember Jorstad made a motion, seconded by Councilmember Tageant, to approve the consent agenda. The motion passed 7-0-0-0.

The consent agenda included the following:

- Vouchers
- City Council Meeting Minutes of 6/8/21
- City Council Meeting Minutes of 6/22/21
- Motion to Correct the ILA for Southeast Interlocal Annexation (LUA2020-0117)
- Resolution No 2021-013 Updating the City's Employee Handbook.
- Resolution 2021-12 Revisions to Fee Schedule
- Cancel all Council Meetings through August 23, 2021
- Purchase CivicRec for the City's Parks and Recreation Management System
- Interlocal Agreements with Snohomish County for Survey Work for Centennial Trail
- Connection and Frontier Heights Park

**Recess to Executive Session:**

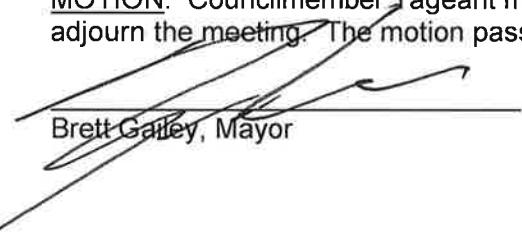
The meeting recessed to executive session at 7:21 p.m. to discuss Potential Litigation per RCW 42.30.110(1)(i) for 15 minutes. There will be no action.

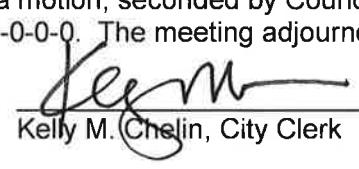
**Reconvene to Regular Session:**

The meeting reconvened to regular session at 7:34 p.m.

**Adjournment:**

**MOTION.** Councilmember Tageant made a motion, seconded by Councilmember Daughtry, to adjourn the meeting. The motion passed 7-0-0-0. The meeting adjourned at 7:37 p.m.

  
Brett Galle, Mayor

  
Kelly M. Chelin, City Clerk