

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

March 8, 2022, at 6:00 p.m.

Hybrid Meeting - By Remote Participation via Zoom & in Person at The Mill Building

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 Aaron Halvorson, Police Chief Jeff Beazizo, Human Resources Director Anya Warrington, City Clerk Kelly Chelin and City Attorney Greg Rubstello.

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:

MOTION. Councilmember Petershagen made a motion, seconded by Councilmember Frederick, to move Item F (Authorize Mayor to Sign Interagency Agreement with Department of Ecology for SMP Competitive Grant Award) from the consent agenda to action items for further discussion. The motion passed 7-0-0-0.

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Jorstad, to approve the agenda as amended. The motion passed 7-0-0-0.

Citizen Comments:

There were no citizen comments.

Council Business:

Councilmember Jorstad thanked the Police Department for the great polar plunge event that benefited Special Olympics. She also attended the Board of Health meeting today and the mask mandate is ending soon.

Councilmember Dickinson also thanked the Police Department for the polar plunge event. She attended her second school board meeting. Lastly, she thanked PUD for contributing at the food bank.

Councilmember Frederick attended the last Youth Advisory Council meeting. He stated they are continuing to do great work.

Councilmember Tageant attended the last Veterans Commission meeting. The Commission is working on their next newsletter.

Councilmember Daughtry attended the Youth Advisory Council and Veterans Commission meetings. The Commission continues to work through their workplan for the year. He also reported on Community Transit.

Councilmember Ewing thanked staff for their work on the interviews for the vacant Board and Commission positions.

Citizen Comments: (Mr. Toyer was filling out the sheet when citizen comments were called)

David Toyer, Toyer Strategies.

Mr. Toyer spoke in favor of the 10% annexation petition that is on the agenda tonight.

Mayor Business:

Mayor Gailey reported that he has been participating in the high school's civic classes. He also attended the Economic Alliance meeting this morning.

City Department Report

Introduction: Curtis Clifton - Public Works Operations Manager

Introduction: Jessica Rowe - Capital Projects/Grants Accountant

Introduction: Rondi Sansaver - Office Assistant

Consent Agenda:

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

The consent agenda included the following:

- Vouchers
- City Council Regular Meeting Minutes of February 8, 2022
- City Council Workshop Meeting Minutes of February 22, 2022
- Approval of 2022 Recreation and Concession offerings
- Appointments to the Planning Commission and Library Board

Action Items:

Authorize Mayor to Sign Interagency Agreement with Department of Ecology for SMP Competitive Grant Award

Council and staff engaged in a discussion.

MOTION. Councilmember Ewing made a motion, seconded by Councilmember Daughtry, to authorize the Mayor to sign the interagency agreement with Department of Ecology for SMP Competitive Grant Award. The motion passed 7-0-0-0.

Trail Easement Condemnation Consideration

Parks Coordinator Meis explained that in 2020, the City Council adopted the Trails Master Plan that guides the City's efforts in creating a trail network that provides non-motorized connections throughout the City. Through the prioritization effort, the "westside trail" emerged as a preferred connection point. The first phase of this trail starts at the site commonly known as the 20th Street Ballfields (8629 20th Street SE) and continues north to 8th Street SE. The trail follows the existing utility access road.

The easements needed to construct the trail occur on the Quail Court open space tract and the Willowood Division 2 open space tract. The Quail Court open space tract will remain in its current condition except for the utility access road asphalt overlay. This easement is approximately 3,733 square feet where the wetland crossing takes place, and the utility access road is located (image attached). The Willowood Division 2 easement takes place on the existing utility access road and the pedestrian trail location, this easement is approximately 17,956 square feet.

The Council was briefed at a February meeting on this project and the potential acquisition of the easements necessary for this project to move forward. Coordinator Meis reviewed the outreach that has occurred on this project.

In February 2022 all homeowners that didn't sign the easement were certified mailed the notice of intent to condemn from the city. On February 22, 2022, and March 1, 2022 the Everett Herald published the notice in the legal section of the newspaper.

Council and staff engaged in a discussion.

MOTION. Councilmember Frederick made a motion, seconded by Councilmember Ewing, to approve Ordinance 1135 - Condemnation Ordinance for Trail Construction. The motion passed 5-2-0-0 with Councilmember Dickinson and Councilmember Jorstad opposed.

Accept 10 Percent Fagerlie Annexation Petition and Authorize 60 Percent Petition Circulation

Planning Manager Levitan explained that the unincorporated Lake Stevens Urban Growth Area (UGA) has approximately 300 acres remaining, the majority of which is located south of 20th St SE between 107th Ave SE and 123rd Ave SE. This is an area that the City Council opted not to include as part of the Southeast Interlocal Annexation, but in which the city will continue to consider direct petitions for annexation from property owners. The existing county zoning is R-7200 (minimum lot size of 7,200 sf per unit), although more recent PRD subdivisions have smaller lot sizes. As part of the 2019 Comprehensive Plan docket, the city assigned a Comprehensive Plan land use

pre-designation of Medium Density Residential (MDR) and zoning pre-designation of R6 to most of the area, with the exception being a few parcels along either side of 20th St SE near 123rd Ave SE that were assigned a Local Commercial (LC) land use pre-designation and Local Business (LB) zoning pre-designation. The 2020 Comprehensive Plan docket changed the pre-designations for four parcels on the north side of 20th St SE from LC/LB to MDR/R6 to allow for the Southeast Interlocal Annexation.

On February 22, 2022, the city received an annexation petition signed by the property owners representing more than 10 percent of the assessed value for the four parcels (three properties) and adjacent Williams Road right-of-way known as the Fagerlie Annexation area. The area is approximately 13.8 acres and the petitioners own 100 percent of the land value within the area. The western property includes an existing construction business, while the other two properties are residential in nature. An aerial image shows several large subdivisions (Hawksbeard and Pasadera Heights) directly to the west developed between 2008 and 2019 with lot sizes between 3,000 sf and 5,500 sf.

All three properties in the proposed annexation area have an existing county zoning of R-7200. The two properties west of Williams Rd have a city land use pre-designation of LC and zoning pre-designation of LB while the property east of Williams Rd has a land use pre-designation of MDR and zoning pre-designation of R6 (Attachment 3). The petitioners have requested that the Comprehensive Plan land use designation for the three properties be changed to High Density Residential (HDR) and that the zoning designation be changed to R8-12. R8-12 is an implementing zoning district for both the HDR and MDR land use designations, so either HDR or MDR would be an option.

Staff is recommending that the City Council adopt Resolution 22-01, which would accept the 10 percent petition and circulate a 60 percent petition for the annexation, which would require the City Council to identify and assign land use and zoning designations (if they differ from the existing pre-designations) and require the assumption of all existing City indebtedness.

City staff has discussed the proposal with the applicants' representatives and noted its belief that the northern portion of the proposed annexation area (along 20th St SE) would be well served by a wider variety of middle housing types such as townhomes. The city has the authority to require the inclusion of such housing types as part of an annexation agreement.

Council and staff engaged in a discussion.

MOTION. Councilmember Petershagen made a motion, seconded by Councilmember Daughtry, to approve Resolution 22-01, to accept the 10 percent annexation petition and authorize the circulation of the 60 percent petition for the Fagerlie Annexation.

MOTION. Councilmember Petershagen made an amendment to the motion, seconded by Councilmember Ewing, for high density residential. The amendment passed 7-0-0-0.

ORIGINAL MOTION VOTE AS AMENDED: The motion passed 7-0-0-0.

Executive Session:

The meeting recessed to executive session at 6:55 p.m. to discuss Potential Litigation per RCW 42.30.110 (1) (i) and Property Acquisition per RCW 42.30.110 (1) (b). There will be no action.

The meeting reconvened to regular session at 7:42 p.m.

Adjournment:

MOTION. Councilmember Frederick made a motion, seconded by Councilmember Dickinson, to adjourn the meeting. The motion passed 7-0-0-0. The meeting adjourned at 7:42 p.m.



Brett Gailey, Mayor

Kelly M. Chelin, City Clerk