

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

Tuesday, November 24, 2015

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Kim Daughtry, Sam Low, John Spencer, Suzanne Quigley, Kathy Holder, Marcus Tageant

COUNCILMEMBERS ABSENT: Todd Welch

STAFF MEMBERS PRESENT: Interim City Administrator Mary Swenson, Finance Director/City Clerk Barb Stevens, Interim Planning and Community Development Director Russ Wright, Public Works Director Mick Monken, Human Resources Director Steve Edin, Police Chief Dan Lorentzen, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Associate Planners Stacie Pratschner and Amy Lucas

OTHERS: Jennifer Ziegler

Excused Absence. Councilmember Tageant moved, Councilmember Spencer seconded, to excuse Councilmember Welch from the meeting. On vote the motion carried (6-0-0-1).

Mayor Little said that the Recognition item is removed from tonight's agenda. Mayor Little discussed the requirements for administering the oath of office and said that if the Council does not hold the second meeting in December his recommendation is to administer the oaths of office and do the recognition at the December 8, 2015 meeting.

MOTION: Councilmember Spencer moved, Councilmember Low seconded, to cancel the December 22, 2015 City Council meeting. On vote the motion carried (6-0-0-1).

With the cancellation of the December 22, 2015 meeting there was consensus to administer the oaths of office at the December 8, 2015 meeting, which is the last meeting of the year.

Mayor Little advised in addition to the executive session regarding real property acquisition, litigation and the Teamsters contract will also be discussed; the real property acquisition does not relate to the downtown subarea.

Guest Business.

Dick Todd, 825 99th Avenue SE, reviewed that the City obtained a grant from the Department of Ecology to complete a comprehensive shoreline master program update. The Watershed Company completed the work and that it included Stitch Lake and its tributary, Stitch Creek. The findings in the shoreline master program update are important when considering the Westlake Crossing development and the developer's request to allow a significant increase in allowable impervious surfaces. Mr. Todd distributed some photos and also a map. Mayor Little invited Mr. Todd to submit his written comments.

Isaiah McKinney, 1625 99th Avenue SE, thanked the City for the traffic enforcement on 99th Avenue SE and commented on the timing of the action.

Michael Fear, 820 990th Avenue SE, appreciated the new speed sign on 99th Avenue SE. Mr. Fear also commented on the traffic mitigation fee waiver proposal for Neighborhood Business zones and in particular the request by Trestle Holdings; he distributed his written observation and notes.

City Department Report.

Consent Agenda.

MOTION: Moved by Councilmember Low, seconded by Councilmember Tageant, to approve (A) 2015 Vouchers [Payroll Direct Deposits of \$193,398.69, Payroll Checks 39398-39399 totaling \$4,254.54, Tax Deposits of \$82,316.88, Electronic Funds Transfers (ACH) of \$4,057.31, Claims Check Nos 39400-39467 totaling \$304,578.57, Total Vouchers Approved: \$588,605.99]; (B) November 10, 2015 City Council Regular Meeting Minutes; (C) Award Bid for Official Newspaper Designation to Daily Herald; (D) Ordinance 945 Amending LSMC §2.08.080-Official Newspaper; (E) Ordinance 946 re Closing 2004 LTGO Bond Fund No. 206; and (F) Interlocal Agreement with Lake Stevens Sewer District for Purchase of Surplus Generator. On vote the motion carried (6-0-0-1).

Introductions: Interim Planning Director Wright introduced Amy Lucas, who comes to the City from Snohomish County.

Mayor Little introduced Interim City Administrator Mary Swenson, who will be assisting the City until a new city administrator is found.

Public Hearings:

Finance Director/City Clerk Barb Stevens opened the public hearings and read the rules of procedure for the record. She said that the rules of procedure would apply to all three of the public hearings.

Public Hearing and First Reading of Ordinance 947 Amending LSMC Section 14.48.055 re Maximum Impervious Surface: Associate Planner Stacie Pratschner presented the Staff Report and said tonight's action is to hold a first public hearing and first reading of Ordinance 947 on the proposal to allow an increase in the impervious surface requirement in the High Urban Residential (HUR) zoning district from 40 percent to 65 percent. This change would apply to HUR zoning districts outside of the subareas. Ms. Pratschner said this is a citizen-initiated proposal, and she reviewed the public process to date including staff review of the proposal and that the Planning Commission held a public hearing on July 29, 2015 and September 2, 2015. Following the public hearings the Planning Commission sent a letter recommending approval of the amendment to the City Council. Ms. Pratschner then responded to Councilmembers' questions.

Mayor Little invited comment from the proponent.

Darin Huseby of SeaPac Homes, 120 SW Everett Mall Way, Everett, commented that the request for 65% impervious surface does not increase lot yield. Mr. Huseby also commented

that the Department of Ecology dictates how and where stormwater is released, and that the releases must meet predevelopment releases under the forested land criteria. Without an increase in allowable impervious surface developers are left to construct less desirable three-story homes.

Mayor Little invited public comment.

Dick Todd, 825 99th Avenue SE, continued from his earlier comments discussing the inclusion of Stitch Lake and Stitch Creek as part of the Shoreline Master Program, and also the impact of development on active beaver ponds. Mr. Todd distributed a map depicting this area.

Joyce Behrendt, 7911 99th Avenue SE, is concerned about water runoff onto her property if development is not done correctly.

Sally Jo Sebring, 1023 99th Avenue SE, said she hopes that Council has read the packet materials, including submitted letters, and that the Comprehensive Plan identifies that the City has enough buildable land.

Michael Fear, 820 99th Avenue SE, commented that drainage is better in other jurisdictions and that when considering this code amendment the City needs to look at soils conditions in Lake Stevens. Mr. Fear added that if the ordinance is adopted he urged the City needs to make sure that drainage ponds are maintained.

Isaiah McKinney, 1625 99th Avenue SE, commented that citizens want a country life style with larger lots.

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to close the public comment portion of the public hearing. On vote the motion carried (6-0-0-1).

Councilmember Low commented he has been out to the Westlake property and 99th Avenue SE. He believes there is a lot of confusion regarding new development and noted there is already code in place that allows for development of property, and that property owners have a right to develop their property; development is going to occur. Councilmember Low acknowledged the concerns around traffic.

Councilmember Quigley said she is appreciative of comparisons but in this context it does not make a lot of sense. Councilmember Quigley believes the City should actively be a steward of the lake and should be a leading city to put in regulations and protections that are stronger than the City's neighbors. .

Councilmember Daughtry reminded that water runoff has to be managed on site, and if the City regulates building by the Department of Ecology rules, that is the best available science. Councilmember Daughtry would like to find a solution for taking care of retention ponds in the near future.

Councilmember Holder agreed with Councilmember Daughtry's comments and said that the City needs to look into the development policy for retention ponds and how they are maintained. Councilmember Holder added that it is important to keep in mind what the City will look like and that by increasing the allowable impervious surface it will allow for better structures to be built.

Councilmember Spencer commented that he is prepared to address the question of detention ponds city-wide, and also that the City needs to ensure that it is meeting the Department of Ecology requirements for development and stormwater runoff.

Councilmember Low added that the City should check for the beaver dam and the potential creek that are located in the development area known as Westlake Crossing.

Councilmember Tageant commented that developers contribute to the infrastructure of the City by payment of development mitigation fees for parks, and roads and sidewalks and other development requirements and that they build to the highest and best use.

Further discussion ensued and Ms. Pratschner responded to additional questions posed by Council. Ms. Pratschner noted this will be brought forward for a second public hearing and second reading of Ordinance 947 at the December 8, 2015 Council meeting.

MOTION: Councilmember Tageant moved, Councilmember Holder seconded, to close the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, that this be a first and final reading of Ordinance 947. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to approve Ordinance 947 amending Lake Stevens Municipal Code Section 14.48.055 regarding Maximum Impervious Surface.

MOTION: Councilmember Spencer offered an amendment to the main motion requiring that at the plan review and engineering stage, pervious surface materials be implemented.

City Attorney Weed responded that the motion before the Council is Ordinance 947 which is for general application to all properties in the HUR zone. If there are specific requests of Council for a particular project that might be in the HUR zone that may be made separately, but not as a part of adopting this ordinance.

Councilmember Spencer withdrew his motion and requested Staff bring back an amendment addressing the use of pervious surface materials in the HUR zoned areas.

VOTE: On vote the motion carried (5-1-0-1) with Councilmember Quigley voting no.

Public Hearing and Approval of Resolution 2015-16 Amending Six Year Transportation

Improvement Plan: Public Works Director Mick Monken presented the staff report and said tonight's action is to hold a public hearing and vote on Resolution 2015-16 which amends the Six Year Transportation Improvement Plan (TIP). If approved the amendment will include an identified sidewalk improvement project on 91st Avenue SE between 8th and 12th Streets SE in the Six Year TIP that has recently been approved for State grant funding. Director Monken then responded to Councilmembers' questions.

Mayor Little invited public comment and there was none.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to close the public comment portion of the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Tageant moved, Councilmember Low seconded, to close the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded to approve Resolution 2015-16 Amending the Six Year Transportation Improvement Plan. On vote the motion carried (6-0-0-1).

Public Hearing on 2016 Proposed Budget and Second and Final Reading of Ordinance 943 Adopting 2016 Annual Budget: Finance Director/City Clerk Barb Stevens presented the staff report. She reviewed the proposed 2016 Annual Budget and responded to Councilmembers questions.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to keep the Police Commander position and eliminate the Operations Lieutenant position.

Police Chief Lorentzen commented the Operations Lieutenant position is a civil service protected position and meant to encourage promotion from within, and the Commander position is not a civil service protected position, which does not encourage internal promotions.

Mayor Little agreed with Chief Lorentzen's comments and said it is better to flatten the management structure.

Councilmember Spencer agreed that flattening the organizational management is better for day-to-day operations and makes the Police Chief responsible for the department.

VOTE: On vote the motion failed (2-4-0-1) with Councilmembers Holder, Quigley, Spencer, and Daughtry voting no.

Mayor Little invited public comment and there was none.

MOTION: Councilmember Daughtry moved, Councilmember Low seconded, to close the public comment portion of the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Spencer moved, Councilmember Low seconded, to close the public hearing. On vote the motion carried (6-0-0-1).

MOTION: Councilmember Daughtry moved, Councilmember Holder seconded, to approve the Second and Final Reading of Ordinance 943 Adopting the 2016 Annual Budget. On vote the motion carried (4-2-0-1) with Councilmembers Tageant and Low voting no.

Public Meetings:

Director Stevens opened the public meetings and read the rules and procedures for the record.

Final Plat Acceptance of Brookside III and Acceptance of Dedication of Right of Way: Associate Planner Stacie Pratschner presented the staff report and said tonight's requested action is to hold a public meeting pursuant to LSMC §14.18.035(a) and accept the Brookside Division III subdivision and associated right-of-way dedication. She then responded to Councilmembers' questions.

Mayor Little invited public comment and there was none.

MOTION: Councilmember Tageant moved, Councilmember Daughtry seconded, to accept the Brookside III subdivision and associated right-of-way dedication. On vote the motion carried (6-0-0-1).

Final Plat Acceptance of Brookside IV and Acceptance of Dedication of Right-of-Way:

Associate Planner Amy Lucas presented the staff report and said that tonight's requested action is to hold a public meeting pursuant to LSMC §14.18.035(a) and accept the Brookside Division IV subdivision and associated right-of-way dedication. She then responded to Councilmembers' questions.

MOTION: Councilmember Tageant moved, Councilmember Low seconded, to accept the Brookside III subdivision and associated right-of-way dedication. On vote the motion carried (6-0-0-1).

Action Items:

Planning Commission Reappointments: Mayor Little said that Planning Commissioners Linda Hoult's and Jennifer Davis's appointments expire December 31, 2015. Both have requested reappointment for another four year term ending December 31, 2019. With reappointment one vacancy will remain which has been advertised and interviews are scheduled.

MOTION: Councilmember Holder moved, Councilmember Spencer seconded, to reappoint Linda Hoult and Jennifer Davis to the Planning Commission for the term January 1, 2016 through December 31, 2019. On vote the motion carried (6-0-0-1).

City Attorney Services for 2016: Interim City Administrator Mary Swenson presented the staff report and said that before Council is approval of the 2016 contract for City Attorney services with Weed, Graafstra and Associates. The proposed fees are not an increase over the 2015 fees, however the retainer hours are increased from thirty to forty hours based on use of the retainer, which is invoiced at a lower hourly rate. This provides a cost-savings on this fee.

Councilmembers Tageant and Low would like the City to go out for a request for proposal to learn what current city attorney rates are, and discussion ensued.

MOTION: Councilmember Low moved, Councilmember Tageant seconded, to amend the motion to approve the city attorney contract and to obtain proposals for city legal services by January 30, 2016. On vote the motion failed (2-4-0-1) with Councilmembers Holder, Quigley, Spencer and Daughtry voting no.

MOTION: Councilmember Daughtry moved, Councilmember Holder seconded, to approve the Professional Services Agreement for legal services for 2016 with Weed, Graafstra and Associates and to complete a request for proposal process in 2016 for legal services for 2017. On vote the motion carried (4-2-0-1) with Councilmembers Tageant and Low voting no.

Legislative Priorities: Interim Administrator Swenson introduced Jennifer Ziegler from Outcomes by Levy. Ms. Ziegler provided an overview of the session outlook and reviewed draft proposed legislative agenda. She then responded to Councilmembers' questions.

MOTION: Councilmember Spencer moved, Councilmember Tageant seconded, to approve the proposed Legislative Priorities for 2016. On vote the motion carried (6-0-0-1).

Discussion Items:

Association of Washington Cities (AWC) – City Action Days: Finance Director/City Clerk Barb Stevens said that the AWC City Action Days is scheduled for January 27 and 28 in Olympia with the morning of January 27th available for meeting with legislators. Because of this Council is scheduled to travel to Olympia on January 26, which is also a regularly scheduled Council meeting. Staff is requesting direction from Council on whether they wish to hold the meeting on January 26, cancel the meeting or cancel the meeting and schedule a special meeting. Discussion ensued and there was consensus to cancel the January 26, 2015 meeting.

Council Person’s Business: None.

Mayor’s Business: None.

Executive Session: Mayor Little announced an executive session for 10 minutes to discuss potential property acquisition, litigation and collective bargaining beginning at 9:37 p.m. and ending at 9:47 p.m. with no to follow.

Adjourn.

Moved by Councilmember Tageant, seconded by Councilmember Low to adjourn the meeting at 9:47 p.m. On vote the motion carried (6-0-0-1).



Vern Little, Mayor



Kathy Pugh, Deputy City Clerk