

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

Tuesday, March 28, 2017

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

CALL TO ORDER: 7:01 p.m. by Mayor John Spencer

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder (7:26 p.m.), Marcus Tageant

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Steve Edin, Deputy City Clerk Kathy Pugh and City Attorney Grant Weed

Pledge of Allegiance: Council President Kurt Hilt introduced Lindsay Lindbloom, a student at Mt. Pilchuck Elementary, who led the Pledge of Allegiance.

Roll Call: Council President Hilt advised Councilmember Holder would be arriving late to the meeting.

Approval of Agenda: Council President Hilt said there is a request to remove Consent Item G, Approve Ordinance 990 Amending LSMC 2.56 re Park and Recreation Planning Board, from the Consent Agenda and add it to Action Items.

MOTION: Motion by Councilmember Tageant, second by Councilmember McDaniel, to approve the Consent Agenda with the exception of Item G, which is removed to Action Items. On vote the motion carried (6-0-0-1).

Citizen Comments:

Laurie Erickson, 10208 – 7th Place SE, Lake Stevens, expressed concern about wetlands that are impacted by the Westlake Crossing I and II developments, and asked who in the City holds the developers accountable for complying with the wetlands regulations. Ms. Erickson provided a written copy of her comments.

Employee Recognition: Mayor Spencer recognized Justin Evans for ten years of service to the City of Lake Stevens working with transportation in the Public Works Department.

Council Business:

- Kim Daughtry: Snohomish County Committee for Improved Transportation

- Raichel McDaniel: Public Safety Subcommittee: new Police Station at Chapel Hill, possibility of Lake Stevens municipal court, and equipment that will be needed for new police facility. Additionally, updated on Fire Commission and Historical Society meetings.
- Marcus Tageant: Administration Subcommittee: Council Rules of Procedure

Mayor's Business: The City Council traveled to Washington DC for the National League of Cities conference. While there, Council was able to speak with the City's representatives and both Senator Murray and Senator Cantwell about the need to upgrade the Trestle and improve the commute experience. This was brought up last year at the National League of Cities conference and received a nice reception. This year Senator Cantwell singled Lake Stevens out to further discuss this and committed her staff to pursue freight mobility funding to help fund improvements to the Trestle.

The following week City representatives were in Olympia and had an opportunity to participate in a workshop with both the Senate and House Transportation committees. The discussion centered on the need to upgrade the Trestle and a range of alternatives to fund the improvements. Following that Senator Murray's office contacted City officials and requested information so that she can work with Senator Cantwell to try to secure funding for a "3P" (Public/Public/Private) approach in an effort to move improvements forward expeditiously.

Also, there is now money in both the Senate and House budgets for a "jump start", which would be a widening and striping of 20th Street SE to create an HOV lane travelling westbound down Cavelero Hill, stay under the Trestle and then merge up to the Trestle about half way to two thirds of the way across the Trestle. The hope is that the surrounding geology would support bus traffic as well as vehicles and van pools.

City Department Report.

- Director Edin: Communications/Administrative Assistant Beth Braun will start April 3, 2017, Engineering Technician Mathew Goad submitted his resignation.
- Director Stevens: The 2017 budget document is now on the City's website.
- Director Durpos: The new Maintenance I person has started in Public Works, and Engineer position interviews were today.
- City Administrator Brazel: The IT Department distributed their Department Report prior to the meeting; they are still collecting information and proposals regarding the phone system; there is a buoy program meeting March 29th and there is some talk of using a citizen task force approach, but staff wants to be sure to get feedback from everyone.

Council President Hilt reminded that safety on the lake was a concern last year and came up again at the retreat. He believes there would be value in approaching safety on the lake strategically to better understand what the safety issues are and to have consensus or a collaborative process for approaching safety concerns. Council President Hilt recommended to Mayor Spencer that consideration be given to establishing a Safety Task Force which would run through the Public Safety Committee. His idea is that the task force would be composed of both Council and community members who are directly affected by activity related to the lake.

MOTION: Moved by Councilmember McDaniel, seconded by Councilmember Tageant, to create a Safety Task Force through the Public Safety Committee to review and analyze public safety on the lake. On vote the motion carried (7-0-0-0).

Consent Agenda:

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve (A) 2016 Vouchers [Payroll Direct Deposits of \$345,764.51, Payroll Checks 42070-42071, 42157-42159 totaling \$12,147.51, Tax Deposits of \$142,834.65, Electronic Funds Transfers (ACH) in the amount of \$220,228.80, Claims Check Nos, 42068-42069, 42072-42156, 42160-42250 totaling \$487,373.96, Void Check No. 42081 in the amount of \$188.88, Total Vouchers Approved: \$1,208,160.55]; (B) City Council Regular Meeting Minutes of February 28, 2017; (C) Resolution 2017-05 Authorizing Establishment of International County/City Management Association Retirement Corporation 401(a) Money Purchase Plan; (D) Ordinance 989 Amending LSMC 2.51.050 re Salary Commission; (E) CDI Task Order #6 for Electrician Services; (F) All Phase Brush & Land Clearing Task Order #3 for Tree Removal Services; and (G) removed to Action Items. On vote the motion carried (7-0-0-0).

Public Hearings:

Mayor Spencer opened the Public Hearings regarding Ordinance 991, Adding LSMC Chapter 14.44.070 re Recreational Park Trailers and Recreational Vehicle Regulations and Ordinance No. 992 re Soper Hill Right of Way Vacation.

Recreational Park Trailers and Recreational Vehicles (RV) Regulations: Community Development Director Wright presented the Staff Report and said that tonight's requested action is to hold a public hearing and a First and Final Reading of Ordinance 991 related to Municipal Code amendments for Recreational Park Trailers and Recreational Vehicles (RV) Regulations. Director Wright said that the proposed new code section adds language to address code deficiencies identified by WCIA in a 2015 land use audit of the City's municipal code and reviewed some of the goals of the proposed changes as well as additional amendments within the chapter to provide consistency. Director Wright added the Planning Commission was briefed; they held a public hearing and received public comment on this matter. The Planning Commission forwarded a recommendation to the Council for approval of the proposed changes to the Municipal Code. Additionally staff found the recommended changes are compliant with the City's comprehensive plan. Director Wright then responded to Councilmembers' questions.

Mayor Spencer invited public comment and there was none.

Mayor Spencer closed the public comment portion of the Public Hearing and the Public Hearing.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve Ordinance 991, adding a Lake Stevens Municipal Code Chapter 14.44.070 entitled "Recreational Park Trailers and Recreations Vehicles (RV) Regulations" and amending the Lake Stevens Municipal Code Chapters 14.08 entitled "Basic Definitions and Interpretations", 14.16C.110 entitled "Temporary Use" and 14.40.040 entitled Permissible and Prohibited Uses." On vote the motion carried (7-0-0-0).

Approve Ordinance 992 re Soper Hill Right-of-Way Vacation: Director Wright reviewed the historical planning background for Soper Hill. Council previously approved rezoning the property in question to commercial. He then presented the Staff Report said that tonight's requested action is to approve the proposed Right-of-Way vacation and accept an equal amount of Right-of-Way dedication, which will meet the City's requirement that the applicant complete road improvements at its cost, by adoption of Ordinance 992. Director Wright reviewed the

procedural history of the proposed right-of-way vacation and dedication, and said it is staff's recommendation to accept the proposed right-of-way dedication and vacation. He then responded to Councilmembers' questions.

Responding to Councilmember Tageant, Director Wright said that the Lake Stevens School District believes this secondary access is necessary and will lead to less impact on nearby residential neighbors; they are on board with the proposed right-of-way dedication and vacation.

Councilmember Petershagen clarified tonight's action is only to approve or disapprove of the vacation of the right-of-way and is not project approval.

Councilmember McDaniel confirmed that approving this vacation will allow the developer to move forward with the construction of the intersection. She said the open pond water retention systems are an eyesore over time and urged the City to require an underground vault retention system with perhaps a park constructed over it, particularly as this project is in a neighborhood area.

Director Wright responded that staff is reviewing the stormwater codes and that stormwater ponds are one of the allowed management tools under the state's guidance. Because of this he does not believe the City can restrict the open vaults, but in this particular instance there is an opportunity to ask the applicant if they will consider other stormwater solutions. This approach may become a cost-sharing effort with the city based on increased costs. If this is the case perhaps it can become a city gateway.

City Attorney Weed clarified the state statute provides the City can reserve easements but it does not allow the attachment of conditions that will be relevant to a future land use application. There will be opportunities as the project proceeds. The only issue before Council this evening is the vacation of right-of-way and acceptance of property.

Mayor Spencer said there will be opportunities to work with the developer to reach an outcome that is complimentary to both the City's and developer's goals.

Councilmember Holder asked if the roundabout will work in conjunction with the intersection with SR 9. Director Wright replied the City has been working with WSDOT on the location of the roundabout to avoid any conflict with SR 9; the roundabout is being pushed as far east as possible and there will be other traffic improvements as well, with additional development to the north.

Mayor Spencer invited public comment.

Gretchen Makulski, 2519 Soper Hill Drive, Lake Stevens, expressed concerns regarding increased traffic and the impact of road development on Soper Hill. She said she has been contacting both the City and County and has not been able to get answers to her questions regarding what the actual traffic impacts will be. She additionally has concerns regarding the size of the proposed development, and increased safety issues for foot traffic due to increased traffic.

Kari Zapata, 2409 87th Drive NE, lives in the Crosswater neighborhood which is adjacent to the southwest corner of Soper Hill Drive and SR 9. She noted the proposed roundabout will go right up to the corner of her property. She reminded that her homeowners board approached Council

approximately a year ago for a property vacation so they could attempt to gate their neighborhood to limit transient access, which is on the rise. So far the neighborhood has not received a response to this request, and now there is a lot of increased development, all of which will have a huge impact on her community including safety concerns in the adjacent park.

Amanda Havanek, 2505 88th Drive NE, concurred with Ms. Zapata's comments and said that she is very aware of the activities that are taking place in the park and has had to call the police numerous times. She is concerned the neighborhood is going to turn into something that the residents do not want.

Tom Slotomaker, 2625 Soper Hill Road, Lake Stevens, said they have heard many things about Soper Hill and they are concerned that Soper Hill will not have direct access to SR 9. Mayor Spencer said that is not correct. Mr. Slotomaker confirmed the roundabout will be on the east side of SR 9.

Annie. Slotomaker, 2625 Soper Hill Road, Lake Stevens, commented at one time there was a spring-fed pond on the developer's property, that the developer has now filled in. She asked if there will be a study completed on the springwater on the property before any commercial development goes forward. Mayor Spencer said that the City will conduct a hydrological analysis before the development goes in.

Erika Simpson, 2630 Lake Drive, Lake Stevens, urged the Council to think hard about having an AM/PM market located so close to the elementary school, the early learning center and possibly the middle school. She is concerned about gasoline in the area and children with access to the AM/PM.

Mayor Spencer closed the public comment portion of the public hearing and closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to approve Ordinance No. 992 providing for a right-of-way vacation of approximately 12,077 square feet of land, and a dedication of approximately 25,085 square feet of land between the Kjvorsik properties and adjacent City right-of-way located off Soper Hill Road and SR-9.

Councilmember McDaniel would like further discussions with the developer before going forward with the right-of-way vacation. She does not want to see an open retention pond. She believes the hearing should be continued to allow time to talk with the developer.

Councilmember Welch commented that approving the right-of-way vacation does not approve the retention pond plans.

Director Wright confirmed Councilmember Welch's understanding and said that if the City went forward with the dedication and not the vacation, there would not be compensation for the property exchange. Director Wright deferred to the City Attorney as to whether the dedication and vacation can be separated.

Attorney Weed said that to vacate right-of-way requires at least equal compensation of the value of the right-of-way being vacated. The City cannot do that part without compensation. He then reviewed the procedural alternatives and clarified that the right-of-way dedication and

vacation are separate from the development application. Council cannot deal with a yet-to-be applied for development application. Tonight's action is a real estate transaction.

Responding to Councilmember Tageant's question, Director Wright said the right-of-way does not touch the school property at this point, but the school district will need that access at some point in the future.

Councilmember Hilt suggested that the motion could be amended to direct staff to work with the developer and return to Council with proposals to address the concerns raised by Councilmember McDaniel regarding the stormwater facility.

Director Wright responded that staff could look at the stormwater concerns during the SEPA review and do an analysis of one version of a retention pond versus another. This will also go through the Design Review Board, and when this occurs staff can recommend that an area be included for a gateway.

Councilmember McDaniel clarified that she is concerned the right-of-way vacation will be approved and the developer will start construction and not make the allowances being described tonight because they cannot use the property across the street.

Mayor Spencer clarified that the amendment to the motion is that staff be directed to work with the developer and with the City beautification plans and return to the Council with a plan for a gateway design for this piece of property. With this amendment the Council will have a plan before them, prior to construction, that proposes how development will proceed, and include a gateway that does not include an open vault.

Attorney Weed clarified with Mayor Spencer that if this is an amendment to the motion, it also includes passing the ordinance vacating the right-of-way.

Discussion ensued and Director Wright suggested that a separate direction to staff would be more appropriate so as not to attach conditions to passage of the ordinance. There was general concurrence that direction to staff would be separate from a vote on the ordinance.

VOTE: On vote the motion to approve Ordinance 992 regarding the Soper Hill Right-of-Way vacation carried (6-1-0-0).

Mayor Spencer clarified that there is direction to staff return to Council with a plan associated with the future development that will include an enclosed pond and/or stormwater facility that will be part of a gateway to the City on Soper Hill.

Councilmember Holder commented she believes the City, Design Review Board and Planning Commission will need to work very closely on this project to ensure this development is in keeping with the surrounding neighborhood and its characteristics.

Councilmember McDaniel said her greatest concern is that this retention pond is actually located across the street and will not actually impact their business.

Action Items:

Approve Professional Services Agreement with Makers for Architectural Services:

Director Wright presented the Staff Report and said that Staff is requesting approval of a Professional Services Agreement with Makers to develop a master plan for the municipal campus that will be located at Chapel Hill. This will be done in conjunction with Sno-Isle Library's development of the adjacent property. Director Wright reviewed the scope of the project and the elements of Maker's proposal that stood out to the review panel. There are wetlands to the north of this site, and the City already knew of wetlands to the west of the site. Staff requests a budget increase to \$111,000 for the City's contribution to this project; the rest of the cost will be borne by Sno-Isle.

Responding to Councilmember Welch's question, Director Wright said that Sno-Isle believes they had a strong recommendation from the community to move forward with site planning, based on the voter percentage of approval in the special election, and it was more procedural that the ballot measure did not pass. Sno-Isle will go out to the voters again when they believe it is appropriate timing.

In response to Councilmember Petershagen's question, the City will be the lead on this professional services agreement and the Sno-Isle will pay its proportionate share in accordance with the terms of the Interlocal Agreement.

MOTION: Moved by Councilmember McDaniel, seconded by Councilmember Hilt, to authorize the Mayor to execute a Professional Service Agreement not to exceed \$111,000 with Makers to develop a master plan for the municipal campus at Chapel Hill. On vote the motion carried (7-0-0-0).

Adopt Resolution 2017-06 Adjusting Fees for City Licenses, Permits and Other Services:

Director Wright presented the Staff Report and noted that an amended Staff Report and Resolution were circulated to Council via email this morning. Director Wright reviewed Staff's suggested amendments to fees, and responded to Councilmembers' questions.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Holder, to adopt Resolution 2017-06 Adjusting Fees for City Licenses, Permits and Other Services. On vote the motion carried (7-0-0-0).

Ordinance No. 990 Amending LSMC 2.56 re Park and Recreation Planning Board.

In response to Councilmember Hilt's question, Director Wright said this Ordinance has not been reviewed by the Administration subcommittee. Director Wright said staff is proposing this amendment to the Park Board because the Park Board's work program has intensified and there is not always a quorum at the meetings so the Park Board cannot move forward in that situation. Also, during the last round of applications, there were some excellent applicants, and staff wants to be sure the City can tap into their skills and at the same time move the Park Board's mission forward. The alternate would fulfill the void in the case where a quorum is not present.

Councilmember McDaniel suggested if the Council approves this ordinance, it should also make similar changes to all of the City's boards and commissions.

Councilmember Hilt said that alternates are not voting members unless there is an absence. His recommendation is that this be reviewed by the Administration Subcommittee and then be brought back for further consideration.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember McDaniel to refer Ordinance No. 990 to the Administration subcommittee. On vote the motion carried (7-0-0-0).

Executive Session: Mayor Spencer announced an executive session beginning at 8:32 p.m. p.m. and lasting 20 minutes for the purpose of discussing three real estate topics and one personnel action, with action to follow.

Attorney Weed clarified action is anticipated on one of the real estate matters.

Councilmember Tageant said he will not be attending or voting on the portion of the executive session that has to do with the real estate matters.

At 8:42 p.m. Councilmember Tageant left the meeting

At 8:57 p.m. City Administrator Brazel extended the executive session 10 minutes.

At 9:07 p.m. the regular meeting of the City Council was reconvened.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember McDaniel, to authorize the Mayor to enter into two extension agreements regarding a purchase and sale of real property associated with Lake Stevens Senior Housing. On vote the motion carried (6-0-0-1).

Study Session: None.

Adjourn:

Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to adjourn the meeting at 9:08 p.m. On vote the motion carried (6-0-0-1).



John Spencer, Mayor



Kathy Pugh, Deputy City Clerk