

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

Tuesday, January 9, 2018

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 Pro Tem Kurt Hilt

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Brett Gailey and Marcus Tageant

ELECTED OFFICIALS ABSENT: Mayor John Spencer

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 Teri Smith, City Clerk Kathy Pugh, City Attorney Grant Weed, Police Commander Ron Brooks; Economic Development Coordinator Jeanie Ashe; Senior Planner Josh Machen, Engineering Technician Surface Water Leah Everett

OTHERS: County Councilmember Sam Low

Pledge of Allegiance: Mayor Pro Tem Kurt Hilt led the Pledge of Allegiance

Roll Call: All present.

Approval of Agenda: Mayor Pro Tem Hilt said that there will be an Executive Session this evening for Litigation, Real Estate and Collective Bargaining, with no action to follow, and also that Item B under Mayor's Business, Police Department Oath of Office is being removed.

Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda as amended. On vote the motion carried (7-0-0-0).

Citizen Comments:

Sally Jo Sebring, 1023 – 99th Avenue SE, Lake Stevens, encouraged the City needs to update its Critical Ares regulations, an also would like to see the city pay more attention to community concerns.

Council Business:

Election of Officers:

President: Councilmember Welch nominated Councilmember Tageant for Council President. Councilmember Petershagen nominated Councilmember Daughtry for Council President.

Discussion ensued and Attorney Weed clarified the process is not documented in the Council Procedures but that most cities open the nominations and that nominations do not require a second. A vote is then taken with the majority vote determining who is selected for the position.

Mayor Pro Tem Hilt closed the nominations and called for the vote.

VOTE: On vote Councilmember Tageant was elected 2018 City Council President.

Vice President: Councilmember McDaniel nominated Councilmember Petershagen for Vice President. There were no other nominations.

VOTE: On vote Councilmember Petershagen was elected 2018 City Council Vice President.

Councilmember Tageant requested that Councilmember Hilt finish this meeting.

Mayor's Business:

Parks Board Reappointment:

MOTION: Moved by Councilmember Tageant moved, seconded by Councilmember Welch, to reappoint Terry Van Wyck to the Parks Board for a four-year term beginning January 1, 2018 and ending December 31, 2021. On vote the motion carried (7-0-0-0).

Mayor Pro Tem Hilt then administered the oath of office to Ms. Van Wyck.

Police Department Oath of Office: Removed from agenda.

Approve 2018 Retreat Agenda: Mayor Pro Tem Hilt invited Councilmembers to make any changes to the proposed Retreat Agenda.

MOTION: Councilmember Welch moved, Councilmember Tageant seconded, to approve the 2018 Retreat Agenda.

Councilmember Gailey requested that time be added to discuss upcoming legislative issues.

There was consensus to add a discussion of legislative issues to the agenda on Saturday, January 20, 2018.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Gaily, to make a friendly amendment to the main motion to add Item 8 to the Saturday retreat agenda to discuss legislative issues.

Councilmember Petershagen encouraged that emphasis be placed on Council Procedures.

Attorney Weed commented most cities have adopted council procedures and review them about every two years.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Gailey, to amend his previous motion to also add discussion of Council Procedures and Boards and Commissions attendance records to the 2018 retreat agenda.

VOTE: On vote the amendment to the main motion, carried (7-0-0-0).

VOTE on Main Motion: On vote the main motion, as amended, carried (7-0-0-0).

City Department Report.

- Public Works Director Eric Durpos: Callow Road Project, TIB grant, storm projects.
- City Clerk: Laserfiche training.

Consent Agenda:

Discussion ensued regarding removing Item G, 2018 Legislative Priorities. There was consensus to move forward with approving the Legislative Priorities, noting that they can be amended if needed.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve (A) 2017 Vouchers [Payroll Direct Deposits of \$357,033.61, Payroll Checks 44120-44124 and 44136-44139 totaling \$14,659.37, Tax Deposits of \$140,572.43, Electronic Funds Transfers (ACH) of \$110,173.03, Claims Check Nos. 44125-44135, 44140-44151, 44153-44278 totaling \$1,010,496.79, Void Check Nos. 43974, 44017, 440809, 44059, 44121, 44159-44160, 44162, 44219, 44222, 44268, 44269, 44208 totaling \$476, 884.59, Total Vouchers Approved: \$1,156,050.64], (B) 2018 Vouchers [Claims Check Nos, 44152, 44279-44294 totaling \$581,959.01, Total Vouchers Approved: \$581,959.01], (C) City Council Workshop Meeting Minutes of December 12, 2017, (D) Resolution 2018-01 Accepting a Cash Donation from an Anonymous Donor, (E) 13th Amendment to ILA with Marysville for Jail Services, (F) Specialized Services Agreement with PST Investigations, a Division of Public Safety Testing, (G) 2018 Legislative Agenda, (H) Ordinance 1002 re Traffic Impact Fees, (I) Contract with Department of Corrections for Work Project Services, (J) Ordinance 1014 Amending LSMC 2.14.010 re Office Hours, and (K) Resolution 2018-04 authorizing the Lease with Option to Purchase One Used Excavator. On vote the motion carried (7-0-0-0).

Public Hearings: Mayor Pro Tem Hilt opened the public hearings.

Public Hearing and Approval of Ordinance 1010 Adopting 2012 Stormwater Manual:

Senior Planner Machen distributed a public comment that was received today. He noted that the City of Lake Stevens is subject to the Department of Ecology's (DOE) Phase II Municipal Stormwater permit and was required to adopt the 2012 Stormwater Manual by December 31, 2016. To date, the City has requested and received two extensions and has requested a third extension to avoid noncompliance issues. While not formally adopted, common law requires that the City follow the 2012 Stormwater Manual in issuing its permits.

Planner Machen said this has been before the Planning Commission, including a public hearing on January 4, 2017. It has also been before the City Council, including a public hearing on January 24, 2017, at which time a first reading was held and the hearing was continued to hold a second reading at a later date. Since that time staff has been working with the Planning Commission and DOE to identify code amendments to more fully implement Low Impact Development measures within the City.

Planner Machen said that adoption of the proposed ordinance removes any redundancies between the Lake Stevens code and the 2012 Stormwater Manual. The City will continue to move forward with proposed changes that are more suited to Lake Stevens and bring them forward as they are completed. Planner Machen then responded to Councilmembers' questions.

Councilmember McDaniel commented this was thoroughly reviewed by the Planning Commission.

Responding to Councilmember Gailey's question, Planner Machen said that adoption of this ordinance will bring the City into compliance. Letters requesting additional time have been submitted and approved by DOE, but DOE also wants the City to move forward and adopt the Stormwater Manual.

Director Wright clarified that this was previously brought forward under a different ordinance number and there was a public hearing associated with it. Staff has continued to work on the ordinance and it is brought forward with a different number tonight and could be considered a first reading if Council so desires.

Mayor Pro Tem Hilt invited public comment Public Comment.

Sally Jo Sebring, 1023 – 99th Avenue SE, Lake Stevens, commented on stormwater concerns in her neighborhood.

Patrick McCourt, 10515 – 20th Street SE, Lake Stevens, referenced scribner's errors and requested they be corrected. Turning to the Forest Practice Application he requested clarification by staff of the reference to Chapter 14.16B,

Mayor Pro Tem Hilt asked for additional Public Comment and there was none. Mayor Pro Tem Hilt closed the public comment portion of the hearing and invited Council discussion.

Responding to Councilmember McDaniel's question regarding fees, Director Wright said the fees resolution is being brought forward this evening as an action item and does include the updated fees for the Land Disturbance code.

Councilmember Petershagen asked if there are any foreseeable dramatic changes regarding stormwater since the city is already enforcing the 2012 Stormwater Manual through the permitting process. Director Wright said that any projects submitted over the past year should look identical to what will be seen moving forward. He noted legal decisions came forward stating that state law trumps local law which is why the city has been enforcing the 2012 Stormwater Manual.

Turning to the Forest Practice, Councilmember Petershagen asked about the SEPA checklist, and Director Wright responded there would be a single SEPA checklist that would be good for the life of the project and associated permits.

Responding to Councilmember Daughtry's question, Planner Machen clarified that the Planning Commission letter in the Council packet was a draft letter and there is an updated letter that does not contain the scribner's error.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Tageant, to approve Ordinance No. 1010, with non substantive changes provided by the City Attorney and with addition of the letter distributed this evening, adopting amendments to the Lake Stevens Municipal Code to adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington. On vote the motion carried (7-0-0-0).

Public Hearing and Approval of Ordinance 1015 re Land Use Disturbance Regulations:

Planner Machen presented the staff report and said tonight's requested action is to approve Ordinance No. 1015 adopting a new Municipal Code Chapter 14.50 Land Disturbance. Planner Machen provided the history and background of this request and said that under the Growth Management Act Planning Goals cities and counties subject to plan under RCW 36.70A.040 are required to adopt regulations requiring appropriate approvals for clearing and grading, and appropriate approvals for all phases of the conversion of forest lands. Planner Machen reviewed the scope of the amendments including changing the review process by adding a minor land disturbance permit which would be an administrative review, and a major land disturbance permit, which would require a public process. Planner Machen also advised that with the amendments new definitions are needed.

Planner Machen added that the City has completed its public process, including a public hearing before the Planning Commission. He noted that following Council direction at the December 12, 2017 workshop, staff returned the land disturbance amendments to the Planning Commission for further review, and minor changes were made in response to comments received by the Master Builders Association. Planner Machen then responded to Councilmembers' questions.

Councilmember Petershagen asked if under Section 14.50.120: Minor Land Disturbance, applying to an area equal to or greater than 1,000 square feet, if a permit would be required for a private owner landscape project. Planner Machen responded there is typically an exception for landscape areas, and Director Wright added the intent is to deal with vegetative removal and not landscaping.

Councilmember Petershagen expressed concern that the requirements of this code section will overburden property owners. Planner Machen responded that 1,000 square feet is the same as is used by the cities of Marysville and Shoreline; Monroe uses a ½ acre area. The County's threshold for land clearing is 7,000 square feet. Other cities use 500 square feet. There is a lot of variability.

Councilmember Petershagen proposed moving the threshold number to 2500 square feet.

Planner Machen said the city's stormwater technician, Leah Everett is here this evening and may be able to provide some added insight.

Mayor Pro Tem Hilt invited public comment.

Patrick McCourt, 10515 – 20th Street SE, Lake Stevens, said that if the Council considered the 2500 square feet threshold, according to his calculations it falls under 100 cubic yard threshold and this is a good thing.

Sally Jo Sebring, 1023 – 99th Avenue SE, Lake Stevens, asked that staff ensure the language under 14.50.130(d) regarding adequate temporary erosion control is correct.

Mayor Pro Tem Hilt closed the public comment portion of the hearing and the public hearing, and invited Council's discussion.

Councilmember Gailey agreed with the comments by Councilmember Petershagen regarding increasing the square footage, as did Councilmembers McDaniel and Tageant.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember McDaniel, to approve Ordinance No. 1015 adopting a new Lake Stevens Municipal Code Chapter 14.50 Land Disturbance with an amendment Section 14.50.120(1), changing the threshold from 1000 square feet to 2500 square feet.

Director Wright clarified there is a need for an amendment to provide consistency between this code section and the reference to the stormwater regulations that were adopted this evening. Attorney Weed also noted the need to correct the word "delimited" to "delineated", subject to the proper reference to chapter.

MOTION: Councilmember Tageant made a friendly motion, seconded by Councilmember McDaniel, to include the correction to provide the proper reference to the chapter subject to 14.50.125(d) and correct "delimited" to "delineated".

Councilmember Tageant asked if the amendment to change the square footage threshold creates an issue with DOE. Leah Everett, Stormwater Technician for the city, responded this should not be an issue regarding impervious surfaces. Director Wright clarified that the ordinance is setting limitations on the clearing of vegetation and trees.

Councilmember Daughtry is concerned about how a homeowner will understand the difference between not needing a grading permit, but needing a permit for impervious surface

Attorney Weed clarified the motion is to amend 14.50.120 to revise the 1000 square foot threshold to 2500 square feet, subsection 14.50.130(d) to amend the reference to reference the new stormwater chapter just adopted, and to revise the word "delimited" to "delineated."

VOTE: On vote the motion carried (7-0-0-0).

Public Hearing and Adoption of Ordinance 1011 re 2017 Comprehensive Plan

Amendments: Mayor Pro Tem Hilt opened the public hearing.

Community Development Director Russ Wright presented the staff report and said tonight's requested action is to hold a public hearing and first reading of Ordinance 1011 for the 2017 Comprehensive Plan Docket. Director Wright said all the amendments are city-initiated, including minor administrative amendments to the Comprehensive Plan and two proposed amendments to the Land Use Map. Director Wright provided the history and background of each proposed text amendment, as well as for the proposed map amendments. He said the City has received documentation from the Department of Commerce that it has completed the procedural process for these amendments. He noted the second reading is necessary to allow for the required 60-day review by State agencies. Director Wright pointed out a change to the Land Use element, and the potential for the new zone is included in the Comprehensive Plan, and requested Council input. He added that the Planning Commission has reviewed the docket and completed all the required public process.

Councilmember Hilt asked if the changes tonight impact the discussion of the Comprehensive Plan at the upcoming retreat. Director Wright responded that the changes are fairly neutral, but that if Council determines at the retreat to go a different direction the Comprehensive Plan can be amended.

Responding to Councilmember Tageant's question, Director Wright said this is a first reading this evening, and the second reading will come back after the retreat, to meet the 60 day review period.

Responding to Councilmember Gailey's question, Director Wright said that the definition of Compact Residential will be included when the Zoning Code is amended.

Mayor Pro Tem Hilt invited public comment and there was none. Mayor Pro Tem Hilt closed the public comment portion of the public hearing, and he then closed the public hearing.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to hold the first reading of Ordinance 1011 regarding the 2017 Comprehensive Plan Amendments. On vote the motion carried (7-0-0-0).

Public Hearing and Adoption of Ordinance 1012 re Chapel Hill Rezone: Mayor Pro Tem Hilt opened the public hearing.

Director Wright presented the staff report and said that the request is to hold a public hearing and first reading of Ordinance 1012 related to the Chapel Hill Properties Rezone. He reviewed the history of the request and said that it is the Planning Commission's recommendation that four Chapel Hill properties be rezoned from Business District and Mixed Use Neighborhood to the Public/Semi-Public zone; this will support the new civic buildings that are being planned. Director Wright then responded to Councilmembers' questions.

Mayor Pro Tem Hilt invited public comment and there was none. Mayor Pro Tem Hilt closed the public comment portion public hearing, and he then closed the public hearing.

MOTON: Moved by Councilmember Welch, seconded by Councilmember Tageant, to hold a public hearing and first reading of Ordinance No. 1012 related to the Chapel Hill Properties Rezone (LUA2017-0018). On vote the motion carried (7-0-0-0).

Public Hearing and Adoption of Ordinance 1013 re Eagle Ridge Rezone: Mayor Pro Tem Hilt opened the public hearing.

Director Wright presented the staff report and said that tonight's request is to hold a public hearing and first reading of Ordinance No. 1013 related to the Eagle Ridge Park Rezone. Director Wright provided background and reviewed the history of this rezone request to rezone two parcels adjacent to Soper Hill Road from Urban Residential to Public/Semi-Public to support park activities. He then responded to Councilmembers' questions.

Mayor Pro Tem Hilt invited public comment, and there was none. Mayor Pro Tem Hilt closed the public comment portion of the public hearing, and he then closed the public hearing.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to hold the public hearing and approve the first reading of Ordinance No. 1013 related to the Eagle Ridge Park Rezone. On vote the motion carried (7-0-0-0).

Action Items:

Approve Resolution 2018-003 Adopting Updated Public Records Policy: City Clerk Pugh presented the staff report and said that in 2017 the Legislature passed two bills to amend the RCWs regarding public records. HB 1595 provides that a city may establish different fees by conducting its own cost study, but also provides default fees, including for electronic records. HB 1594 establishes a number of requirements including requiring training for records officers related to issues of retention, production and disclosure of electronic records, creates a grant program for local governments to improve their public records management systems, updates the process for clarification of requests and requires agencies with actual budgeted public records costs to report certain performance measurements to the Joint Legislative Audit and Review Committee. Adoption of the Updated Public Records Policy will bring the City into compliance with State law. Staff recommends adopting the default fees, and they are included in Resolution 2018-003 Setting Rates and Fees. She then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to approve Resolution 2018-003 Adopting an Updated Public Records Policy. On vote the motion carried (7-0-0-0).

Approve Resolution 2018-002 Setting Rates and Fees: Senior Planner Machen presented the staff report and reviewed the proposed changes to the Fees Resolution as they relate to Minor and Major Land Disturbance permits. Clerk Pugh commented that the default fees for public records requests have been updated in Section 7 of the resolution.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Gailey, to approve Resolution 2018-002 Adopting Rates, Fees and Deposits for City Services and Actions Performed by the City. On vote the motion carried (7-0-0-0).

Approve Interlocal Agreement with Snohomish County re Cavelero Park: Director Wright presented the staff report and noted the County and City have been working collaboratively on this interlocal agreement for the joint development of Cavelero Park for quite some time. The ILA has been before the Parks Board and the Parks Subcommittee. Additionally, the City Attorney has reviewed and approved the agreement. Staff requests Council authorize the Mayor to sign the agreement on behalf of the City. Director Wright then responded to Councilmembers' questions.

Councilmember Welch confirmed the Parks Board supports this interlocal agreement.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve the Interlocal Agreement for Joint Development of Cavelero Park between Snohomish County and the City of Lake Stevens. On vote the motion carried (7-0-0-0).

Discussion Items: None.

Mayor Pro Tem Hilt noted he failed to ask for Council business.

- Councilmember Petershagen: Economic Alliance
- Councilmember Daughtry: Community Transit

Study Session: None.

Executive Session: Mayor Pro Tem Hilt announced an executive session beginning at 8:38 p.m. and lasting 20 minutes for the purpose of discussing a litigation matter, collective bargaining, and the purchase of real property with no action to follow.

There was consensus by Council to extend the meeting after 9:00 p.m. if necessary.


At 8:58 p.m. Director Wright announced the executive session would be extended 15 minutes.

At 9:13 p.m. Director Smith announced the executive session would be extended an additional 5 minutes.

The regular meeting of the City Council reconvened at 9:19 p.m.

Adjourn:

Moved by Councilmember Daughtry, seconded by Welch to adjourn the meeting at 9:19 p.m. On vote the motion carried (7-0-0-0).



John Spencer, Mayor



Kathy Pugh, City Clerk