

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

Tuesday, May 1, 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 John Spencer

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

ELECTED OFFICIALS ABSENT: None

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, Human Resources Specialist/Executive Assistant Julie Good, Josh Machen, Senior Planner, City Clerk Kathy Pugh, City Attorney Emily Guildner

OTHERS:

Mayor Spencer introduced Emily Guildner, associate attorney at Weed, Graafstra and Associates.

Mayor's Update:

U.S. 2 Trestle/Meeting with WSDOT: Mayor Spencer said he met with John White, of Washington State Department of Transportation (WSDOT) and provided an update on the status of the environmental review and Intersection Justification Report (IJR) for improvements to the east end of the Trestle. WSDOT has a preferred alternative, which is a flyover that will merge onto Highway 2. The preferred alternative is a four-lane configuration, with one lane being a SOV lane. The environmental review will look at the environmental impacts of the entire project. Representative Rick Larson wants to meet with Mayor Spencer to discuss the Trestle.

Also discussed was the intersection of SR 9 and SR 204, and how any funds left over could be used at adjacent intersections. No decisions will be made until the final project costs are in for the intersection improvement at SR 9 / SR 204. Mayor Spencer requested an improvement to the Vernon Road intersection and a right-hand turn from 91st onto SR 204.

There was discussion about lane width and bicycles, and how a right-hand turn lane might work at 91st onto 204.

Mayor Spencer reviewed that this project will begin in small part in 2019 and WSDOT is hopeful to begin the larger portion of the project in 2019 and finish in 2021. Part of the project special is driven by the funding mechanisms being used.

Discussion turned to the project schedule, and Mayor Spencer said the project will begin in 2019 with the right-hand turn from Market; WSDOT is hopeful to begin the remainder of the project in 2019, although the current schedule has the project beginning in 2020, and everything is scheduled to be completed in 2021. The project schedule is in part driven by the financing mechanisms of bond sales and gas tax revenues.

The Trestle project will not begin until 2020.

Social Media Policies: Human Resources Director Teri Smith introduced City Attorney Emily Guildner. Director Smith said it has come to the attention of Staff that while there are Social Media policies in place for staff, there are no policies in place for elected officials. Social Media policies for electeds could be included in Personnel Policies or with Council Rules of Procedure.

There was discussion concerning where to locate social media policies for electeds, and the question was asked as to whether electeds have to follow social media policies or whether the policies are guidelines only.

Attorney Guildner reviewed the standards and differences for elected officials between private citizen speech and public/elected speech. She reviewed that the private citizens' first amendment rights are very broad, but in the capacity of an elected official, those rights are limited. She reviewed the differences between an open public forum and a limited public forum. The distinction is in who has access to the platform and the perception of who is doing the talking. Best practices include always considering the Public Records Act, the Open Public Meetings Act and the Appearance of Fairness Doctrine.

Attorney Guildner said that social media has serious consequences for serial meetings, including on other threads where a quorum may inadvertently comment, and also, it is important to be aware of inadvertently becoming involved in conversation on a topic that is quasi-judicial in nature. So long as electeds are not posting government business on their personal pages, there is nothing to be concerned about. Attorney Guildner commented that if electeds have their own social media pages regarding their elected position, those pages need to be backed up and follow best records management practices, and suggested they be kept as limited public forums.

Discussion ensued regarding the differences between elected and re-election social media pages and what are best practices.

Attorney Guildner added that election and re-election social media pages are the murkiest, and added that emojis are a different animal and very difficult as there is a lot of room for misinterpretation.

Mayor Spencer cautioned about emails regarding the Sedona development as that is a quasi-judicial matter.

Discussion ensued as to when Council can engage with citizens and when they cannot. Mayor Spencer said that once an application is received the matter should be considered quasi-judicial.

The question was asked as to how Council could be better notified about development applications and public hearing notice. Director Wright said that Council's concern is heard and

staff is working to address this concern, including updating the website and looking at better signage and mailers. The notices and land use applications are available on the website, accessed via a citizens portal on the website. Director Wright commented that noticing is guided by state mandates, but staff is looking at utilizing bar codes that would allow interested persons to access the notice on the City's web page. Other noticing forums also have a cost element, additionally the City needs to be able to control the message and capture public comment.

Turning to the Social Media policies for electeds, Attorney Guildner said it is recommended to have the policies lodged somewhere. Council expressed concern that having formal policies adopted could be misinterpreted by the public.

Mayor Spencer suggested, and there was agreement to have, regular, required training for elected officials to include social media training.

Temporary Encampments: Senior Planner Josh Machen provided an overview of temporary encampments. He commented that the Mayor requested this be brought forward, and also that WCIA recommended, following an audit, that the city have regulations for temporary encampments. Planner Machen noted that temporary encampments are different than homeless camps, as temporary encampments usually are receiving assistance from a formal organization. Planner Machen reviewed different regulations and is recommending the most conservative regulations. Responding to a councilmember's question, Planner Machen said that prohibiting temporary encampments may cross the lines of limiting organizations. The proposed regulations create a permitting process that provides the city with control of temporary encampments.

Discussion ensued, and there was consensus to make the regulations for temporary encampments highly restrictive. It was also suggested that if temporary encampments are allowed, the sponsors should require services to help people in the encampments to improve their situation, and also that the sponsoring organizations should be bonded.

Planner Machen clarified that Council's direction is to take the temporary encampment regulations through the public process with the Planning Commission, including requiring social services, more restrictive regulations, and a mechanism for cleanup.

Downtown Update: Community Development Director Russ Wright provided a downtown plan update and said a preferred alternative has been identified. He said the final Environmental Impact Statement has been issued, which included some of the comments Council made, including parking, the overall boundary, zoning and transitional areas. Director Wright reviewed that the next step is a planned action ordinance, which is a SEPA tool. Preparation of draft regulations, and a first draft of the zoning code regulations have been completed. The next step is a second Public Meeting with the Planning Commission on May 16. In June the Planning Commission will hold a public hearing, as will the City Council, and a second public hearing will be scheduled before the Council in July.

Mayor Spencer added that the funding for the Main Street design is in place, and staff is moving forward.

National League of Cities/Association of Washington Cities Membership Discussion:

City Administrator Gene Brazel reviewed that both National League of Cities (NLC) and Association of Washington Cities (AWC) do lobbying for cities on big picture topics. Additionally, the City gets medical insurance through AWC, as well as AWC acts as a repository of information that is available to City employees in the course of completing their work. Both NLC and AWC offer training as well. Administrator Brazel said there is benefit received from both organizations and the cost is not high.

Discussion ensued as to when the best time is to travel to Washington, DC and if there is greater benefit to going at a different time of year or outside of the NLC event. It was suggested that it might be more effective to meet lobbyists outside of the conference. Mayor Spencer suggested one trip to Washington DC may no longer be enough.

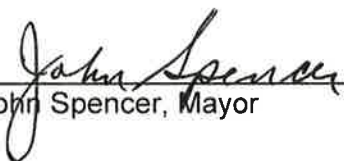
Mayor Spencer reminded of the joint meeting with the Marysville City Council and reviewed the tentative agenda. It will be important to identify what Lake Stevens' expected outcomes are.

Discussion ensued regarding the proposed interlocal agreement regarding Soper Hill, and how Marysville would move forward with their project if the interlocal agreement is approved.

Council President Tageant requested that Staff look at the staffing for the Engineer Department and the City's need for a Professional Engineer.

Mayor Spencer asked if there was consensus to move forward with the Historical Society leases, and there was.

There being no further business the meeting was adjourned at 8:36 p.m.



John Spencer, Mayor



Kathy Pugh, City Clerk