

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

Tuesday, June 26, 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, Kurt Hilt, Todd Welch, Rauchel McDaniel, Brett Gailey and Marcus Tageant

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/Executive Assistant Julie Good, Associate Planner Jill Meis, City Clerk Kathy Pugh, City Attorney Grant Weed, Senior Planner Josh Machen, Associate Planner Dillon Roth, Police Officers Jason Holland and Alan Anderson, Senior Engineer Cory Nau

OTHERS: Fire Chief Kevin O'Brien, Deputy Chief/Fire Marshall Mike Messer

Pledge of Allegiance: Mayor Spencer led the Pledge of Allegiance.

Roll Call: All present.

Approval of Agenda: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve the agenda. On vote the motion carried (7-0-0-0).

New Employee Introductions/Oath of Office: Police Chief John Dyer introduced Officers Jason Holland and Alan Anderson, who in turn introduced their guests. Chief Dyer then administered the oath of office to Officers Holland and Anderson.

Citizen Comments:

Jannine Westvang, 2024 Vernon Road, Lake Stevens, is concerned about speeding on southbound Vernon Road between Lundeen Parkway and Davies Road, and parking along Vernon Road, which allows no room for pedestrians to safely walk. She is also concerned about a vacant lot at the intersection of Vernon Road and Lundeen Parkway that she believes is owned by the City and used for overflow parking, creating a nuisance for residents.

Council Business:

- Councilmember Daughtry: American Legion and Evergreen Boys State.
- Councilmember Petershagen: Police Strategic Planning community meeting.

- Councilmember Hilt: Police Strategic Planning community meeting.
- Councilmember McDaniel: Police Strategic Planning community meeting, Historical Society.

Mayor's Business: Complimented Police Department on strategic planning work. Met with Kevin Kosche at Lake Stevens Sewer District regarding unification. Travelled to Yakima with City Administrator Brazel to meet with the Joint Transportation Commission, and met with Senators King and Hobbs, and Representative Harmsworth regarding funding for Trestle improvements at the east end of the Trestle; also discussed the City's capital requests to the Legislature within grant programs.

Mayor Spencer asked if there was any interest in attending the Water Environment Federation Conference in New Orleans in October. This conference addresses waste water treatment and utility management. There was a recommendation that only Mayor Spencer and City Administrator Brazel attend the conference.

City Department Report.

- Community Development Director Russ Wright: Lundeen Park improvements, Historical Society.
- Public Works Director Eric Durpos: Milfoil survey update.
- Human Resources Director Teri Smith: Police Strategic Planning.

Consent Agenda:

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve (A) 2018 Vouchers [Payroll Direct Deposits of \$218,708.13, Payroll Checks 45484-45486 totaling \$4,734.77, Tax Deposits of \$83,289.38, Electronic Funds Transfers (ACH) of \$13,745.47, Claims Check Nos. 45482-45483, 45487-45568 totaling \$290,872.70, Void Check Nos. 45412, 45368, 45286 totaling \$1,502.65, Total Vouchers Approved: \$609,847.80], (B) Separation Agreement, (C) Concession Agreement with Hydrology Stand Up Paddle for Recreation at Lundeen Park, (D) Memorandum of Understanding with Snohomish County re Public Safety at Wyatt Park. On vote the motion carried (7-0-0-0).

Public Hearing:

Lake Stevens Downtown Subarea Plan: Mayor Spencer opened the public hearing.

Director Wright presented the staff report and reviewed the history of developing the Downtown Subarea Plan. He noted this has been a two-year process including public process consisting of the formation of a Citizens' Advisory Group, community meetings held with the public and consultant, and review by the Planning Commission. Director Wright reviewed that out of the meetings fundamental ideas were conceptualized including rebuilding North Cove Park, enhancing the downtown retail corridor, adding parking and having something that will be a community draw. The proposed plan is built upon these comments. Technical review has been completed including an environmental review. Director Wright reviewed the existing and proposed land use, proposed shoreline changes, transportation and utilities improvements, and a review of natural resources with an eye to mitigation measures.

Turning to the Subarea plan overview, Director Wright shared the public process and outreach that was completed as this plan was reviewed and updates were proposed. Subarea goals and policies were developed and Director Wright shared the goal is to create a dynamic downtown core that supports local retail, parks and tourism. Director Wright said the plan includes an expansion of North Cove Park, retail street improvements including a rebuild of Main Street, creating a retail destination focus, supporting commercial growth with a mix of multi-story buildings that are mixed use and commercial. Director Wright added that there is an idea to have a regional attractor, such as a regional hotel or motel and a downtown civic which would provide additional community meeting area. Also discussed was relocating the Museum and boat areas to ensure they are a continued draw for the downtown. Director Wright added the consultants urged that it is important to ensure there is the right amount of parking to support the goals of the plan.

Director Wright shared that a long-term goal that came out of the plan is to rebrand Grade Road to an extension of Main Street which would become the primary entrance to Lake Stevens from SR 92.

Director Wright next reviewed the proposed zoning regulations necessary to implement the plan. He said the Central Business District designation would be maintained in most of the downtown area, corresponding with the mixed use comprehensive plan designation, mixed use zoning designation and an expansion of the public/semi-public use. Director Wright then reviewed the proposed zoning regulations and design guideline updates.

Director Wright discussed implementation and commented the City is already moving in that direction with the redesign of Main Street, which is underway. Director Wright also shared the idea to develop 18th Street as a festival street, and to incorporate historical design, such as a water tower into the redesign of North Cove Park.

Director Wright invited questions of Council and there were none.

Mayor Spencer opened the hearing for Public Comment.

Katherine Runyon, 1321 Vernon, Lake Stevens, felt fortunate to be part of the Citizens Advisory Committee, and believes the process was well done and consistently sought citizen input. She also supports the higher intensity plan that was selected as well as supporting the plan in general.

Tom Thorleifson, 6401 – 147th Avenue NE, Lake Stevens, is a member of the American Legion, supports preserving the Veterans Memorial in its current location as the downtown area is improved. He reviewed the history of siting the memorial and said he believes the current location provides the best access, particularly for handicapped persons.

Loren Sperry, 11013 – 115th Avenue NE, Lake Stevens, is speaking on behalf of the Lake Stevens American Legion Post Commander. Mr. Sperry referenced a letter delivered earlier for Council, supports leaving the War Memorial in its current location

Don Ren, 2208 – 116th Avenue NE, Lake Stevens, does not support moving the War Memorial.

Steve Wicklund, 224 101st Avenue NE, Lake Stevens, agrees with not moving the War Memorial. He does not support moving the Museum and would like to see it incorporated into the park in its current location.

Bridget Willem, 804 – 216th Place NE, Sammamish, is from Lake Stevens originally, and was the youngest person to help build the War Memorial; she does not support moving the War Memorial.

Mayor Spencer closed the public comment portion of the record.

Director Wright commented for the record that the plan has followed all of the procedural requirements including SEPA, Growth Management Act requirements and Planning Commission process. The Council can discuss the proposals and consider them further at the second reading.

Mayor Spencer commented with respect to the War Memorial that design is under way and no decision has been made as to relocating the War Memorial. Tonight's decision is to have a first reading of ordinances related to the subarea and zoning regulations. He then invited Council questions.

Councilmember Welch noted this is an emotional issue with a lot of change, but with regard to the War Memorial, he is a 20-year veteran of the U.S. Navy, has a son in the Army, and this Council has four veterans. The City has a Veterans Commission. This Council is very supportive of veterans and will not show disrespect to veterans.

Councilmember Gailey agreed with Councilmember Welch's comments, and said the Council will not disrespect the Veterans Memorial.

Councilmember Hilt agreed with Councilmembers Welch and Gailey, and noted that Lake Stevens is the only city in the state to have a municipal level Veterans Commission. This was done out of respect for the community and for its veterans. The intent with the park is to enhance and not disrespect the memorial.

Mayor Spencer closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Gailey, to approve the first reading of Ordinances 1025, 1026 and 1027 adopting the Downtown Lake Stevens Subarea Plan, Development Regulations and Planned Action Ordinance.

For full transparency Councilmember McDaniel disclosed that she is a downtown business owner and property owner and confirmed with the City Attorney that she can vote on this matter.

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

Temporary Encampments and Ordinance No. 1031: Mayor Spencer opened the public hearing.

Human Resources Director/Risk Manager Teri Smith said this is brought forward based on a Supreme Court decision and resulting change in the RCW's which requires cities to allow temporary homeless encampments on religious organizations' grounds, and provides that

exorbitant permitting fees cannot be charged, nor can cities require any type of extraneous impact or liability insurance. In 2016 the City's insurer established parameters that are in line with state law. What was previously brought forward last week is consistent with this. Her recommendation as a risk manager is to manage risk before it happens. City staff is not aware of any applications for a homeless encampment and therefore this is the perfect opportunity to consider the parameters around homeless encampments. This is an opportunity to put parameters in place, before any application is received.

Responding to Councilmember Petershagen's question, Director Smith said a number of cities have adopted homeless encampment regulations, but she does not know the exact number.

City Attorney Vinson reviewed provisions from approximately twenty cities in drafting the additional provisions that are before Council tonight.

Councilmember Gailey clarified that the reason the ordinance is under consideration is not because the City wants encampments, but because it is a recommendation of the city's insurer.

Planner Machen presented the staff report and reviewed the history of the discussion of Temporary Encampments at Council's recent workshop. Planner Machen said the regulations are necessary so that if an application is received the staff has the tools to regulate the encampment to ensure the health, safety and welfare of the city's citizens is protected. He noted staff has completed significant research and worked closely with the City Attorney to address Council's concerns raised at the last Council meeting. Planner Machen highlighted the changes that were made following Council's input including limiting encampments to property owned by religious organizations, adding a provision that only one temporary encampment will be allowed in any one calendar year, and regulations requiring one toilet per every five potential residents if there are not facilities available on a 24-hour basis in the church or religious organization facility. Other regulations include requiring background checks, and alerting law enforcement to any potential high profile residents.

Planner Machen added that under state law, the city can adopt regulations, but it needs to be careful so as not to be overly onerous. Planner Machen also referenced the legal memo prepared by the City Attorney that was previously provided to Council by email.

City Attorney Vinson said he prepared a memo highlighting the changes between the ordinance provided last week and the ordinance that is provided this evening. Attorney Vinson said a clear definition of "religious organization" has been added and is taken verbatim from RCW 35.21.910 allowing temporary encampments; subsection (3) defines religious organizations. Also addressed is a concern about limiting duration. To address this concern Attorney Vinson added language that provides for a single encampment for a set period of time, and once that encampment has left another encampment will not be allowed for 270 days. Here the constitutional mandate to sponsor temporary encampments was weighed with the city's ability to provide regulations. Provisions were also added providing more detail as to what is required in the application including security, transportation and health and safety plans, so that staff can review these plans. A provision was added to require a neighborhood meeting, with noticing requirements to properties within 300 feet, with the applicant/sponsor responsible for the cost of noticing, for managing the meeting and responding to neighborhood concerns. Background checks are also required in tonight's ordinance. Finally, provisions were added providing for enforcement of the permit requirements. Attorney Vinson believes the ordinance before Council tonight is very comprehensive.

Mayor Spencer then invited Council's questions.

Councilmember Tageant asked if a requirement for bathing facilities is included, and if it is not he would like it included. He would like to see trash picked up and bathrooms serviced more than once a week. Councilmember Tageant also would like sani-can facilities required near to the encampment regardless of whether there are bathrooms located in the religious organization facility.

Councilmember Gailey requested "community-based organizations" be removed from the third recital of the ordinance so that only religious organizations are allowed to sponsor encampments. He also asked how registered sex offenders will be regulated. Councilmember Gailey would like to provide social services and a plan to get residents on a better pathway.

Councilmember McDaniel shared Councilmember Tageant's concerns regarding sanitation. Regarding smoking, she would like some regulations and a set square footage area where smoking is allowed.

Councilmember Tageant does not think 300 feet is enough notification, and said schools and local businesses should also be notified. Responding to Councilmember Tageant's question, Attorney Vinson said that notification of an encampment coming is required.

Director Wright noted the ordinance requires the sponsor to provide a plan for the social management of the camp including provisions for substance addiction, mental health counseling, and low income housing assistance.

Councilmember Daughtry asked if there is a provision to extend the encampment beyond 90 days, and Attorney Vinson responded there is not. Councilmember Daughtry would like it set out explicitly that no extensions will be allowed.

Responding to Councilmember McDaniel's question as to why an additional fire extinguisher would only be required in an approved smoking area and cooking area, Fire Chief Messer responded there are special requirements in the fire code for tent cities.

Councilmember Welch requested the prohibition on alcohol and illegal drugs also identify marijuana specifically.

Mayor Spencer invited public comment.

Nick Polifroni, 11820 – 22nd Street NE, Lake Stevens, is concerned that an encampment will be close to where he lives. He is concerned about crime and the impacts of smoking, and requested clarification on the 90 days.

Mayor Spencer responded that at the conclusion of the 90-day period another encampment will not be allowed for one year.

Suzanne Quealey, 21012 – 117th Avenue NE, Lake Stevens, opposes temporary encampments in her neighborhood, and believes criminal background checks related to theft should also be included.

Janice Carpenter, 11710 – 22nd Street NE, does not support temporary encampments in her neighborhood.

Mayor Spencer clarified that tonight's action does not approve any encampments anywhere in Lake Stevens. It sets the rules should a religious organization happen to request approval to put an encampment on their property. The City has to put rules into effect so that an application can either be permitted or denied. Mayor Spencer reiterated there is not a pending application and that the City is following a Supreme Court ruling that says cities cannot interfere with a religious organization's ability to practice its religion other than setting forth these general rules as to how a temporary encampment will be regulated. The rules as proposed are very, very restrictive.

Dominic VanDaveer, 2108 – 117th Avenue NE, Lake Stevens, asked if entities other than churches can sponsor an encampment and said that encampments should not be located on church properties that have a preschool or offer childcare. He also asked about the maximum number of residents allowed and how the requirements are enforced. He supports helping people who want the help, and but not those who will only use the assistance.

Mary Dickinson, 2514 – 85th Drive NE, Lake Stevens, is new to the community and wants this community to be one that cares about the people in the community. She hopes that whatever regulations are enacted will not be so onerous that the city and its residents cannot help people who have a true need and are trying to improve their lives.

Darrell Moss, 2603 – 107th Drive NE, Lake Stevens, is concerned that most churches are located adjacent to schools and he urged that the safety of young residents of the community be considered.

Sue Davidson, 2007 – 117th Avenue NE, Lake Stevens, wants to know how the 90-day limitation will be enforced and how background checks will be managed for people who come into an encampment later in the 90-day time frame. She is also concerned about the character of people who will be residents of the encampment.

Michele Hampton, Post Office Box 596, Lake Stevens, understands the requirements to have regulations, but believes the city does not have the infrastructure to support a homeless encampment. She commented the City could be liable for encampment residents who might be injured and also for citizens who might be injured as a result of encampments.

Earl Gray, 2505 Meadow Drive, Lake Stevens, believes homeless people are often dehumanized and do not receive support and services; many people are closer to homelessness than they realize. He said it is important to live in a community that cares.

Ray Welk, 2010 – 117th Avenue NE, Lake Stevens, does not support homeless encampments in his neighborhood.

Renae Chambers, 11816 – 22nd Street NE, Lake Stevens, is concerned about an increase in the rodent population due to excess garbage if an encampment is allowed, and believes there are other churches along SR 9 that are better suited for an encampment.

Dotty Ronnestad, 9630 – 2nd Street SE, Lake Stevens, said this ordinance is directed to any religious organization city-wide and is not directed to Ebenezer Lutheran Church.

Robin McGee, 2505 Meadow Drive, said that with only a 90-day encampment allowed, the homeless people will live in the shadows of the city. She commented these people are not temporary people, they live all the time.

Scott Summers, 11910 – 22nd Street NE, Lake Stevens, said this community wants to be safe and wants to know if there is a plan to address issues, such as loitering, that will come with a homeless encampment.

Mayor Spencer closed the public comment portion of the hearing. Mayor Spencer clarified currently there are no regulations in place in Lake Stevens to regulate a homeless encampment if an application were received tomorrow. This is an effort to put regulations in place before an application is received. Mayor Spencer then invited comments and questions from Council.

Councilmember Petershagen suggested a moratorium could be used to allow time to sensibly address the questions raised. He is concerned that Lake Stevens does not have infrastructure in place to support this type of activity. He suggested that sponsoring organizations could house residents within the existing facility of the church. Councilmember Petershagen also suggested this be changed to a Type V or VI decisionmaking process so that applications go before Council for a decision.

Councilmember Daughtry agreed with the recommendation to make this a Type V or VI decisionmaking process, and to include an opportunity for public comment.

City Attorney Vinson responded briefly to Councilmember Hilt's question as to whether the ordinance as drafted could be challenged, and said that the prohibition on weapons is very common, and added that because an encampment would be on private property the City has greater latitude to allow or disallow certain types of activities.

MOTION: Moved by Councilmember Gailey, seconded by Councilmember Daughtry, to continue the public hearing to a future date after a workshop is done to refine the current ordinance, so that allows additional comment once the ordinance is refined, and including consideration of a moratorium until the public hearing is closed.

Councilmember Welch reminded there is not another meeting after July 10, 2018 until August 28, 2018.

Director Wright suggested adopting interim regulations that could be refined.

City Attorney Vinson recommended setting the matter over to the July 10 meeting and that he believes his email that he will send tomorrow will address a lot of the questions that have been raised. He agreed with Director Wright that an interim ordinance is an appropriate way forward, and said that in his review of the case law, he does not believe a moratorium can be enacted.

Councilmember Gailey rescinded his motion, with agreement from Councilmember Daughtry.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to continue the public hearing, with additional opportunity for public comment, and consideration of Ordinance No. 1031 to July 10, 2018. On vote the motion carried (7-0-0-0).

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to continue the meeting past 9:00 p.m. On vote the motion carried (7-0-0-0).

Six-Year Transportation Improvement Plan and Resolution 2018-18: Mayor Spencer opened the public hearing.

Senior Engineer Cory Nau presented the staff report and said the city is required by state law to prepare a six-year transportation improvement plan that will provide for project planning, cost sharing and project coordination with other agencies. To receive grant funding projects are required to be on the Six-Year Transportation Improvement Plan. This year's proposed plan has twenty-five projects which are expected to be completed within the six-year period. Engineer Nau noted that the document can be amended to add projects as necessary. He reviewed that the projects are centralized around the three subareas and are intended to enhance the economic and transportation infrastructure. He then invited Councilmembers' questions.

Councilmember Gailey requested that projects in west Lake Stevens be added, specifically 79th and 8th Streets. Engineer Nau responded there are identified street improvement projects in the Comprehensive Improvement Plan located in this area, and they can be added to the plan.

Mayor Spencer invited public comment and there was none. Mayor Spencer then closed the public comment portion of the hearing, and then closed the public hearing.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Gailey, to approve Resolution 2018-18 adopting the Six-Year Transportation Improvement Plan with the inclusion of 79th and 8th Streets from the Comprehensive Improvement Plan. On vote the motion carried (7-0-0-0).

Accessory Dwelling Units and Ordinance No. 1030: Mayor Spencer opened the public hearing.

Associate Planner Dillon Roth presented the staff report and reviewed the procedural history of the development of Ordinance No. 1030 regarding Accessory Dwelling Units (ADUs). He said ADUs offer homeowners an additional source of income or the ability to support family members who need some level of assisted living. The proposed code amendment provides property owners with flexibility and expanded property rights related to housing. Public comment was generally supportive of the proposed code amendment. Planner Roth invited Councilmembers' questions and there were none.

Mayor Spencer invited public comment.

Greg Ellis, Post Office Box 779, La Conner, built the last 37 homes in The Refuge. He has shifted his focus to making homes more sustainable and homebuying more affordable. He requested two accessory dwelling units per home be allowed. This would make more affordable housing available. He requested mitigation fees be limited on the ADUs and that basement areas and portable tiny homes be allowed.

Jordan Scott, 3333 – 164th Street SW, Lynwood, grew up in Lake Stevens and cannot afford housing in this city. She supports the ADUs.

Janette Scott, 10215 Lundeen Parkway, Lake Stevens, supports this ordinance and believes this will provide opportunities for affordable housing.

Michele Hampton, Post Office Box 596, Lake Stevens, recommended that the definition of Accessory Dwelling Unit, in the second sentence be amended to remove the words "or any combination of these" so that ADUs would be required to have heating, cooking and sanitation to be self-sustaining.

Jannine Westvang, 2024 Vernon Road, Lake Stevens, requested that the impact of ADUs will have on the city's roadways and traffic volumes be considered.

Mayor Spencer closed the public comment portion of the hearing and invited Councilmembers' questions.

Responding to Councilmember Tageant's question, Planner Roth said the proposed code permits detached ADUs, which are not currently allowed.

Councilmember McDaniel confirmed her recollection that during the public process before the Planning Commission, the words "any combination of these" were requested to be removed, in relation to the requirement that each ADU have heating, cooking and sanitation.

Responding to Councilmember Gailey's question, Planner Roth clarified that the ordinance provides for one ADU per lot.

In response to Councilmember Petershagen's question, Planner Roth said it is very difficult to predict how many ADUs will result per year, and anticipated 4-10 ADU applications per year. ADUs are subject to mitigation fees.

Discussion ensued as to how many requests for ADUs are received annually, and Planner Roth noted this is a staff-initiated recommendation.

Mayor Spencer closed the public hearing.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve Ordinance 1030 with the words "or any combination of these" removed from the definition of Accessory Dwelling Unit. On vote the motion carried (7-0-0-0).

Action Items:

Public Meeting and Final Plat Approval of Westlake Crossing: Associate Planner Dillon Roth presented the staff report and provided a brief history of the development of Westlake Crossing. He reviewed this is a 66-lot residential subdivision. There is an unrelated adjacent 5-lot short plat that shares infrastructure, which is a separate decision process and was recently administratively approved. Planner Roth said this is a code-compliant application and has been code-compliant at every stage of the process; staff recommends that the final plat be approved.

Councilmember Petershagen disclosed that he met with the four people who are contesting the final plat approval and believes he can be impartial in his decisionmaking.

Responding to Councilmember Petershagen's question, Planner Roth and Director Wright confirmed that the Army Corps has approved the culvert replacement.

Mayor Spencer invited public comment.

Sally Jo Sebring, 1023 – 99th Avenue SE, Lake Stevens, referenced her email sent the day before, and said it does not appear that public comments and documents submitted by various parties including the applicant and opponents, were reviewed by staff. She does not believe her concerns about flooding have been addressed and is concerned regarding the culvert replacement.

Dave Miles, 10230 – 9th Street SE, Lake Stevens shares some of Ms. Sebring's concerns and is also concerned regarding stormwater runoff and how it will be mitigated, as his property is downstream of the development. He requested the final plat application be remanded until the City Engineer reviews the downstream drainage system and some of the property owner concerns in the immediate vicinity.

Norm Preslar, 10021 – 10th Place SE, Lake Stevens, has lived in his home for 40 years and has never had flooding problems until this plat was developed.

Mark Villwock, LDC representing the applicant, 20210 – 142nd Avenue NE, Woodinville, has reviewed some of the letters submitted by neighbors, including the one by Clear Creek Solutions dated April 24, 2018, and has responded to the questions and concerns that have been raised. Mr. Villwock said the stormwater system that was designed and installed on the site does meet all current city and state codes. A detention pond and stormwater vault were built to mitigate the water flow coming off the site. Mr. Villwock commented the property is a small piece of a much larger stormwater basin and there could be other things going on in the basin that contribute to some of the concerns. Mr. Villwock noted the applicant has met all of the conditions of approval and encouraged this plat be approved.

Richard Todd, 825 – 99th Avenue SE, Lake Stevens, said he first addressed the concern of water runoff to the City three years ago. He believes his interests have not been protected and that the final plat should not be approved until the City examines where the water is coming from.

Michael Fear, 829 – 99th Avenue SE, Lake Stevens, referenced a letter submitted by Dave Miles' attorney to the City, referencing concerns raised regarding water runoff and flooding, and the developer's response letter, which does not address the concerns raised.

Responding to Councilmember Petershagen's question, Director Wright said the 2005 Department of Ecology Stormwater Manual was used for the storm drainage calculations; this had to do with the date of the original preliminary plat application and the fact that this manual was in use at the time of that application. Director Wright also responded in response to Councilmember Petershagen that a downstream analysis is included as part of any drainage report.

City Attorney Vinson said in response to Councilmember Petershagen's question, this plat has met all of the requirements for final plat approval.

Responding to Councilmember Welch's question regarding downstream flooding concerns, Director Wright said the City has coordinated with state agencies to look at the general compliance of the plat site, including stormwater facilities.

Councilmember Tageant confirmed with Director Wright his understanding that during the development of this plat there were complaints, and that several state agencies reviewed the site and concerns, and that the developer made corrections. Director Wright added that in general the developer has maintained the site according to standards or made improvements when required to.

Councilmember Gailey asked if this were remanded to staff, how would that be handled, and commented he understands the concerns if existing neighbors are having an issue with flooding. Mayor Spencer responded that staff would look at the facilities built on site, based on the Stormwater Manual requirements to see if the facilities were designed and built in accordance with the specifications.

Councilmember Welch asked if the 2005 Stormwater Manual standards are different than the 2012 standards, and confirmed that because of the timing of the development the developer was not required to use the 2012 Stormwater Manual. Director Wright explained the methodology is different under the new drainage manual, including an emphasis to look for low impact development techniques such as infiltration and rain gardens. If the new technologies could not be used then the requirement would be to revert back to the more engineered systems in the 2005 Stormwater Manual.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Tageant, to accept the Westlake Crossing final plat and associated right-of-way. On vote the motion carried (4-3-0-0).

Approve Professional Services Agreements for On-Call Engineering Services: Public Works Director Durpos presented the staff report and reviewed the request for qualification process to select consultant engineering firms for on-call engineering. These firms are hired to complete miscellaneous work for the City.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to approve the Master Professional Services Agreement for on-call engineering services with qualified firms with a term to end December 31, 2021. On vote the motion carried (7-0-0-0).

Discussion Items:

Annual Fire Inspections: Fire Chief Kevin O'Brien commented the goal of the Fire Department is to partner with the City to maintain a safe community and support economic prosperity. He appreciated the City adopting the current State of Washington Fire Code.

Deputy Chief Messer presented a PowerPoint about the Fire Safety Inspection Program. He reviewed the Fire Code adoption in 2015 and particularly the requirement for sprinklers. He next reviewed the reasons for conducting fire inspections and noted these inspections are conducted by the fire code official, who sets the schedule for inspections. Turning to insurance requirements, the Washington Survey & Rating Bureau conducts state-wide audits once every five years. The results of these inspections are used by insurance companies to establish fire insurance premiums. Deputy Chief Messer commented on the fire inspection success with regard to the recent fire at the Boys & Girls Club and that the fire was limited to the exterior of

the building because of the effective sprinkler system. He then reviewed improvements to the inspection program. Deputy Chief Messer closed with recommendations to improve the fire inspection program. Deputy Chief Messer then responded to Councilmembers' questions.

Traffic and Park Mitigation Fees: Mayor Spencer said this discussion will be continued to the next Council meeting due to the lateness of the hour.

Study Session: None.

Adjourn:

Moved by Councilmember Daughtry, seconded by Welch, to adjourn the meeting at 10:29 p.m. On vote the motion carried (7-0-0-0).



John Spencer, Mayor



Kathy Pugh, City Clerk