

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

Tuesday, December 11, 2018

Lake Stevens School District Educational Service Center (Admin. Bldg.)

12309 22<sup>nd</sup> 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, Commander Ron Brooks, Police Officer David Carter, Human Resources Director Teri Smith, City Clerk Kathy Pugh, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello, Planning Manager Josh Machen, Associate Planner Jill Meis, IT Manager Troy Stevens

OTHERS:

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**Pledge of Allegiance:** Mayor Spencer led the pledge of allegiance.

**Roll Call:** All present.

**Approval of Agenda:** Council President Tageant said that the executive session item, potential litigation, is being removed from the agenda.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda with the noted change. On vote the motion carried (7-0-0-0).

**New Employee Introductions:** Human Resources Director Teri Smith introduced the new Public Works Administrative Assistant, Jessica Knoepfle.

**Citizen Comments:**

Robin McGhee, 2505 Meadow Drive, Lake Stevens, spoke in support of the Lake Stevens Community Food Bank and asked that the City support them in purchasing land to improve their program. She also hoped that the Council was setting up a human services fund.

**Council Business:**

- Councilmember Daughtry: Community Transit, Veterans Commission
- Councilmember Hilt: Snohomish Health District
- Councilmember Tageant: Sewer District

**Mayor's Business:** Sewer District, WSDOT Stakeholders Meeting re SR 9/SR 204 intersection improvements.

**City Department Report:**

- City Administrator Gene Brazel: Year's wrap up.
- Human Resources Director Teri Smith: Salary Commission; internal recruitment for Parks Planning & Development Coordinator; Senior Center; Health Care Committee is reviewing benefits.

**Consent Agenda:**

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Petershagen to approve (A) 2018 Vouchers [Payroll Direct Deposits of \$248,062.28, Payroll Check No. 46626 in the amount of \$1,721.19, Tax Deposits of \$94,928.32, Electronic Funds Transfers (ACH) of \$57,831.22, Claims Check Nos. 46627-46691 totaling \$361,857.30, Total Vouchers Approved: \$764,400.31], (B) City Council Regular Meeting Minutes of November 27, 2018, (C) City Council Workshop Meeting Minutes of December 4, 2018, (D) Cancellation of January 1, 2019 City Council Workshop Meeting, (E) Boards and Commissions Reappointments, (F) City Attorney Contract with Ogden Murphy Wallace, (G) Contract with Weed Graafstra & Associates for Attorney Services, (H) Repurpose of Existing Position in Public Works, (I) One-Year Contract Extension with Zachor Thomas for Prosecutor Attorney Services. On vote the motion carried (7-0-0-0).

**Public Hearings:**

**Rhodora Annexation and First Reading of Ordinance 1041:** Mayor Spencer opened the public hearing and said tonight's Council action is to approve the first reading of Ordinance 1041 and is not a final action. There cannot be final action until such time as the appeal of the Boundary Review Board decision has been resolved.

Director Wright shared that staff met with some of the residents affected by the annexation and explained that the annexation is a non-project action and only changes the boundaries of the jurisdiction from county to city. He further explained that this annexation is not being done in conjunction with a project and if a development application is submitted to the City, the City has its own set of rules for review and processing. Director Wright shared the process for review of development applications including public notice and opportunities for public input.

Planning Manager Machen presented the staff report and reviewed the history of this annexation process. He said on October 1, 2018 the Washington State Boundary Review Board for Snohomish County held a public hearing on the proposed annexation and issued written findings and a decision approving the annexation on October 30, 2018 has now been appealed. The Council may consider this proposed annexation ordinance but cannot make a final decision this evening. He then reviewed the differences between this annexation process and the one recently approved by Council, including proposed development standards for this annexation area.

Director Wright added that the City would like to have an additional public meeting to further explain to the public what the development standards might look like and to respond to any questions the public has.

Planner Machen then reviewed the process for any development application and that there will be opportunities for public input.

Planner Machen next responded to questions by Council, including that the 60% petition is for 60% of the value of the annexation area.

Mayor Spencer then opened the public comment portion of the public hearing.

Mike Mashock, 12102 7<sup>th</sup> Place SE, Lake Stevens, is impressed that the City has worked with the developer to address development concerns, and that the City will have some modelling and opportunity for citizen input. He added he has remorse for property owners who unwittingly signed away their rights on petitioning for annexation.

Susan Fenner, 827 Rhodora Heights, Lake Stevens, wants to know what the zoning will be. She would also like to know the benefits of being annexed. Mayor Spencer said staff will provide answers outside of the meeting.

Mayor Spencer closed the public comment portion of the public hearing and invited additional questions and comments of Council.

In response to Councilmember Hilt's question, Director Wright summarized the noticing requirements.

Councilmember Daughtry clarified that notice was provided to residences 300 feet outside the annexation boundary, as well as to residences 300 feet within the boundary.

Mayor Spencer closed the public hearing.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to hold a public hearing for Rhodora Annexation and have the first reading of Ordinance 1041. On vote the motion carried (6-1-0-0).

**Pellerin Ridge Right-of-Way Vacation and Final Action:** Mayor Spencer opened the public hearing.

Planning Manager Machen presented the staff report and said a portion of the right-of-way frontage along 18<sup>th</sup> Street SE has a 37-foot half-width while the remainder has the standard 30-foot half-width. He said the City is constructing a multi-use path along South Lake Stevens Drive and needs an additional 4-feet of right-of-way dedication for the proposed project. The applicant has requested that the City vacate the excess width along the wide portion of 18<sup>th</sup> Street SE in exchange for the proposed dedication of 4-feet of land for right-of-way use along South Lake Stevens Road. Planner Machen also mentioned the value of the right-of-way to be vacated is \$9,580.56 and the value of the land to be dedicated would be \$11,596.08; the applicant has not requested any monetary compensation for the difference in valuation. Planner Machen then responded to Councilmembers' questions.

Mayor Spencer then invited public comment and there was none.

Mayor Spencer closed the public comment portion of the public hearing and invited additional questions and comments of Council.

Mayor Spencer closed the public hearing.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Hilt, to approve the Proposed Right-of-Way Vacation and Adopt Ordinance 1040. On vote the motion carried (7-0-0-0).

**Action Items:**

**Ordinance 1042 Amending Title 10 re Lake Safety:** Associate Planner Meis presented the staff report and summarized the history of reviewing lake safety issues including establishment of the Lake Safety Task Force to gather public input and make recommendations. The Lake Safety Taskforce, comprised of City Council Liaisons, residents, lake users, City staff and Lake Stevens Police, met from October 2017 to April 2018. The Task Force recommended safety measures to be implemented on Lake Stevens, with the result being the proposed amendments to LSMC Title 10 before Council this evening. She added that Council's requested changes have been incorporated into Ordinance 1042.

Chief Dyer updated Council on the requirement for counterclockwise direction and said that there is a need for this due to the high usage on the lake. He said the vast majority of people follow the counterclockwise directions but when they do not, most boaters respond to visual signals to correct their rotation. He also explained that the officers enforce through education rather than ticketing.

Associate Planner Meis and Chief Dyer then responded to Councilmembers' questions. There was discussion as to buoys being removed annually and whether homeowners should be required to pay a \$100 fee each year for a permit to install a buoy. Discussion also ensued as to who makes the decision on when boating should be regulated due to conditions. Officer Carter clarified what is taken into consideration when regulating boats due to current conditions.

Councilmember Hilt thanked everyone and said he considers this a first step in a continuing process of looking at lake safety.

Councilmember Petershagen asked about the cost for the buoy permit and Mayor Spencer said this will be addressed with the Fees Resolution being brought forward next week, and that the permit fee is per buoy. Councilmember Petershagen suggested the permit have a life span of up to five years rather than an annual permit fee.

There was discussion regarding the placement of buoys and the 100-foot requirement for placement from docks. Also discussed was the need to ensure that buoys are promptly removed in October of each year.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Daughtry, to adopt Ordinance 1042 Amending LSMC Title 10 re Lake Safety. On vote the motion carried (7-0-0-0).

**Action Items:**

**Ordinance 1045 re Wheeled All Terrain Vehicles:** Police Chief Dyer presented the staff report and summarized that at the November 27, 2018 Council meeting, Council gave direction to staff to bring forward an ordinance allowing the use of Wheeled All-Terrain Vehicles, on public roads

in Lake Stevens. He said the staff report includes the proposed Ordinance with certain staff-recommended restrictions, which he reviewed. Chief Dyer then invited questions from Council.

Councilmember Gailey requested Section 7.30.020(2) limiting street use to only daylight hours be removed, and requested in Section 7.30.080(4) that the 20<sup>th</sup> Street SE limitation be removed.

Councilmember Tageant agreed with Councilmember Gailey regarding removing the limitation of street use only during daylight hours.

Councilmember McDaniel agreed with Councilmember Gailey's recommendations especially with the new parks going in around 20<sup>th</sup> Street SE.

**MOTION:** Moved by Councilmember Gailey, seconded by Councilmember Hilt, to approve the first and final reading and adopt Ordinance 1045 re Wheeled All Terrain Vehicles, striking Section 7.30.020(2) and the words "and 20<sup>th</sup> Street SE" from Section 7.30.080(4). On vote the motion carried (7-0-0-0).

**Executive Session:** Mayor Spencer announced an executive session beginning at 8:20 p.m. for 10 minutes for the purpose discussing real property, with no action to follow.

At 8:31 p.m. City Clerk Pugh announced the executive session was extended 5 minutes.

The regular meeting of the Council reconvened at 8:36 p.m.

**Adjourn:**

Moved by Councilmember Daughtry, seconded by Welch, to adjourn the meeting at 8:37 p.m. On vote the motion carried (7-0-0-0).

  
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John Spencer, Mayor

  
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Kathy Pugh, City Clerk