

CITY OF LAKE STEVENS
CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, April 23, 2019
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, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Commander Jeff Beazizo, Commander Ron Brooks, Human Resources Director Teri Smith, City Clerk Kathy Pugh, IT Manager Troy Stevens, City Attorney Greg Rubstello

OTHERS: County Councilmember Sam Low

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

Roll Call: All present.

Approval of Agenda: Councilmember Petershagen requested the Executive Session be moved immediately ahead of Action Items.

Councilmember McDaniel requested Consent Agenda item (D) be moved to Action Items.

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

New Employee Introduction: City Engineer Grace Kane introduced and welcomed new Engineering/ Development Technician Erik Mangold.

Citizen Comments:

Mary Dickinson, 2514 – 85th Drive NE #J-1, Lake Stevens, WA, commented trees have been cut down on SR 92 near a development at Callow Road, and asked what can be done in the future to save those trees that might be impacted by development.

Council Business:

- Councilmember Daughtry: Easter Egg Hunt at Lundeen Park.
- Councilmember Petershagen: Landfill property site visit; Lake Stevens Rowing Club Spring Regatta.

- Councilmember Gailey: Landfill property site visit.
- Councilmember Welch: Arts Commission; Library Board.
- Councilmember Tageant: Sewer District.

Mayor's Business: Landfill property site tour; Easter Egg hunt; Library Board.

City Department Report:

- City Administrator Gene Brazel: Landfill property site tour follow up; Historical Society.
- Community Development Director Russ Wright: Snohomish County Tourism Alliance spring conference; North Cove and Frontier Heights Phase I bid packages; Request for Proposal for Trail Master Plan.
- Public Works Director Eric Durpos: Updated on downtown and North Cove Park improvements; boat launch will be closed for two weeks after the regatta for repaving and striping.
- Human Resources Director Teri Smith: Novatime electronic time sheet conference; Labor Relations Institute; recruiting update.
- Chief of Police John Dyer: Department reorganization, Commander Beazizo attending staffing analysis training in Bellingham; accreditation.

Consent Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the consent agenda as amended: (A) 2019 Vouchers [Payroll Direct Deposits of \$220,859.96, Payroll Check No. 47592 totaling \$1,889.90, Tax Deposits of \$209,088.86, Electronic Funds Transfers (ACH) of \$81,112.05, Claims Check Nos. 47593-47696 totaling \$490,533.20, Void Check Nos. 47451 and 47489 totaling \$1,313.06, Total Vouchers Approved: \$1,002,170.91], (B) City Council Regular Meeting Minutes of April 9, 2019, (C) City Council Workshop Meeting Minutes of April 16, 2019, (D) (Removed), (E) Resolution 2019-10 Adopting Scan and Toss Policy, (F) Change in City Council Meeting Schedule. On vote the motion carried (7-0-0-0).

Executive Session: At 7:17 p.m. Mayor Spencer announced an executive session beginning in approximately 5 minutes to last 10 minutes to discuss (2) Real Property Acquisition and Sales, with action to follow on one item.

At 7:29 p.m. the regular meeting of the City Council reconvened.

Action Items:

Amendment No. 1 to Concession Agreement with Hydrology Stand Up Paddle: City Administrator Brazel presented the staff report and said Lundeen Park is seeing increased usage and providing some food and beverage concessions to park visitors is a good amenity. The existing concessionaire was contacted and is interested in providing limited prepackaged food and beverage concessions.

Councilmember McDaniel recalled previous discussions about not competing against brick and mortar businesses and expressed concern there will be additional trash and resultant costs that might incur to the City.

Administrator Brazel reviewed the difference between direct competition and selling limited food and beverage concessions. Councilmember McDaniel responded the City needs to revisit the original Request for Proposal, and added it is important to consider the City's existing brick and mortar businesses. Councilmember McDaniel expressed concern that with the redevelopment of North Cove Park more concessions in parks would be allowed to the detriment of the nearby brick and mortar businesses, some of whom are struggling. She also expressed concern that food vendor trucks will follow, and that sales taxes are not fully collected for the City.

Councilmember Gailey concurred with Councilmember McDaniel's comments.

Councilmember McDaniel added the Easter Egg hunt was sponsored by Norm's Market and noted that city businesses contribute to the city's service clubs.

Councilmember Petershagen commented on the accident that occurred in the crosswalk on Lundeen Parkway, and said safety needs to be part of the discussion.

Councilmember McDaniel responded the bigger discussion is pedestrian safety throughout the city, and the concern here is sales tax revenue and competition with brick and mortar businesses.

Councilmember Welch said this was previously discussed by Council and there was direction to staff to bring this forward and that it would be park centric regulated. Each park would have their own agreement if required. There would be no need for concessions at North Cove Park because there are so many businesses in the immediate area.

Councilmember McDaniel responded there have already been mobile food vendors at North Cove Park.

Councilmember Tageant responded that food trucks that have been allowed have been allowed under a specific permit process. He said the city does receive sales tax from mobile vendors.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve Amendment No. 1 to Concessionaire License Agreement with Hydrology Stand Up Paddle, LLC.

Councilmember McDaniel requested the maker of the motion add language making it specific to Lundeen Park.

Councilmember Daughtry responded this is not appropriate as the motion only applies to one vendor.

Councilmember Welch declined to amend the motion.

Councilmember Petershagen asked who is responsible for ensuring sales tax is collected and suggested this is a Department of Revenue responsibility if sales tax is not being collected.

Councilmember McDaniel agreed this is a Department of Revenue issue but is concerned that sales tax is not being collected in the city. It is important to do the best thing for the community.

Mayor Spencer commented Councilmember McDaniel's concern is well taken and the city can ensure that the concessionaire is using the correct sales tax number so that sales tax revenue

is returned to the city. He will ask Finance Director Stevens to ensure that the city is receiving all construction sales tax that it is due from contractors working within the city limits.

Councilmember Daughtry agreed with concerns about sales tax being returned by Department of Revenue to the city and believes the biggest problem lies with contractors who do not correctly report sales tax. Sales tax is determined based on where the work is performed.

Councilmember McDaniel concluded that she believes the crosswalk at Lundeen Park is safe but will support this concession for its limited purpose with this concessionaire at Lundeen Park.

Mayor Spencer summarized that this concession is limited to one vendor at Lundeen Park, that staff will ensure sales tax is collected and that any resultant trash is picked up.

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

Real Estate Purchase and Sale Agreement with Lake Stevens Fire: Police Chief Dyer presented the staff report and explained the property consists of four parcels and the City plans to locate the Lake Stevens Police Department at this site after the completion of tenant improvements. The City and Fire District successfully negotiated a sale price of \$4,500,000, and the sale was approved by the Fire District Commissioners at their April 9, 2019 meeting.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to approve the Real Estate Purchase and Sale Agreement with Lake Stevens Fire District for the purchase of property generally known as the Lake Stevens Fire Administration and Conference Center in the amount of \$4,500,000.

Mayor Spencer added that the purchase price is consistent with the appraisal of the property.

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

Professional Services Agreement with MJ Neal re Police Department Design: Public Works Director Durpos presented the staff report and summarized the scope of work will include architectural, mechanical, plumbing and electrical design for a police station at 1825 South Lake Stevens Road. Responding to Councilmember Daughtry's question, Director Durpos said the funds for this design are coming from funds that were previously budgeted for design of the police station when the Chapel Hill site was under consideration; Chief Dyer added MJ Neal has previous experience in designing police department facilities.

MOTION: Moved by Councilmember Hilt seconded by Councilmember Daughtry, to authorize the Mayor to execute a Professional Services Agreement with MJ Neal Associates to provide architectural services for the tenant improvements to convert a fire department administration building into a police station at 1825 South Lake Stevens Road. On vote the motion carried (7-0-0-0).

Ordinance 1056 re Emergency Management: Commander Beazizo presented the staff report and reviewed that in 2018 the City Council adopted Resolution 2018-23 adopting a comprehensive Emergency Management Plan which is currently overseen by the Police Department. The Emergency Management Plan as adopted by Resolution 2018-23 remains in place but for ease of reference will run with Ordinance 1056 and not as a separate resolution. This action will provide for a succession plan and bring consistency to the framework for managing an emergency. He then invited questions from Council and there were none.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to adopt Ordinance 1056 concerning emergency preparedness, repealing Resolution 2018-23 and adding a new Section 2.34 "Emergency Management" to the Lake Stevens Municipal Code providing for severability, establishing an effective date and providing for summary publication by ordinance title only.

Councilmember Hilt commended Commander Beazizo's efforts and reminded of the Stop the Bleed event on May 11.

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

Mayor Spencer commented on the importance of a local response in the event of an emergency and thanked Commander Beazizo for his work on this.

Discussion Items:

Homeless Camps on Public Lands: Police Chief Dyer presented a PowerPoint and reviewed the different assumptions, challenges, including legal challenges, in working with homeless encampments on public lands, as well as opportunities for responses. He next reviewed the goals of the program including working with the community, and in the future, an ordinance regarding encampments on public lands, as well as the steps in addressing homelessness. Finally, Chief Dyer reviewed recent court rulings that affect the approach to homelessness.

Councilmember Welch commented that Gig Harbor adopted an ordinance restricting people from giving to panhandlers and impeding traffic flow.

Councilmember Gailey requested this topic be added to a workshop discussion.

Approve Letter to Puget Sound Regional Council re Vision 2050: Community Development Director Wright reviewed this was discussed at the previous workshop and recapped the three options for commenting on the Puget Sound Regional Council Vision 2050 draft environmental impact statement. It was Council's direction to send a comment letter supporting a hybrid model and this letter does that; a draft of that letter has been circulated to Council for final review before sending.

Responding to Councilmember Welch's question regarding the requirement to achieve growth, Director Wright said that whether the growth objectives are targets or goals is part of the Vision 2050 discussion. Councilmember Welch is concerned that allocations for transportation will be pushed to the transit cores and the city's roads will not grow in response to higher growth within the city because funding will not be available.


Mayor Spencer commented the letter directly challenges the allocation of population to rural areas. He added that market forces drive growth into communities like Lake Stevens and if there are constraints the city will not be able to respond to the resulting growth-related demands. Mayor Spencer added other surrounding cities are voicing similar concerns.

Director Wright said the city has reached out to surrounding communities and believes it is likely Monroe will take a similar approach.

There was consensus to send the letter to the Puget Sound Regional Council.

Adjourn:

Moved by Councilmember Gailey, seconded by Welch, to adjourn the meeting at 8:18 p.m. On vote the motion carried (7-0-0-0).



John Spencer, Mayor



Kathy Pugh, City Clerk