

**CITY OF LAKE STEVENS**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
Tuesday, May 14, 2019  
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, Planner Dillion Roth, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Teri Smith, City Clerk Kathy Pugh, City Attorney Greg Rubstello

OTHERS:

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

**Roll Call:** All present.

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

**Citizen Comments:**

Kristine Noel, Owner of Urban Pantry Catering, said they have experienced low sales due to food trucks blocking the sightline from the street and taking up parking spaces during events which deters regular customers. She wants her business to flourish and commented she contributes sales tax to the community.

Linda Ehmen, Chair of the Arts Commission, said the Arts Commission neglected to include interactive activities for the children in the permit application process for Music by the Lake, and requested Council support for ordering samples of activities for summer programming.

**Council Business:**

- Councilmember Daughtry: Veterans Commission, War Memorial Board, Community Transit Board.
- Councilmember Petershagen: Lake Stevens Food Bank and Joe Rantz Boathouse ribbon cuttings.
- Councilmember Hilt: Veterans Commission, Parks Board.
- Councilmember McDaniel: Upcoming Michael's Ribbon Cutting.
- Councilmember Welch: Arts Commission.

**Mayor's Business:** AWC Annual Conference in Spokane, June 25-26, 2019; Mayor Spencer recommended the city have representation at this conference. Mayor Spencer said the Comcast agreement is being reviewed. Mayor Spencer updated there is agreement with Marysville regarding the ILA for Soper Hill Road. Mayor Spencer then reminded of the upcoming retreat in July and requested Council input for retreat topics; current topics include a progress report on topics discussed at the January Retreat and a financial update.

Mayor Spencer requested a motion to endorse the city as Purple Heart City. He commented this is a recommendation by the Veterans Commission and the Veterans Foundation and that they will work with the Purple Heart organization to obtain Purple Heart signage for the city's entrances. Being a Purple Heart city signifies the city as a veteran friendly city.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Tageant, to endorse the proclamation of Lake Stevens as a Purple Heart City. On vote the motion carried (7-0-0-0).

Mayor Spencer then read the proclamation for the record.

### **City Department Report:**

- City Administrator Gene Brazel: Grand opening of Blues Yogurt Shop; Marysville ILA regarding Soper Hill; need to consider another ILA with Marysville regarding a shared trail system; Sewer Utility Committee.
- Community Development Director Russ Wright: Park Board and park naming, survey results for park plan which is part of Comprehensive Plan.
- Public Works Director Eric Durpos: North Cove Park budget update, advertised for Pavilion building, will bring back budget details/accounting, 2019 overlay; thermoplasty.
- Chief of Police John Dyer: National Police Week this week, thanked men and women of Lake Stevens Police Department for service to the community and reviewed statistics.

### **Consent Agenda:**

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Tageant, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$442,950.02, Payroll Check Nos. 47697-47698, 47706 totaling \$4,098.85, Tax Deposits of \$97,443.65, Electronic Funds Transfers (ACH) of \$79,774.17, Claims Check Nos. 47699-47705, 47707-47831 totaling \$400,201.81, Void Check Nos. 47533, 47703 and a payroll check totaling \$6,641.83, Total Vouchers Approved: \$1,017,826.67], (B) City Council Regular Meeting Minutes of April 23, 2019, (C) City Council Workshop Meeting Minutes of May 7, 2019, (D) Professional Services Agreement with OM Yoga Northwest for Yoga by the Lake, and (E) 2010 Public Works Trust Fund Loan Early Pay Off. On vote the motion carried (7-0-0-0).

### **Public Hearing:**

**Ordinance 1055 Extending Design Review Regulations:** Mayor Spencer opened the public hearing.

Community Development Director Wright presented the staff report and summarized that this is before Council this evening for the required public hearing to extend the interim ordinance an additional six months to allow time to complete the zoning code updates that are being done in conjunction with this ordinance.

Mayor Spencer then opened the public comment portion of the public hearing. There was no public comment and Mayor Spencer closed the public comment portion of the hearing. He then invited questions of Council and there were none.

Mayor Spencer closed the public hearing.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Petershagen, to extend interim Ordinance 1055 dissolving the Design Review Board and establishing an administrative review process an additional six months. On vote the motion carried (7-0-0-0).

**Action Items:**

**Interlocal Agreement with Snohomish Health District:** City Administrator Brazel presented the staff report and explained the Per Capita Funding for the Snohomish Health District was approved with the 2019 budget in the amount of \$32,570 based on an estimated population of 32,570 at a funding level of \$1 per capita. He said the Health District has provided detailed financial information previously requested by Council prior to approval of the ILA. Following review, some Councilmembers commented at last week's workshop that the provided information falls short of what was requested. Since that time Administrator Brazel has received additional information included a list of services provided throughout the county, the primary one being preventing disease, as well as other services and outreach.

Councilmember McDaniel commented it is important that the community know what they are receiving for this funding; she requested a list of administrative costs which has not been received and the Health District is not visible in the community, such as attending the Health and Safety Fair, which is an excellent opportunity.

Councilmember Tageant agreed with Councilmember McDaniel's comments.

Councilmember Welch disagreed, and said he has reviewed the budget online. Additionally he is concerned regarding the opioids epidemic and measles outbreak. He added as a Snohomish County leader, Lake Stevens needs to support this funding because a strong health district is important.

Councilmember Tageant responded he supports the concept of the Snohomish Health District, but he wants to see financial accountability.

Councilmember Hilt said that Snohomish County does support the Health District. Responding to the concerns expressed, Councilmember Hilt said much of what the Health District does is dissemination of public health information. He added that when the motor vehicle excise tax was removed the Health District lost one of its primary funding mechanisms. Councilmember Hilt reminded that the state was to create a new funding mechanism for the Health District and it has, beginning in 2020. The idea was to have cities fund the Health District in the three year interim. Councilmember Hilt reviewed the measles and outbreaks and said local health jurisdictions respond to these outbreaks. He added that Snohomish Health District is a leader in various areas of public health including medicine takeback, provider reach back, the opioid epidemic and food safety.

Councilmember Daughtry agreed with Councilmembers Welch and Hilt and commented the city does need to help fund the Health District because, even though they cannot drill down to services provided to Lake Stevens, the city does receive benefits from the work they do.

Councilmember Petershagen believes there are valid concerns on both sides of the discussion; the difficulty is wanting to fund the Health District, but specific questions were asked, and they were not answered. He would like to fund the Health District but has concerns.

Councilmember Tageant suggested this topic can be revisited.

Mayor Spencer suggested Council table the conversation until everyone has an opportunity to fully review the new information.

**MOTION:** Moved by Councilmember Gailey, seconded by Councilmember Hilt, to authorize the Mayor to enter into an Interlocal Agreement for Per Capita Funding with the Snohomish Health District for calendar year 2019 in the amount of \$32,570. On vote the motion failed (3-4-0-0).

### **Discussion Items:**

**Code Amendments to LSMC 14.56 regarding Streets and Sidewalks:** Planner Roth presented the staff report and explained that this is a city-initiated code amendment to update Chapter 14.56 LSMC which addresses right-of-way (ROW) issues, including how the city's street networks should be built out, what types of developments are required to build sidewalks and other frontage improvements and how deviations from the adopted Engineering Design and Development Standards (EDDS) are approved. Many of the city's goals for promoting low impact development, creating a connected street network and increasing the amount of pedestrian facilities can be addressed through this zoning code amendment. In general, the finer engineering details of road standards, like turning radius and dimensions, are addressed in the EDDS and the higher-level regulations on private property development are addressed through the City's municipal code. The purpose of this code amendment is generally to clean it up. He then commented that Lake Stevens' code differs from other city codes in that streets and sidewalks are in the Municipal Code rather than the Zoning Code. Planner Roth reviewed some of the proposed amendments regarding parking and driveway easements and said the International Fire Code requirements will be implemented through the EDDS. Planner Roth invited question from Council.

Councilmember Gailey suggested picture examples be included for better visualization in future updates.

Responding to Councilmember Petershagen's comment regarding the pedestrian separation or access point of 750 feet, Planner Roth said a phrase was added to include "unless deemed infeasible by the Planning Director."

Councilmember Tageant said he always looks for flexibility in code language to allow the city to look at more practicable solutions, especially when there is less and less developable land.

Councilmember Petershagen commented that "infeasible" may not address the need for more flexibility, and maybe there is a different choice of wording.

Planner Roth said he would add language for flexibility regarding street parking.

Councilmember Daughtry commented that the code as proposed allows only one vehicle access and does not provide for a circular driveway. Planner Roth responded the general school of thought is that with less access there is better safety.

Director Wright said that single access driveways are part of the adopted engineering policies and staff is trying to make the documents compliant with each other. He added that in the case of driveways in an HUR zoned area having two driveways is not practical, but with a larger single family lot it could be considered.

Councilmember Tageant commented it depends on who is interpreting the code whether the interpretation is friendly or unfriendly, and this creates frustration. He added that part of the frustration might be that the code is being interpreted very strictly in the field.

Councilmember Daughtry reiterated his concerns, and Director Wright said the code could be modified to identify when circular driveways would be considered.

Councilmember Welch commented there needs to be flexibility in the code because most of the buildable lands are on hillsides.

Mayor Spencer clarified concerns being expressed and commented that the engineering standards provide more flexibility than the zoning code because there is opportunity for the Public Works and Community Development Directors to do an independent review and allow some variance to the standards with a change to the engineering or design.

Planner Roth explained that code is inflexible and requires a Hearing Examiner process for a variance, whereas the EDDS provides flexibility and the Public Works and Community Development Director can allow modifications on a case-by-case basis.

Director Wright said the purpose of the amendments is to bring flexibility, and he appreciated Council's input and comments on flexibility.

Councilmember Petershagen asked about the pedestrian access, and Planner Roth said this would be used in the situation of very long blocks, which is not seen very often. The pedestrian path would be when the plat is developed. Councilmember Petershagen suggested also extending these accesses to developed neighborhoods.

**Food Truck Vendors:** Mayor Spencer said that this is before Council for further discussion at Councilmember McDaniel's request following the recent rowing regatta.

Administrator Brazel said he visited six restaurants in the downtown area and was able to speak with four owners, all of whom said food trucks are fine for special events but were concerned over having food trucks in the area on a daily or weekly basis. The business owners he spoke to also appreciated all of the improvements to further economic development. In response to Administrator Brazel's question regarding interest in the formation of a downtown association or newsletter, there was interest in a newsletter. Administrator Brazel said his goal is to meet with all of the business owners.

Councilmember McDaniel said she specifically asked if there would be food trucks and was told no. She is a supporter of events but is concerned that Council's decision to not allow food trucks is eroded because event organizers choose whether to have food trucks be part of their event. Also, they received a right of way permit that allowed them to block off parking in the

downtown corridor, and this is disturbing as parking is very limited. Councilmember McDaniel said that event organizers need to plan on how to park 600 people for their events and plan traffic control so that increased traffic created by the event will not impact property and business owners. She urged there needs to be parameters in place to protect the people who live here and pay taxes here, and believes most of the events that come to town have a negative impact on businesses because residents stay away. Councilmember McDaniel also was concerned regarding an event-related unmarked platform left in the lake for several days which created a safety hazard. She would like to see the events spread out to other parks around the lake.

Councilmember Gailey suggested doing a study on how cities who do events in their downtown area protect their brick and mortar businesses to ensure their success. He also was concerned about vendors that were brought in with the event that competed with local businesses.

Mayor Spencer commented this is a challenge and that everyone wants events to come here because in the end it is good for the city.

Councilmember McDaniel suggested adding more parking at North Cove Park, and that it is important to remember that citizens want to enjoy the lake and surrounding area as well. She said the downtown area cannot always close for an event.

Mayor Spencer identified there are two separate concerns, first, the events and their management, boundaries, parking and pedestrian access and second is the food truck and mobile food vendors.

In response to Councilmember McDaniel's question regarding policing at events, Clerk Pugh said that as part of the permit process, event applicants enter into a contract for off duty police services if needed, which is invoiced at an hourly billable rate to the applicant and paid as part of the permit fee.

Administrator Brazel clarified there is a very extensive special event process that is approved by WCIA. The application is reviewed by all departments, and for example if the police department believes police support will be necessary that is included as part of the requirement for permit approval, and the applicant pays for those services. Other times the applicant requests police services and they pay for those services. After big events staff conducts a post event debrief to determine what went well and where improvements can be made in the future. He added that when events such as the regatta come to town they are requested as part of the permit approval to contact business and property owners and advise them of the upcoming event. Under the code food vendor trucks are allowed on public property for special events. They are not allowed on private property.

Councilmember Rauchel requested the notice to property owners be tightened up so that it is not at the last minute. Also she believes applicants should only be allowed to bring in their special event and not additional vendors.

Councilmember Tageant said, that while he understands the concerns being expressed, he does not want to see events coming through Council for approval.

Discussion ensued with Councilmember McDaniel saying there should be a separate permit for each element of an event and Councilmember Tageant saying this would make it too complicated. Councilmember Petershagen wondered where the line is drawn for an event such

as Aquafest vs. one-off events, and Councilmember Welch suggested there could be a non-compete requirement with local businesses within the event area.

Mayor Spencer said staff will reach out to Snohomish, Oak Harbor and Monroe as to how they handle their events, and asked Council to suggest other communities, as well as event sponsors. He added it is incumbent on the city to be really good at this, especially having the largest lake in Snohomish County.

**Executive Session:** At 8:37 p.m. Mayor Spencer announced an executive session beginning in 5 minutes to last 5 minutes to discuss Real Property Purchase and Sale, with no action to follow.

At 8:47 p.m. the regular meeting of the City Council reconvened.

**Adjourn:**

Moved by Councilmember Tageant, seconded by Hilt, to adjourn the meeting at 8:47 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