

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

Tuesday, June 25, 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, Raichel McDaniel and Marcus Tageant

ELECTED OFFICIALS ABSENT: Councilmember Brett Gailey

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Associate Planner Dillon Roth, Public Works Director Eric Durpos, Police Chief John Dyer, Commander Jeff Beazizo, Commander Ron Brooks, Human Resources Director Teri Smith, City Clerk Kathy Pugh, City Attorney Greg Rubstello, Public Works Crew Workers James Douglas, Steven Pearson and Jason Thomsen, Police Canine Cia and Police Officers Alex Michael; Josh Kilroy and Nathan Adams

OTHERS: Lake Stevens Fire Chief Kevin O'Brien, Monroe Fire Chief Gary Meek, Lake Stevens Fire Commissioner Jim Steinruck and Lake Stevens Fire Director of Finance and Administration Leah Schoof

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

Roll Call: Motion by Councilmember Hilt, seconded by Councilmember Tageant, to excuse Councilmember Gailey from the meeting. On vote the motion carried (6-0-0-1).

Approval of Agenda: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda. On vote the motion carried (6-0-0-1).

New Employee Introductions: Police Chief Dyer introduced Officer Alex Michael, who then introduced Police Canine Officer, Cia and said that July 3 is the certification date; after that Cia will be working on the streets.

Public Works Director Durpos introduced new Public Works crew workers James Douglas, Steven Peterson and Jason Thomsen.

Recognition: Police Chief Dyer said the city is proud to offer an Explorer Program and the program has ten active Explorers. Officer Adams then introduced Police Explorer Hunter Clatterbuck who has been with the program for the last 16 months and volunteered approximately 175 hours as an Explorer; he will be joining the United States Army National Reserve. Officer Kilroy next introduced Police Explorer Elvis Ramadani, who will be entering

the Navy. Explorer Ramadani has volunteered approximately 260 hours with the Police Department over the last 27 months.

Mayor Spencer then thanked all of the Explorers in attendance for their commitment to the City and Police Department.

Guest Business: Fire Chief Kevin O'Brien presented a PowerPoint on the proposed merger of Lake Stevens Fire with Fire District 7 and said the merger will result in a stronger fire service and improved services for Lake Stevens citizens.

Chief Gary Meek supported Chief O'Brien's comments, and shared his experience of a successful merger with Fire District 7 and Monroe Fire in 2017. Chief Meek said that earlier merger created many efficiencies and stronger governance for the fire department.

Councilmember McDaniel commented she believes Lake Stevens will still get the quality of service they are accustomed to.

Citizen Comments:

Robert Pearce, 5417 80th Avenue NE, Marysville, spoke regarding the Interlocal Agreement with Marysville regarding the SR 9/Soper Hill Road and encouraged that roundabouts be installed on SR 9 to assist schools in transporting students from Marysville to Lake Stevens School District. He distributed a map identifying his suggested locations for additional roundabouts on SR 9.

Gary Petersen, 2325 79th Avenue SE, Lake Stevens, spoke regarding the 79th Avenue SE proposed condemnation. Mr. Petersen said his driveway is part of the area proposed for condemnation. He reminded of the planning committee making recommendations for the development of Cavelero Park, including a skateboard area and areas that families could enjoy. Turning back to the condemnation he believes there has been no communication from the city. He asked why 79th Avenue cannot be extended straight up to the future 24th and said taking his driveway will create a jog in the roadway.

Stephanie Petersen, 1029 Grand Avenue, Everett, is Gary Peterson's daughter. She understands the concern is not the design of the park, but whether property should be condemned. She noted the concern is title clearing. Ms. Petersen said there is sufficient land in the existing park property to widen the road and this is in Snohomish County's park design, approved after community input in 2015.

Steve Ewing, 8617 11th Street NE, Lake Stevens, recently witnessed a collision between a vehicle and bicyclist and was very impressed with the Lake Stevens Police Department response, as well as the Fire Department's. He also is thankful for the improvements to Lundeen Park but is concerned that the park is too full and there is not enough parking.

Daniel Dziadek, 1516 107th Avenue SE, Lake Stevens, lives within the SE Island annexation area and commented on the City's intent to put the annexation referendum to a vote on the November 6th general election. He believes the only option for the City Council is to hold a special election within 90 days from the date of filing the referendum petition.

Carol Donnelly, 2424 78th Avenue SE, said she is part of the proposed condemnation area and requested to be included in future meetings for 79th and for 24th Avenues, which is behind her property. She noted there is significant property available on the parks side of the roadway that could be used.

Council Business:

- Councilmember Daughtry: Snohomish County Cities for Improved Transportation, various groundbreakings, upcoming Pavilion groundbreaking, SCT ad hoc committee.
- Councilmember Petershagen: Sewer Utility Committee, Snohomish County Tomorrow.
- Councilmember Hilt: Snohomish Health District.
- Councilmember McDaniel: Thanked the Lake Stevens Police for their service.
- Councilmember Tageant: Lake Stevens Chamber of Commerce, Sewer Utility Committee.

Mayor's Business: Mayor Spencer provided an update on Costco and said Costco has an intention to locate in Lake Stevens, which will be an asset to the community. Mayor Spencer next commented on a WSDOT meeting regarding the intersection of SR 9/SR 204, which calls for a roundabout, and additional roundabouts at SR 9 and 91st and at Davies Road. WSDOT has been able to find ways to service businesses and is also adding a U-turn from SR 9 at Market to allow entrance back to Frontier Village. Additionally the city has grant funding to add a south access from 4th Street NE into Frontier Village.

Councilmember McDaniel added that WSDOT will work with the city to add a free right turn from 91st onto eastbound SR 204. She said with WSDOT's new plan, the businesses fronting on the east side of SR 9 will remain in place.

Mayor Spencer said construction will begin in 2021 and should be completed in 2023.

City Department Report:

- Community Development Director Russ Wright: Costco project public meeting on July 11 at 6 p.m. at Fire Conference Center; North Cove Pavilion groundbreaking; staffing update, recognition of Jim Haugen's contributions.
- Public Works Director Eric Durpos: Pavilion groundbreaking and pre meeting with contractor; North Cove Park will be opened for 4th of July, milfoil treatment scheduled for second week of July.
- Human Resources Director Teri Smith: recruiting update.
- Chief of Police John Dyer: staffing update; building design.
- Finance Director Barb Stevens: Anti-harrasment training.

Consent Agenda:

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$225,383.42, Payroll Check No. 48015 totaling \$1,827.67, Electronic Funds Transfers (ACH) of \$289,587.93, Claims Check Nos. 48016-48134 totaling \$462,911.08, Void Check Nos. 47760 and 48016 totaling \$9,220.80, Total Vouchers Approved: \$970,489.30], (B) City Council Regular Meeting Minutes of June 11, 2019, (C) City Council Workshop Meeting Minutes of June 18, 2019, (D) Interlocal Agreement with Marysville re Soper Hill Intersection and Frontage Improvements, (E) Amendment No. 1 to Small Public

Works Contract with All Phase re Tree Removal, and (F) Amendment No. 1 to Professional Services Agreement with Land Development Consulting. On vote the motion carried (6-0-0-1).

Public Hearing:

Ordinance 1060 re Streets, Sidewalks and Right-of-Way: Mayor Spencer opened the public hearing.

Associate Planner Roth presented the staff report and said the City-initiated code amendments are to update regulations governing streets and sidewalks. The amendments clarify existing language, create distinctions between the City's Engineering Design and Development standards and the City's Municipal Code, and add new regulations that provide parking and pedestrian facilities. The amendments are intended to provide flexibility in the code. The Planning Commission was briefed on the amendments on September 19, 2018 and April 3, 2019 and a public hearing was held on June 5, 2019. The Planning Commission recommends approval of the amendments with a few minor changes. Associate Planner Roth invited questions from Council and there were none.

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

Dylan Sluder, Master Builders Association, said the MBA understands this is a cleanup, but there are concerns about the requirement for long blocks to have a paved path, with members saying it is not always feasible for this requirement. Mr. Sluder added the MBA appreciates the new flexibilities in on street parking in new development.

Planner Roth responded, saying the written comments from the MBA are included in the packet, and that staff's responses are there as well. He added the long block requirements are not in the engineering standards. When new long blocks are developed a pedestrian way is created and the definition of long block is changed to 700 feet which coordinates with the requirement for blocks to be 500 to 700 feet long.

Mayor Spencer closed the public comment portion of the public hearing and invited additional questions and comments of Council and there were none.

Mayor Spencer closed the public hearing.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember McDaniel, to approve Ordinance 1060 amending LSMC Chapter 14.56 re Streets and Sidewalk Regulations. On vote the motion carried (6-0-0-1).

Ordinance 984 re Critical Areas: Mayor Spencer opened the public hearing.

Community Development Director Wright presented the staff report and reviewed the history of this ordinance, beginning in 2016. He reminded of the updates to Department of Ecology's (DOE) wetland rating standards in 2015 and that there was Council hesitation to adopt these standards as they were untested. DOE has now retested the model and in 2018 DOE modified the regulations based on field testing. Director Wright said in addition to the wetland rating standards, staff has taken the opportunity to update the code. He said the Planning Commission and City Council held multiple workshops and public hearings and staff is now requesting Council move this ordinance forward. The ordinance would have an effective date 45 days from publication. He then invited Councilmembers' questions.

Councilmember McDaniel noted the area is wet and asked if there is any thought to extending the time for existing issued permits. Director Wright responded that existing building permits will build under the current code, unless a permit expires. He added that staff is pursuing public notice on the web page.

Councilmember Welch requested a 90-day effective date.

Councilmember Petershagen asked regarding low impact stormwater facilities and requested an example. Director Wright said a drainage swale, a level spreader that diffuses water, or a rain garden feature are examples of low impact stormwater facilities; a traditional pond is not low impact.

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

Dylan Sluder, with Master Builders Association, thanked everyone for the work put into this ordinance and appreciated the opportunity to provide feedback during the process. He said the MBA would support a 90-day delay in the effective date.

Sally Jo Sebring, 1023 99th Avenue SE, Lake Stevens, commented on the length of this process and said she does not support a 90-day effective date.

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

Councilmember Petershagen asked about mitigation banking, and Director Wright responded there are two wetland banks within the greater Snohomish area that the city frequently uses. There is not currently a wetland bank in the city but he and the Mayor have identified parcels that may be suitable for use as a bank. Councilmember Petershagen encouraged pursuing wetland mitigation banking within the city limits, sooner rather than later and believes this will provide flexibility; he supports a 90-day effective date.

Mayor Spencer then closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve Ordinance 984 adopting to the Critical Areas regulations of the Lake Stevens Municipal Code amending Section 5 to provide for a 90-day effective date.

Councilmember Welch commented the ordinance was delayed because Department of Ecology has already changed the regulations, and as originally written, they were a one-size fits all, and not suitable to Lake Stevens.

VOTE: On vote the motion carried (6-0-0-1).

Action Items:

Interlocal Agreement with Marysville re Trails: City Administrator Brazel presented the staff report and summarized this ILA provides for coordination of planning and development of a trail system under the powerline, in the area of the Lake Stevens-Marysville city boundary. Administrator Brazel recommended the language "beginning at Cavelero Park" be added to the fourth recital.

In response to Councilmember Petershagen's question, Mayor Spencer noted Marysville Chief Administrative Officer (CAO) Gloria Hirashima is in attendance tonight and available to answer questions.

CAO Hirashima provided Exhibit A to the ordinance. CAO Hirashima said this is on the Marysville Council's agenda for the July 1 workshop for discussion and the July 8 regular meeting for action. It was previously approved by Marysville in May, but the Marysville Council is aware of the additional revisions and is prepared to take action on the ILA as presented tonight. She also thanked Council for their earlier action on the Soper Hill/SR 9 ILA.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to approve the Interlocal Agreement between the City of Marysville and the City of Lake Stevens for coordinating and development of a trail system in the power line easement and along the cities' joint boundary, including the recommended change in the fourth recital, "beginning at Cavelero Park," and authorize the Mayor to make and approve nonsubstantive administrative changes as appropriate. On vote the motion carried (6-0-0-1).

Ordinance 1059 re Condemnation of Portions of Kimmons Property and 79th Avenue SE:

Public Works Director Durpos presented the staff report and provided a history of this proposal, saying it was originally brought forward in 2008. He noted it is very complicated. Director Durpos said he has asked Snohomish County why the 30-foot dedication was so small and was told it was due to critical areas and wetlands on the park piece, and to maximize the park features that were envisioned. Additionally there is a water main that runs in that area that was intended to be in the easement. The City's standard is a 60-foot right of way, and this one has been narrowed to 50 feet.

Director Durpos said this ordinance authorizes the city to enter into a condemnation but it does not necessarily lead to litigation. There are only three tax parcels involved, and the original easements were done in the mid-1940's; many of the easement owners are no longer around. Director Durpos said the easement owners have been sent letters asking them to relinquish their interest in the easements, and the city has offered each owner \$100 to assist with getting the paperwork started on the homeowner side. Director Durpos said the City is very willing to work with the property owners including looking at alternative road alignments. The request is to authorize the condemnation, but not litigation, as this provides a way forward.

Responding to Councilmember McDaniel's question, Director Durpos said property owners were notified by certified mail, and then talking personally with property owners who contacted the city. Director Durpos reminded that legally only the owners of the three tax parcels are required to be given notice, and added it has been very difficult to contact heirs of the original owners of the easements, in the case where owners are deceased.

Councilmember Hilt clarified that a condemnation process gets the concern into the public awareness, and Director Durpos confirmed this is true and reminded the official notice goes only to the owners of the three tax parcel owners, and this is a way to get notice to the owners of the easements.

Councilmember Welch confirmed there will be additional communications with the property owners.

Mayor Spencer commented the intent of the condemnation is to begin the process, which is anticipated to take one to two years, and that access to Cavelero Park is just going to be the 30-

foot strip. Director Durpos added the city also has a separate road project adjacent to the 30-foot park access.

Responding to Councilmember Daughtry's question, Mayor Spencer said to move forward with condemnation litigation would require additional Council action. Tonight's requested action only begins the process.

Councilmember Hilt said his preference is to have a conversation with the interested parties before moving forward; Councilmembers Daughtry, McDaniel, and Tageant agreed.

Mayor Spencer directed staff to engage in further conversations with the property owners and that this be brought back at a later date.

Professional Services Agreement with Berk Consulting re Economic and Market Evaluation of Lake Stevens Center and 20th Street SE Corridors Subarea Plans: Director Wright presented the staff report and explained as part of the 2019 Comprehensive Plan docket, Council expressed an interest in evaluating the zoning along 20th Street SE and other commercial areas to ensure the city is maintaining the correct types of commercial and employment zoning. A Request for Qualifications (RFQ) was sent out for marketing proposals and Berk Consulting is the preferred firm. He then invited question from Council and there were none.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to authorize the Mayor to execute a Professional Services Agreement with BERK Consulting not to exceed \$11,302.00 to develop an updated marketing analysis for commercial areas in Lake Stevens. On vote the motion carried (6-0-0-1).

Executive Session: At 8:42 p.m. Mayor Spencer announced an executive session beginning in 2 minutes to last five minutes to discuss Real Property Purchase and Sale, with action to follow.


At 8:48 p.m. the regular meeting of the City Council reconvened.

Mayor Spencer briefly reviewed the history of the Williams condemnation located next to North Cove Park and the City Hall. He said the City has reached a settlement agreement with the Williams for the Williams property for a total purchase price of \$1,795,000 plus \$10,000 accrued interest on the portion of the purchase price not previously paid and up to \$40,000 for expert witnesses and attorney fees, all consistent with the Washington state statutes on condemnation. Mayor Spencer said the City previously paid \$1.62 million dollars for the property and the request is to approve an additional \$225,000 to complete this property acquisition. He noted the Williams have already signed the settlement paperwork.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt to approve a final acquisition price of \$1,795,000 for the Williams property, which includes \$10,000 in accrued interest on the unpaid portion of the purchase price, up to \$40,000 for expert witness and attorney fees, for a total purchase price of \$1,845,000, including interest and costs. On vote the motion carried (6-0-0-1).

Adjourn:

Moved by Councilmember Welch, seconded by Tageant, to adjourn the meeting at 8:50 p.m.
On vote the motion carried (6-0-0-1).



John Spencer, Mayor



Kathy Pugh, City Clerk