

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

Tuesday, July 9, 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

ELECTED OFFICIALS ABSENT: Councilmember Marcus Tageant

STAFF MEMBERS PRESENT: Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Associate Planner Dillon Roth, Police Sgt. Dean Thomas, Human Resources Director Teri Smith, Human Resources/ Executive Assistant Julie Good, City Clerk Kathy Pugh, City Attorney Greg Rubstello

OTHERS:

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

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

Approval of Agenda: Councilmember Gailey requested a discussion regarding the Sign Ordinance be added to action items.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve the agenda with the addition of an action item, Sign Ordinance. On vote the motion carried (6-0-0-1).

Guest Business: Veterans Commissioner Shawn Frederick introduced Jason Parzyk, owner of Lake Stevens Brewing and a Navy veteran, and presented him with a certificate recognizing Lake Stevens Brewing as a veteran-owned business.

Citizen Comments:

Matt Tabor, 9502 – 170th Place NE, Lake Stevens, introduced himself and said he is the new managing director of the Lake Stevens Chamber of Commerce. He commented he recently bought a home in Lake Stevens, and he and his family already feel a part of the community. He looks forward to working with the Chamber for the benefit of the community.

John Graham, 9017 – 180th Street SE, Snohomish, is president of the NW Quad Association. He requested an amendment to the WATV ordinance to include street legal ATV's.

Council Business:

- Councilmember Daughtry: Music by the Lake, Aquafest.
- Councilmember Petershagen: Sewer Utility Committee meeting, Music by the Lake, 4th of July.
- Councilmember Gailey: Music by the Lake, Waste Management, sidewalks.
- Councilmember Welch: Music by the Lake.

Mayor's Business: Legislators visit today to thank them, highlighted North Cove Park and discussed future funding needs in the city, including pursuing grant funding. Sewer Utility Committee meeting, Special Council Meeting on August 7.

City Department Report:

- Community Development Director Russ Wright: Park Board, Trail Master Plan, Legislators Meeting today, Public Meeting for Costco on July 11, recently passed land use ordinances are posted to web site.
- Public Works Director Eric Durpos: Milfoil survey, minimal but located other native nuisance vegetation including pond weed and lake lily that need to be treated, North Cove Park contractor started, utilities for Pavilion building, Williams property.
- Police Sgt. Dean Thomas: 4th of July.

Consent Agenda:

MOTION: Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$229,500.12, Payroll Check Nos. 48135-48136 totaling \$2,867.58, Electronic Funds Transfers (ACH) of \$150,745.13, Claims Check Nos. 48137-48212 totaling \$453,172.54, Void Check Nos. 46803 and 48096 totaling (\$1,683.62), Total Vouchers Approved: \$834,601.75], (B) City Council Regular Meeting Minutes of June 25, 2019, (C) City Council Workshop Meeting Minutes of July 2, 2019, (D) Ordinance 1062 Amending 2019 Budget, (E) Final Acceptance of 91st Avenue SE and 4th Street SE Sidewalk Improvement Project, and (F) 2019 Aquafest Request to Serve Beer and Wine in VIP Booth. On vote the motion carried (6-0-0-1).

Public Hearing:

Ordinance 1061 re Adrian Annexation: Mayor Spencer opened the public hearing.

Planner Roth presented the staff report and reviewed the history of this annexation. Planner Roth explained over the last several months the City Council held public hearings to accept the 10% and 60% Adrian Annexation petitions and land use and zoning designations in the annexation area. During the annexation review process, Snohomish County requested the annexation be expanded to include two additional county-owned parcels with the ownership of these two parcels transferring to the city as a separate process. The City Council held another public hearing on March 26, 2019 to approve resolution 2019-09 expanding the annexation boundaries. On June 14, 2019 the 45-day review period for the Snohomish County Boundary Review Board expired with no request for review so the proposed action is deemed approved. Planner Roth then invited questions from Council and there were none.

Mayor Spencer opened the public comment portion of the public hearing, and there were no public comments.

Mayor Spencer closed the public comment portion of the public hearing, and then closed the public hearing

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to Adopt Ordinance 1061 approving the Adrian Annexation and the simultaneous adoption of Land Use and Zoning Designations and requiring the assumption of a proportionate share of existing city indebtedness. On vote the motion carried (6-0-0-1).

Ordinance 1063 Amending LSMC re Fences: Mayor Spencer opened the public hearing.

Director Wright presented the staff report and reviewed the history of this proposed code amendment, including review and discussion by the Planning Commission and receipt of input from the Master Builders Association and interested citizens, followed by a public hearing before the Planning Commission on June 5, 2019. Staff presented the Planning Commission's recommendations to the City Council at the June 18, 2019 workshop, and following discussion Council requested mandatory terracing be removed, which has been done. Staff requests Council approve the amendments as revised. Director Wright then responded questions from Council.

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

Dylan Sluder, with the Master Builders Association, thanked the staff and Council for their work on this ordinance and said the ordinance provides options and some flexibility.

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 Welch, seconded by Councilmember Hilt, to Adopt Ordinance 1063 Amending LSMC Chapters 14.44, 14.48 and 14.80 and Adding Chapter 14.52 Fences, Hedges, and Walls. On vote the motion carried (6-0-0-1).

Councilmember Petershagen thanked the Planning Commission for their work on this ordinance.

Action Items:

Amendment No. 2 to Professional Services Agreement with Land Development

Consultants, Inc. re War Memorial: Director Durpos presented the staff report and explained the city hired Land Development Consultants, Inc. (LDC) to design the North Cove Park improvements. Proposed Amendment No. 2, before Council this evening, is for the design of the Veteran's Memorial from conceptual design to construction staking and surveying; the cost was included in the previously approved budget for this project. He then responded to questions from Council.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with

Land Development Consultants, Inc. (LDC) for design work for the Veteran's Memorial in North Cove Park and to provide construction surveying and staking. On vote the motion carried (6-0-0-1).

Resolution 2019-12 to Place SE Island Annexation Upon an Election Ballot: Director Wright presented the staff report and reviewed the history of the SE Island Annexation. Following Council adoption of Ordinance 1053 annexing the properties, a referendum petition was received requesting this annexation be placed on a ballot for voter consideration. Council was briefed on this request and requested staff move forward with placing this annexation on the ballot for voter consideration.

City Attorney Rubstello explained that by statute the referendum election is to be placed on an election ballot for a general election if there is one scheduled within 90 days of the date of submittal of the petition. The statutory alternative is to have the referendum election on one of the special election dates provided in the statute. There are two remaining election dates this year, one being August 6 and the other being November 5 which happens to be the general election. A special election can run concurrent with a general election date. Responding to Councilmember Daughtry's question regarding the 90-day requirement, Attorney Rubstello clarified the 90 days only comes up if there is a general election within 90 days of the date of receipt of the referendum petition.

Director Wright commented the 90-day period is very short considering the steps required to move a referendum petition forward to a ballot. Responding to Councilmembers' questions, Director Wright said he does not believe there will be an associated cost with placing this referendum on the November ballot, and that voters will be current registered voters who were in the annexation area when the City took the annexation vote.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to adopt Resolution No. 2019-12 setting a date to place the SE Island Annexation on the ballot for voter approval. On vote the motion carried (6-0-0-1).

Sign Ordinance: Councilmember Gailey said he is bringing this forward because of his political signs that are 4 x 8 feet and over-sized and therefore out of compliance with the city's sign code. He recognized the signs are oversized and said he checked with city staff who said he could install them because the city code is not in compliance with the 2015 U.S. Supreme Court decision in Reed v. Gilbert. Councilmember Gailey reviewed the requirements under Reed vs. Gilbert including message content and following the First Amendment. Turning to LSMC 14.68.030 Councilmember Gailey reviewed various sign standards and said that because the code is directed to different sized signs it is not in compliance with Reed vs. Gilbert. He then reviewed research results obtained from Municipal Research and Services Center (MRSC), and commented his research shows the city's sign codes are out of date; he added MRSC does not recommend including a code section on political signs as it is a content-based distinction. Councilmember Gailey proposed a moratorium on enforcement of the sign ordinance until the sign code can be updated.

Attorney Rubstello responded that several cities have used a moratorium to address this concern, and that a moratorium can be placed on an ordinance or certain sections of an ordinance, but to do so requires that a plan be in place to move forward and address the concern. The process requires public hearings before the Planning Commission.

Director Wright clarified that to move forward with a moratorium, certain requirements under the Growth Management Act must be met including setting a time frame and identifying a public process, including public hearings.

Responding to Mayor Spencer's question, Attorney Rubstello said that a moratorium cannot be enacted this evening. Mayor Spencer said he would like the Council to be able to take some sort of action this evening, and Attorney Rubstello recommended adding this to the August 7 Special Meeting.

Councilmember Gailey asked if the Council could take action to suspend enforcement of the sign code ordinance until August 7. Attorney Rubstello said he can provide staff legal advice in the next few days as to the best administrative options for moving forward until a moratorium can be enacted.

Councilmember Gailey agreed to this path forward.

Executive Session: At 7:55 p.m. Mayor Spencer announced an executive session to last 15 minutes to discuss collective bargaining, with no action to follow.

At 8:11 p.m. Attorney Rubstello advised the executive session was extended 3 minutes.

At 8:14 p.m. the regular meeting of the City Council reconvened.

Adjourn:

Moved by Councilmember Daughtry, seconded by Welch, to adjourn the meeting at 8:14 p.m. On vote the motion carried (6-0-0-1).



John Spencer, Mayor



Kathy Pugh, City Clerk