

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

Tuesday, February 11, 2020

Lake Stevens Lake Stevens School District Educational Services Center  
12309 – 22<sup>nd</sup> Street NE, Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Brett Gailey

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Shawn Frederick, Mary Dickinson, Anji Jorstad, Steve Ewing 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, Commander Jeff Beazizo, Human Resources Director Anya Warrington, Human Resources Specialist Julie Good, City Clerk Kathy Pugh, City Attorney Greg Rubstello

OTHERS:

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**Pledge of Allegiance:** Mayor Gailey led the Pledge of Allegiance.

**Roll Call:** All present.

**Approval of Agenda:** Council President Tageant requested the January 7, 2020 minutes be corrected on page 1 to reflect that David Toyer, and not Rob Toyer, was present at the meeting.

City Clerk Pugh noted that Karen Boe is not able to attend the meeting this evening to take her Oath of Office for Veterans Commission.

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

**Citizen Comments:**

Tracy Trout, 1706 123<sup>rd</sup> Drive NE, Lake Stevens, commented on LUA 2019-0185 Right of Way Vacation of 123<sup>rd</sup> Avenue NE, saying she does not support this right of way application and that this road serves as a significant traffic outlet from downtown Lake Stevens.

**New Employee Introductions:** Community Development Director Russ Wright introduced Building Official Ryan Mumma and City Administrator Brazel introduced new Human Resources Director Anya Warrington.

**Employee Recognition:** Public Works Director Eric Durpos recognized Grace Kane and her recent promotion to City Engineer.

**Oath of Office:** Removed from agenda.

**Guest Business:** Heather Thomas, Public & Government Affairs Manager for the Snohomish Health District, presented a PowerPoint highlighting the Snohomish Health Districts goals and its programs and achievements over the past year.

Councilmember Jorstad noted, only one person working on suicide prevention countywide. She also asked if there are other cities in Snohomish County who do not pay the per capita contribution and Ms. Thomas said that is correct. Ms. Thomas added that the Snohomish Health District responds to all areas requiring services, and that they are looking to enhance services for cities that are contributing per capita funding to the Health District.

**Council Business:**

- Councilmember Daughtry: Community Transit Board
- Councilmember Frederick: Fire District 8 Commissioner meeting
- Councilmember Jorstad: Snohomish Health District Board meetings; Alliance for Affordable Housing
- Councilmember Dickinson: Senior Center Board; Sno-Isle Libraries
- Councilmember Tageant: Parks Board, Lake Stevens Sewer District, Veterans Commission

**Mayor's Business:** Mayor Gailey thanked city staff and especially the Public Works Department for their work during last week's rain event. He updated that he recently met with Cynthia Pruitt, Snohomish County Tomorrow, and learned more about what that organization does.

**City Department Report:**

- City Administrator Gene Brazel: Requested direction regarding the city exercising a second extension of the Hydrology Stand Up Paddleboard concession agreement dated in 2018 for paddleboard recreation at Lundeen Park. Council indicated consensus to do so.
- Community Development Director Russ Wright: Provided a permit update saying the city has received 174 permit applications and completed 531 inspections this year to date; staffing update; travelled to Olympia with Parks Coordinator Meis to attend the Washington Wildlife & Recreation Group Action Days and to support park funding options and share local projects; Planning Commission vacancy update. Director Wright reviewed upcoming event dates including Disc Golf Tournament on February 23, Rowing Club 2020 Regatta on April 18-19, and the HAM Radio event in Eagle Ridge Park May 1-3.
- Public Works Director Eric Durpos: Storm update; 20<sup>th</sup> Street SE project out to bid; Police Department contract; fuel station at Public Works opening on Friday; vehicle update;
- Finance Director Barb Stevens: Year end 2019 and first budget amendment; staffing update; ClearGov, a front-facing software for budget information and Power BI, another budget software, are being evaluated by staff.
- City Clerk Kathy Pugh: Board and Commission training

**Consent Agenda:**

**MOTION:** Moved by Councilmember Petershagen, seconded by Councilmember Frederick, to approve:

- A. 2019 Vouchers [Payroll Direct Deposits of \$225,303.32, Payroll Check No. 49381-49382 totaling \$3,284.89, Electronic Funds Transfers (ACH) of \$292,865.54, Claims Check Nos. 49470-49527 totaling \$1,228,964.06]; Total Vouchers Approved: \$1,750,417.81.
- B. 2020 Vouchers [Payroll Direct Deposits in the amount of \$220,147.22, Payroll Checks 49537-49538 totaling \$3,872.23, Electronic Funds Transfers (ACH) of \$180,249.18, Claims Check Nos. 49528-49536, 49539-49597, 49598-49605 totaling \$539,785.59, Void Check Nos. 49532, 49569 totaling \$303.00]; Total Vouchers Approved: \$943,751.22.
- C. City Council Workshop Meeting Minutes of January 7, 2020 with the previously noted correction.
- D. City Council Regular Meeting Minutes of January 14, 2020.
- E. City Council Workshop Meeting Minutes of January 21, 2020.
- F. City Council Workshop Meeting Minutes of February 4, 2020.
- G. Resolution 2020-02 re Intent to Condemn Real Property.
- H. Contract with Zachor Thomas for Prosecuting Attorney Services.
- I. Interlocal Agreement with Cities of Monroe and Sultan re Municipal Court Services.

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

#### **Public Hearing:**

**Ordinance 1069 re Code Amendment of Subdivision Regulations:** Mayor Gailey opened the public hearing.

Director Wright presented the staff report and briefly reviewed the history of the code amendments to the subdivision regulations, including input from the Land Use Advisory Group provided to the Planning Commission and that the Planning Commission considered the proposed amendments and took public comment on December 14, 2019 and again on January 22, 2020. Director Wright reviewed the amendments including that Planned Residential Development (PRD), Unit Lot subdivision and Cluster subdivision were moved into one chapter. New changes include clarifications regarding duplex lots and design features in PRD's, clarifications on Cluster subdivisions and refinements to Open Space requirements.

Director Wright commented there has been a lot of public comment related to proposed changes to impervious surface allocations, specifically to the R-6 (formerly Urban Residential) zone and said this was looked at following a request by developers and other stakeholders. Public comment about this request relates to concerns about unintended impact to existing development, and Director Wright believes impacts can be mitigated by using all tools that are available in the codes, specifically adopted stormwater regulations.

Councilmember Dickinson said she is still concerned about the higher percentage of impervious surface.

Councilmember Petershagen asked for clarification, when a system is designed in accordance with DOE is there a safety factor that is also calculated into the design? Director Wright responded there is a safety factor included in the calculations and explained how that works. Director Wright added calculations for 1-, 10- 25- 50- and 100-year events are included.

Director Durpos added there is an approximate 2% safety factor built into the calculations; he said the vaults inspected during the recent rain worked very well and issues were seen in the older developments, but not with newer units. Director Durpos noted some of the problems

result from failures to maintain private stormwater systems and added that bioswales did not work effectively.

Responding to Councilmember Jorstad's question, Director Wright reviewed the timeline for additional amendments and anticipated the additional amendments will be before Council in mid to late March.

Mayor Gailey opened the public comment portion of the hearing.

David Toyer, Toyer Strategic Advisors, 3705 Colby Avenue, Everett, believes the proposed changes are very positive and something the development industry can work with. He commented impervious standards are imposed on a lot-by-lot basis and these changes will provide the necessary flexibility in standards to meet housing goals.

Mark Villwock, LDC, Civil Engineer, 20210 142<sup>nd</sup> Avenue NE, Woodinville, thanked staff and the Planning Commission for their work on this ordinance, and said he believes it is balanced. He echoed Mr. Toyer's comments regarding impervious surfaces and said the 2014 stormwater manual contains significant guidance to model rainfall events. Mr. Villwock said smaller narrower lots reduce impervious surfaces and he believes this is an effective and efficient use of resources across the city.

Sally Jo Sebring, 1023 99<sup>th</sup> Avenue SE, Lake Stevens, commented the portion on impervious surfaces has nothing to do with smaller lots regulations and recommended that Council remove this section from this ordinance. She does not believe these changes are needed for smaller lot development and encouraged looking at impervious surfaces separately.

Mayor Gailey invited additional public comment and there was none; he then closed the public comment portion of the hearing and invited additional questions of Council.

Responding to Councilmember Petershagen's question, Director Wright explained what will be brought forward with future code amendments shows a tiered approach to impervious surfaces based on lot size. He said the new codes have incentives to make smaller lot sizes more attractive to developers and that moving forward the regulations will only be applicable to new projects.

There being no additional questions of Council, Mayor Gailey closed the public hearing.

**MOTION:** Moved by Councilmember Petershagen, seconded by Councilmember Tageant, to approve Ordinance 1069, amending the City's subdivision regulations, in the form provided at tonight's meeting. On vote the motion (6-1-0-0) with Councilmember Dickinson opposing the motion.

**Resolution 2020-03 re Six-Year Transportation Improvement Plan:** City Engineer Kane explained the City is required to update and adopt its Six-Year Transportation Plan (TIP) annually. Projects identified on the plan are those the City expects to undertake in the next six years. Having specific projects identified on the TIP is important when the City is seeking grant funding for future transportation projects. She explained that the resolution will be provided to state, local and regional transportation agencies and will provide guidance with overall transportation planning.

Responding to Councilmember Tageant's question, Engineer Kane explained that projects on the TIP helps with grant funding applications but does not guaranty grant funding.

Responding to Councilmember Daughtry's question, Engineer Kane said the 20<sup>th</sup> Street NE improvement project will rise to the funding levels required by Puget Sound Regional Council (PSRC) and confirmed that staff be actively applying for PRSC grant funding.

Mayor Gailey invited public comment and there was none. He then closed the public comment portion of the hearing.

Mayor Gailey then invited additional questions of Council and there were none; he then closed the public hearing

**MOTION:** Moved by Councilmember Jorstad, seconded by Councilmember Ewing, to approve Resolution 2020-03 adopting a Six-Year Transportation Improvement Plan. On vote the motion carried (7-0-0-0).

### **Action Items:**

**Professional Services Agreement with TranTech:** Director Durpos presented the staff report and said this contract will allow for regular inspection of the Catherine Creek Bridge, which is deteriorating. Additionally, it provides for TranTech to prepare an Alternative Study Report identifying different replacement options and costs for the bridge and funding mechanisms to complete the bridge replacement or repair. He noted the bridge is showing increased signs of distress from last week's rain event. Director Durpos responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Dickinson, to authorize the Mayor to execute a Professional Services Agreement with TranTech Engineering, LLC in an amount not to exceed \$150,000. On vote the motion carried (7-0-0-0).

### **Construction Contract with CDK Construction Services, Inc. for Police Department Construction:**

Capital Projects Coordinator Aaron Halvorsen briefly reviewed the history of this project and provided a summary of the request including for building design. He said MJ Neal provided a design for a tenant improvement with a goal to consolidate police facilities into one secure campus. Coordinator Halvorsen explained that the actual contract to be executed is an "AIA" form contract rather than the City's applicable form Public Works Contract; he said the City Attorney has reviewed the AIA contract and approved it as to form.

Chief Dyer added this has been a long process and the contract award means a lot to the Police Department. Chief Dyer thanked staff members for their assistance and work on this project and Council for their support, saying this project will be a benefit to the community by providing a good facility with adequate work spaces to improve services and a single location with a training facility, as well as addressing future growth. Chief Dyer closed by saying this is a very cost-effective approach, especially in comparison to the first alternative which was new construction.

Councilmember Ewing confirmed the bid amount is still under the budgeted amount.

Councilmember Petershagen confirmed the AIA contract will be used. Councilmember Petershagen then asked if new impervious surfaces are being created, and Coordinator Halvorsen responded there will not be much increase to impervious surfaces. Coordinator Halvorsen then responded to Councilmember Petershagen's questions saying that payment and performance bonding of the project will be at 100%. Director Durpos added there is also an additional retainage bond required under this contract.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Jorstad, to authorize the Mayor to execute a contract with CDK Construction Services, Inc. of Duvall, WA in the amount of \$2,681,836.00 including sales tax, with contingency of 10% or \$268,183.60 for a total budget of \$2,950,019.60 to construct the Lake Stevens Police Station, Evidence and Training Facility. On vote the motion carried (7-0-0-0).

### **Discussion Items:**

#### **Department Overview: Police/Legal/Human Resources**

Chief Dyer provided a PowerPoint overview of the Police Department. He reviewed the three different divisions of the department including administration, support services and operations, providing a brief summary of each division's responsibilities. He noted, police work is very personnel heavy and cannot be automated, and this makes it complex, particularly as it relates to ensuring officer staffing levels. Chief Dyer next briefly reviewed crime levels for the last four years, noting there are some decreases in crime and that in 2017 Lake Stevens had among the lowest per capita crime rates in Snohomish County. Chief Dyer said policing challenges include substance abuse, homelessness, mental health and quality of life concerns such as nuisance properties, parking and animal issues. Chief Dyer next commented on how the department is addressing challenges including a Mission Statement and developing strategic initiatives.

Councilmember Daughtry said he would like to understand how the department is addressing quality of life of its officers. Chief Dyer said this is being addressed and commented on some of the tools that are being used.

Councilmember Ewing appreciated the department and their professionalism.

City Attorney Rubstello reviewed the role of the city attorney. He explained the city utilizes the law firm Ogden Murphy Wallace (OMW) under a contract for city attorney services. Attorney Rubstello is a partner in the firm, and he said the firm currently has nine attorneys dedicated to municipal services law. 2019 was the first full year that OMW has acted as the city's attorney office. Mr. Rubstello described the primary legal matters to date that OMW has performed, which included the Costco Development Agreement, the 2005 Lake Stevens Sewer District contract, the referendum election regarding the SE Island Annexation, and various real estate purchase and sale agreements, in addition to more routine legal questions. In 2020 he anticipates continuing work on the Costco project and with the Sewer District, as well as working on the decant facility project. Attorney Rubstello explained that OMW represents the city as an entity and does not represent individual staff or elected officials employed by the city. His office is available to assist everyone in successfully fulfilling their roles with the city.

Human Resources Director Anya Warrington presented a PowerPoint including a review of staffing and overview of the Human Resources department functions. She briefly reviewed the status of city vacancies. Director Warrington said projects in 2020 include continuing with hiring efforts, drafting of a Washington Paid Family Medical Leave Policy, labor union contract

negotiations, implementation of electronic employee performance evaluations and continuing employee training and development.

**Executive Session:** At 8:58 p.m. Mayor Gailey announced an executive session to last 15 minutes to discuss Real Property Acquisition with action to follow and Collective Bargaining with no action to follow.

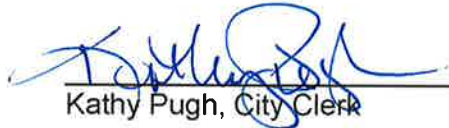
At 9:13 p.m. the regular meeting of the City Council reconvened.

**MOTION:** Moved by Councilmember Ewing, seconded by Councilmember Tageant, to authorize the Mayor to enter into a purchase and sale agreement with Jonathan D. Welton, a single man, for the purchase of real property identified as Snohomish County Tax Parcel No. 004734-000-005-00 in the amount of \$410,000.00 and to authorize the Mayor or designee to make such nonsubstantive changes to the purchase and sale agreement as may be necessary to complete the transaction. On vote the motion carried (7-0-0-0).

**Adjourn:**

Moved by Councilmember Petershagen, seconded by Jorstad, to adjourn the meeting at 9:15 p.m. On vote the motion carried (7-0-0-0).

  
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Brett Gailey, Mayor

  
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Kathy Pugh, City Clerk