

**CITY OF LAKE STEVENS**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
Tuesday, March 10, 2020  
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, Mary Dickinson, Anji Jorstad, Steve Ewing and Marcus Tageant

ELECTED OFFICIALS ABSENT: Shawn Frederick

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Commander Ron Brooks, Human Resources Director Anya Warrington, Human Resources/Executive Assistant Julie Good, City Clerk Kathy Pugh, City Attorney Greg Rubstello, Office Assistant Natalie Herd

OTHERS: Michael Duerr, Todd Welch

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

**Roll Call:** Motion by Councilmember Daughtry, seconded by Councilmember Jorstad, to excuse Councilmember Frederick from the meeting. On vote the motion carried (6-0-0-1)

**Approval of Agenda:** Council President Marcus Tageant said staff requested a discussion item, Facility Use Policy be added to the agenda.

Moved by Councilmember Daughtry, seconded by Councilmember Jorstad, to approve the agenda with the noted addition. On vote the motion carried (6-0-0-1).

**New Employee Introduction:** Finance Director Barb Stevens introduced new part time Office Assistant Natalie Held.

**Oath of Office:** Mayor Gailey administered the Oath of Office to new Planning Commission members Todd Welch and Michael Duerr.

**Citizen Comments:**

Lindsay Hanson, Managing Librarian for the Lake Stevens Library, 1804 Main Street, Lake Stevens, shared how the library used the Community Center in the past, including attendance records, and then described how the library hopes to utilize The Mill. She said over the past year it has been difficult to find programming locations and hopes there is a way forward when The Mill opens.

**Council Business:**

- Councilmember Daughtry: Thanked staff for retreat, recognized new Councilmembers for participation at retreat, Community Transit.
- Councilmember Petershagen: Thanked staff for retreat, Police Department award banquet.
- Councilmember Jorstad: Thanked staff for retreat, Snohomish Health District.
- Councilmember Ewing: Thanked Mayor and staff for retreat; Police Award banquet, Snohomish Health District.
- Councilmember Dickinson: Recognized Councilmember Shawn Frederick for his work with Snohomish Health District, Senior Center.
- Councilmember Tageant: Washington, DC.

**Mayor's Business:** Mayor Gailey said he issued a Proclamation declaring an emergency related to coronavirus on May 5, 2020 and asked that Council endorse the declaration.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Dickinson, to ratify the Proclamation declaring an emergency. On vote the motion carried (6-0-0-1).

Mayor Gailey reported on today's meeting with the Lake Stevens School District, Sewer District, Library, Chamber of Commerce, Police Department and, Senior Center to review how the city and city organizations are responding to the coronavirus.

Mayor Gailey then commented on the trip to Washington DC with Councilmember Tageant, the coalition of US 2 mayors and County Councilman Sam Low to meet with elected officials including Senator Maria Cantwell and Representative Suzan DelBene, and aides for Senator Patty Murray and Representative Rick Larsen about US 2 from the west end of the Trestle to Stevens Pass. The meetings were productive, and it was recommended the cities apply for a "BUILD" grant to study the entire corridor. County Councilman Sam Low also suggested formation of an organization "SWISS" comprised of Snohomish, Whatcom, Island, Skagit and San Juan counties to move away from the Puget Sound Regional Council (PSRC) and advocate for the northern counties. Mayor Gailey added an initial invitation was extended to the legislators for the upcoming breakfast which was well received.

Mayor Gailey then commented on his meeting with Snohomish County Parks Director Tom Tiegen to discuss public safety and security in parks, including Cavelero Park.

Mayor Gailey updated that he and City Administrator Brazel met with businesses in the Hartford business district to better understand the businesses and what the city can do better for them. The businesses would like better utilities and a roundabout at SR 92 and Grade Road.

**City Department Report:**

- City Administrator Gene Brazel: Week's Wrap Up on Facebook last week.
- Public Works Director Eric Durpos: 20<sup>th</sup> Street SE bid opening.
- Police Commander Ron Brooks: Civil Service certification of lateral and entry level lists; new building update.

**Consent Agenda:**

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

- A. 2020 Vouchers [Payroll Direct Deposits of \$222,711.58, Payroll Check No. 49789-49790 totaling \$3,296.56, Electronic Funds Transfers (ACH) of \$147,384.36, Claims Check Nos. 49791-49917 totaling \$846,030.90, Total Vouchers Approved: \$1,219,423.40
- B. City Council Regular Minutes of February 25, 2020
- C. Amendments to Council Rules of Procedure

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

**Public Hearing:**

**Ordinance 1080 Amending Zoning Code:** Mayor Gailey opened the public hearing.

Director Wright presented the staff report and summarized this is an update to the zoning code which has been under discussion for the past year. Director Wright said this amendment includes code cleanups as well as new elements. The Planning Commission held a public hearing and then recommended that Council approve the changes. Director Wright referenced the public comments and explained that code writing is a reiterative process. He then briefly reviewed the specific changes and responded to questions from Council.

Councilmember Jorstad appreciated the work done by the City to be thoughtful around creating diverse options for housing to a wide range of individuals.

Councilmember Dickinson agreed with Councilmember Jorstad's comments and said if there is attainable housing people will stay.

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

Dylan Sluder, Master Builders Association, commented there has been a lot of time and effort put into these changes and the process has been a good one. The MBA is supportive of the flexibility that will allow for increases in housing. The amendments provide cleanup and clarity as well as innovative tools that will help with development and attainable housing.

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

Councilmember Daughtry said he had an ex parte communication with David Toyer and said it will have no bearing on his decision making.

Councilmember Dickinson said she had an ex parte communication with Sally Jo Sebring.

Councilmember Daughtry asked how gross density and the hybrid approach of 25% off adjusted gross density helps developers decide on their development of property. Director Wright responded as the city is responsive to the buildable lands reporting through the state and county the attempt is to show a methodology that is consistent with the state and county. Most cases will not achieve gross density due to encumbrances and street requirements. The attempt is to set a level playing field so people understand the assumptions.

Councilmember Tageant commented with the limited land available flexibility is important to allow for some “out of the box” thinking. Director Wright said this language can be added back in to provide flexibility.

Councilmember Daughtry agreed that flexibility is important.

Councilmember Petershagen said reading through the density and dimensional standards it appears the end result does not reduce the perception of density. Councilmember Petershagen referenced a requirement for a 25-foot setback for the front with a 20-foot setback for the garage. Director Wright clarified this is an error in the placement of the footnote, and said the discussion was not about density but rather about curb appeal with appropriate landscaping and fitting in. He added the discussion also included rear- and side-yard setbacks and that front setbacks never seemed critical to the Land Use Advisory Group.

There was additional discussion regarding setbacks, with concerns expressed by Councilmember Petershagen that creating bigger spaces is not consistent with adding porches 10 feet from the back side of sidewalks and commenting on the side-yard setbacks. Director Wright clarified with Councilmember Petershagen that a 20-foot front setback is preferable in R6 zones. Director Wright further clarified the discussion was how to create private open spaces and living areas and said the next set of code amendments will look at lot sizes and standards.

Councilmember Dickinson recalled the Land Use Advisory Group supported larger front yard setbacks.

Councilmember Tageant agreed with Councilmember Petershagen’s comments regarding side yard setbacks.

Councilmember Daughtry commented neighbors living in homes built with 5-foot front and back yard setbacks do not seem to have problems and noted millennials prefer to go to public spaces such as parks for recreational activities.

Councilmember Jorstad said she struggles with the fact these amendments have been in process for close to a year with significant public involvement. This represents a lot of hours of work by staff and community and this does not feel like the time to make changes. She is hesitant to make changes when this is the voice of those who have done the work.

Councilmember Petershagen responded these are not a lot of changes, and said the requested changes are related to visual presentation and not related to public safety. The remaining property is not perfect to work with. He added the setback on R6 is one of five zones and the request for change is to provide less uniformity; the third concern is density.

Councilmember Ewing appreciated the thoughtfulness put into these amendments and said allowing flexibility is important with the limited space. He supports the requested space adjustment as reasonable.

Councilmember Daughtry appreciated the time and effort put into this, but at the end of the day it is up to Council to make a decision based on input from the Planning Commission, public and staff, and Council has a right to provide input as well. If changes provide flexibility that is important.

Councilmember Tageant said it is important to provide flexibility, particularly with the types of properties left to be developed.

Director Wright confirmed Council's request to add language reflecting flexibility in the gross density calculation not to exceed 25%, in the R6 row of the dimensional table the front setback will be 20 feet and the side setback will be a combined 10 feet with no less than 5 feet per side.

Councilmember Jorstad appreciated the comments by Councilmembers Tageant, Petershagen and Daughtry, and added she appreciates providing flexibility.

Mayor Gailey closed the public hearing

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Dickinson, to remand Ordinance 1080 amending the Zoning Code to staff for changes reflecting tonight's deliberations and that it be brought back for a second reading on the March 24, 2020 Council agenda. On vote the motion carried (6-0-0-0).

### **Action Items:**

**Resolution 2020-06 Providing for Remote Participation in Public Meetings:** Administrator Brazel presented the staff report and said a revised resolution has been distributed for approval following review by the City Attorney. The revised resolution includes language that is in accord with the guidance issued in the State Attorney General's memorandum for remote participation issued earlier this year. The resolution allows for remote participation in the case of emergency or unforeseen events and is not intended for day-to-day use.

Councilmember Jorstad asked if there is concern about placing limits around how many meetings could be attended remotely. Administrator Brazel said this resolution requires remote attendance is connected to an emergency event.

City Clerk Pugh said a more formal policy for remote participation can be brought back for consideration as part of the Council's Rules of Procedure.

Discussion ensued and Councilmember Tageant said he likes the idea of being able to remote into meetings when appropriate, and Councilmember Ewing liked the Mayor remoting into the workshop meeting while he was on military leave.

City Attorney Rubstello said remote participation in meetings is not uncommon. Responding to Councilmember Petershagen's question, Attorney Rubstello reminded of tonight's action when the Council ratified the Mayor's Proclamation declaring an emergency.

Councilmember Daughtry commented the Mayor or Mayor Pro Tem should be able to declare a state of emergency.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to adopt Resolution 2020-06 Amending the Rules of Procedure for City Council and City Boards and Commissions to Allow for Remote Participation of Councilmembers and Board and Commission Members at Public Meetings During a Declared Emergency as declared by the Mayor or Mayor Pro Tem. On vote the motion carried (6-0-0-1).

**Resolution 2020-01 Adopting 2020 Comprehensive Plan Docket:** Director Wright presented the staff report and summarized items on the comprehensive plan docket including waterfront residential zoning. The docket includes standard updates for the capital facilities plan, the school district comprehensive plan is being updated this year and those updates will need to be integrated by reference, any procedural amendments, map amendments. Director Wright added it is an appropriate time to revisit the zoning of the downtown subarea plan in light of properties that have been purchased adjacent to the boat launch. He added there are no current citizen-initiated applications. Director Wright clarified which properties are included in the rezoning of the downtown subarea plan in response to Councilmember Daughtry's question.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Jorstad, to adopt Resolution 2020-01 Adopting 2020 Comprehensive Plan Docket. On vote the motion carried (6-0-0-1).

**Resolution 2020-05 Adopting the Reimbursement for the Acquisition of Public Works Equipment:** Finance Director Barb Stevens presented the staff report and explained this resolution allows the city to reimburse itself for funds expended before the financing for the upcoming purchase of the vector is in place. Public Works has located the vector truck they wish to purchase using a lease/purchase option over a five-year period. The seller financing was quite a bit more costly and approximately \$30,000 is saved by using the Washington State Treasurer's Office local program. The request for approval of purchase will be brought back at a later date, as will a budget amendment.

Discussion ensued regarding financing the entire \$500,000 or paying \$100,000 outright and financing \$400,000. Director Stevens commented the financing rate is very low through the state program and the funds come from Surface Water Management.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Jorstad, to adopt Resolution 2020-05 Adopting the Reimbursement to the City of Lake Stevens from the Proceeds of Tax-Exempt Financing of Debt for the Acquisition of Public Works Equipment Incurred Prior to Issuance of Such Financing. On vote the motion carried (6-0-0-1).

### **Discussion Items:**

**Facility Use Policy:** Referencing the February 25, 2020 meeting minutes regarding use of facility of The Mill, Director Wright said he is requesting clear direction on how the Library might use this new facility. He suggested a separate agreement, outside of the public facility use policy, for the Library, recognizing its programs are a public benefit. The Library is requesting use of The Mill on some Friday afternoons into the evening and Saturday mornings. Some of the requested times, particularly Friday afternoons, will conflict with opportunities for prime-time rental of the venue. Director Wright recommended the teen program be moved to Thursdays or be finished by 4:00 p.m. on Fridays.

Discussion ensued with Councilmember Tageant agreeing the Library should use the facility, but that the City needs to be able to protect prime-time rental times. He suggested the Library should use the facility, but it should also find other places to host its programs.

Responding to Councilmember Ewing's question regarding ending Library programming by 4:00 p.m. on Fridays, Director Wright believes that is tight, but it could work

Councilmembers Jorstad and Dickinson believe the Library is willing to be flexible with their scheduling and encouraged working with the Library to identify times that work for their programming and City needs.

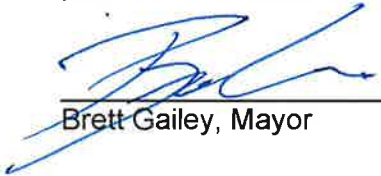
**Executive Session:** At 8:31 p.m. Mayor Gailey announced an executive session to last 10 minutes to discuss potential litigation with no action to follow.

At 8:41 Finance Director announced the executive session was extended 5 minutes to 8:45 p.m.

At 8:46 p.m. the regular meeting of the City Council reconvened.

**Adjourn:**

Moved by Councilmember Daughtry, seconded by Petershagen, to adjourn the meeting at 8:46 p.m. On vote the motion carried (6-0-0-1).

  
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Brett Gailey, Mayor

  
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Kathy Pugh, City Clerk