

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

Tuesday, April 7, 2020
By Remote Participation

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

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey

ELECTED OFFICIALS PARTICIPATING REMOTELY: Councilmembers Kim Daughtry, Gary Petershagen, Shawn Frederick, Mary Dickinson, Anji Jorstad, Steve Ewing, Marcus Tageant

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, City Clerk Kathy Pugh

STAFF MEMBERS PARTICIPATING REMOTELY: Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Anya Warrington, Human Resources Specialist Julie Good, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello; Parks Planning and Development Coordinator Jill Meis

OTHERS:

Mayor Gailey opened the meeting at 7:00 p.m. He noted for the record that Councilmembers and staff are participating remotely and identified those in attendance.

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

Roll Call: All present.

Approval of Agenda: Mayor Gailey requested that Citizen Comment be removed from the agenda.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Frederick, to approve the agenda with the removal of Citizen Comments. On roll call vote the motion carried (7-0-0-0).

Citizen Comments:

Council Business:

- Councilmember Daughtry: Missed SCCIT meeting today as he was attending a Lake Stevens Chamber of Commerce meeting related to COVID-19.
- Councilmember Petershagen: Requested discussion be added to a future agenda regarding extending Building Permit deadlines.

- Councilmember Frederick: Provided an update on the Snohomish Health District response to COVID-19, including meeting with Admiral Bono regarding Personal Protection Equipment logistics and prioritization, and partnerships with other agencies regarding testing and testing capacity.
- Councilmember Jorstad: Said she has been very impressed with the response of Snohomish Health District and other agencies to this pandemic.
- Councilmember Ewing: Thanked everyone for their efforts in responding to COVID-19.
- Councilmember Dickinson: Thanked the Police Department and other frontline responders for their work in responding to COVID-19.

Mayor's Business: Mayor Gailey reported the city is projecting budget shortfalls and he and department heads are currently examining budgets to identify where savings can be made; his primary goals are to keep staff employed and to ensure that the city and its economy are functioning. He is working to form coalitions and alliances with other cities for the receipt of federal and CARE funds; the distribution of these relief funds is dependent on how they are earmarked in the legislation. Mayor Gailey said the city recently purchased a subscription with ClearGov that will provide budget transparency and it should be up and running in the near future. Mayor Gailey concluded, saying he and staff are meeting with the Sewer District on the status of various projects within the city.

City Department Report:

- City Administrator Gene Brazel: Updated on his COVID-19 checkup with community partners including the Senior Center, Lake Stevens School District, Lake Stevens Sewer District and Library. The school district is concerned about the 2020 graduating seniors.
- Community Development Director Russ Wright: Staff is working to ensure building and land use permit applications continue to move forward. Responding to Councilmember Petershagen's comments regarding extending building and land use permits, Director Wright said he will bring forward an ordinance formalizing a process to extend permit deadlines for 180 days.
- City Attorney Greg Rubstello: Agreed with Director Wright that permit deadlines can be extended with an ordinance.
- Finance Director Barb Stevens: Reiterated Mayor Gailey's comments regarding revenues and expenditures. Director Stevens said there is a delay in receiving the 2018-2019 accountability audit report; in working with the Auditor's Office it was decided to move forward with a two-year audit which expands the previous audit at a cost savings to the city.
- Human Resources Director Anya Warrington: Said COVID-19 information is being provided to the public using the city's web and Facebook pages. Director Warrington commented on the Family First policy effective April 1, 2020 and reminded of the Wellness Resources that were emailed to all staff.
- Public Works Director Eric Durpos: Said Public Works crews are in a high risk area of employment and shifts have been staggered and employees are assigned to specific projects to limit contact. Director Durpos provided a brief update on The Mill and South Lake Stevens Road projects, noting both projects have slowed down and staff is working to keep them moving forward.

Councilmember Daughtry asked about the War Memorial project and Mayor Gailey responded he has deemed it an essential project and work is scheduled to begin this coming Monday.

- Chief of Police John Dyer: Provided a brief update on staffing levels and new hires, and said he is very proud of his staff during this time. Chief Dyer said the Police Department building project continues to move forward, and he recognized Human Resources for all the assistance they have been providing.

Consent Agenda: None.

Public Hearing: None.

Action Items:

Temporary Hazardous Duty Compensation: Human Resources Director Warrington presented the staff report and said this policy is an interim policy providing hazardous duty compensation to employees including patrol officers, public works field employees and building inspectors due to their higher risk of exposure to COVID-19 while working in the field. Staff recommends the policy be retroactively effective from March 5, 2020, the date of the Mayor's Declaration of Emergency. As an interim policy it will be reviewed every two weeks and will terminate when it is no longer needed. The recommendation is for eligible employees to receive a flat rate per day supplement to their base pay, regardless of rank or seniority, as this is more equitable. Director Warrington reviewed the proposed pay rates and said building inspectors would receive the hazard pay only on days they are actually in the field. She then invited Councilmembers' questions.

Responding to Councilmember Tageant, Director Warrington said both the Teamsters Union and Police Guild are happy with this proposal.

In response to Councilmember Daughtry's question, Director Warrington said this pay does not extend to the front desk staff as the City Hall building is closed to the public.

Mayor Gailey said since this policy is in direct response to COVID-19 it is eligible for reimbursement.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Frederick, to approve the establishment of a Temporary Hazardous Duty Compensation Policy, providing retroactive hazardous duty pay from March 5, 2020 in furtherance of the Mayor's March 5, 2020 Emergency Declaration. On roll call vote the motion carried (7-0-0-0).

Discussion Items:

Affordable Housing Legislation: Director Wright presented the staff report and provided a brief history, saying Council previously approved Resolution 2019-15 declaring their intent to enact legislation authorizing the maximum capacity of the sales and use tax authorized by Senate House Bill 1406 for funding affordable housing. Director Wright reminded this is not a new or increase in sales tax, but rather allocation of an existing sales tax. He explained the revenue realized for affordable housing in Lake Stevens will not be significant, but the City is already a member of the Alliance for Housing Affordability, and SHB 1406 provides that cities can pool the collected funds to be used for affordable housing.

Discussion ensued with Councilmember Petershagen noting affordable housing projects may not be within the Lake Stevens community. Councilmember Jorstad asked if there is a provision

to allow another entity to administer the collected revenues so that Lake Stevens sees some benefit and Director Wright responded there is language to that effect in the recitals. Councilmember Daughtry believes the best use for these funds is providing affordable housing around a transit station and he supports pooling collected revenues.

Director Wright confirmed there is consensus to bring this ordinance forward for approval at the next Council meeting.

Ballot Titles: City Administrator Brazel reminded at the February retreat Council provided direction to staff to move forward with placing Fireworks and a Transportation Benefit District on the August ballot. He explained the deadline for providing the ballot titles and required information to Snohomish County Elections is May 8. The required information includes identifying people for the pro and con committee. Given the current COVID-19 concerns and financial burdens citizens are under Administrator Brazel said it is important citizens are not excluded from these processes and he requested direction from Council on how to proceed.

Discussion ensued and Director Wright responded to Councilmember Daughtry's question regarding annexation, saying there is new state legislation that simplifies the annexation process and his recommendation is to first try annexation through an interlocal agreement with the county using the new tools the legislature provided.

Councilmember Tageant supports waiting until later next year to move ballot measures forward with Councilmembers Daughtry and Ewing in agreement.

Finance Director Stevens explained the cost for running one or all ballot titles is approximately \$35,000 this year. If the City waits until the general election in 2021 there is no additional cost as it is an election cycle for councilmembers.

Mayor Gailey confirmed Council direction is to delay the fireworks and Transportation Benefit District vote to the general election in 2021 and to move forward with annexation utilizing the new tools provided by the state legislature.

Amendment to LSMC 10.03.150 re Approval Process for Alcohol in Public Facilities and Parks: Parks Planning and Development Coordinator Jill Meis presented the staff report and reviewed Council previously provided direction to amend the code to allow administrative approval of requests for alcohol at private events held at The Mill. She noted the request would be made as part of the application process and if granted, the applicant would be required to apply to the Washington State Liquor & Cannabis board for a permit. Coordinator Meis next reviewed an optional revision to the code to allow for administrative approval for requests for alcohol in the park. These requests are typically made in conjunction with Aquafest and Music in the Park, and currently Council reviews and approves them.

Discussion ensued with Councilmember Daughtry commenting he does not recall Council ever denying a request for alcohol and Councilmembers Tageant and Dickinson supporting an administrative approval process. Councilmember Tageant commented there are controls in place and Police Chief Dyer said to his knowledge there have not been problems at events where alcohol was allowed.

Coordinator Meis confirmed Council's direction to bring the code amendment forward for approval, including the option for administrative approval for requests for alcohol in the park.

Sign Code Update: Director Wright presented the staff report and reviewed the proposed changes to the sign code. He commented the proposed code is streamlined and strikes a mid-ground between the city's current code and Everett's sign code. Director Wright commented the one area left open is establishing a baseline for temporary signs, and with that direction from Council it is his recommendation to move forward with a public hearing. He said the existing code has also been reviewed for consistency, and added this is an opportunity to determine what types of temporary signs will be allowed. Director Wright requested Council input.

Councilmember Tageant said he is not a fan of temporary signs such as those that hung on the side of the Red Barn, but at the same time he does not want to over-regulate signs.

Councilmember Daughtry commented some sign types are in the code and others are not. Director Wright explained this is directed to temporary signs and if a specific sign type is not defined it is not allowed.

Councilmember Jorstad said she is confused by the reference of "16 square feet" vs. "32 square feet per side," and Councilmember Daughtry suggested removing the "per side" language. Councilmember Daughtry also asked about blade and feather signs, and Director Wright responded blade signs are defined in the commercial portion of the sign code; he will add a definition of blade signs in the temporary sign code.

There was additional discussion regarding banners and Councilmember Daughtry suggested banners need to be allowed through an event permit.

Councilmember Petershagen commented on temporary signs in the public right-of-way and asked about temporary signs placed on shoulders. Director Wright responded if there is not a sidewalk, the reason for not allowing signs is to avoid creating a shoulder obstruction.

City Attorney Rubstello added the idea is to keep signs out of areas, such as shoulders, where vehicles need to go, and also to protect pedestrian movement. Councilmember Petershagen agreed with this and Attorney Rubstello said the language can be clarified.

Discussion returned to size limitations, the placement of signs measuring from the ground to the bottom of the sign, and the "per side" references. Director Wright explained the "per side" language is a common and accepted reference and that most signs are two-sided. Attorney Rubstello suggested the language could be changed to "front and back".

There was discussion regarding spacing requirements for signs placed in public right-of-way, defining how soon in a construction project signage can be placed and defining how much space can be covered by signage on the fronts of businesses. Chief Dyer said as far as signs placed in windows and doors at the front of businesses it is helpful to police to have a clear line of sight into these businesses, and Councilmember Daughtry suggested partnering with the Chamber to educate businesses.

Councilmembers Petershagen and Daughtry will provide proposed changes to Director Wright.

Amendment of LSMC 7.30 re WATVs: Chief Dyer provided a history of this code language allowing WATV's on city streets where the speed limit is 35 mph or less, and reminded Council deliberately did not allow smaller quads as they are not designed for street use and have a design flaw making them susceptible to tipping over.

Councilmember Daughtry recalled the Council specifically discussed this and supported Chief Dyer in not allowing the smaller quads on city streets. Councilmember Daughtry suggested if the smaller quads are allowed, they should be under the same rules as motorcycle riders, including requiring licensing, insurance and helmets.

Chief Dyer explained there is not a certification or testing program for off road vehicles including the smaller quads that would provide the driver with an endorsement. He added surrounding jurisdictions allowing these smaller quads have direct connection to recreation areas suited to WATV use.

Councilmember Tageant does not support a change to the definitions, saying the smaller quads are not roadworthy.

Councilmember Petershagen agreed with the comments made by Councilmembers Tageant and Daughtry, and Councilmember Dickinson does not support a change to the code.

Mayor Gailey suggested the language suggested by Councilmember Daughtry requiring riders of smaller quads to meet the same licensing and safety requirements as motorcycle riders be brought forward in an ordinance and the Council can then vote to either approve or not approve. There was general agreement to move forward in this fashion.

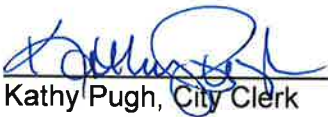
Executive Session: None.

Adjourn:

Moved by Councilmember Tageant, seconded by Councilmember Dickinson, to adjourn the meeting at 8:38 p.m. On roll call vote the motion carried (7-0-0-0).



Brett Gailey, Mayor



Kathy Pugh, City Clerk