

**CITY OF LAKE STEVENS**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
Tuesday, May 12, 2020  
By Remote Participation

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

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmember Steve Ewing

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

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, City Clerk Kathy Pugh, Public Works Director Eric Durpos

STAFF MEMBERS PARTICIPATING REMOTELY: Finance Director Barb Stevens, Community Development Director Russ Wright, Police Chief John Dyer, Human Resources Director Anya Warrington, Human Resources Specialist Julie Good, City Attorney Greg Rubstello, Police Sergeant Michael Hingtgen, City Engineer Grace Kane, Associate Planner Sabrina Harris, Assistant Planner Jill Needham, Parks Planning and Development Coordinator Jill Meis, IT Manager Troy Stevens

OTHERS:

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Mayor Gailey opened the meeting at 7:00 p.m.

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

**Roll Call:** All Councilmembers were present.

**Approval of Agenda:** Moved by Councilmember Daughtry, seconded by Councilmember Ewing, to approve the agenda.

Director Wright requested the Food Vendor Truck agenda item be moved to Discussion Items.

**VOTE:** On roll call vote the motion carried (7-0-0-0) and the agenda was approved with the noted change.

**Oath of Office:** Chief Dyer administered the Oath of Office to newly promoted Sergeant Michael Hingtgen.

**Guest Business:** Due to an unexpected conflict Heather Thomas at the Snohomish Health District was not able to be present for the meeting.

**Citizen Comments:** None.

**Council Business:**

- Councilmember Daughtry: Memorial Day program at War Memorial and observing COVID-19 protocols for this program.
- Councilmember Petershagen: Snohomish County Task Force for Economic Recovery.
- Councilmember Frederick: Updated on COVID including emphasis is shifting to contact tracing and the governor is looking at mitigation strategies. There has been a slight uptick in COVID cases reported.
- Councilmember Jorstad: Revisited Resolution 2020-08, approved at the April 28<sup>th</sup> Council meeting and said she is struggling with the process for how that resolution was brought forward. She believes the City and Councilmembers have an obligation to maintain transparency and asked that unless a matter is urgent it be provided in advance of any requested action by Council.
- Councilmember Ewing: Snohomish Health District, update on Department of Corrections possible siting locations for work release.
- Councilmember Tageant: Met with City department heads regarding COVID-19 funding options.

**Mayor's Business:** Mayor and staff are looking at the CARES Act funds, the City expects to receive approximately \$900,000 for COVID-related expenses. Reported the Command post was effectively and successfully activated to search for the lost child, who was found safe. Is meeting regularly with other community leaders and the School District is planning a graduation ceremony for the 2020 seniors.

Mayor Gailey suggested phasing the interim Hazard Pay policy out during Phase II and requested Council. The cost of the hazardous pay is covered under the CARES Act at approximately \$8,000 per month. Discussion ensued with Councilmembers commenting there will continue to be a threat to first responders and Councilmember Frederick commenting there are unknowns and the possibility of a spike in cases as restrictions are lifted; he suggested waiting until Phase III; Councilmember Jorstad suggested waiting a few weeks into Phase III to have better data available for decisionmaking. There was consensus to wait until Phase III before making a decision on this interim policy.

**City Department Report:**

- Community Development Director Russ Wright: Updated on the Request for Proposal (RFP) for a shared campus for the City, Lake Stevens Sewer District and Sno-Isle Libraries. He briefly reviewed the timeline for the RFP and said the goal is to receive proposals for a facility that would be a public/private partnership. Updated on Davies Beach Park.
- Public Works Director Eric Durpos: Staff is looking for a possible date for rescheduling of the city-wide cleanup; lake treatments were applied, and public notice was provided; SRV started on 20<sup>th</sup> Street SE; updated on War Memorial and The Mill; new mechanic is starting; Frontier Heights Park update.

- Police Chief John Dyer: Updated on police calls and said vehicle prowls and vandalism issues are increasing; Marine Patrol activated over the weekend, there did not appear to be social distancing taking place in the parks; thanked everyone for assisting in locating the missing child.
- Human Resources Director Warrington: Virtual Breakroom.
- City Engineer Grace Kane: SRV is beginning work on 20<sup>th</sup> SE; roundabout project at 83<sup>rd</sup> and Soper Hill Road is under way.
- Parks Coordinator Jill Meis: proposed mobile Car Show for May 30<sup>th</sup>.
- City Attorney Greg Rubstello: Governor extended provisions of waivers and suspensions of certain provisions of the Open Public Meetings Act to May 31, 2020.
- City Administrator Gene Brazel: Updated on evaluation of sharing court services with cities of Monroe and Sultan.

**Consent Agenda:** Moved by Councilmember Daughtry, seconded by Councilmember Ewing, to approve the Consent Agenda:

- A. 2020 Vouchers [Payroll Direct Deposits of \$473,930.67, Payroll Checks 50185-50188, 50296-50298 totaling \$12,884.38, Electronic Funds Transfers (ACH) of \$204,332.29, Claims Check Nos. 50290-50295, 50299-50384 totaling \$668,288.27, Void Check Nos. 50160 and 50251 totaling \$4,603.53, Total Vouchers Approved \$1,374,832.08];
- B. City Council Regular Meeting Minutes of April 28, 2020; and
- C. Ordinance 1087 re Cashiers Fund.

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

### **Public Hearing:**

**Infill Regulations and Ordinance 1081:** Mayor Gailey opened the public hearing.

Associate Planner Sabrina Harris said this public hearing is continued from the April 28<sup>th</sup> Council meeting. She presented the staff report and briefly reviewed the history of developing the proposed amendments to the infill regulations, including gathering input from the public. Planner Harris added the new regulations provide for innovative housing solutions and said since the previous public hearing no additional public comment has been received. Planner Harris said staff recommends approval of Ordinance 1081. She then invited questions of Council and there were none.

Mayor Gailey opened the public comment portion of the hearing. There being no public comment, he then closed public comments. He then closed the public hearing.

**MOTION:** Moved by Councilmember Jorstad, seconded by Councilmember Dickinson, to adopt Ordinance 1081 amending the City's zoning regulations as it relates to infill regulations. On roll call vote the motion carried (7-0-0-0).

**Action Items:**

**Facility Use Policy:** Coordinator Meis presented the staff report and reviewed the history of developing a facility use policy for The Mill on Lake Stevens. She commented the policy is comprehensive and changes requested by Council have been incorporated including providing flexibility for the library to use the facility at no charge and for other non-profits to use the facility at a reduced charge, as well as limiting recurring rentals unless approved by the Director in advance. Coordinator Meis then responded to Councilmembers' questions.

Councilmember Daughtry asked about the use of space heaters and Coordinator Meis responded heaters are located at the northwest corner of the facility in the covered area. The policy provides limitations on pop-up tents, in part to protect the building and heaters from damage. Director Wright said functionally pop-up tents are impractical and a fire hazard, and picnic tables will be located in this area.

Councilmember Ewing hoped there are measures in place to prevent a gradual decline of the new facilities. Coordinator Meis responded there will be a checklist requirement following use of the facility and the deposits are intended to deter damage and to assist in the cost of repair of any damage that may occur.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve the Facility Use Police for The Mill on Lake Stevens. On roll call vote the motion carried (7-0-0-0).

**Security System Solution for The Mill:** Public Works Director Durpos presented the staff report and said with the addition of the City's new facility, The Mill, and recent improvements to North Cove Park, as well as improvements to other City facilities it is important for the City to protect its investments from vandalism, tagging and other types of criminal activity. Director Durpos said Sonitrol will arm the buildings, and this is a wholistic camera security system that will help protect The Mill as well as the War Memorial and adjacent North Cove Park and boat launch areas. The system is capable of facial recognition and can be expanded to add cameras at Davies Beach and possibly Lundeen Park.

IT Manager Troy Stevens agreed the system is a wholistic approach and explained it provides a centralized solution for additional facility security. He suggested it can also be installed at the shop facility when that building is renovated. It is also public records compliant.

Councilmember Ewing commented the price seems reasonable and asked where the funding will come from. Manager Stevens responded he has approximately \$20,000 in the IT budget and Director Durpos added he has some funding remaining in The Mill budget. Finance Director Stevens commented as this is a capital facilities project, some funds can come from the Capital Fund; she added this cost will be included in an upcoming budget amendment.

Responding to Councilmember Petershagen's question regarding ongoing costs, Manager Stevens explained the city will purchase the cameras and they come with a standard warranty; there are annual licensing and subscriptions fees. The cameras are approximately \$35 each and the license fee is about \$1,025. Manager Stevens said the annual cost will be approximately \$4,000.

Responding to Councilmember Jorstad's question, Chief Dyer said he has not seen the plan. Manager Stevens said he provided a demonstration of the equipment to Commander Brooks,

who was very impressed with its capabilities. He added the system has redaction and case management capabilities as well.

Councilmember Ewing commented there is a similar system at the Monroe Department of Corrections, and it has been extraordinary. He likes that the system can be added to and expanded as needed.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Jorstad, to approve the purchase of a Security Camera Solution by Genetec in the amount of \$49,353.00. On roll call vote the motion carried (7-0-0-0).

### **Discussion Items:**

**Floodplain Regulation Amendments:** Community Development Director Russ Wright presented the staff report and said periodically the City makes amendments to its floodplain hazard regulations based on recommendations from FEMA. The last updates were made in 2016. He reviewed the process for completing these amendments including a public hearing before the Planning Commission which is scheduled for May 20, 2020. Director Wright then briefly reviewed the proposed amendments and responded to Councilmembers' questions.

**Food Truck Introduction:** Director Wright reviewed the history of the Council's discussion on allowing food vendor trucks within the city limits. Currently they are allowed as part of special events when requested. Other options for allowing food trucks include as standalone uses in the public right-of-way or in city parks, with a concession agreement or special license, and/or allowing them as secondary or primary uses on private properties subject to meeting performance standards. Director Wright commented staff has thoroughly researched this topic including how other cities manage food vendor trucks, and a best practices manual identifying considerations for allowing food vendor trucks. Director Wright briefly reviewed those considerations. Director Wright commented one of the recommendations of the best practices manual is that food trucks be treated as any other restaurant as to how operation of the business is conducted. Staff recommends a clear intent statement be developed and is requesting direction from Council.

Discussion ensued with Councilmember Ewing asking how to balance the autonomy of food trucks with brick and mortar businesses. Director Wright said this is a concern that can be addressed by setting parameters for where food truck vendors are allowed, such as in certain districts, parks or rights of way.

Councilmember Dickinson wondered, with more interest in eating out, if food trucks would help with economic revitalization. Assistant Planner Needham will look into this.

Responding to Councilmember Ewing's question, Councilmember Daughtry explained it is up to each business owner to have a city business license and to collect and report city sales tax to the Department of Revenue each quarter; Department of Revenue distributes the city's sales tax quarterly.

Councilmember Tageant believes it is important to achieve a balance between the brick and mortar businesses and food vendor trucks, with Councilmember Daughtry agreeing.

Discussion ensued regarding the timeline for adopting a food vendor truck ordinance, with Councilmember Jorstad encouraging it is important to move forward now and saying this could

help jumpstart the economy. Following discussion Council provided direction to bring forward an interim ordinance at the next Council meeting.

**Citizen Comment:**

Earl Gray, 2505 Meadow Drive, Lake Stevens, commented on the pandemic and said he does not support a proclamation against the Governor's actions.

**Executive Session:** Mayor Gailey announced an executive session and explained Councilmembers and participating staff will conduct the executive session via telephone conference call. The executive session involves a personnel matter and two potential litigation matters, with no action to follow on any of the topics. He asked Councilmembers to mute their mics and turn off their video; he added Councilmembers should unmute their mics and turn their video back on when the meeting reconvenes. Mayor Gailey said the executive session will begin at 8:30 p.m. and last 15 minutes.

City Clerk Pugh announced the executive session was extended 10 minutes at 8:46 p.m.

City Clerk Pugh announced the executive session was extended 5 minutes at 8:56 p.m.

City Clerk Pugh announced the executive session was extended 2 minutes at 9:01 p.m.

At 9:03 p.m. the regular meeting of the City Council reconvened.

**Adjourn:**

Moved by Councilmember Daughtry, seconded by Councilmember Ewing, to adjourn the meeting at 9:04 p.m. On vote the motion carried (7-0-0-0).

  
Brett Gailey, Mayor

  
Kathy Pugh, City Clerk