

CITY OF LAKE STEVENS
CITY COUNCIL REGULAR MEETING MINUTES
Tuesday, May 26, 2020
By Remote Participation

CALL TO ORDER: 7:02 p.m. by Mayor Brett Gailey

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmembers Gary Petershagen and Steve Ewing

ELECTED OFFICIALS PARTICIPATING REMOTELY: Councilmembers Kim Daughtry, Shawn Frederick, Mary Dickinson, Anji Jorstad, 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, Human Resources Director Anya Warrington, City Clerk Kathy Pugh, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello, Assistant Planner Jill Needham, Parks Planning & Development Coordinator Jill Meis

OTHERS: Heather Thomas, Snohomish Health District

Mayor Gailey opened the meeting at 7:02 p.m.

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

Roll Call: It was noted for the record all Councilmembers are present.

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

Mayor Gailey asked that Action Item N, Interlocal Agreement with Snohomish Health District re Per Capita Funding be removed to allow time for legal review.

Councilmember Jorstad clarified there can still be discussion regarding per capita funding for the Snohomish Health District.

Councilmember Dickinson requested the May 19, 2020 Workshop Meeting Minutes be corrected at page 2, Trail Master Plan to reflect her request that lighting be added "only at trail entrances" for safety.

VOTE: On roll call vote the motion carried with the noted changes. (7-0-0-0).

Guest Business: Heather Thomas, with Snohomish Health District, shared a PowerPoint presentation and reviewed the status of COVID-19 in Snohomish County and the Health District's response to the pandemic. Ms. Thomas said Health District information is shared to the public on the Health District's web site, Facebook page and Twitter, including meetings and data tables. She then reviewed the various COVID data tables and explained the information they contain, and the criteria for moving from Phase I to Phase II. Currently Snohomish County is reporting too many new cases to move to Phase II, but the numbers are dropping. Key priorities include increasing testing and contact tracing, continued outreach to long term facilities such as long-term care and nursing homes, continuing to work with Snohomish County to ensure enough PPE equipment is available for healthcare workers and first responders, and long range planning. Also, there is a continuing effort to push information out to the community.

Ms. Thomas next reviewed other ongoing essential work of the Health District including birth and death certificate issuances, other health issues, and environmental work.

Ms. Thomas said the 2020 budget was balanced and she reviewed the staffing levels and how they are affected by the need to push staffing resources to respond to the pandemic.

Ms. Thomas said the Health District received \$10.9 million from the CARES Act and said these funds will be used for augmenting contact tracing and case investigation staff, and testing capacity as the county moves through Phase II and into Phase III. Per capita dollars are applied to other Health District programs such as Naloxone for law enforcement, community events which may be conducted virtually, preparation of the community health assessment and development of strategic improvement plans. Other programs include suicide prevention, safe routes to school, healthy housing and childcare health outreach. Ms. Thomas added the Health District is planning for special sessions beyond 2020, and implementation of the 2020 Strategic Plan adopted by the Board of Health.

In closing, Ms. Thomas encouraged that the Health District blogs and newsletters are available to the public. She then invited questions.

Councilmember Petershagen requested additional information on how the CARES Act funding will be used. Ms. Thomas explained funding will be used to ramp up case investigation and contact tracing, including hiring employees to do this, so the county can move to Phase II. It will also provide increased testing across the county. The Health District is considering having multiple testing sites and expanding the criteria for testing. She added there are additional expenses for computers, phones and office equipment for new employees. She said the \$10.9 million will be directed specifically to COVID through December 2020.

Councilmember Petershagen clarified the Health District will hire approximately 120 people and asked about the hiring timeline. Ms. Thomas responded the process is underway with job descriptions being completed and planning for new hire training. She said there are some resources such as Washington State Department of Health that can help, but the Health District is moving as quickly as possible to onboard new employees and move into Phase II. She added these are temporary positions.

Councilmember Ewing asked about the hiring timeline and transparency. Ms. Thomas said some is dependent on response, but there have been inquiries about positions and once the positions are established the Health District will reach out to those who have inquired as well as advertise the positions on the Health District web site and on social media. COVID updates will

continue to be made and, the Health District is required to report back to Snohomish County Council and Executive's office as well as to the state.

Councilmember Ewing asked about suicides during COVID. Ms. Thomas said she does not have numbers but has heard anecdotal information. She said this topic was addressed in a recent Health District blog and added the Health District is trying to determine the numbers, but just does not have them right now.

Councilmember Ewing said law enforcement is spending a disproportionate amount of time responding to suicides and domestic violence and he believes this needs to be carefully looked at.

Councilmember Ewing asked how community members are notified of meetings, such as in the case of the last meeting where an unelected Health District official was given a significant amount of authority. Ms. Thomas explained a special meeting notice was sent out the day before by press release and posted on the Health District web page. She added the local health officer is legally authorized by RCW to do what was discussed in executive session, including taking civil action. This is done for nuisance properties, food establishments and diseases such as tuberculosis and STDs. In this case, because of the potential for litigation and associated costs, leadership brought it to the board in executive session, and the board felt it was necessary to take action following the executive session. Further responding to Councilmember Ewing's questions, Ms. Thomas said it is rare that the Health Officer takes action against community members, and it is usually around diseases, such as tuberculosis. In this instance, the concern is about businesses not complying with Health Department restrictions. Any action taken would be as a last resort.

Councilmember Ewing requested an update on the number of camps utilized when people are removed from their residence. Ms. Thomas explained this was not done in coordination with the Health District and said she had very limited information on this. She added the only facility is the isolation and quarantine facility at Angel of the Winds, coordinated by Department of Emergency Management.

Councilmember Jorstad thanked Ms. Thomas for her presentation and said per capita funding was ended by Lake Stevens due to a lack of reporting which she believes has been resolved. She added health districts should be fully funded through dedicated state funding.

MOTION: Moved by Councilmember Jorstad, seconded by Councilmember Dickinson, to resume per capita funding for Snohomish Health District in the amount of \$1 per capita effective for January 1, 2020.

City Attorney Rubstello requested a vote on this motion be tabled to the next meeting to allow time for legal review and an opportunity to discuss this topic with the Health District's attorney.

Mayor Gailey clarified the motion is for fiscal year 2020.

Councilmember Jorstad tabled the motion to the next regular City Council meeting.

Responding to Mayor Gailey's question regarding using the National Guard to conduct contact tracing in Snohomish County, Ms. Thomas said currently the National Guard is not attached. She added the process with Washington State Department of Health is very seamless and the Health District does not always know who is making the follow up calls. She briefly explained

the process for case investigation and contact tracing, saying the questions are health-related and do not ask for personal information. She added people can decline to answer.

Mayor Gailey asked what the current COVID related expenses of the Health District are. Ms. Thomas said she does not know but will provide it tomorrow.

Mayor Gailey thanked Ms. Thomas for her time.

Citizen Comments:

Rich Mietzner, 10404 Sandy Beach Drive, Lake Stevens, does not support an interim ordinance to allow multifamily residential in the Waterfront Residential zone. He asked that the Task Force be used as was promised in December.

Mayor Gailey said Councilmembers have received written public comments from the following: Janice Huxford, Jane Molenkamp, Richard Mietzner, Lynn Coburn, Kathy Nysether, Daniel Myers, Karen Boe, Charles Whipple and Laura Hardy.

Loydeen Chapman, 11519 North Lakeshore Drive, Lake Stevens, encouraged Council to consider lake water quality and impervious surfaces when considering changes to Waterfront Residential zoning.

Gary Olson, 10010 N. Davies Road, Lake Stevens, wondered who is proposing changes to Lakefront Residential zoning and where the financial benefit is; he objects to how this is being handled.

Dave Rowland, 1715 Vernon Road, Lake Stevens, agreed with earlier comments and does not support additional housing in the Waterfront Residential zone.

Janice Huxford, 625 South Lake Stevens Road, Lake Stevens, submitted written comments earlier and appreciated Council for looking into this.

Ashley Abolofia, 10321 East Davies Loop Road, Lake Stevens, agreed with earlier comments regarding the public process for considering changes to Waterfront Residential zoning; she believes the lake is the city's defining attribute and hopes this option can be explored with more intention.

Matt and Laura Hardy, 1117 Stitch Road, Lake Stevens, are concerned about impacts to the lake and property values if the interim Waterfront Residential zoning ordinance moves forward.

Larry Crawford, 10728 Vernon Road, Lake Stevens, submitted written comments, and said he is concerned about the City Council moving forward with changes to Waterfront Residential zoning without the input from the citizen committee. He believes more work needs to be done before changes such as this can be considered.

Council Business:

- Councilmember Daughtry: SCCIT, War Memorial, The Mill.
- Councilmember Petershagen: Sewer Utility Committee.

- Councilmember Frederick: Updated that Snohomish County COVID numbers are going down and thanked everyone for staying home.
- Councilmember Ewing: Commended Lake Stevens Police Department for their positive policing.
- Councilmember Tageant: Sewer District.

Mayor's Business: Agreed with Councilmember Ewing's comments commending the Lake Stevens Police Department and said they are truly professional; working with mayors from Arlington, Darrington, Marysville, Granite Falls, Stanwood, Monroe, Snohomish, Stanwood, and Sultan, on a letter to Executive Somers to look at the data points (3.3 cases per 100,000 population) for these cities and consider moving these cities to Phase II.

City Department Report:

- Community Development Director Russ Wright: Small Business Grant update with 52 applications and the review process to begin tomorrow; confirmation from Governor's office that fireworks sales will not be allowed until a later phase in the opening up of the economy; 123rd right of way application withdrawn by applicant.

Consent Agenda: Moved by Councilmember Daughtry, seconded by Councilmember Jorstad, to approve the Consent Agenda with the noted correction to the May 19, 2020 Workshop meeting minutes:

- A. 2020 Vouchers [Payroll Direct Deposits of \$231,507.46, Payroll Check Nos. 50393-50395 totaling \$3,892.79, Electronic Funds Transfers (ACH) of \$312,792.07, Claims Check Nos. 50385-50392, 50396-50483 totaling \$448,638.49, Total Vouchers Approved \$996,830.81];
- B. City Council Regular Meeting Minutes of May 12, 2020;
- C. City Council Special Meeting Minutes of May 19, 2020;
- D. City Council Workshop Meeting Minutes of May 19, 2020 with the noted correction;
- E. Ordinance 1088 Amending LSMC 2.29 and 3.38, Dissolving Arts Commission;
- F. Washington State Recreation & Conservation Office (RCO Grants):
 - 1) Resolution 2020-09 re Eagle Ridge Park
 - 2) Resolution 2020-10 re Frontier Heights Park
- G. Kompan Contract for Purchase and Installation of Playground Equipment at Frontier Heights Park;
- H. Resolution 2020-11 re Lake Stevens Community Small Business Grant;
- I. Interlocal Agreement with Lake Stevens Sewer District re Terms & Conditions for Utility Construction.

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

Public Hearing:

Ordinance 1084 re Interim Regulations for Temporary Permit Extensions: Mayor Gailey opened the public hearing.

Community Development Director Russ Wright presented the staff report and said Ordinance 1084 was previously approved by Council on April 14, 2020. He reminded this ordinance

provides interim regulations for temporary permit extensions to provide safeguards for land use and building applications under review and permits and decisions that have been issued that have not been able to commence due to statewide COVID-19 restrictions. Director Wright said this is intended to help the building industry which has been hard hit by the COVID crisis and added the ordinance will sunset in six months unless additional action is taken by Council. Director Wright added so far, no requests for permit extensions have been received. Director Wright invited questions of Council and there were none.

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

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

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Frederick, to uphold Ordinance 1084 re Interim Regulations for Temporary Permit Extensions due to COVID-19. On roll call vote the motion carried (7-0-0-0).

Ordinance 1089 re Temporary Signs: Mayor Gailey opened the public hearing.

Director Wright presented the staff report and reviewed the history of this ordinance. He said that the ordinance is developed in response to a U.S. Supreme Court ruling in June 2015 in the case of *Reed v. Town of Gilbert* and following this court decision Lake Stevens developed interim sign code regulations for temporary signs. He noted several workshops on permanent regulations for temporary signs were held, and that model regulations from multiple jurisdictions were reviewed. The ordinance as written reflects Council's desires for preferred sizes, locations and specific rules applicable to public and private areas, as well as a clarification on overall sign area and height. Director Wright recommended adoption of Ordinance 1089.

Councilmember Daughtry thanked the staff and Council for their hard work and diligence in working on this ordinance.

Councilmember Petershagen agreed with Councilmember Daughtry's comments and encouraged the ordinance be adopted.

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

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

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Daughtry, to adopt Ordinance 1089 establishing regulations for temporary signs. On roll call vote the motion carried (7-0-0-0).

Action Items:

Ordinance 1090 re Interim Mobile Food Vendor (Food Truck) Code: Assistant Planner Jill Needham presented the staff report and said Council has discussed this topic a number of times. Staff was directed to prepare a mobile food vendor truck ordinance allowing for mobile food trucks outside of special event permits. She briefly reviewed changes made to the

ordinance since last discussed and since receiving comments from Councilmember Daughtry, including changes to definitions and licensing requirements, and distinguishing food vendor trucks from other vending vehicles such as ice cream trucks. Also added are health and sanitation requirements. Planner Needham reviewed the application requirements including vehicle license, property owner approval and disposal of waste. She noted vendors will be required to comply with Labor & Industry requirements. Planner Needham also reviewed requirements and restrictions for locating food vendor trucks in public rights of way and in different zones in the city. Because this is an interim ordinance the city fee will be \$150. Once a final ordinance is adopted the fee will be set out in the fees resolution. Planner Needham then reviewed Councilmember Daughtry's questions and staff's responses.

Looking at the business license Councilmember Daughtry asked about the city business license requirement. Discussion ensued as to why a business license is required when a state business license is required. Councilmember Daughtry commented that with the \$150 application fee together with the requirement for a business license, he is comfortable with the amount. He was not comfortable when the right of way permit was also required.

Turning to insurance requirements, Councilmember Daughtry said he believes liability insurance should be required. He then asked about the sign requirement being 10 square feet, and noted the Council just passed an ordinance for temporary signs that says 16 square feet. Director Wright clarified food vendor signs are commercial signs and the ordinance is for noncommercial signs.

Councilmember Tageant requested clarification regarding the business license and the \$2,000 threshold requiring a business license. Planner Needham responded this limitation is actually in the city's municipal code. Discussion ensued regarding the requirement for a business license. Clerk Pugh clarified the cost of the business license and noted the Department of Revenue set the threshold for requiring a business license at \$2,000 and the city adopted an ordinance based on that threshold. Director Wright suggested this can be explored as part of developing the final ordinance.

Councilmember Tageant asked if the limitation of food vendor trucks in city rights of way from 4:00 to 6:00 p.m. is for the purpose of traffic flow. Planner Needham responded this is correct and does not affect food vendor trucks in other locations. Director Wright added this is an effort to alleviate traffic backups and unintended problems such as vehicles looking for parking places. He said this can be looked at more in depth as permanent regulations are developed.

Councilmember Tageant asked where the 250-foot separation number came from; Planner Needham responded she suggested the number and it can be changed. Director Wright added this derives from previous councilmember comments looking for greater distance from brick and mortar businesses. Discussion ensued as to how the distance is calculated with Director Wright saying a line of sight along a linear block is how the calculation is made.

Councilmember Jorstad asked about limitations on food trucks selling similar food as to brick and mortar restaurants. Director Wright responded this was discussed but from a practical standpoint it is difficult to manage as restaurants change their menus quite often. Planner Needham added administratively this is difficult to enforce.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Jorstad, to adopt Ordinance 1090 establishing interim regulations and fees for mobile food vendors. On roll call vote the motion carried (7-0-0-0).

MOTION: Moved by Councilmember Ewing, seconded by Councilmember Dickinson, to extend the meeting to 9:30 p.m. On vote the motion carried (7-0-0-0).

Revised 2020 Long Range Work Program: Director Wright presented the staff report and reviewed that due to staffing issues, budget constraints and public gathering restrictions related to COVID-19, staff proposes amending the long-range work program for the rest of 2020. He noted that several amendments underway at the beginning of the year have been or are near completion, including the zoning code update, infill housing, affordable housing tax incentives, FEMA update and the Temporary Sign code update. Director Wright reminded Council reviewed the proposed changes at the May 19th Workshop meeting and generally agreed with the revisions with one change of adding preparation of an interim ordinance for limited multifamily uses in the Waterfront Residential zone to help support economic recovery. He then invited questions of Council.

Councilmember Frederick said his request to add interim regulations regarding Waterfront Residential is not intended to forego public comment with an interim ordinance and noted the strong community interest in this topic. Councilmember Frederick recalled the earlier promise of community input and said it is important this happens.

Councilmember Ewing agreed with Councilmember Frederick's comments and said it would be disingenuous to not provide public input as promised and does not provide transparency in the process.

Councilmember Dickinson agreed and said citizens need to be part of this decision-making process.

Councilmember Jorstad agreed and said she is impressed with the number of citizens who have provided input on this topic.

Councilmember Tageant agreed and said it would be great to get a committee together and move forward now.

Councilmember Daughtry agreed with councilmembers' comments.

Councilmember Petershagen agreed and thanked Councilmember Frederick for clarifying his comments. He noted there is a huge interest in this process and said it is important to uphold the promise made to the citizens in December.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Ewing, to adopt the long range work program with the following modifications: remove the Interim Ordinance proposed for 3rd Quarter 2020 and the language putting the full project on hold until 2021, and add initiating the land use advisory work group for Multifamily uses in WR to the work program in the third quarter of 2020.

Councilmember Jorstad asked if these changes will negatively affect staff workloads and how an advisory group would function under the current COVID restrictions. Director Wright responded a new planner will be coming on June 1 and that staff can utilize different strategies to work with an advisory group including remote meetings and utilizing mailers and surveys.

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

Discussion Items:

Summer Events: Parks Planning & Development Coordinator Jill Meis reviewed that in previous years the City has sponsored summer events including two Music in the Park, two Movies in the Park and two Theater in the Park events. This year with the COVID-19 restrictions staff is requesting direction from Council on how to proceed. Coordinator Meis said staff is exploring how to move forward with modified events and practices that will reflect new health precautions. Staff is suggesting paring the events down to one music, one movie and one theater event. She added that moving forward could hold some financial risk if it is necessary to make deposits and payments and events need to be cancelled. Coordinator Meis added there are currently two corporate sponsors with a total sponsorship of \$2,000. She requested direction from Council.

Director Wright added the goal is to continue to do the planning and hold the modified summer events, pending the phased reopening, with some associated financial risk.

Councilmember Daughtry supports this approach. He added he would like to push forward with a War Memorial dedication and service as soon as possible, at a time when the Legion is comfortable moving forward. He suggested July 4th for this dedication if possible.

Councilmember Tageant agrees with Councilmember Daughtry's comments regarding the War Memorial dedication and the proposal for summer events.

Council generally supported moving forward with modified events as proposed.

Temporary Hazard Pay Policy: Mayor Gailey reminded the previously adopted Temporary Hazard Pay Policy includes a provision for review every two weeks to determine if it is still needed. Mayor Gailey recalled the last time Council discussed this policy the recommendation was to continue until Phase III and requested input from Council.

Discussion ensued with Councilmember Ewing noted the COVID resources have been thoughtfully allocated and wondered how many months the city can sustain this policy. He wants to be sure first responders are getting what they need but also wants to be mindful of the budget impacts.

Mayor Gailey said of the funds received from the CARES Act, a portion was held back for future expenses; he believes the City will be okay.

Councilmember Frederick added it is important to take care of first responders. He noted people are growing restless and he thinks it is important to continue taking care of first responders.

Mayor Gailey agreed with Councilmember Fredericks comments, and said it is important to set first responders up for success.

Public Comment:

Sue Fernald, 8430 15th Place SE, Lake Stevens, is concerned that as the Lake Task Force moves forward it is important to remember many seniors do not have access to technology; she requested the City make access available to those people.

Loydeen Chapman, 11519 North Lakeshore Drive, Lake Stevens, thanked the Council for moving forward with the task force for Waterfront Residential.

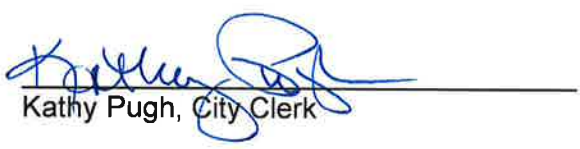
Executive Session: None.

Adjourn:

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



Brett Gailey, Mayor



Kathy Pugh, City Clerk