

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

Tuesday, June 9, 2020

By Remote Participation

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

ELECTED OFFICIALS PRESENT: None

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

ELECTED OFFICIALS ABSENT: None

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

STAFF MEMBERS
PARTICIPATING REMOTELY: City Administrator Gene Brazel, 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, Police Officer Lexi Warbis

OTHERS:

Mayor Gailey opened the meeting at 7:00 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:

Councilmember Jorstad requested proposed Resolution 2020-12 be added as a discussion item at the end of the agenda to allow for public comment.

Discussion ensued regarding whether to place the resolution at the beginning of the agenda or the end, and whether it would be a discussion or action item.

MOTION: Moved by Councilmember Jorstad, seconded by Councilmember Frederick, to approve the agenda with the addition of Resolution 2020-12, a Resolution of the Mayor and City Council of the City of Lake Stevens in response to the death of George Floyd, condemning racism, promoting equity and inclusion and supporting peaceful protests in the City of Lake Stevens, as an Action Item.

On roll call vote the motion carried (5-2-0-0) with Councilmembers Petershagen and Ewing opposing the motion.

Oath of Office: Police Chief John Dyer introduced new Patrol Officer Lexi Warbis and administered the oath of office to her.

Citizen Comments:

Mark Somers, 2411 – 118th Drive NE, Lake Stevens, visited the Farmers Market and the Mill and they are going to be an asset for the community. He was impressed with the student march last week and said it was a great symbol to have Chief Dyer participate in this event.

Robin McGee, 2505 Meadow Drive, Lake Stevens, has observed racism and bigotry in the community and believes the answer is education. She attended the student protest and is encouraged to see so many people in the community come together to support the cause; she thanked Chief Dyer for supporting the event. She requested Council form a diversity and inclusion commission and asked that per capita funding for the Health District be approved.

Karen Hunter, 8301 – 22nd Street NE, Lake Stevens, thanked Chief Dyer and the Police Department for participating and supporting the Black Lives Matter protest. She then thanked the Mayor and Council for the draft resolution and believes it is a step in the right direction. She said Lake Stevens is a growing community which brings diversity amongst its citizens and asked that the City establish a citizen volunteer commission for diversity, inclusion and equity to directly address the issues and needs of those who do not feel they have equal voice or representation in this community.

Angelina Difiore Muzzey, 11707 – 20th Street NE, thanked the Council, Mayor, and Chief for coming together on the recent issues. She asked Council to consider a resolution to have the Confederate flag removed. She said there is a lack of representation of the LGBT community in Lake Stevens. She then encouraged citizens to vote for a Library which will help with public education about diversity across America.

Council Business:

- Councilmember Petershagen: Sewer District.
- Councilmember Frederick: Snohomish County is in Phase II.
- Councilmember Jorstad: Alliance of Affordable Housing, Snohomish County Health District, Lake Stevens Brewing Company having first food truck.
- Councilmember Ewing: Thanked City Staff for organizing Farmers Market event; thanked Councilmembers Jorstad and Frederick for helping the County to move into Phase II; acknowledged Mayor, City staff for their work on processing the CARES Small Business Funding; thanked Chief and Mayor for their efforts for the march on June 4, 2020; thanked Director Durpos and Mayor Gailey for helping with a service project at The Mill.
- Councilmember Dickinson: Thanked the Police Department for their participation in the protest rally. She then recognized the student organizers Cora Hannigan, Heather Moss, Raigan Reed and school reporter Tamara Sevaio for their successful organization of and reporting on the protest rally on June 4, 2020. Senior Center.
- Councilmember Tageant: Farmers Market was a great event, thanked City Staff for helping to organize the event. He said he spoke to many local business owners and they were grateful to receive the CARES Small Business Grant. Proposed scheduling Council mini-retreat during the second or third week of September.

Mayor's Business: Mayor Gailey thanked City Staff for quickly processing the CARES Small Business Grants. He commented staff has started to look at projects for next year. He said the Farmers Market was a pleasant event. He participated in an event at The Mill with a church group over the weekend. He was impressed with the protest.

City Department Report:

City Administrator Brazel said staff is working with the engineering firm Land Development Consultants (LDC) to design the festival street and will bring this to Council in the next few weeks.

Community Development Director Wright reviewed the CARES Act Small Business Grant awards and process. He said there were 44 recipients of the Grant across all types of businesses throughout the City. He then said the City received clarification from the Governor's Office and fireworks sales will be allowed this year.

Consent Agenda: Moved by Councilmember Tageant, seconded by Councilmember Dickinson, to approve the Consent Agenda:

- A. 2020 Vouchers [Electronic Funds Transfers (ACH) of \$153,926.40, Claims Check Nos. 50484-50551 totaling \$837,658.91, Void Checks totaling \$160.00; Total Vouchers Approved \$991,425.31];
- B. City Council Regular Meeting Minutes of May 26, 2020; and
- C. Ratify Mayor's Lift of Stay Home, Stay Safe Order dated March 23, 2020.

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

Public Hearing:

Ordinance 1091 Updating FEMA Regulations: Mayor Gailey opened the public hearing.

Community Development Director Russ Wright presented the staff report and commented that periodically amendments are made to the City's flood hazard regulations based on recommendations from the Federal Emergency Management Agency (FEMA). He reviewed the public process for this ordinance, including that the Planning Commission held a public hearing on the proposed changes and recommends approval, and that Council was briefed on the changes during their May 12, 2020 Council meeting. Director Wright provided clarification on individual flood designations around the lake as previously requested by Councilmember Tageant and then responded to Councilmembers' questions.

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 Ewing, to approve Ordinance 1091 amending the Lake Stevens Municipal Code Chapter 14.08 Basic Definitions and Interpretations and Chapter 14.64 Special Flood Hazard Areas. On roll call vote the motion carried (7-0-0-0).

Action Items:**Interlocal Agreement with Snohomish Health District for Per Capita Contribution:**

City Administrator Brazel presented the staff report and said the interlocal agreement is before the Council for approval. Also, before the Council is Councilmember Jorstad's tabled motion to make a \$1 per capita contribution to the Snohomish Health District for fiscal year 2020. Administrator Brazel explained the City has made a per capita contribution in previous years, but in 2019 a contribution was not made as the Council was not satisfied with financial reporting provided by the District. Since then, the District has undergone a change in administration and improved its ability to meet the financial reporting requirements of the interlocal agreement and as requested by the Council.

Councilmember Frederick read a prepared statement recusing himself from all discussion and voting on the Interlocal Agreement with Snohomish Health District due to his position as Administrative Officer with the District; he commented his salary is fixed and any personal interest he may have in approval of the proposed interlocal agreement is remote. Councilmember Frederick lastly said he has made no efforts to influence any other Councilmembers to approve the proposed interlocal agreement.

Councilmember Frederick left the meeting at 7:47pm.

MOTION: Moved by Councilmember Jorstad, seconded by Councilmember Dickinson, to authorize the Mayor to enter into an Interlocal Agreement with Snohomish Health District for a Per Capita Contribution for Health District Services, in the amount of \$1 per capita, effective January 1, 2020, for fiscal year 2020, based on the Office of Financial Management's 2020 population estimate.

Councilmember Ewing commended Councilmember Frederick for his integrity. He said item 3(c) of the agreement is generic and he would like something more specific.

Councilmember Jorstad said in the presentation at the last meeting, Heather Thomas, commented there are specific services available for cities that make a per capita contribution. She said the services provided are regarding public health that benefit all residents throughout the county; it would be hard to quantify services for each resident in each city, given that it is a public health mandate.

Councilmember Ewing replied there are certain events that can be quantified, such as suicide prevention walks, and he would like to see how the Health District is working with those in our community to make a difference using events like these.

City Attorney Rubstello said the agreement does not necessarily need to be more specific, but the City can make its intentions known to the Health District that they provide more specific reports showing how the funds have benefited Lake Stevens.

MOTION: Moved by Councilmember Ewing, seconded by Councilmember Dickinson, to amend the main motion to request the Health District provide additional information on how the District provides for suicide prevention. On roll call vote the motion to amend the main motion carried (6-0-1-0) with Councilmember Frederick not present, having recused himself.

VOTE ON MAIN MOTION: On roll call vote the main motion, as amended, carried (6-0-1-0) with Councilmember Frederick not present, having recused himself.

Councilmember Frederick returned to the meeting at 7:55pm

New Capital Projects Position in Public Works: Public Works Director Eric Durpos presented the staff report and said staff proposes establishing a full-time inspector/engineer technician position for capital projects. This position would provide active oversight of capital projects, including inspection. Staff considered hiring a consultant to provide these services, however, the cost estimate for construction management of the 20th Street SE widening project is \$600,000. Staff believes a dedicated position is cost effective and in addition to overseeing the 20th Street SE widening project, this position would also oversee other capital projects that are ongoing and/or upcoming within the City.

Human Resources Director Warrington explained the cost of benefits for this position include medical, dental, vision, retirement, L&I and Paid Family Medical Leave. She added this is a non-represented position, but the position will be discussed with the union later.

Responding to Councilmember Petershagen's questions, Director Durpos explained this position would not have any authority to enforce safety on the jobsite as that is the responsibility of the Department of Labor & Industry.

MOTION: Moved by Councilmember Ewing, seconded by Councilmember Petershagen, to authorize the establishment of a full time Inspector/Engineer Tech-Capital Projects position in the Public Works Department. On roll call vote the motion carried (7-0-0-0).

Resolution No. 2020-12 Condemning Racism, Promoting Equity and Inclusion and Supporting Peaceful Protests in the City of Lake Stevens:

Mayor Gailey provided a background on the history of protest and how it has created changes in this country. He then read the proposed resolution and hoped the Council will support the resolution.

Councilmember Jorstad said she is proud to be a member of a City and City Council who are willing to take this step and move this forward. She said this proposed resolution points in the right direction and based on the citizen comments earlier, there is a strong desire from the community to be able to have their voice heard by the Council and Mayor on this topic. She said she will be making a motion to amend the resolution to include that the City will establish a diversity commission staffed by the City.

Councilmember Frederick said his thoughts on this resolution have evolved as he has thought about the resolution; he added he was not included in the development of the resolution. He shared a personal experience from his childhood and said in regard to this resolution, words are not enough without action. Councilmember Frederick said it is important to give the community the opportunity to weigh in on this and to be allowed to make recommendations to the City Council before moving forward with the resolution as a complete city.

Councilmember Dickinson believes it is important to have this resolution but the opportunity for action is what needs to be seen. She said it would be very valuable to have an equity commission where the people of Lake Stevens can become involved and have their voices

heard. She noted this city has a wide cultural diversity and she wants to hear from the people of Lake Stevens.

Councilmember Frederick thanked the Police Department and recognized the great work they have done in our local community.

Councilmember Petershagen said he appreciated Councilmember Frederick's comments. He said as a community there needs to be a change that takes place, and the Mayor and Council can set the tone, but they cannot drive people to action. The community needs to execute the action. He then said he supports this resolution as it is to help move things forward. He commented the Lake Stevens Community for Equity and Inclusion organization is active and can be built on, and he does not think a city-formed commission would be as effective as the community-based organization.

Councilmember Daughtry said he also supports this resolution as written. He thinks a citizens group or foundation would be less encumbered in what they can accomplish than if it were a sanctified committee or commission of the City that is then under the rules of the Open Public Meetings Act and unable to raise funds to promote their platform. He believes the resolution should go forward right now to let it be known where Lake Stevens stands and then start moving forward on what can be done with action. He added this is a Mayor and Council resolution and noted citizens have provided input both locally and all over the world. Councilmember Daughtry said continuing with the citizen group that is already out there is the most actionable item.

Councilmember Ewing echoed Councilmembers Daughtry's and Petershagen's comments and thanked Councilmember Jorstad for her input on drafting this resolution. He said he supports moving forward with this resolution as written.

Councilmember Frederick said this is not an emotional issue for him and he did not call for a commission to be created, he simply asked for there to be an opportunity for citizens to give input. He also said as this is a resolution of the Council and Mayor, he would like to have been given the opportunity to weigh in on the verbiage in advance. Councilmember Frederick said he cannot support this resolution as written. He believes the Council and Mayor can do more and can do better. He thinks there was an opportunity to gather more input either from the Council or the public to have a broader view on the resolution as this document matters.

Responding to Councilmember Dickinson's question, Councilmember Tageant said this Resolution could be tabled until the next meeting.

Councilmember Tageant said it is important that the City of Lake Stevens take a position; he added it is important to get input from the community and appreciated all those who have commented tonight. He then said the community is looking for leadership and the Mayor and Council are tasked with providing that leadership. He said, with the next steps, he would like to continue to hear community input, but it is important for the City of Lake Stevens to put something out to show the Council cares and to start moving forward on those next steps.

Councilmember Jorstad agreed the City is looking for the Council to make a statement. She proposed not approving the resolution tonight but schedule a time to hear from the constituents to ensure the resolution reflects the voices in the city.

Mayor Gailey said the citizens are looking for leadership and a statement and he believes this resolution provides that right now. He believes this can be followed by a Council plan that creates the action.

Responding to Councilmember Ewing's question, Councilmember Jorstad said she suggested several issues when drafting this resolution that were not addressed, and said she had the opportunity to speak with members of the community who voiced concerns about not feeling safe in Lake Stevens. Councilmember Jorstad said citizens are asking loudly to have a voice and this document does not lift those voices up. Councilmember Jorstad offered to share her suggested edits. She suggested tabling this item until the next Council meeting to allow time to gather input from experts throughout the community on this topic and redraft a document that incorporates that input.

Councilmember Petershagen finds it concerning that people in the community do not feel safe and said the Council should move forward with something and it can always be revisited.

Councilmember Jorstad said minorities do not feel safe in this community and without a voice, it is difficult to feel that minority voices are heard. She said it is the Council's responsibility as leaders to make sure all minorities feel safe and that their voices are heard.

Councilmember Dickinson agreed with Councilmember Jorstad and thinks it is important to connect with the constituents face to face to make sure they are being heard.

Councilmember Ewing said there were times during his door-to-door campaign for Council when he felt unsafe and was harassed by members of the community who had signs in their yard supporting other members of the Council. He suggested that even if someone has a different viewpoint they can be listened to. Councilmember Ewing commented he was initially invited and then excluded from the diversity and inclusion volunteer community organization, and this does not seem to be inclusive. He believes this goes two ways, if people want respect and to feel safe, then they need to make sure they are helping those around them feel safe as well.

Councilmember Tageant said he was hoping for a compromise tonight. It is important for the Council to make a statement and suggested including wording that the Council will continue to receive input and improve and make changes as they are needed going forward.

Mayor Gailey said he would sign the resolution tomorrow and invited other Councilmembers to sign; he added this resolution can continue to be worked on.

Discussion Items:

Utility Committee: City Administrator Brazel said the City is continuing to work with the Sewer District on formalizing some wording and it has not yet been distributed to Councilmembers.

Councilmember Petershagen said he and Councilmember Tageant previously met with Sewer District Commissioner Kosche as a follow up to the mediation meeting in January to pinpoint some items of agreement regarding the unification. He said there are some core differences on how to interpret the unification agreement, but the City and Sewer District Commissioners are continuing to work together on how to jointly operate.

Councilmember Tageant explained there are fundamental differences on how the City and the Sewer District view the unification agreement. He commented the Sewer District is making

financial commitments that will obligate the City when unification takes place and there is a concern about this. He said the agreement is about collaboration and he does not feel the City is being given their seat at the table. He added there is a tremendous amount of savings to city residents for the Sewer District to merge with the City and cited the recent Fire District merger with Fire District 7 as a good example.

City Administrator Brazel said the City is continuing to move forward in trying to find common ground with the Sewer District and to follow the agreement that is in place.

Temporary Hazard Pay Policy: Mayor Gailey said this policy is currently in place to pay the Law Enforcement Officers and Public Works employees and will continue until Snohomish County enters Phase III.

Responding to Councilmember Tageant's question, Councilmember Frederick said this was suggested since Phase III is when governments go back to work. He said we have a great police force and it is important that we continue to keep them safe.

Councilmembers Tageant and Daughtry agreed with Councilmember Frederick.

Citizen Comments:

Tara Flannery, 1209 – 91st Avenue SE, Lake Stevens, said words are very powerful and the community is anxious to hear from its leaders. She thinks it is better to say something to people and have a willingness to change and amend than to say one thing perfectly.

Dan Myers, 3313 – 127th Avenue NE, Lake Stevens, encouraged the Council to wait to make a statement until more community input is received.

Jenn Walker, 7617 – 16th Place SE, Lake Stevens, has great respect for enforcement of just laws with a truthful and honest spirit. She does not feel safe in our community and expressed concern that a small group is making a statement on behalf of all people. She does not believe this is representative and encouraged the Council not approve the resolution.

Joyce Copley, 9513 – 28th Street NE, Lake Stevens, said there is not a need for a newly established organization to speak on behalf of racial issues, people of color should be asked about racial issues. She said this needs to be discussed with everyone, including people of color, before moving forward; this is about unity and she does not agree with this resolution.

Councilmember Jorstad clarified that she did provide some guidance and suggestions to the draft resolution.

Elizabeth Coelho, 3014 – 99th Avenue NE, Lake Stevens, echoed Joyce Copley's comments and said there is not an established diversity and equity community group in Lake Stevens, there is only a Facebook group. She expressed concern that there was not enough research put into the statement and encouraged the Council to reach out to the Snohomish County NAACP and other organizations before approving this resolution.

Melissa Knaak, 12110 – 26th Street NE, Lake Stevens, was very happy to see Mayor Gailey and Councilmember Dickinson at the student protest last week. She said these students want a better world and a better town; she suggested putting this resolution on hold to get public comment and reach out to the students who arranged the protest.

Angelica Weenink, 1610 – 113th Drive SE, Lake Stevens, encouraged the Council to seek out voices from people of color when talking about race. She also encouraged the Council to seek leaders from the school district, local businesses and religious institutions and rely on the voice of people who live this every day and have learned from experience.

Nathan Packard, 924 – 117th Drive SE, Lake Stevens, recognizes the frustration and pain people are feeling. He appreciated Councilmember Tageant's recommendation for a compromise and recognized that real effort was made and as long as it is followed with additional action, this would allow for a statement to be made now.

Christian Blanco, 2906 – 124th Avenue NE, Lake Stevens, said it is not the majority that we need to be concerned with, its every single person, so the few who are not feeling safe are the ones who need to be taken care of and focused on. He agrees something needs to be put out quickly, but it should not be what we have. He suggested a timeline identifying the actions the City will take.

Mark Somers, 2411 – 118th Drive NE, Lake Stevens, said a vote was not taken on the action item added to the agenda as Resolution 2020-12.

Mayor Gailey called for a Motion on Resolution 2020-12.

No motion being made, Resolution 2020-12 died.

Kristen Fetters-Walp, 2609 121st Drive NE, Lake Stevens, requested Council seek out more public comment. She suggested issuing a statement to let people know this item is in process and then listen to comments that are received.

City Attorney Rubstello clarified a resolution of the Council must be approved by the Council. Since there was not a motion or vote on Resolution 2020-12, there is no resolution. He further explained a declaration can be made and signed by the Mayor and Councilmembers.

Councilmember Jorstad said she appreciates the effort put into the draft of the resolution and looks forward to continued work on this topic.

Executive Session: At 9:26 p.m. Mayor Gailey announced an executive session to discuss a real property matter to last 10 minutes, with no action to follow.

The regular meeting of the City Council reconvened at 9:36 p.m.

Adjourn:

Moved by Councilmember Tageant, seconded by Councilmember Jorstad, to adjourn the meeting at 9:36 p.m. On vote the motion carried (7-0-0-0).


Brett Gailey, Mayor


Kathy Pugh, City Clerk