

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

Tuesday, July 14, 2020  
By Remote Participation via Zoom

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

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

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Anya Warrington, City Clerk Kathy Pugh, Deputy City Clerk Adri Crim, Senior Planner David Levitan, City Engineer Grace Kane, City Attorney Greg Rubstello, IT Manager Troy Stevens

OTHERS:

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

**Roll Call:** All present.

**Approval of Agenda:** Mayor Gailey requested Consent Agenda Item I, Decant Facility Bid Award and Contract Approval be moved to Action Items.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Ewing, to approve the agenda with the noted change of moving the Decant Facility Bid Award and Contract Approval to Action Items. On roll call vote the motion carried (7-0-0-0).

**Citizen Comments:**

Mark Somers, 2411 118<sup>th</sup> Drive NE, Lake Stevens, commented on the Herald article regarding campaign sign steeling on Lundeen Parkway. He said this is illegal and that only the signs of candidates of color were removed; this is racist and should not be tolerated.

Elizabeth Coelho, Lake Stevens resident, thanked Mark Somers for his comments and said many residents are interested in an equity and inclusion commission; she hopes this is revisited. Regarding recent discussion of the mayor's position, she supports fulltime pay for fulltime work.

**Council Business:**

- Councilmember Frederick: Updated on COVID saying there is definitely a higher percentage of positive cases, and this is not due to increased testing. He encouraged everyone to use masks and practice social distancing.

- Councilmember Jorstad: Snohomish Health District meeting today, discussed increased positive COVID test results and the need for everyone to wear masks and practice social distancing.
- Councilmember Ewing: Farmer's Market; expressed condolences to Bothell Police Department.
- Councilmember Dickinson: Senior Center, visited Frontier Heights and Eagle Ridge parks, Equity & Race Relations training; meeting with Representative Lovick.

**Mayor's Business:** Condolences to the Bothell Police Department; acknowledged City Clerk Kathy Pugh who is retiring, provided an update on the SR 9/SR 204 intersection improvements and schedule for Phases II and III with the main intersection improvement scheduled for 2022; Internet/Broadband speed update and survey; SmartSheets software for project management and organization, and also provides transparency.

**City Department Report:**

- City Administrator Gene Brazel: Thanked outgoing Clerk Pugh for her time with the city.
- Community Development Director Russ Wright: Summer events update-music events are cancelled and staff is looking at an option for one movie event; funeral scheduled at Lundeen Park on July 22; provided an update on permitting, code enforcement and land use applications; updated on the Small Business Grants round two saying fifteen additional applications were received and are being evaluated; updated on the Waterfront Residential Task Force, saying 23 people were interested and 14 applications were received – staff recommended 11 applicants to Mayor Gailey for appointment to the task force.
- Human Resources Director Anya Warrington: there is an upcoming training on Equity & Inclusion with two slots available. Councilmember Dickinson will attend, and Director Warrington asked any other councilmembers to contact her if interested.
- Finance Director Barb Stevens: Provided a second quarter financial update and said focus has been on COVID and how sales tax is affected. The city is not heavily reliant on sales tax and has only experienced a slight decrease in sales tax. She briefly updated on expenses and COVID reimbursements through FEMA and added regarding the vector truck purchase the interest rate will be .5% under the local loan program.

**Consent Agenda:**

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

- A. 2020 Vouchers [Payroll Direct Deposits of \$484,375.72, Payroll Check No. 50709-50712, 50719-50721 in the amount of \$12,306.01, Electronic Funds Transfers (ACH) of \$188,946.47, Claims Check Nos. 50708, 50713-50718, 50722-50832 totaling \$1,558,907.00, Total Vouchers Approved: \$2,244,535.20;
- B. City Council Regular Meeting Minutes of June 23, 2020;
- C. City Council Special Meeting Minutes of July 7, 2020;
- D. Amendment No. 1 to ILA with Marysville re Movies in the Park;
- E. Adoption of Trails Master Plan

- F. Resolution 2020-17 re SE Annexation by Interlocal Agreement;
- G. SE 20<sup>th</sup> Street BAT Lane Bid Award and Contract Approval;
- H. Construction Management Contract with HDR re BAT Lane
- I. [Removed to Action Items]

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

**Public Hearing:** None.

**Action Items:**

**Decant Facility Bid Award and Contract Approval:** Public Works Director Eric Durpos presented the staff report and reviewed the competitive bid process. He explained that under the bid laws the bid must be awarded to the lowest responsive bidder. Director Durpos said that none of the bids are responsive based on recently enacted legislation effective June 11<sup>th</sup> requiring a list for structural steel subcontractor; the bid request went out June 12<sup>th</sup>. Legal counsel and staff recommend Council reject all bids and authorize staff to conduct a new call for bids. Director Durpos then responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Ewing, seconded by Councilmember Daughtry, to, consistent with staff recommendation, reject all bids received and the award of the contract for construction of the Hartford Decant Facility, Project No. 18037 and to authorize Staff to proceed with a new call for bids for the award of a contract for the construction of the project.

Referring to the email Council received, Councilmember Jorstad asked if the sender had met all bid requirements as claimed, and Director Durpos said that is not the case.

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

**Resolution 2020-18 Amending Personnel Policy re Paid Family Medical Leave Act:**

Human Resources Director Anya Warrington presented the staff report and explained the Paid Family Medical Leave Act (PFMLA) is a statewide insurance program, effective January 1, 2020, providing a partial wage replacement while employees are on leave for covered family and medical reasons. She explained since participation by the city and its employees is required, it is necessary to update the Employee Handbook to include the PFMLA. She said there is some discretion among employers to allow a supplemental benefit such as vacation or sick leave. The policy as drafted does not allow a supplemental benefit, but this can be changed later when the program is fully running. She then responded to Councilmembers questions.

**MOTION:** Moved by Councilmember Ewing, seconded by Councilmember Dickinson, to approve Resolution 2020-18 updating the City's Employee Handbook with regard to the Paid Family Medical Leave Act. On roll call vote the motion carried (7-0-0-0).

**Appoint Subcommittee to Study Mayor's Position:** City Administrator Brazel reviewed that Council previously discussed appointing a subcommittee to study and make recommendations on making the Mayor's position a fulltime position or if it should remain a part time position. Following Council's direction, staff has reached out to other cities to see what they do and for the Mayor's job description. Marysville has provided some information; also staff has started a document identifying accomplishments under Mayors Spencer and Gailey and will circulate it to Council. Administrator Brazel said the Rules of Procedure have been reviewed and typically a

subcommittee is formed through Council action and is limited to three people so there is not a quorum. He explained the subcommittee will review and discuss the information and discuss if this is a good time to make the Mayor position full time or if they would like the Salary Commission to look at the existing salary. Once the subcommittee has finished its work it would make a recommendation to Council for a vote. The Salary Commission would then evaluate the position and could make salary adjustments for the Mayor's position as a fulltime mayor or as a part-time mayor.

Councilmember Ewing thanked Administrator Brazel and Director Warrington for bringing this information forward and noted that Mayor Spencer essentially acted as a de facto full time mayor.

**MOTION:** Moved by Councilmember Ewing, seconded by Councilmember Petershagen, to form a subcommittee to study the mayor's position, consistent with Administrator Brazel's explanation.

Councilmember Ewing appreciated staff's efforts in bringing this information forward and said he would like to be on the subcommittee.

Councilmember Tageant recalled the last time this was discussed four councilmembers indicated interest in being on the subcommittee including himself and Councilmembers Ewing, Petershagen and Daughtry.

Discussion ensued and Councilmember Jorstad said she would like to be a member of the subcommittee. Councilmember Daughtry withdraw his name, and Councilmember Frederick said he is interested, but there appears to be too many councilmembers.

Councilmember Tageant suggested that since there are three councilmembers up for re-election next year, maybe it would be better to have councilmembers with longer remaining terms on the subcommittee. He would like to be on the subcommittee but will step back.

**MOTION TO AMEND:** Moved by Councilmember Ewing, seconded by Councilmember Petershagen, to amend the main motion to appoint Councilmembers Ewing, Jorstad and Petershagen to the subcommittee. On vote the motion carried (7-0-0-0).

**VOTE ON MAIN MOTION:** On roll call vote, the main motion carried as amended (7-0-0-0).

**Naming of 18<sup>th</sup> ("Festival") Street:** Administrator Brazel reminded ideas for naming of 18<sup>th</sup> Street were shared with Council at the previous meeting and Staff recommends designating 18<sup>th</sup> Street as "Mill Spur." The name has historical significance and also ties the street back to The Mill facility.

Responding to Councilmember Petershagen's question, Administrator Brazel said the name would only apply to 18<sup>th</sup> Street from Main Street west to the lake.

Councilmember Daughtry asked if the street would be open all of the time, except during events, and Administrator Brazel responded that is correct.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to designate 18<sup>th</sup> Street from Main Street west as "Mill Spur." On vote the motion carried (7-0-0-0).

**Discussion Items:**

**Public Works Organization-Reorganization:** Human Resources Director Anya Warrington explained this is a continuation of reorganizing the Public Works Department that was discussed during the 2020 Council retreat. Phase I was previously completed with the hiring of a Public Works Operations Manager. Phase II, which includes adding two new Public Works Field Supervisors to support the Public Works Operations Manager, was inadvertently not brought back for Council approval. Director Durpos reminded at the time, the goal was to hire crew workers and have boots on the ground.

Directors Warrington and Durpos reviewed the organization chart and strategic plan for Public Works and explained the proposed changes will provide better support and efficiencies and is reflective of Council's request for strategic planning at the 2020 Council Retreat. If Council supports moving forward with this reorganization, positions will be developed, and staff will reach out to the union for input. Director Durpos added this is in line with the phased approach proposed in 2018 and also discussed at the 2020 Council retreat and helps to build the parks department from the bottom up. He added the phased approach is a significant cost savings while still moving forward.

Responding to Councilmember Daughtry's question, Director Durpos said this approach is really good as it will provide two parks crew workers, and staff will be asking for more. Director Durpos noted hiring has been delayed due to COVID and there are several vacancies; also, the Department of Corrections workers are not being used this year, and he noted both Davies Beach and North Cove Park require regular maintenance and upkeep as do the other parks.

Councilmember Daughtry supports going back to the 2018 plan and the phased approach. Director Durpos responded staff is trying to bring back something comprehensive and detailed to ensure long-term financial impacts are understood.

Councilmember Tageant supports going back to the 2018 plan but is concerned about the financial impact in the coming year.

Councilmember Frederick asked what the benefit is of reclassifying the capital projects coordinator to capital projects manager. He commented if the reclassification is not made it significantly lowers the budget impact.

Director Durpos responded the person currently in the position completed training for certified project manager with the unwritten understanding that his position would be reclassified. He will be taking the certification test soon, and this supports employee growth and development.

Responding to Councilmember Daughtry's question, Director Durpos said he believes the plan is to advertise the public works supervisor, stormwater and crew lead positions both internally and externally. It still needs to be determined if any of these positions are union or not and this will affect who applies internally.

Councilmember Jorstad said it is hard to put context to this discussion without having a full understanding of the needs of all city departments, and she is concerned about expanding one department without having information on all departments and their needs. She would like this level of information for all departments over the next six months.

Director Durpos appreciated Councilmember Jorstad's comments and responded this is a phased approach and any changes to staffing levels in 2021 and 2022 will be brought forward through the budget process.

Director Warrington reminded that staff started working on a city-wide strategic plan following this year's retreat, but the process has been interrupted by COVID. Staff will continue to work on this plan and bring it back to Council so that informed decisions can be made.

Mayor Gailey commented he has gained a different perspective now that he is at City Hall on a regular basis. He likes a lean staffing business model, but the city's staffing levels are almost too lean and there are manpower issues. Mayor Gailey says this strategic plan provides a good road map and agreed all departments need to be reviewed to have the big picture.

Administrator Brazel agreed with Mayor Gailey's comments and added this plan for Public Works corrects the span of control and another focus is to mentor staff with the goal of improving efficiencies.

Council generally supported this organizational change, and staff will bring this back for action at a later Council meeting.

**Executive Session:** At 8:22 p.m. Mayor Gailey announced an executive session to last 10 minutes to discuss potential litigation with possible action to follow.

At 8:32 p.m. City Clerk Pugh announced the executive session was extended 2 minutes.

At 8:34 p.m. City Clerk Pugh announced the executive session was extended 2 minutes.

At 8:36 p.m. the regular meeting of the City Council reconvened; Councilmember Dickinson did not rejoin the meeting.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to approve a change order to the contract with SRV Construction of the South Lake Stevens Road multi-use pathway in the amount of \$483,000.00. On roll call vote the motion carried (6-0-0-1).

**Citizen Comments:**

Mark Somers, 2411 – 118<sup>th</sup> Drive NE, Lake Stevens, appreciates having a citizen comment opportunity at the end of the agenda.

Melissa Knaak, 12110 – 26<sup>th</sup> Street NE, Lake Stevens, thanked the Council and Mayor for working with the Library.

**Adjourn:**

Moved by Councilmember Daughtry, seconded by Frederick, to adjourn the meeting at 8:42 p.m. On vote the motion carried (7-0-0-0).

  
Brett Gailey, Mayor

  
Kelly Chelin, City Clerk